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Mahidol University
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International Hybrid Conference



RESPONDING TO A WORLD IN DISORDER

Emerging Research in Rights, Politics and Sustainable Development

8th - 9th July, 2025

Venue: Faculty of Social Administration,
Thammasat University, Tha Prachan Campus, Bangkok
& Online

International Hybrid Conference on Responding to a world in disorder: Emerging research in rights, politics and sustainable development

8th - 9th July, 2025

at Faculty of Social Administration, Thammasat University, Tha Prachan Campus, Bangkok & Online

The international virtual conference on responding to a world in disorder: Emerging research in rights, politics and sustainable development aims to provide a platform for graduate students, researchers and others to contribute, present and discuss research responding to emerging critical issues in Asia and beyond. The world faces severe political, environmental, technological, and social problems which are worsening. In many sectors, such as politics, development, and rights, research is critical to better understand these problems and how to respond to them.

The region faces increasing vulnerabilities such as new armed conflicts, exacerbated social and economic problems, democratic backsliding, increasing militarization, increase in conflicts, the threats posed by new technologies such as AI, heightening inequalities, and the rise of authoritarianism and populism. Marginalized and minority groups in particular face increased vulnerabilities and victimization.

Papers from a variety of sectors will address the numerous issues faced today, with a focus on Southeast Asia and concerns around sustainable development, politics, human rights, and democracy.

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The papers presented in the conference were also divided into the following sub-themes:

Children	Myanmar
Peace	Youth and Mental Health
Culture	Police and security
Divided societies	Non-citizens and migration
Environment	SDG: Sustainable Development Goals
Gender and Sexualities	Digital Security and Ethics
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THE STRUGGLE OF LOCAL NON-PROFIT EDUCATION PROVIDERS IN MYANMAR'S POST-COUP PERIOD

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Abstract

Children from marginalized groups are experiencing educational poverty, resulting in a 'lost generation' deprived of essential years of schooling. Even before 2021, only 37 percent of children from lower-income groups proceeded to secondary school. The poverty rate has doubled to 49.7 percent in 2023, leading to almost triple the prices of basic commodities. The military regime's cut on the education budget forced poor parents to afford education costs, which compounded the crisis. Consequently, children from low-income families are inevitably forced to drop out and shoulder financial burdens for their families. The plight of marginalized children's illiteracy remains unaddressed, mainly, and keeps trapping them in the cycle of poverty. Before the coup, several local and international non-profit organizations actively participated in the development of non-formal education (NFE) for marginalized children through their means. The study examines how local non-profit NFE providers maintained their education service deliveries to the marginalized children after the 2021 coup. The study found that the coup had a profound impact on the operations of such organizations, and the military regime's strict restrictions became an existential threat. The study also explores the coping mechanisms that local non-profit NFE providers developed during the high-risk situation.

Key words: Non-formal Education, Marginalized Children, The 2021 Coup, Local Non-profit NFE Providers, Challenges and Coping Mechanisms.

Introduction

Myanmar's non-formal education system has a long history, dating back to the time of the Myanmar kings, in the form of traditional practices such as monastic education (Lae & Zaw, 2025). The Non-Formal Primary Education Program (NFPE) was established in 2008 through the collaboration of the Ministry of Education (MoE), UNICEF, NGOs, and other donors (Lae & Zaw, 2025). The program aims to provide a second chance at education to out-of-school children (OOSC) aged between 10 and 14 who were unable to complete primary education, as well as to those who have never attended school. According to the Myanmar

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Literacy Resource Center (MLRC)'s website, NFPE has been implemented in 104 townships, including Mae Sot, through the cooperation of UNICEF, UNESCO, World Education, SVA, and local donors as of 2011 (Myanmar Literacy Resource Centre (MLRC), n.d.). The Non-Formal Middle Education Program (NFME) was also conducted in 2016-2019 as a joint effort between the MoE, UNICEF, UNESCO, HWF Thailand, and local organizations, supporting 190 students with 42 teachers (Myanmar Literacy Resource Centre (MLRC), n.d.). UNICEF stated that, "Over 7,000 out-of-school children in 81 pilot townships gained access to non-formal primary education and non-formal middle school education pilot programs" (UNICEF, 2020). On 22 November 2019, Myanmar launched its first-ever Alternative Education Subsector [Policy] Framework (UNICEF, 2019). After the 2021 coup, information about alternative education initiatives and the programs of non-governmental organizations has become less visible. For instance, MLRC stopped updating any reports on its website.

Since the 2021 coup, non-governmental organizations (NGOs) and civil society organizations (CSOs) in Myanmar have faced enormous operational challenges. The Organizational Registration Law, particularly for NGOs, adopted by the State Administration Council (SAC) in late 2022, failed to adhere to international human rights standards regarding freedom of association and expression (Centre for Law and Democracy, 2023). Frontier Myanmar (2022) noted that the situation of NGOs is in an "impossible position." Some organizations have expressed the law as an "existential threat" to their program operations on the ground (Harvey et al., 2023). Local NGOs have become frustrated because the coup has led some international donors to work with the SAC in specific ways, allowing them to maintain operations amidst political instability. It has led to a debate on the ethics of operating in junta-controlled areas. The coup has also fostered misunderstandings within the local NGO community, with many feeling that international organizations are too self-serving and prioritize compliance over genuine partnership (Harvey et al., 2023). Many aid groups have adopted "low-profile and highly localized aid models" to evade the junta's radar, which imposed heavy restrictions on the movement of people and goods for humanitarian aid. These constraints have severely impacted the humanitarian aid sector and exacerbated the crisis, particularly in the education sector, where the needs of marginalized children are of paramount importance. This research will fill the knowledge gap on how the NFE providers developed coping mechanisms beyond the existential threat despite the severe restrictions.

The research argues that the military regime's post-coup repression in Myanmar, enacted through institutional exclusion of non-state actors, paradoxically fosters the resilience and adaptive capacity of local non-profit NFE providers. By employing diverse coping strategies, explained by institutional isomorphism, these providers sustain their operations and help alleviate educational poverty among marginalized children. This research focuses on the following questions: How do local non-profit NFE providers continue to sustain their education service delivery to disadvantaged children after the 2021 military coup? Moreover, a sub-question is: what and how they are dealing with the challenges, and what sort of coping mechanisms are developed.

Literature Review

Background of Non-formal Education

Non-formal education (NFE) is defined as “an addition, alternative, and/or complement to formal education within the process of lifelong learning of individuals” (UNESCO, 2020). NFE has been repositioned as a continuum of “learning,” bridging the gap between structured formal learning and unstructured informal learning (UNESCO, 2006; Rogers, 2019). Many countries have recognized that a standardized education system is no longer adequate to meet the needs of today's increasingly complex and dynamic societies, which has led to a growing demand for an alternative education system (AES) for “hard-to-reach marginalized groups” (Rogers, 2019). Given that nearly half of Myanmar's population—49.7 percent of the population—lives below the poverty line (UNDP, 2024). Moreover, the UN stated that “18.6 million, or approximately one-third of the population, need humanitarian assistance, including six million children” (World Bank, 2024). Considering the data, non-formal education is critically essential to provide those children who are deprived of receiving formal education.

The unique characteristics of non-formal education—flexibility and practicality—encourage students to engage with the classroom and lead to personal development. The flexible and localized curricula and teaching methodology pave the way to emphasize students' needs and interests at the center, with no restricted time frame like formal education (Grajcevci & Shala, 2016). By offering practical skills that lead to students' success (Grajcevci & Shala, 2016), enhancing self-confidence, and serving as a catalyst to reduce unemployment, NFE contributes to formal learning as a valuable supplement (Rosu, 2014; Lae & Zaw, 2025).

According to Section 366 of the 2008 Constitution of the Republic of the Union of Myanmar, every citizen has the right to education in line with the Union's educational policy. “The Union mandates basic education as compulsory by law” (Global New Light of Myanmar, 2024). The National Action Plan (EFA-NAP) 2003-2015 was developed to guarantee complete, free, compulsory, and quality basic education. The Free and Compulsory Primary Education (FCPE) requires an effective collaborative mechanism (not only parents, teachers, and students but also collaboration with NGOs, community-based organizations, and volunteer groups) at the local levels, and schools should enhance NFE for working children in the outskirts of Yangon (Win & Yunyasit, 2021). Although the free primary education policy encouraged more students to enroll in schools, it increased the demand for qualified teachers. This placed an additional workload on them due to high student-teacher ratios, making it challenging to improve educational outcomes (Khaing et al., 2023).

The relationship between NFE and marginalized children

Since 2020, school enrollment rates have declined sharply in Myanmar due to the COVID-19 outbreak. The 2021 coup has exacerbated the situation, leading to a dramatic increase in the dropout rate due to significant security concerns (Saito, 2024). Though the junta proclaims free education, corruption among officials and discriminatory treatment exacerbate hidden costs that force low-income families' children to drop out of school (Frontier, 2024). The costs are usually collected under the name of a contribution designated for holiday celebrations, buying classroom supplies, or requests for improvements to the school facilities

(RFA, 2025). The UNDP report states that the poverty rate increased by double, reaching 49.7 percent in 2023. Low-income families find it difficult to have even basic meals, the prices of which have already risen to triple (Frontier, 2024). Children from marginalized groups inevitably leave school and share their families' financial burdens. Over four years after the coup, the increasing number of children who dropped out or lost access to education due to political instability and escalated armed conflicts became a challenge to deal with in getting them back on the education pathway.

Regarding the terminology, the study applies “marginalized children” as an inclusive term for all children, based on the local non-profit NFE providers’ working nature. UNICEF defines “educationally marginalized children” as those who lack access to formal education due to many types of marginalization, including socio-economic, political, and cultural factors (UNICEF, n.d.). UNICEF categorizes three groups of children, namely "children at risk," "children on the street," and "children of the street" (UNICEF, 1986). Given the working nature of local NFE providers in Myanmar, they deliver educational and supportive services to "all children" who are deprived of access to formal education, based on the children's needs. Therefore, the term "marginalized children" used in this study refers to "all children" without access to formal education, dropping out, or internally migrating due to conflicts.

Theoretical Framework

In this paper, I develop a nexus framework that conceptualizes the main challenges as institutional exclusion and interprets coping mechanisms through the lens of institutional isomorphism to examine how the NFE providers sustain their non-formal educational services in the post-coup period. This research applies Oleinik's (2012) approach to institutional exclusion to examine the military regime’s strict repression, referring to systematic barriers, often embedded within law and official procedures, to alienate specific groups and limit their access to formal processes. Additionally, the coping strategy developed by the NFE providers reflects institutional isomorphism, specifically coercive isomorphism (DiMaggio & Powell, 1983), as changes in the organizational registration status sustain their educational services.

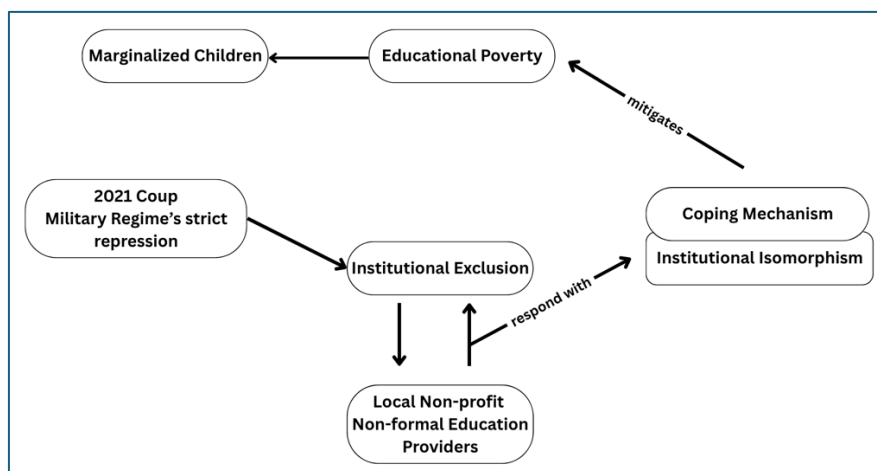


Figure 1: Theoretical framework developed by the author

Research Methodology

This study adopts a qualitative exploratory approach to examine the challenges and coping mechanisms of local non-profit Non-Formal Education (NFE) providers in Myanmar after the 2021 military coup. The research employs key informant interviews (KIIs) with three local non-profit NFE providers and qualitative content analysis of a community-based volunteer group's Facebook (FB) posts to triangulate the interview findings. Because the organizations are operating in junta-controlled areas, their names remain anonymous due to security concerns. The interviewees are school administrators and teachers who are working on the ground. Regarding the interview format, the research applies semi-structured research questions. The interviews take 45-60 minutes each and are conducted via Zoom for safety. Due to security concerns, this study was unable to gather primary data through interviews with students, parents, guardians, and government officials.

Findings

The study identifies the types of local non-profit NFE providers into two categories: those that receive funding from donor organizations and those that are individually funded, community-based organizations. Through the lens of Oleinik's approach (2012) to institutional exclusion, the military regime's systemic repression, such as the promulgation of a new organizational registration law, restrictions on humanitarian personnel and aid mobilization under security concerns, the development of the Green Card system, and the activation of the conscription law can be explained.

Institutional exclusion: military-regime-created challenges

The 2021 coup significantly jeopardized the operational viability of local non-profit NFE providers. The post-coup challenges not only exacerbated pre-existing systemic weaknesses but also posed existential threats to the survival of these organizations. Many NFE classes shut down as local authorities withheld permission: no more verbal or tacit approval.

The bureaucratic roadblocks were significantly increased. Since the junta promulgated a new organizational registration law, particularly for NGOs, in 2022, local non-profit NFE providers postponed or delayed their registration renewal under the military-controlled government to avoid indirect recognition of the junta. However, the military regime increased its suppression of those organizations, such as heightened restrictions on the operation, frequent demands for reports and registration renewal, and even non-mobilization of aid and social workers without permission.

The small, local, community-based NFE providers were no longer operating most of their classes and found it challenging to get even verbal or tacit approval. The military-appointed local administrators (under the Ministry of Home Affairs) demonstrate systematic neglect toward marginalized children's education, primarily due to accountability concerns. Their prevailing attitude is risk aversion, unwilling to authorize educational programs without transparent chains of responsibility for potential issues. One local community-based NFE provider is described as

We tried to reopen the NFE class that has been closed since COVID in Shwe Pyi Thar Township with over 40 students. However, a member of the Pagoda (Gawbaga) board of trustees filed a complaint with the government (township administrator), and subsequently, we closed the school as no negotiation was accomplished.

Moreover, the inspection team, which consists of military personnel, police, yard officials, and township administration members, frequently inspects the NFE classes to inquire why students do not join the government school (formal education) and who provides funding for these activities. One of the informants is described as

Sometimes the yard administrators, police, and military personnel came to investigate the schools. It makes me insecure and feel frightened. When I teach the children at the church, they do not even take off their shoes to inspect the school.

Additionally, the military government is consolidating its control over private school educators by issuing the Green Card, a registration card for private teachers, in 2025 (Snow, 2025). The study found that the military government aims to use this card to verify CDM teachers who participated in the Civil Disobedience Movement. Regarding the system, one of the key informants raised concerns that we will carefully monitor the condition to see how it will affect NFE classes.

Conflicts escalated in many areas of the country, and consequently, security concerns and measures were heightened. UNHCR (2024) stated that there were 2.6 million internally displaced persons in Myanmar due to conflict. The study found that a higher proportion of conflict-affected internally displaced children enrolled in non-formal education during these years. As most of them came from other regions that use different ethnic languages, both NFE teachers and children faced the challenge of language barriers in the class. Along with conflict escalation, the military regime significantly increased its presence through military checkpoints across the country. These security checkpoints often control the movement of people and goods, becoming an obstacle to the delivery of humanitarian aid. The NFE providers also have a social support system (food aid and cash transfer) for the low-income families as an incentive to parents. They also faced inspections at military checkpoints and were sometimes prevented from mobilizing the goods.

The February 2024 enforcement of Myanmar's Conscription Law exacerbated vulnerabilities among children—particularly adolescents—pushing many into increasingly desperate circumstances. It also posed security challenges to young volunteers who were working as NFE teachers, forcing them to leave the country and resulting in a scarcity of qualified and enthusiastic volunteer forces. The law has an enormous effect on students aged over 14 who should continue their studies in non-formal middle school education or vocational training. Many records mentioned that the Myanmar military used to recruit children as soldiers. The United Nations has confirmed the recruitment of children as young as 12 by the junta and affiliated forces in more than 1,800 instances since the coup (Human Rights Watch, 2025). Considering this, students are not interested in continuing their studies or joining vocational training apart from going abroad to work. One of the key informants complained that the

Conscription laws made their lives more difficult and compelled them to go overseas, particularly youngsters and unaccompanied adolescents.

Coping Mechanism

In this section, the study categorizes coping mechanisms into two distinct types: first, strategies to legitimize the problem; second, heightened security measures. The military regime's effort to exclude the NFE providers from the formal procedure was responded to with coping strategies that can be identified by DiMaggio and Powell (1983)'s coercive isomorphism, which hereby means adaptation to formal or informal pressure from the military government and the problem of legitimacy (official registration) of the NFE providers.

Coping strategies for the legitimacy problem

The research found that all NFE providers, including those funded by donors and community-based NFE initiatives, shifted to a "low profile" to avoid drawing attention from military authorities. Some NFE classes provided by the donors removed all signposts and funding organization-related vinyl and materials to prevent inspection with financial support. Some NFE providers have changed their registration status from NGO to a business company as an Education Service Provider. To sustain the organization's operations, they decided to register as a "business company" under the Directorate of Investment and Company Administration (DICA) rather than as an NGO. By doing so, they may mobilize humanitarian aid materials with restricted authorization, presenting them as if they have official approval to operate. Notably, some organizations have opted to use hundi for monetary transfers, given the unreliability and complexity of the banking system in Myanmar, even for basic operations like withdrawals and bank transfers. Moreover, as an alternative way to substitute in closed classes due to restrictions, the study found that they developed a partnership with local organizations, including churches, by providing trained teachers and teaching materials.

Coping strategies for heightened security measures

Beyond mandatory interactions, NFE providers systematically minimize engagement with military regime-affiliated officials as a protective measure. The study revealed that NFE providers developed a parallel education system that is not only educating children but also their parents or guardians. Although the type and system of parallel education may differ between donor-funded NFE providers and individually funded community-based NFE providers, based on funding availability, the intention and approach to obtaining parents' consent for schooling are identical. Both understand that without the participation of parents or guardians in this effort, it is impossible to educate the children. Under the parallel education system, some NFE providers offer social support programs, awareness-raising seminars, parent meetings, and a marking scheme to monitor parents' development. As most marginalized children lost access to formal education due to poverty, they developed an incentive strategy to gain families' or guardians' consent for schooling by providing social support, including a daily allowance (MMK 1,000) for school days and distribution of basic commodities every two months. The daily allowance is collected in total at the end of each month and can only be withdrawn if the parents attend the monthly parental meetings. Moreover, the parents'

development is evaluated under a monitoring program with a marking scheme to check for things like alcohol addiction, gambling avoidance, and misconduct of allowance or social assistance goods. Based on the total score, those families that achieve the required score will receive the complete package of basic commodities. In this situation, it is difficult to pass the military checkpoint with a pile of basic commodities because the military assumes it is support for armed resistance forces or related organizations. One of the NFE providers mentioned that they established a communication channel as a personal approach to the respective local administration (township and yard administrators) to help explain the situation to the military checkpoint officer in that area. However, it is not a sustainable solution because the military checkpoint officers are changing often.

Conclusion

The study suggests that the development of non-formal education nationwide can only be achieved in a stable and peaceful political environment. Long-lasting peace plays a critical role. Of all the stakeholders to educate marginalized children, the government is mainly responsible for providing the required support, including the elimination of strict restrictions on humanitarian development organizations, allocation of the increased education budget, and fostering the development of the Alternative Education Subsector Policy Framework in collaboration with international organizations. The government, particularly the Ministry of Education, should inform local administrators (ward and township administrators) to be flexible and support such NFE classes in their respective areas. The international aid organizations are also required to provide comprehensive support (funding and technical support) to non-profit, small, local community-based organizations to maintain and grow the systematic delivery of non-formal education and adhere to the official NFPE curriculum.

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HUMAN SECURITY THROUGH A GENDER-SENSITIVE LENS: UNDERSTANDING FOOD AND LAND ACCESS AMONG RESETTLED HOUSEHOLDS IN VIETNAM

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Abstract

While hydropower is vital to Vietnam's energy and irrigation systems, its development has often led to forced displacement and social disruption. This study investigates the challenges faced by resettled households, particularly concerning food security and land tenure, through a gender-sensitive lens. Drawing on 18 in-depth interviews, one focus group discussion, and field observations conducted in 2025 in Bo Hon village, Hue City, Vietnam, the research reveals that post-resettlement households experience increased food insecurity and diminished access to land. Since the relocation, gender dynamics have shifted significantly. Changes in household labor roles, access to productive resources, and decision-making processes have increased vulnerabilities for both men and women, with women more adversely affected. Social norms and strong kinship structures are the root causes of women's limited participation in community activities, reducing their access to secure land rights. As a result, women face a heightened risk of prolonged livelihood insecurity. Grounded in a human security framework, the study concludes with four policy recommendations to improve food security, strengthen land tenure access, and promote more inclusive community participation for both men and women.

Keywords: Food security, human security, hydropower dam, land tenure access, Vietnam

Introduction

Driven by accelerated urbanization and industrial growth, many countries have actively promoted the implementation of large-scale infrastructure development projects, including hydropower dam systems. Hydropower is widely regarded as a clean and sustainable energy source that efficiently utilizes natural resources to meet the world's increasing energy demands (Nhung, 2017). Despite these benefits, the construction of hydropower dams entails unavoidable consequences, including the displacement of communities, loss of livelihoods, social disruption, and an overall decline in quality of life (Ty et al., 2023). These consequences have negatively impacted more than 200,000 individuals, leading to increased poverty levels,

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reduced food security, and many health-related challenges (Bui et al, 2011). These impacts are especially severe for ethnic minority households who are forcibly resettled. Resettlement not only presents significant challenges in maintaining food security and accessing land resources, but also leads to gender imbalances in access to livelihoods and labor division. When relocated to new environments, affected populations face difficulties such as changes in food supply, loss of traditional production methods, and transformations in social structure (Nguyen et al, 2017).

Numerous studies have examined the consequences of hydropower-induced resettlement on livelihoods, food security, and land access. For instance, Bui et al. (2013) found that households resettled due to the Son La Hydropower project experienced income losses primarily due to reduced agricultural land, resulting in increased income inequality and a decline in living standards. Nguyen et al. (2017) reported a reduction in cultivable land and access to common-pool resources for the Bo Hon community following resettlement caused by the Binh Dien Hydropower Dam, disrupting production activities and livelihoods. Similarly, Nhung (2017) highlighted inadequate compensation policies and the absence of post-resettlement support, which have pushed upstream resettled communities into poverty, led to gender inequities, and caused cultural disruptions. Although these studies have addressed the issues of land loss and food insecurity, there has been insufficient focus on the gendered dimensions of these impacts. Thus, this study aims to clarify the challenges related to food security and land access in resettled populations from a gendered perspective. By adopting this approach, the research seeks to uncover the root causes, differentiated impacts of resettlement on men and women, their adaptive strategies and ultimately propose policy implications to improve food security and land access, promote gender equality, and contribute to more resilient and sustainable communities in the context of hydropower development and displacement in Vietnam.

Methods

This study employed a two-stage qualitative research design to investigate the post-resettlement challenges faced by ethnic minority households in Bo Hon village, with a specific focus on food security and land tenure through a gender-sensitive lens. The first stage, conducted in mid-April 2025, consisted of a two-day pilot visit aimed at establishing contextual understanding and refining research questions. During this phase, the research team engaged with key local stakeholders, including the Vice Chairman of the Commune People's Committee and an officer from the Agriculture and Land Management department, to obtain five-year socio-economic statistical reports and gain insights into the village's cultural and agricultural context. Preliminary interviews were conducted with the village head and four residents using an open-ended questionnaire to identify emerging challenges and inform the design of subsequent data collection tools.

The second stage, conducted in June 2025, involved in-depth, qualitative fieldwork. Semi-structured interviews were conducted with 18 resettled households, each lasting between 30 and 60 minutes, to collect detailed information on their experiences related to food insecurity and land access. Complementary non-verbal and field observations were employed to capture local customs, cultural practices, and gendered patterns of daily life. A focus group

discussion (FGD) involving five participants (three men and two women) was also organized to gather gender-disaggregated data and explore underlying vulnerabilities through a Gender-Sensitive Approach (GSA). Additionally, a two-day, one-night ethnographic field observation enabled a deeper understanding of gender roles in livelihood activities by examining the everyday routines of men and women in the community. Finally, a field visit on June 10, 2025, to the hydropower dam site post-construction provided important contextual information on the physical and environmental conditions encountered by the resettled population, thereby enriching the overall analysis of displacement impacts.

Results and discussion

Understanding the historical context of resettlement in Bo Hon village

The resettlement project, which involved 42 households belonging to the Ka Tu (Co Tu) ethnic minority group and comprising approximately 152 individuals, formed part of the Binh Dien Hydropower construction plan. In 2004, local authorities and representatives of the hydropower company organized a dialogue with affected residents to share information about the resettlement plan and compensation, as well as gather their opinions and feedback. By 2005, following community approval, construction of new houses at the resettlement site began. The affected households were taken to visit the new site and signed consent forms confirming their agreement to relocate. In 2006, all households were relocated to a new site, situated 15 km away from their original settlement (Figure 1). Following resettlement, each household typically received a house of approximately 100 square meters comprising three rooms. In addition, households received compensation through two separate cash payments, totaling between 20 and 40 million VND on average, depending on the size of the forest land they had owned at their original settlement.



Figure 1. Resettlement map of Bo Hon Village, Hue City, Vietnam

Moreover, the resettled households were provided with rice and food items such as cooking oil, basic condiments, and poultry, including chickens and ducks, during the first year after relocation and were exempted from paying electricity bills for the first six months. The government also offered other forms of support, such as free tuition for children, reduced

electricity prices, and priority access to development programs and international projects. In particular, the displaced community now benefits from better access to essential social services, including healthcare, education, clean water, electricity, sanitation, employment opportunities, and local markets. It is notable that while the population in Bo Hon has nearly doubled, now reaching approximately 300 individuals living in 73 households compared to the period before displacement, the allocated land area has remained unchanged. This population growth, combined with the limited size of land, has contributed to critical concerns regarding food security and land tenure access. These issues will be examined in detail in the following sections.

Food insecurity and land tenure insecurity through a gender lens

This study argues that displacement caused by hydropower dam projects has heightened the risks of land tenure insecurity, food insecurity, and gender inequality among ethnic minority households in Bo Hon village. To examine these impacts through a gender lens, the research employed the GSA, focusing on three key aspects: the division of labor before and after resettlement, access to resources, and intra-household decision-making power.

Regarding food security, findings reveal that traditional gender roles in household labor, already shaped by cultural norms, have been significantly disrupted by resettlement. Before resettlement, households mostly relied on forests, communal land, and rivers for hunting, farming, and fishing. In that context, gender roles were clearly divided when men undertook physically demanding tasks such as harvesting, farming, logging, and fishing. Women took care of cultivation, small-scale livestock, collecting forest products, and household responsibilities. According to villagers, life before relocation was more stable and food-secure. However, after displacement, shortcomings in land allocation make people face the loss of traditional farming methods and limited natural resources. This loss has shifted the division of labor within households and significantly impacted food security. Women handle domestic work, such as doing household chores, cultivating basic crops like pineapples, bananas, and potatoes at home, or raising small livestock like chickens and cows, while also participating in income-generating activities, including acacia planting and small-scale trading, to support their families. These overlapping roles put pressure on women as primary food providers.

Meanwhile, men, having lost access to familiar forest-based livelihoods, have to struggle to adapt to new environments and often resort to seasonal or unstable employment. This transition has also increased stress on men, who are expected to provide income and ensure household food security under increasingly difficult conditions. A Katu man shared:

"In the past, I mostly did farming and hunting. Now I work as a hired laborer on acacia plantations or do seasonal jobs. It is unstable and not enough to support my family."

Our findings indicate that adherence to traditional norms can exacerbate food insecurity. In Bo Hon village, older generations, particularly parents, continue to rely on traditional farming methods that have been passed down for decades. However, following resettlement, many elders struggle to adapt to the new terrain and lack the technical knowledge or institutional support needed to modify their agricultural practices. Whereas food was once relatively secure through forest-based livelihoods, resettled households now face chronic food

insecurity due to limited land and natural resources. In response to these challenges, many young people are forced to leave school early and migrate to urban centers such as Ho Chi Minh City, Da Nang, or Hanoi in search of income, often sending remittances back home. Those who remain in the village, often with limited education, continue to live with their parents and share the burden of food insecurity. However, employment opportunities are often unstable. Interestingly, after relocation, families were introduced to new public services, including electricity, piped water, and healthcare. While these services are essential, they also bring new financial pressures. These improvements, although necessary, also incurred additional expenses.

Meanwhile, within households, men often hold greater influence over major investment decisions, including which crops to cultivate, how to allocate compensation funds, and which household assets to acquire. In contrast, women's decision-making power remains limited; they are primarily responsible for managing daily household expenses and ensuring food provision. Although women tend to comply with their husbands' financial choices, they often struggle to stretch the remaining resources to feed the family, constantly worrying about food insecurity. Hence, unequal power dynamics within households not only reflect gender disparities but also undermine long-term food security. One woman shared her concerns:

"After we received the compensation, my husband immediately bought a new motorbike and a television. I agreed with him, but I still worry about how we will afford the meals in the coming days."

Another notable finding from multiple interviews is that, despite the persistence of food insecurity in Bo Hon village, residents have developed a range of coping strategies. In addition to reducing portion sizes or skipping meals, many households rely on informal borrowing, seek assistance from neighbors, and frequently purchase food on credit from a mobile food vendor who regularly visits the village to sell basic items such as meat and fish. These informal arrangements allow families to access essential goods during times of hardship, with repayment typically made in cash or food once they are financially stable, often several months to a year later. As one older woman explained:

"I usually do not have enough money to buy fish or meat... sometimes I owe the seller... but since we know each other, they let me pay the next month."

The woman vendor shared:

"I let them buy on debt. Some households could owe me up to 1-2 million a month. That is completely normal ..."

This phenomenon reflects the strength of community ties, where mutual assistance and solidarity among residents serve as crucial informal mechanisms for navigating food shortages. However, it is primarily women who shoulder the responsibility of managing household food needs and arranging borrowing, as they are typically the primary caregivers and are in charge of daily meal preparation. While purchasing food on credit provides an essential coping strategy during times of scarcity, it also raises growing concerns about households' ability to repay accumulated debts, potentially exacerbating long-term financial insecurity.

A similar pattern is observed regarding access to land tenure. This study argues that gender plays a significant role in shaping how residents of Bo Hon village access and manage

land. Specifically, men are often the ones who participate in community meetings and agricultural training sessions, which enables them to access information and knowledge related to cultivation and land management. As one female interview participant shared:

"My husband is the one who usually goes to collect firewood in the forest and plants in the garden, so he knows more about farming... That is why he attends the training sessions. In the garden, he plants whatever he wants. I do not get involved (laughs), I am busy taking care of the kids."

Another female interviewee also noted:

"...Since he knows how to grow crops, he goes to the training sessions... There was a time when I tried planting, but the plants died, so my husband showed me how to use fertilizer to fix it..."

The tradition of the division of labour in Bo Hon village has inadvertently positioned men to participate in community activities while limiting women's roles largely to household chores. Consequently, women have fewer chances to access critical information on cultivation and land management directly. Moreover, in-depth interview findings further reveal that although many land use certificates are legally registered under both the husband and wife (some are solely under the husband's name, while a minimal number are under the wife's name), it is still primarily the husbands who directly participate in community meetings. One woman shared:

"My husband is the one who usually goes to the community meetings for our family... and I just stay home to take care of the kids and handle the cooking."

Another female participant said:

"My husband's name is on the land certificate, so he is usually the one who goes to the meetings... I only go when he is busy ... but even then, I do not really say anything ... I would not know what to contribute anyway (laughs)."

Notably, one woman emphasized that even when women do attend meetings, their opinions are less likely to be heard compared to those of men. She shared:

"I went to meetings and shared my thoughts with the village headman and the local authorities, but no one really listened... But when my husband goes, it is different. The village headman seems to listen more and even says they will solve the problem. Though in the end, nothing gets solved anyway."

These statements reveal that the role of "community representative" is predominantly assigned to men, mostly because land use certificates are registered under the husband's name, thereby limiting women's opportunities to participate in discussions related to land access and land tenure security. Even when women do attend meetings, their voices tend to carry less weight, further constraining their ability to protect their land rights. From the combined perspective of labour division and power in the community, the fact that men assume the role of household representatives in community activities, such as meetings and agricultural training sessions, not only grants them access to formal channels of information but also reinforces their voice and influence, while weakening that of women. Thus, women face greater challenges in obtaining information related to land, which affects their ability to protect their basic land rights and heightens their long-term vulnerability. The findings from the FGD suggest that both men and women demonstrate a relatively comprehensive knowledge of land compensation issues, including specific compensation amounts and the commitments made by

the hydropower company. At the same time, according to all five interviewees, the post-resettlement compensation was not satisfactory, which has contributed to ongoing financial challenges. A male participant, who formerly served as the village headman, stated that:

“Life after moving is better when it comes to things like electricity, roads, schools, and clinics... but we did not get the land use certificate for the promised 0.2 hectares of garden land to grow crops... The land we do have is too small to plant vegetables, so now we have to go to the local market to buy food, which is completely different from how we used to live.”

Another female participant further explained:

“In the first year, we got financial support, so we did not have to worry about daily food... but after that, because we had no land to plant crops, we could not grow anything to harvest and eat”

Additionally, in response to questions about which organizations might be the most effective in helping them overcome existing challenges, two male and two female participants pointed to the Provincial People’s Committee as the primary institution. Meanwhile, two female and two male participants identified the Binh Dien Hydropower Company as the second most responsible institution (Figure 2). Finally, one female and two male respondents regarded the Commune People’s Committee as the third most responsible authority. These findings suggest that, although both genders exhibit a similar understanding and perception of administrative structures and governance processes, differences in participation and voice persist, shaped by prevailing social norms and the socio-cultural context of the Bo Hon community. From a GSA perspective, women's social cohesion is being weakened, limiting their opportunities to access information and agricultural techniques necessary to sustain their livelihoods. Women's lack of voice within the community makes it difficult for them to protect their rights regarding land access, thereby increasing their risk of falling into persistent poverty and livelihood insecurity.

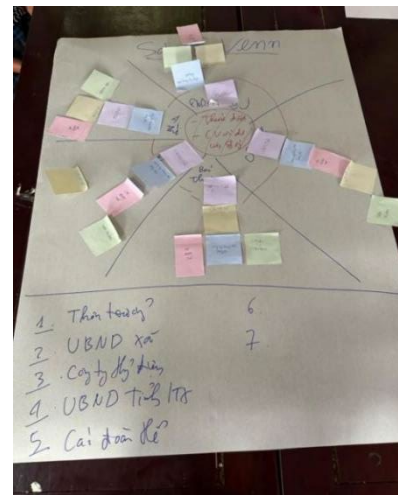


*Figure 2. FDG participants (left)
and Venn diagram illustrating key actors influencing land tenure security (right)*

Conclusions and policy implications

Although hydropower projects are critical for national energy security, the resettlement of ethnic minority communities has created major challenges related to food security and land tenure. Using a GSA and fieldwork in Bo Hon village, this study finds that post-displacement food insecurity is partly rooted in traditional gender norms and unequal household decision-making. Women have limited authority over land use, resource allocation, and household investments, while also bearing increasing responsibilities in both domestic and income-generating tasks. In contrast, men often make key financial decisions and are typically listed as the primary landowners on land use certificates, giving them more rights and authority within the household. These gendered imbalances have increased household vulnerability and deepened inequality between men and women. Despite these challenges, Bo Hon villagers are not entirely food insecure. Strong social cohesion and informal coping mechanisms, such as borrowing food from neighbors or mobile vendors, have helped households manage short-term shortages and maintain basic food provision. To address these challenges, the study offers four key policy recommendations grounded in the Human Security Framework (UNDP, 2022), emphasizing resilience, empowerment, and people-centered development, particularly in the areas of food security, community security, and political inclusion.

First, design and implement agricultural training programs that actively promote the participation of women alongside men. Such initiatives would reduce women's dependence on male household members and support their adaptation to new farming conditions. Local authorities should collaborate with the Department of Agriculture and Environment of Hue City and the local Women's Union to organize training sessions tailored to the specific needs of women. These efforts would align with Prime Minister's Decision No. 263/QĐ-TTg, which approves the National Target Program on New Rural Development (GOV, 2021). Such programs aim to enhance women's technical knowledge and practical cultivation skills, thereby promoting gender equity in agricultural production.

Second, strengthen women's voices and community cohesion by organizing women-only dialogues and workshops on land use rights. In addition, diversify methods for collecting community feedback—such as small group discussions, surveys, and interviews—to ensure that women's perspectives are genuinely represented. Local authorities could collaborate with institutions such as Hue University of Law and Hue University of Agriculture and Forestry to deliver legal and agricultural training while facilitating participatory activities that empower women to express their views and engage more fully in community affairs.

Third, promote women's participation in leadership roles at the village level to reduce gender gaps and enhance their influence in decision-making. In Bo Hon village, leadership positions are typically held by men. It is recommended that women be appointed or encouraged to serve as deputy village heads or in other formal roles. Doing so would not only promote women's participation in community governance but also challenge traditional gender norms and amplify their voices in both household and public matters.

Finally, maintain and strengthen social trust networks, particularly mechanisms such as purchasing food on credit, which continue to play a vital role in addressing food insecurity. Local authorities should consider establishing a community-based revolving food credit fund,

managed transparently in cooperation with trusted local actors such as the Women's Union or village committees. The fund could offer small, interest-free loans or food vouchers to vulnerable households during periods of crisis, with flexible and community-friendly repayment options.

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INVISIBLE WORKERS, VISIBLE IMPACT: UNDERSTANDING THE NARRATIVES OF MYANMAR FEMALE DOMESTIC WORKERS IN THE WAKE OF POLITICAL UPHEAVAL

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Abstract

While domestic workers provide essential care services to employers' households and indirectly contribute to societies by addressing care needs, they are largely informalized and lack adequate protections. The ILO states that domestic work in Myanmar is generally considered unskilled and stigmatized, lacking recognition, despite women having been engaged in it for a long time as a livelihood opportunity. The push to protect the rights of domestic workers gained momentum after several abuse cases were exposed, which led to the drafting of a Domestic Workers' Bill referencing the ILO Domestic Workers Convention No. 189. However, the 2021 military coup entirely stopped the legalization process of the draft bill, leaving vulnerable groups of women unprotected. This research examines the impact of a military coup on female domestic workers in terms of their working conditions and employment. By utilizing key informant interviews (KIIs) with 10 female domestic workers residing in Yangon, the study explores in-depth living conditions, challenges, and coping mechanisms of domestic workers in Myanmar. A study finds that domestic workers are widely subjected to labor exploitation, and their right to decent work is violated due to policy neglect under the military regime. Struggling to access justice, domestic workers often experience many types of discrimination and poor treatment. This research contributes insights into the negative impacts of labor rights exclusion. Research concludes with policy recommendations, based on two consultation meetings with CSOs affiliated with the Myanmar Labor Organizations Network for Migrants, to support protection mechanisms for Myanmar's female domestic workers.

Keywords: Female domestic workers, labor exploitation, decent work, impact of 2021 coup, struggles and coping mechanisms

Introduction

Domestic workers belong to one of the most vulnerable groups to labor exploitation due to the nature of their employment, working in isolation behind closed doors. The ILO has

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emphasized making domestic work decent work and promoting labor rights to protect workers from exploitation and potential abuse cases. These efforts include advocacy and campaigning for the ratification of the ILO Domestic Workers Convention No. 189 to ensure the full realization of domestic workers' rights in Myanmar. However, with the military regime seizing power in 2021, the devaluation of democracy and severe violation of human rights, the legalization of domestic workers bills, and respecting the labor rights of the marginalized workforce have been completely neglected. Even before the coup, domestic workers were targeted for several types of labor exploitation by their employers, family members, agents and brokers, exacerbated also by the COVID pandemic distress.

Regime changes exacerbate the situation of domestic workers, while existing policies and regulations often exclude them from legal protections. Although domestic workers perform household work and have employer-employee relationships, they are not entitled to the same labor conditions as other workers under Myanmar's national labor laws (ILO, 2019). Meaning they are entirely excluded from worker benefits such as minimum wage, holidays, overtime fees, social security, and social protection. Lacking formal employment procedures, domestic workers do not have written contracts; terms and conditions are mainly verbal and unclear. Such conditions consistently create workers who are vulnerable to manipulation, mistreatment, and exploitation. Consequently, domestic workers are experiencing the severe impact of economic distress and social injustice after the coup. Amidst political instability and significant issues dominating the national discourse, the vulnerabilities of female domestic workers have once again been overlooked. This research aims to highlight the impact of the coup on female domestic workers in Myanmar and bring their experiences back into focus after four years of relative neglect.

Methodology

The study employed a qualitative research method, and data were collected through semi-structured interviews that covered working conditions, social protection, workplace violence (physical, verbal, and mental), coping mechanisms, and related additional questions. The interviews were conducted individually via the Zoom platform and video recorded, with participants' identities anonymized to protect their privacy. Each session lasts approximately 45 to 60 minutes. The Myanmar transcript was then translated into English, with the aim of preserving the meaning and intent of the original as accurately as possible. Ten female domestic workers were selected through purposive sampling, ensuring that participants met specific criteria—having working experience before and after 2021, relevant to the research questions.

Conceptual Framework

The International Labour Organization (ILO) defines decent work as work opportunities that ensure productive, fair income, social protection, and prospects of personal development (ILO, n.d.). The Sustainable Development Goals (SDGs) emphasize the importance of decent work for all to achieve sustained, inclusive, and sustainable economic growth (ILO, n.d.). The Beijing Declaration and Platform for Action highlights how women's

economic contributions are frequently overlooked in policy formulation due to insufficient gender analysis (UN, 1995). Despite inevitable progress, the Beijing +30 Asia-Pacific regional review reports that domestic workers, who are disproportionately represented by women, continue to be excluded from many forms of legal protection (UN Women & ESCAP, 2024). In Myanmar, most domestic workers are women migrating internally from impoverished rural areas (ILO, 2021). They are disproportionately represented in low-wage workforces and often serve as breadwinners, contributing to the feminization of poverty (UNDP, 2024).

Unpacking the struggles of domestic workers in the paid care sector, caused by the absence of decent work policies, is crucial in addressing labor exploitation and identifying practical solutions in the context of Myanmar's political instability. Improving working conditions and ensuring labor protections are crucial to enhancing women's access to the formal labor market and promoting economic empowerment.

Findings

1. Insufficient Salary and Rise in Basic Commodities Price

According to a local think tank survey, women experience a substantial imbalance between their income and expenses due to high inflation of basic commodity prices, leaving domestic workers struggling to cope with the rising cost of living. Many have expressed how their wages are insufficient to cover basic family expenses. This challenge is further compounded by the fact that domestic work is often viewed as an unskilled job, particularly by local employers, resulting in significantly lower pay compared to other types of work. Additionally, domestic workers often lack access to essential benefits, including social security, health insurance, pensions, and compensation. As a result, they are entirely dependent on their meager salaries, leaving them highly vulnerable to financial instability and unexpected hardships.

In Myanmar, domestic work is often not considered legitimate work, and domestic workers are reputed to have low wages and poor working conditions. This study found that domestic workers employed by foreign employers earned higher salaries than those employed by local employers. In general, while the lowest wage of domestic workers working at local houses ranges from MMK 120,000 to MMK 180,000 per month, workers with foreign employers earn between MMK 400,000 and MMK 700,000 monthly. However, domestic workers working with foreign employers are more likely to possess higher skills and competencies, such as English proficiency, strong recommendations from their previous employers, and years of experience in cleaning or caretaking, than domestic workers working at local houses.

Based on market rates and inflation trends, domestic workers typically earn between USD 120 and USD 200 per month. Part-time domestic workers, on the other hand, receive a daily wage of approximately MMK 12,000 to MMK 15,000, equivalent to USD 3.60 to USD 4.50 per day. However, these wages do not include additional costs such as transportation charges and meals. As a result, domestic workers often must cover their transportation costs and prepare their meals, further reducing their already low net earnings. Many respondents

expressed that, after accounting for these expenses, the amount they take home is significantly diminished. Due to these financial challenges, domestic workers are now increasingly opting for monthly contracts, as they prioritize job security and stability over daily or part-time work.

2. Long Working Hours and Irregular Working Patterns

Domestic work is widely recognized as labor-intensive and demanding, often requiring long, exhausting hours. Live-in domestic workers typically start their day at 6:00 AM and work until 10:00 or 11:00 PM, amounting to roughly 16 hours daily. Live-out domestic workers, on the other hand, typically work from 8:00 or 8:30 AM until 4:00, 5:00, or even 6:30 PM, averaging 9 to 10 hours per day. In Myanmar, the Factory Act of 1951 sets the standard working hours at 8 hours per day or 44 hours per week, with overtime requiring additional compensation. However, domestic workers are not covered by these regulations, leaving their working hours undefined and unregulated.

The International Labour Organization (ILO) Domestic Workers Convention No. 189 recommends reasonable working hours for domestic workers. In Thailand, ministerial regulations mandate an eight-hour workday with a one-hour break for domestic workers (ILO, 2024). Compared to domestic workers in Myanmar, they frequently work well beyond the standard 8-hour shift without designated breaks. Those in caregiving roles, such as caring for children or seniors, face even more demanding schedules. Caregiving domestic workers often begin their day as early as 4:00 AM to prepare medications and must remain on call to provide continuous care throughout the day. This lack of regulation and excessive workload highlights the challenging conditions faced by domestic workers in Myanmar.

3. Day-Off

In addition to excessively long working hours, domestic workers also do not receive sufficient rest days, with the interviewees of live-in domestic workers answering they usually attain only one day off per month. Health and safety risks can result from working excessively long hours with little or no rest, and the lack of weekly rest further exacerbates these adverse effects (Humblet & Hult, 2015). Employers set the wage for sick leave, and one interviewee also quotes, "It is hard to get sick leave because they do not want to allow me to rest and ask to take the medicine to handle the pain while working". Moreover, live-in domestic workers hardly enjoy public holidays, and employers naturally perceive they should perform on these days too. In some cases, employers asked employees to work during long public holidays without paying overtime fees or compensation. Adequate rest days ensure domestic workers recharge and improve their health and well-being. However, labor regulation exclusion forced domestic workers to be superhuman without the right to rest.

4. Job Insecurity and Wage Suppression

After the coup, the national economy deteriorated due to the political instability and the military regime's mismanagement. Consequently, job opportunities are limited, the labor market remains fragile, and the unemployment rate has increased significantly, "with women more heavily affected compared to men" (ILO, 2023). The research found that the impact affected female domestic workers profoundly. The departure of many foreign employers following the 2021 coup has drastically reduced job opportunities for domestic workers,

leaving them in a precarious situation. One female domestic worker said, "Before 2021, there were many foreigners, so plenty of job opportunities. After the coup, they left the country, and consequently, job opportunities are getting fewer. It is not good for us" (Key Informant Interview, January 2025)

The political instability has created an environment where employers can exploit domestic workers by offering substandard wages, capitalizing on their desperate need for income. Although such practices were traditionally more common among local employers, some foreign employers are now also acting similarly. Another female domestic worker explained, "Due to the unstable political situation in Myanmar, foreign employers often take advantage of the situation, offering lower wages than the standard rate, knowing that we need money to survive" (Key Informant Interview, January 2025). As a result, domestic workers choose to stay in their current jobs without complaint and endure poor working conditions, feeling grateful to have employment.

5. Rise in Abusive Practices

Despite ongoing reform through local initiatives and international frameworks—such as drafting a domestic workers' bill, forming Myanmar's first domestic workers' association, and raising public awareness—political instability and democratic decline have led to a resurgence of abuses against domestic workers (Myanmar Labour News, 2024).

Domestic workers reported experiencing psychological violence and harassment, primarily from their employers or other family members. These actions include insults, humiliation, discrimination, micromanaging, gaslighting, blaming, passive-aggressive behavior, and dismissive attitudes. Some also shared experiences of physical violence, such as objects thrown at them or being hit, and these occurrences of behavior happened a single time or repeatedly.

According to the interview, a female domestic worker shared that she is sometimes beaten, has toys thrown at her, or is slapped by the child she nannies. On one occasion, she even fainted after being struck on the head with a belt by the toddler. However, when she reported the incidents and sought help, her employer—the child's mother—did not react and completely dismissed the situation. In such a scenario, it is both a physical assault and emotional abuse, compounded by the employer's failure to protect the worker or acknowledge the harm, highlighting the power imbalance and vulnerable position of the domestic worker.

6. Safety Threats and Security Concerns

Yangon was filled with mass protests against the junta in the following days of the coup. Following the military's brutal attack on civilian protesters, the people, especially the youth, turned into "urban guerrillas who launched a campaign of assassinations against members of the regime and their alleged informers" (Frontier, 2023). After that, the military regime established local security teams to back up the military to assist the police and soldiers. These groups became actively involved in activities such as spying on resistance groups, inspecting homes for unregistered guests, and participating in raids by security forces. Although these activities especially target young groups, both male and female, the domestic worker also feels unsafe and worried about being inspected in some way or being annoyed.

Furthermore, "theft, robbery, and mugging have become so common in Yangon that they are not even making the news these days" (Frontier, 2024). These unsafe conditions make female domestic workers worry about security concerns.

Women exposed to violence and experiencing increased insecurity and fear are linked to their health and living standards (UN Women & UNDP, 2022). Interviewees stated that their work schedules align with daylight hours due to safety concerns. With Yangon's high crime rate, commuting in the evening, mainly by bus, is considered unsafe. The public has raised concerns about the increasing number of pickpockets and thieves on buses and in many areas of the city, resulting in domestic workers often feeling unsafe while traveling to and from work.

7. Employer Attitude and Fictive Kin

Employers' attitudes play a vital role in the experience of domestic workers, ranging from offering minimal compensation for medical expenses to treating them as family members. When they were fortunate, they had the opportunity to work with employers who treated them with respect and courtesy. However, such instances are infrequent, and negative experiences with exploitative employers are more prevalent. Most employers, particularly local employers, assumed themselves to be "saviors" or "superior" to the workers. On the other hand, from the domestic workers' perspective, the narrative "having a job is better than nothing, even if the salary is not sufficient to buy basic commodities," gives them relief to overcome difficulties. While they are excluded from legal and social protection, they wish to meet with a good employer instead of following a healthy employer-employee relationship based on a contract.

Fictive kinship enables workers to develop an emotional connection with the families they serve and the individuals in their care (UN Women & ILO, 2016). Although such relations seem beneficial, they sometimes prevent domestic workers from facing the harsh reality of their situation. One respondent said, "I worked for 10 years in the same house providing healthcare. I am currently unemployed. I did not receive any compensation when I was let go, but I was pleased with them" (Key Informant Interview, January 2025). Moreover, domestic workers used to avoid complaints or conversing with their employers for reasons that would not have crossed their minds. One interviewee mentioned, "I hesitate to negotiate with my employer, who treats me nicely, because I might cross their mind" (Key Informant Interview, January 2025). These experiences show that many domestic workers are unaware that maintaining a good relationship with their employer can compromise their rights.

8. Exploitation and Legal Gaps

The study finds that contract violations are among the most frequent cases between employers and employees. The employer invited some domestic workers to a job interview and created a job contract that detailed their working hours, job description, salary, and other details. Over time, employers often increase their working hours and assign additional responsibilities, such as babysitting and accompanying them on trips, even during holidays, which were not explicitly mentioned in the contract. Employers typically take most of these actions unilaterally, without providing workers with prior notice. Even those who work under

a contract encounter such violations; the situation becomes even more severe when the terms of employment are unclear.

Another significant case is termination without compensation, prior notice, and a valid reason. The employer terminated a female domestic worker without providing prior notice or an apparent reason. Interviewee said, "I worked there for over three years. They gave me only two reasons: I do not work properly, and they always have to guide me on what to do. I did not receive any work compensation. I was terminated on December 5, 2024" (Key Informant Interview, January 2025). In most situations, workers refrained from filing formal complaints or initiating negotiations with their employers.

In terms of legal protection and mechanisms, the majority responded that they were unaware of their rights and how to navigate the legal process. Moreover, they do not want to engage with the legal process because it is time-consuming, they lack knowledge of the law, and it is difficult to access legal aid. One interviewee mentions, "I think mechanisms should exist. But I have never heard of them" (Key Informant Interview, January 2025). One female domestic worker recounted a traumatic experience of severe violence during her early childhood. She said, "I have scars on various parts of my body—my thighs, legs, head, and back—caused by multiple forms of abuse. These included being burned with an iron and candle, beaten with a chain, having my tongue pierced with a toothpick until it bled, being forced to sleep in the toilet, having my wounds repeatedly struck, being scalded with hot water, and being touched with chili. These abuses were committed by my employers, husband, wife, and their son" (Key Informant Interview, January 2025). Although her parents reported the case to the police, the lengthy procedures, including appointments with lawyers and related costs, did not deter them from continuing the process.

These experiences highlight the absence of a dedicated legal framework and explicit legal protections for domestic workers, compounded by political instability following the military coup, which has significantly hindered efforts to legalize and regulate domestic work.

9. Coping Mechanisms

Domestic workers face stress and are overwhelmed due to workloads, but do not know how to address or talk about work stress. In such situations, they often suppress their emotions out of fear of losing their jobs. One female domestic worker said, "No feeling shown, avoid expression of my feeling" and "Working diligently and showing the best performance as much as I can" (Key Informant Interview, January 2025). With no policies or support systems in place to address these injustices effectively, they remain silent, normalize their employers' behavior, and accept mistreatment as part of the domestic work culture. As a result, many domestic workers experience depression, feel overwhelmed and powerless, and suffer humiliation in their professions. This tolerance of poor treatment not only leads to long-term emotional distress but also reinforces power imbalances, social discrimination against informal workers, and the continued lack of accountability. Normalizing employers' exploitative practices makes it even more difficult to achieve decent working conditions and costs domestic workers' mental well-being.

“The political system and regime changes happen all the time; I have no power to respond, and I just try to go with the flow” (Key Informant Interview, January 2025).

Conclusion

Domestic workers in Myanmar continue to face multiple struggles, including the existing absence of labor protections and the military coup. Their pre-existing vulnerability has primarily increased due to a lack of support, attention, and discrimination amid the country's compound crises. Domestic workers, like care workers, provide essential services to households, and it is a livelihood opportunity for many economically marginalized women. However, their labor rights are not yet well-recognized and respected by the larger community. Making decent work a reality for domestic workers requires recognizing their economic contributions and ensuring their labor rights by protecting these workers and ensuring they are free from exploitation under national laws.

Policy Recommendation

The policy recommendations were developed by analyzing data from research findings, including interviews, the Myanmar Domestic Worker Consultation Meeting (2024), and the CSOs Consultation (2025), which involved key stakeholders from domestic worker rights labor networks.

No.	Policy Recommendation	Responsible Organization
1.	The legalization process for domestic workers, currently suspended, should be reinstated immediately following the return to democratic rule.	International Organizations, Government
2.	Sign and ratify the ILO Conventions No. 189 concerning Domestic Workers and No. 190 on Eliminating Violence and Harassment in the World of Work.	Government
3.	Raising awareness, including a contract campaign, and developing legal protection mechanisms for domestic workers, ensuring regular days off, official public holidays, a minimum wage, overtime pay, providing adequate, nutritious meals and safe living for live-in workers, and sick leave benefits.	Government, Local CSOs
4.	Developing accessible complaint mechanisms and associated support services for domestic workers to report rights violations or abuse and seek justice in person, over the phone, or online.	International Organizations, Government, and Local CSOs

No.	Policy Recommendation	Responsible Organization
	(Legal and psychological support—counseling support—can be implemented immediately.)	
5.	Establish a minimum age requirement for hiring domestic workers and strictly regulate the employment of child domestic workers.	Government
6.	Recognize domestic work as a skilled profession and establish a set of qualification standards. Prioritize the establishment of government-recognized training schools to enhance the skills of domestic workers.	Government, Ministry of Labour

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JAPANESE PUBLIC-PRIVATE PARTNERSHIPS FOR PROMOTING SUSTAINABLE DEVELOPMENT: AN ANALYSIS OF JICA'S SDGs-ORIENTED BUSINESS SUPPORT IN THAILAND

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Abstract

This paper examines Japan's Public-Private Partnerships (PPPs) in Official Development Assistance (ODA) for international development, focusing on the Japan International Cooperation Agency (JICA)'s SDGs Business Supporting Surveys in Thailand. The Sustainable Development Goals (SDGs), adopted in 2015, recognize the private sector as a crucial driver of global sustainable development. To align with the SDGs, Japan has strengthened PPPs in its ODA. The SDGs Business Supporting Surveys are an example of Japan's PPP-led ODA. It aims to encourage innovation and technology transfer, as well as support the overseas expansion of Japanese small and medium-sized enterprises (SMEs). This paper analyzes two Thai case studies through interdependence theory to reveal how tri-sector collaboration among government, industry, and academia works under PPPs. The finding is that PPPs foster strategic interdependence relationships. SMEs gain credibility under the "JICA brand" project, Thailand's academia gains access to innovations, and Japan secures its economic and diplomatic interests through SDG-aligned legitimacy. However, this scheme faces a challenge in scaling up from proof-of-concept projects to sustainable businesses. This study concludes that the evolution of Japan's PPP model from traditional ODA to a co-creation model strikes a balance between national interest and the alignment of global norms in the era of the SDGs.

Keywords: Japan, ODA, Public Private Partnerships, SDGs

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Introduction

The Sustainable Development Goals (SDGs) have emphasized the private sector as a pivotal actor in addressing transnational challenges under global development cooperation (United Nations Global Compact, 2016). This international norm pressures traditional donor countries to transform their Official Development Assistance (ODA) to align with the SDGs. As one of the aid donor countries, the Japanese government has tried to utilize ODA for its commitment to the SDGs. At the same time, in response to a reduction in government funding for ODA, the Japanese government is exploring ways to utilize its ODA for economic revitalization as well.

Historically, as Japan considered ODA as a means for its national economic and diplomatic interests, private companies have been involved in the planning and implementation of Japan's ODA policy (Arase, 1994). In the context of the SDGs, the role of companies in Japan's ODA is once again becoming more significant (Ministry of Foreign Affairs of Japan, 2023). The government has been seeking an ODA scheme that contributes to the SDGs through public-private partnerships (PPPs) as a catalyst to engage the private sector in international development, while building mutual benefits with them.

Japan International Cooperation Agency (JICA) has introduced the "SDGs Business Support Surveys" to promote the expansion of Japanese companies into developing countries, while addressing social issues and contributing to the achievement of the SDGs (JICA, 2024). Through JICA, brokered tri-sector partnerships among government, industry, and academia, operationalize strategic Interdependence, aligning corporate market entry with recipient SDG needs and Japan's geopolitical interests.

Thailand is the ideal country for analyzing this model. This partnership is possible because Japan is the largest bilateral donor of development assistance to Thailand (Minato, 2024), and the cooperation model between the government and Japanese companies under ODA materialized as traditional Japanese ODA. Furthermore, Thailand is the third-largest investment country for Japan (Japan External Trade Organization, 2024). These facts exemplify an institutionalized interdependent relationship: Japanese ODA supported the building of Thailand's industrial infrastructure foundation, while Thailand provided labor and markets for economic growth (Tangsinmunkong & Sato, 2024).

However, the relationship between SDG-aligned PPPs and governments and companies remains poorly theorized. This study employs the interdependence theory (Keohane & Nye,

2012) to investigate how the partnership between JICA and Japanese private companies in Thailand fosters sustainable development for both countries. Through comparative case studies of Japanese SMEs in Thailand, supplemented by interviews with JICA, firms, and Thai universities, this study examines the operational logic of the PPP-led ODA scheme.

Theoretical Framework: Interdependence Theory

The interdependence theory (Keohane & Nye, 2012) provides a lens for analyzing how JICA's PPPs contribute to strengthening the mutually beneficial relationship between Thailand and Japan, as well as between the Japanese government and the Japanese private sector under the SDGs. It argues that governments place importance on the economic benefits brought about by the international movement of capital, goods, and labor and pursue cooperation with other countries for mutual benefit. In addition to official government-to-government relations, states are also deepening their Interdependence through the establishment of norms and institutions. In institutional and organizational Interdependence, international organizations, NGOs, corporations, and other entities, as well as governments, set rules and standards that are followed by all parties (Keohane & Nye, 2012).

Japan's SDGs Business Supporting Survey, implemented by JICA, exemplifies this dynamic. Japan, with limited resources, an ongoing recession, and an aging population, relies heavily on imports and exports. It must secure markets and resources via strong foreign ties. Historically, Japan has integrated industrial and ODA policies, utilizing PPPs in ODA to align diplomatic, economic, and development goals. In Thailand, economic prospects decline due to sluggish productivity, structural constraints, and an aging population. Like Japan, Thailand's growth depends on exports and its Interdependence with other countries (World Bank Group, 2024). In this context, Japan and Thailand enter into a mutually beneficial relationship: Japanese companies gain new markets, and Thailand benefits from technical solutions aligned with its development goals under JICA's PPP scheme.

The SDGs as a normative framework legitimize this cooperation. As the SDGs provide common goals for diverse actors, they enable governments and companies to align their national interests and business objectives with global objectives. This SDGs-alignment justification encourages joint action, transforming traditional donor-recipient dynamics into more equal partnerships for achieving the SDGs. In this context, JICA's PPP scheme serves as a practical institutionalization of Interdependence. In this scheme, each actor balances between the development impact and strategic interests under a normative framework.

Figure 1 shows the interdependence relationships between Japan and Thailand, as well as between the Japanese Government and Japanese private companies, with the SDGs. The lens of the interdependence theory will provide a relational perspective on the mutually beneficial partnership between the Japanese government and the private sector and between Thailand and Japan through PPPs under the umbrella of the SDGs.

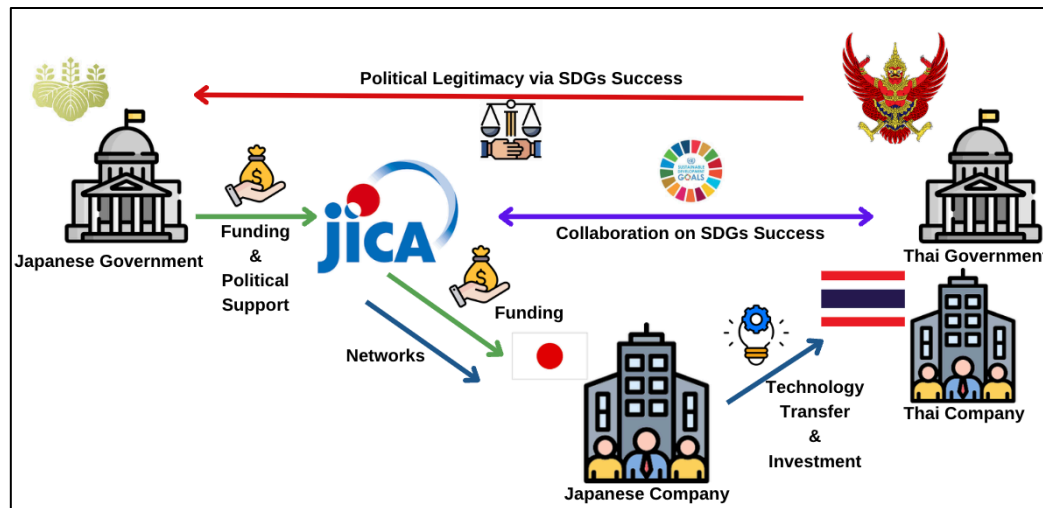


Figure 1: Conceptual Diagram of the Interdependence Between Japan and Thailand

Japan's ODA Approach with the Private Sector

Although Japan's ODA projects have evolved, the philosophical foundation of ODA with private companies has remained unchanged. Historically, private companies have been involved in the planning and implementation of Japan's ODA policy (Arase, 1994).

Since the 1950s, Japan has viewed ODA as a means to secure natural resources and expand export markets, and has integrated private companies into its ODA framework (Shiga, 2023). ODA-coordinating ministries, such as the Ministry of International Trade and Industry and the Ministry of Foreign Affairs, worked closely with business actors to align ODA with Japan's economic priorities. In parallel, Keidanren and other industry groups actively lobbied for ODA projects that served commercial interests (Arase, 1994). During the Cold War, ODA, as a non-military means, became increasingly critical for Japan's diplomacy. Japan has established stronger economic ties, particularly with Southeast Asia, through the implementation (Shiga, 2023). Even after Japan adopted the Western aid philosophy in the 1990s, following criticism of "checkbook diplomacy" during the Gulf War (Zappa, 2018), the 1992 ODA Charter continued to emphasize the importance of public-private linkages under

ODA (Hoshiro, 2022). Private companies continue to play a key role in ODA implementation, working closely with governmental agencies such as JICA and the Overseas Economic Cooperation Fund (OECF) (Arase, 1994). In the 2000s, Japan faced recession and growing public opposition to ODA (Hoshiro, 2022). As a result, the 2003 ODA Charter revision emphasized national interests, including Japan's security and prosperity (Shimomura, 2016). This mention of national interests led to JICA's transformation into a partner of the private sector (Shimoda, 2023). Companies and business groups pushed for greater business alignment, and the Liberal Democratic Party, the ruling party, began directly shaping ODA policy with the private sector (Shimomura, 2016). In 2015, the Development Cooperation Charter, previously known as the ODA Charter, identified PPPs as a core pillar of Japan's ODA strategy (Ohno & Uesu, 2022). Infrastructure exports, support for SMEs, and SDGs-based business initiatives have all deepened private-sector engagement under ODA (Shimoda, 2023). This period also marked a notable milestone, as Japan's ODA began technology-based projects with the private sector, in addition to traditional large-scale infrastructure projects. This new focus is reflected in both the changing development needs of partner countries and the government's recognition of its comparative advantage in advanced technologies, innovation, and human resource development, particularly in SMEs.

Japan's ODA has evolved from a traditional donor-recipient framework into a model of co-creation with businesses as key development partners. In the 2020s, this trend intensified under the revised 2023 Charter. The Charter describes ODA as a co-creation that serves both the global SDGs initiative and Japan's national interests, including geopolitical security and economic resilience (Shiga, 2023). Japan now promotes innovation-driven ODA through collaboration with SMEs and startups, recognizing their technological contributions to complex global challenges (Ohno & Uesu, 2022). Through this ODA model, Japan's ODA continues to blend diplomacy, development, and economic strategy with the private sector at its core.

Thailand as a Leading Platform for Japan's PPP-led ODA

Thailand has been the leading platform for Japan's traditional public-private development model among its ODA partner countries. Until 2021, Japan was Thailand's largest bilateral donor of development assistance, according to data released by the OECD (Minato, 2024). Japanese companies played a significant role in post-war ODA to Southeast Asia,

particularly in Thailand (Yasutomo, 1989). Approximately 5,800 Japanese companies are currently operating in Thailand. Thailand is the third most popular destination for Japanese companies, after China and the US, in 2023 (Japan External Trade Organization, 2024). This historical relationship illustrates a historically institutionalized form of Interdependence, where Japan's development cooperation supports Thailand's infrastructure and human capital, while enabling Japanese businesses to thrive in a stable and economically favorable environment.

Since the initiation of post-war reparations and the start of technical cooperation in 1954, Thailand has served as a key site where Japanese government agencies and private companies jointly advanced development cooperation (Ishii, 2016). Japanese ODA played a central role in constructing industrial infrastructure, such as roads, ports, and power plants, enabling Japanese firms to invest and expand operations. In turn, Thailand offered a growing market and labor force (Tangsinmunkong & Sato, 2024), creating a mutually beneficial structure of economic Interdependence. During the strategic expansion period in the 1970s and 1980s, Japan deepened its support not only for industrial growth but also for human capital development. This evolution led to further promotion of private-sector collaboration in ODA (Leelasorn, 2005). Even after Thailand graduated from grant aid in the 1990s, Japan continued to engage with Thailand through loan aid and technical cooperation (Ishii, 2016). In the 2000s, as Thailand emerged as a donor itself, Japan shifted from bilateral aid to "triangular cooperation," where Japan and Thailand jointly support neighboring countries in the ASEAN region (Prasirtsuk, 2006).

Additionally, the ODA strategy aligns with Thailand's national development plan. The Country Development Cooperation Policy, released in 2020, stated the long-standing strategic partnership between the two countries. It emphasizes mutual benefit and shared responsibility through collaboration. It sets three pillars: promoting sustainable economic development, jointly addressing challenges in the aging society, and engaging in third-country cooperation in the Mekong region (Ministry of Foreign Affairs of Japan, 2020).

In summary, the evolution of ODA to Thailand reveals an interdependent relationship between the Japanese government and companies, as well as between Japan and Thailand. Today, Japan's development cooperation with Thailand not only continues to reflect deep public-private partnerships but also serves as a model for inclusive and strategic ODA in an increasingly multipolar development landscape in the ASEAN region.

JICA's SDGs Business Supporting Survey

JICA's SDGs Business Supporting Survey comprises two separate survey projects. The first, the SDGs Business Needs Confirmation Survey, collects basic information on candidate countries for business and investigates whether business models can function effectively. The second, the SDGs Business Validation Survey, places greater emphasis on verification than the previous survey and aims to adjust business models to make them more effective (JICA, 2024). The selection criteria focus on companies' innovation, alignment with the SDGs, and readiness for overseas deployment. However, there are no formal evaluation KPIs or institutionalized follow-up mechanisms after the survey (JICA, Interview, May 19, 2025). JICA defines it just as a survey rather than a business support program. According to a JICA officer, this reflects legal constraints (JICA, Interview, May 19, 2025). Under the JICA Act, JICA's mandate is limited to conducting technical cooperation, including providing equipment and related surveys (Government of Japan, 2002). It means that JICA cannot fund or directly implement business operations. Thus, the SDGs Business Supporting Survey is designed to test the feasibility and social value of business models that address social challenges, rather than launching businesses in target countries. Despite these limitations, JICA has developed a scheme to promote private sector engagement within its mandate. Paradoxically, these constraints might accelerate interdependence with private companies, which offer technological solutions to development needs. As JICA understands the limitations of projects, it acts as a facilitator between companies and developing countries. JICA's recent legal reform in April 2025 further reinforces this direction by facilitating private-sector partnerships (JICA, 2025).

In the context of Thailand, the country has developed into an upper-middle-income nation, but it faces numerous challenging development goals. Before the Japanese government releases the Country Development Cooperation Policy, there are dialogues with Thai officials to reflect Thailand's development vision. This relationship is not just a donor-recipient one, but also a cooperative partnership as a regional partner. Therefore, JICA's PPP projects need to align more closely with policy than with business-driven projects, striking a balance between Japanese strategic interests and Thailand's own development needs.

Case Studies of SDGs Business Supporting Survey in Thailand

This section examines two case studies: KUMONOS Corporation and AVIS

Corporation, which were implemented in JICA's SDGs Business Supporting Survey in Thailand. Based on interviews with company representatives, consultants, and JICA personnel, these case studies provide an understanding of the dynamics of Interdependence between donor and recipient countries, as well as between the public and private sectors, for mutual benefit and the promotion of the SDGs.

KUMONOS Corporation, an Osaka-based SME, used this scheme to expand its concrete crack inspection technology in Thailand (JICA & KUMONOS Corporation, 2018). Through the survey, KUMONOS demonstrated its 3D laser system to Thai governmental agencies, leveraging its credibility as a "JICA brand" project (KUMONOS, Interview, May 28, 2025). When applying to JICA's scheme, KUMONOS aimed to contribute to SDGs 8, 9, 10, and 11 (Osaka Chamber of Commerce and Industry, n.d.) through its technology. KUMONOS said they realized that their technology itself has the potential to contribute to the SDGs. Following the survey, KUMONOS secured the order for the Rama VIII Bridge maintenance (JICA Thailand Office, 2024). Although the company shifted from plans to open a local office to a plan to build regional partnerships with agent companies (KUMONOS, Interview, May 28, 2025), their overseas experience later helped the government adopt new regulations in 2024. Before then, Japanese laws required close-range visual inspections by humans, which blocked the use of remote or automated technology, such as KUMONOS's. The overseas success, as surveyed by JICA, proved the effectiveness and safety of KUMONOS. This validity in other countries led to the allowance of domestic use in Japan. This effectiveness is an example of reverse innovation, where innovations proven in different countries are imported back to their origin (JICA, Interview, May 19, 2025). KUMONOS emphasized the importance of collaboration with academia for getting legitimacy. Additionally, KUMONOS highlighted the limitations of the JICA scheme, including short project durations and a lack of post-survey financial support (KUMONOS, Interview, May 28, 2025).

AVIS is an SME from Oita Prefecture. AVIS used JICA's survey to introduce a care-monitoring technology, named "Mimamori System," in Thai hospitals (Ministry of Foreign Affairs of Japan, 2024). The system was initially developed for Japan's aging population with the CEO's experience in caring for parents. This system enhances elderly care and reduces the burden on healthcare workers, and is considered to contribute to SDG 3. After receiving numerous inquiries from overseas, AVIS tested its system in public hospitals with the support of Thammasat University under JICA's survey. The project confirmed its effectiveness and highlighted the need to expand to private and municipal hospitals. Thanks to the JICA's trust,

AVIS established strong networks with hospitals and Thammasat University under cross-sector collaboration. The JICA project also provided internal benefits, including staff motivation, legal guidance, and international business experience. Consultants played a vital role in supporting AVIS's overseas operations (Consultant, Interview, May 29, 2025). Even during the COVID-19 pandemic, AVIS continued through a local partner without Japanese deployment. AVIS finally resumed the survey with support from the Ministry of Internal Affairs and Communications (AVIS, Interview, May 30, 2025).

Figure 2 shows the histories of two companies before, during, and after using the SDGs Business Supporting Survey. SMEs that seek to expand overseas utilize the SDGs Business Supporting Survey to assess the viability of their businesses abroad and establish connections in the target country. After completing the SDGs Business Supporting Survey, they continued their business with their funding or conducted further verification through similar schemes offered by other ministries.

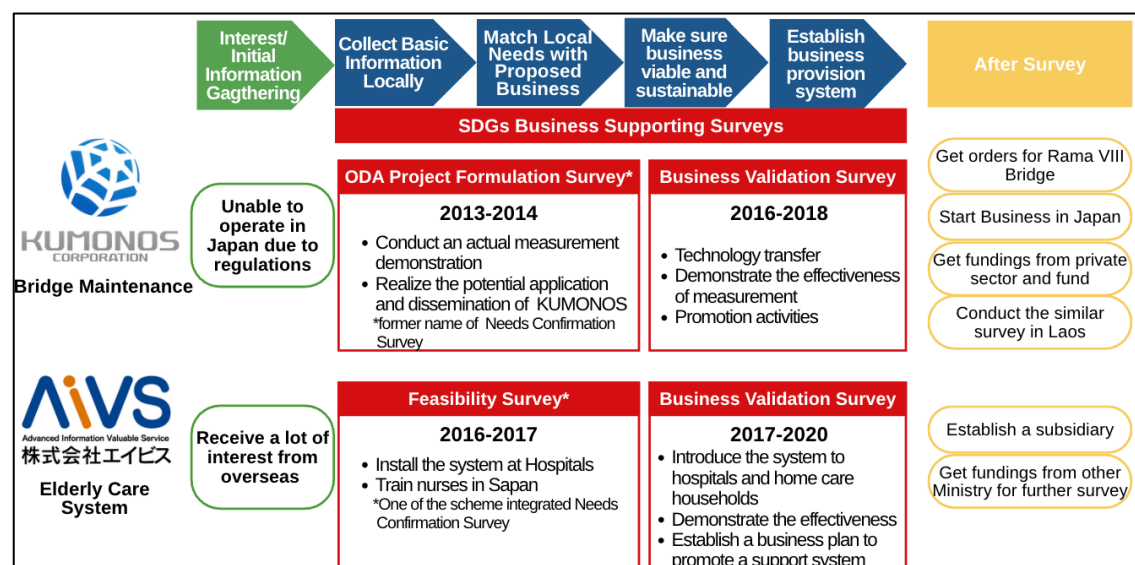


Figure 2: The Comparison Between Two Companies

JICA's PPPs as a Platform for the Interdependence Relationship under the SDGs

JICA's SDGs Business Supporting Survey, as a new Japanese PPP model, illustrates an evolution of ODA by embracing interdependent governance between the Japanese government and the private sector. JICA initiated this scheme not for direct funding to companies, but as a neutral platform to test innovative technologies for addressing social challenges in developing countries. JICA believes that technology-driven solutions enhance

sustainability in traditional aid efforts during the SDGs era (JICA, Interview, May 19, 2025). Japanese SMEs consider this scheme a low-risk entry point for overseas expansion. These companies utilized this survey mechanism to test their technologies in the Thai market, get trust and credibility through the JICA brand, and establish networks with local stakeholders (KUMONOS, Interview, May 28, 2025; AVIS, Interview, May 30, 2025). In return, JICA gained visibility and policy legitimacy by linking public development goals with private sector solutions. This relationship between JICA and the firms reflects a system of Interdependence that enables them to pursue their respective goals under the common umbrella of the SDGs, thereby promoting not only bilateral cooperation but also allowing each entity to achieve its objectives.

Although the projects successfully demonstrated the SDG potential of Japanese technologies at the proof-of-concept stage, the core challenge that remains is the transition from these demonstration projects to sustainable business operations as their own business. While many technologies proved to be socially beneficial and aligned with SDGs during the survey stage with JICA, only a limited number of technologies have successfully converted them into profitable businesses that can scale up and reach large populations with impacts for achieving the SDGs. Without such scaling and commercialization, no significant long-term effects on international goals can be expected, and the SDGs will not be achieved.

A key factor in bridging this gap is tri-sector collaboration, which refers to partnerships among government, industry, and academia. In two case studies, Japanese companies collaborated with Thai universities, such as Chulalongkorn University for KUMONOS and Thammasat University for AVIS, to gain trust and credibility, as well as access to local stakeholders (KUMONOS, Interview, May 28, 2025; AVIS, Interview, May 30, 2025). These academic institutions played a crucial role in validating the social relevance of the technologies in Thailand's context and acting as neutral mediators when Japanese companies entered Thai communities. This relationship not only helped companies overcome administrative and cultural barriers but also promoted the transfer of local knowledge and community engagement in policy.

This tri-sectoral collaboration strengthens the interdependent partnership among the Japanese government, Japanese companies, and Thai institutions. As Figure 3 shows, JICA provides funding and connections to companies, thereby gaining legitimacy and public mandates from them. Companies bring innovation to universities, and universities offer companies trust and local insights. Together, these actors form a mutually reinforcing

ecosystem in which each contributes resources distinctly. Through this relationship, the SDGs serve not merely as shared goals but as a platform to institutionalize cooperation and balance interests. As development challenges become increasingly complicated, this type of interdependent structure is needed for achieving a sustainable and long-term impact.

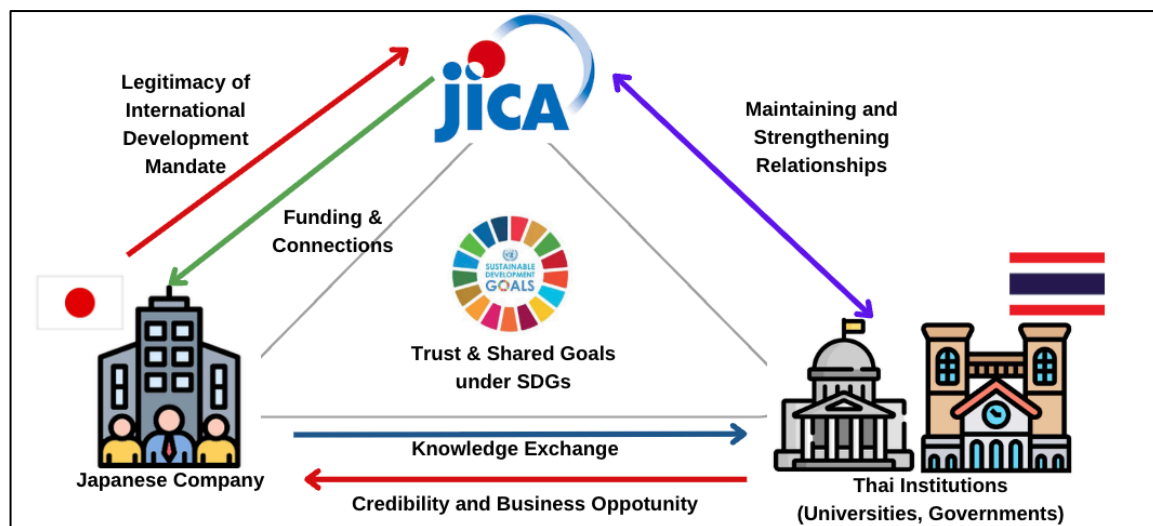


Figure 3: The mutually beneficial exchanges under tri-sectoral collaboration

Conclusion

This study analyzed Japan's evolving ODA strategy through the SDGs Business Supporting Survey, PPPs scheme led by JICA, with a focus on two case studies in Thailand. The findings demonstrate that this scheme strategically responds to both international expectations, particularly the rise of the SDGs, and Japan's domestic pressures, including declining ODA budgets and the need for economic revitalization through overseas expansion with ODA. The scheme does not aim to fund business SMEs directly, but rather to provide a platform for validating social good business models in developing countries (JICA, Interview, May 19, 2025). In this sense, the scheme reflects a shift from traditional Government-to-Government ODA to development cooperation with various actors to balance the contribution to address social challenges with Japan's national interests.

Through the lens of interdependence theory, the case studies of KUMONOS and AVIS exemplify that the SDGs, as a global norm, have forced Japan to redefine its traditional donor-recipient ODA into a multisector partnership. Moreover, when implementing a PPP-based development approach, the tri-sectoral collaboration among government, academia, and industry is essential for meaningful projects. However, to achieve meaningful development

results under ODA projects, PPPs should not only align with global frameworks, such as the SDGs, but also with the needs of recipient countries and their local context. In Thailand's case, as its economy has grown into an upper-middle country and its development policies have shifted, the Thai government has its development agenda. Therefore, ODA projects from other countries need to align with it. In the SDGs era, SDGs-related projects, including PPP, need to make a balance between donors' interest and the recipient country's ownership to build partnerships based on mutual interest and shared goals.

In conclusion, this scheme illustrates how PPPs can serve as a platform for strategic Interdependence in achieving the SDGs. It suggests a new model of international development in which governments, businesses, and recipient institutions cooperate through mutual resource exchange and shared objectives, striking a balance between national interests and global responsibilities. The success and credibility of these schemes depend on their ability to support not only Japanese private-sector engagement but also local development ownership, ensuring that cooperation reflects the priorities of recipient countries as equal partners in a post-ODA framework.

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WOMEN'S ROLE IN SUSTAINABLE DEVELOPMENT PROJECT IN RURAL INDONESIA: A CASE STUDY OF ACCESS PROJECT, UNITED NATIONS DEVELOPMENT PROGRAMME

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Abstract

This research focuses on the role of women participants in sustainable development projects in rural Indonesia, analyzing the intricacies through the lens of Ecofeminism and Intersectionality. More specifically, it examines the ACCESS Project, implemented by the UNDP in four provinces, which aims to increase women's engagement in the energy sector. ACCESS is a case study exploring empowerment within an institutionally gendered landscape—bounded by state quotas—for employment. Employing qualitative methods, including document analysis and semi-structured interviews with eight participants, the study draws on Ecofeminism and Intersectionality to understand its central arguments. The findings depict progress toward gender inclusion in technical management for leadership roles, allowing women to challenge patriarchal divisions. At the same time, persistent barriers shaped by social identity norms reinforced prevailing societal structures that posed restrictions for women's participation. This fact underscores that participation has cultivated agency; however, it remains delicate without consistent structural backing, highlighting uneven distribution among diverse participant identities. This study expands the application of Ecofeminism and intersectionality, underscoring the need for development approaches that strive for context-responsive policies rather than placeholders, such as numerical targets.

Keywords: Women's Empowerment, Sustainable Energy, ACCESS Project, Gender Equality.

Introduction

The pursuit of sustainable development worldwide faces daunting obstacles, including persistent gender inequality, particularly in traditionally male-dominated fields such as energy, technology, and infrastructure (Bierema, 2001). In countries as diverse as Indonesia, gender inequality is not just a matter of structures in which access to resources and decision-making is held, but embedded as socio-cultural processes that reproduce the patriarchal discourses.

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Such norms are frequently reinforced by customary law, religious teachings, and traditional divisions of labor, particularly in rural or indigenous areas, and they continue to maintain and trap women in subordinate positions where their mobility, voice, and agency in the public arena are curtailed (Firdaus & Wulandari, 2023). This structural discrimination essentially inhibits inclusive and sustainable development, as the unequal opportunities for women prevent them from contributing maximally to the Sustainable Development Goals (SDGs), particularly Goal 5 (Jeevanasai et al., 2023).

The energy industry, crucial for progressing SDGs 7 (Affordable and Clean Energy) and 13 (Climate Action), is deeply gender-biased. Women often face technical, financial, and social barriers due to restricted access to information, land, and credit (Osunmuyiwa & Ahlborg, 2022). The design of gender-sensitive approaches that address these challenges in sustainable development projects have demonstrated transformational potential, leading to more inclusive decision-making, improved household well-being, and enhanced community resilience (Sohn, 2015).

This paper applies these theories to illustrate women's real-life experiences of negotiating male-dominated spaces in sustainable energy projects. The ACCESS Project, conducted in four provinces—Eastern Nusa Tenggara, West Sulawesi, Southeast Sulawesi, and Central Kalimantan—covering 22 villages, is an essential source of evidence. These zones were selected because the Indonesian government categorizes them as 3T (*Tertinggal, Terdepan, dan Terluar* – “Underdeveloped, Frontier, dan Outermost”) areas (ACCESS, 2021). Although the project allocates a formal role to gender, involving a 30 percent quota for women operators, how such inclusion is transforming, especially in Indonesia's plural cultural landscape, remains relatively unexplored (ACCESS, 2024b).

Indonesia's RPJMN, or National Medium-Term Development Plan, outlines a nation's socioeconomic and infrastructural development structure and lays the blueprint for future milestones, making it a medium to long-term actionable framework (Purnama & Bestari, 2021). The UNDP goals align with RPJMN in providing supportive frameworks for governance, institutional building, and access-based and rights-based policies aimed at achieving gender equity and women's empowerment, as strived for within the organization (UNDP, 2020). In addition to having abundant natural resources, Indonesia faces challenges related to Gender Inequality, which is one of the SDGs addressing inequality within and between countries. The Gender Inequality Index (GII) is particularly high in the following focus provinces: West Sulawesi, Central Kalimantan, South-east Sulawesi, and East Nusa Tenggara regions, indicating significant gaps in healthcare, education services, and economic activities, including employment opportunities and political representation, which are less accessible to women compared to men. Within the ACCESS Project, women served as local operators (LOs) for solar-powered energy systems and technical community empowerment roles. Provincial-level energy access program (PEAP) staff acted as provincial coordinators and field officers for implementation and coordination, and through BUM Desa, initiated community-owned enterprises (ACCESS, 2024a).

The following research questions guide this study:

Main question: How do women navigate their roles within the male-dominated sustainable energy sector of the ACCESS Project in rural Indonesia, considering the interplay of patriarchal structures and intersecting social identities?

Sub-question:

1. What strategies does the ACCESS Project employ to empower women in remote areas of Indonesia?
2. How are women's empowerment initiatives implemented by the ACCESS Project in rural Indonesia, taking into account their intersecting social identities?
3. What challenges do women participants face in the ACCESS Project?

This study also contributes to current knowledge by providing an empirically grounded, comprehensive analysis of women's roles, challenges, and empowerment within one sustainable energy project in rural Indonesia, informed by integrated theoretical perspectives from ecofeminism and intersectionality. In terms of practice, it provides practical ideas on how to design more gender-sensitive and context-specific development interventions that foster absolute gender equality and sustainable results.

Literature Review and Theoretical Framework

Women residing in rural areas are recognized for their environmental conservation efforts and effective household economic management. Nevertheless, meaningful engagement and participatory empowerment continue to elude them (Zahedi, 2008). Integration is still regarded as gender-accommodative rather than gender-transformative, which causes women to endure pre-modern socio-cultural customs (Hermawati et al., 2023). The loss of energy access curtails economic opportunities and mobility far more for women than men (Oparaocha & Dutta, 2011). The analysis employs Ecofeminism and Intersectionality as integrated lenses. Ecofeminism focuses on the linkage between women's subjugation and the environment's degradation due to patriarchal systems dominating societies and nature (Batrićević & Paunović, 2019). It argues that women participating in traditionally male-dominated energy sectors defy the 'male technology, female nature' binary by exercising agency over technology and resources (Plumwood, 1986). From this perspective, Barnett's theory highlights how systemic inequity, which links gender hierarchy and resource domination, explains the cultural and structural barriers placed upon women (Oktarina & Yulianti, 2022).

This study employs a combination of ecofeminism and intersectionality to provide context-specific critical development analysis. The integrated framework presents a deeper analysis of gendered environmental injustices, while simultaneously recognizing the actions for change taken by marginalized women against oppressive structures that curtail them. It makes it possible to acknowledge that within the ACCESS Project, allocated funding is made available to empower women within unequal opportunity frameworks, where juxtaposing ecofeminism reveals energies intersecting with inequalities, thereby highlighting diversified encounters that seek to transform systems historically silencing voices.

Methodology

This research employed a qualitative case study approach. Participants in this study included eight female local operators (LO), and purposive snowball sampling was incorporated within the PEAP staff who worked on the project. Primary data was collected through semi-structured interviews conducted online in Indonesian, lasting 45 to 60 minutes each. Secondary data encompassed document analysis, comprising reports on the ACCESS Project. Analysis was conducted using thematic methods, which included familiarization, coding, and theme identification, with a focus on ecofeminist intersectional frameworks. All ethical requirements, including informed consent, confidentiality, and cultural respect, were fully complied with.

Results and Analysis

The analysis of the ACCESS Project women's experiences revealed three interconnected themes, examined through the lens of ecofeminism and intersectionality.

Table 1. Profile of Interview Participants

Code	Age	Gender	Province	Role in ACCESS Project	Marital Status
R-01	22	Female	Central Kalimantan	Local Operator + Admin Staff	Single
R-02	30	Female	Southeast Sulawesi	Local Operator	Married
R-03	48	Female	Central Kalimantan	PEAP, Community Facilitator	Widow
R-04	31	Female	East Nusa Tenggara	PEAP	Single
R-05	49	Female	Southeast Sulawesi	Former PEAP	Married
R-06	34	Female	Southeast Sulawesi	Local Operator	Single
R-07	35	Female	East Nusa Tenggara	PEAP	Married
R-08	32	Female	West Sulawesi	PEAP	Married

Table 2. Coding Framework Based on Interview Data

Variable	Emerging Theme	Code	Description
Women's Roles in Sustainable Development	Women's Roles in Sustainable Development	Women's Roles in Sustainable Development	Women's Roles in Sustainable Development
Women's Roles in Sustainable Development	Women's Roles in Sustainable Development	Leadership in Community	Women lead village meetings, act as mediators, and manage energy fees
Gender-Based Barriers and Enablers	Cultural Constraints	Skepticism & Patriarchy	Women are doubted or limited by societal gender expectations.
Gender-Based Barriers and Enablers	Cultural Constraints	Family Approval	Married women often need permission from their husbands or elders
Gender-Based Barriers and Enablers	Institutional Support	Gender Quota (30%)	ACCESS ensures minimum female participation through structural support
Gender-Based Barriers and Enablers	Cultural Constraints	Social Stigma & Gossip	Married women face social pressure and gossip for working outside the home
Impact on Empowerment	Gaining Confidence & Recognition	Public Voice	Women report gaining confidence to speak in public and take leadership roles
Impact of Empowerment	Gaining Confidence & Recognition	Economic Autonomy	Participants gain income and improve their family position
Impact on Empowerment	Uneven Empowerment	Reversion to Traditional Role	Some report that without continued support, empowerment faded

Theme 1: Expansion of Women's Roles Beyond Traditional Boundaries

Women significantly expanded their responsibilities into technical fields and public life that were previously exclusive to men. R-01 (22, single, Central Kalimantan LO) exemplified this by performing daily solar battery checkups and system reporting, exercising agency in both technical spheres, and challenging gendered labor divisions (Ecofeminism). Similarly, R-02 (30, married, South-east Sulawesi) managed the community's technical aspects and communication. Women went beyond just the specifics. In leadership positions, women further defined roles; for example, R-04 (31, unmarried, East Nusa Tenggara PEAP) confronted a village head over employment practices aggressively, stating, "I made it clear there would be no nepotism."

This fact echoes Ecofeminism's critiques of women's negotiation against patriarchal power systems. In the Central Kalimantan PEAP region, R-03 (48 widows) held key administrative positions and facilitated community conversations, showcasing her importance regardless of her social identity. The collective movement of domestic work towards publicly asserted technical and leadership roles reflects a redefinition of women as proactive participants in environmental management, dismantling traditional schisms.

Theme 2: Gendered Barriers Embedded in Cultural and Structural Systems

Notwithstanding the project efforts in place, women encountered pervasive gender inequalities steeped in rigid patriarchal frameworks, and intersectional identities shaped their impact. R-01's family was reluctant to accept her working in the energy sector: "Working in the energy sector? It was for males only!" Meanwhile, R-02 hesitated to apply for a position without her husband's approval. This hesitation illustrates familial control over women's employment opportunities sustained by male dominance, an ecofeminist criticism.

Social stigma also existed; gossip from peers targeted R-06 (34, single, Southeast Sulawesi LO), while R-08 (32, married, West Sulawesi PEAP) commented, "Neighbors often gossip, questioning how a woman with children can still work," demonstrating how one's marital status shifts social pressures and interacts with gender. That is intersectionality. Explicit leadership doubts such as "They said I could not lead; that I was stupid," voiced by R-04 paired with verbal assaults experienced by R-03 (widow), illustrate age and marital status alongside gender intertwined to public reputation and social standing intersect as credibility (Intersectionality). Beyond societal boundaries, security and geographical concerns pose violent threats to women. PEAPs physically traversing remote areas faces threats of "just because I am a woman." These findings underscore that barriers are systemic Ecofeminism alongside heterogeneously experienced Intersectionality.

Theme 3: Empowerment Through Recognition, Skills, and Income

Women received payments that improved household income and individual financial autonomy. R-02 (Southeast Sulawesi LO) acquired conflict resolution and leadership competencies by successfully negotiating community-driven accusations of community-charged electricity fees, which illustrated Ecofeminism wrought agency in community process transformation. Confidence increased alongside recognition; noticeably, R-03 (Central

Kalimantan PEAP) claimed, 'Now whenever there is a problem, they come looking for me first,' expressing enhanced social stature after being underestimated.

Significantly, women capitalized on perceived softer "soft skills." R-07 (35, married, East Nusa Tenggara PEAP) noted that "Women are seen as more influential or able to melt hearts ... If a woman comes out, they are more likely to say yes." This comment illustrates how pre-existing socio-culturally constructed gender roles can be employed to influence utility (Intersectionality). R-05 (49, married, Southeast Sulawesi PEAP) also mentioned women's negotiating heroism in dealings where men would be "too proud" to participate.

Additionally, R-07 highlighted the "long-term thinking and the durability" paired with women's inner strength when emphasizing: "You have got to trust yourself. If you have faith ... there is always a way."

Empowerment was not universal, as some participants described a return to traditional roles following project implementation without continual post-project support. Achieving true ecofeminist empowerment demonstrates that participation alone is insufficient—an enduring transformation of power systems for long-term autonomy and control over resources is necessary. The disparities left behind by uneven empowerment reinforce intersectionality more strongly than before; it exposes how focus and context are shaped by social structures along identity frameworks that define women's lived realities through local interconnections.

Discussion

This research provides a window into how women in the ACCESS Project navigate and construct their roles within Indonesia's male-dominated sustainable energy sector. These findings repeatedly reflect that women's participation, which has revolutionized and expanded roles that encompass technological and leadership fields, has also been informed and confronted, concurrently, by long-standing, androcentric relationships (Ecofeminism) and the intricacies of intersecting social identities (Intersectionality). Women's involvement is not tokenism; it represents a redefinition of their roles, shifting from passive recipients to active power holders in energy management and development.

The findings are consistent with Ecofeminist critiques in that they reveal the proliferation of patriarchal mediations that put constraints on women's access to resources and participation in public roles and thus consider these barriers as symptomatic of systemic gender subordination. This finding is further expanded upon in the study results, which demonstrate how constraints in this respect directly affect the project's results and the sustainability of empowerment. In addition, the research makes a distinctive contribution to the deployment of Intersectionality by presenting empirical proof of how marital status, age, and geographic context play a fundamental role in modulating women's experiences of barriers and possibilities. This complex view reveals empowerment to be an uneven process.

On a practical note, these findings highlight the importance of developing interventions that are not only gender-sensitive but also gender-transformative and intersectionally oriented. Projects should be forward-looking and develop strategies to respond to location-specific cultural norms and the diverse needs of various women's identities. Policy recommendations

include lobbying for the implementation of legislative reforms that remove structural obstacles to women's ownership of productive assets and participation in decision-making bodies at all levels, which aligns with SDG 5. Empowerment process maintenance and long-term institutional support are necessary to prevent a reversal to previous gender-based roles after project completion.

Conclusion and Suggestions for Future Research

This study finds that women's mobilization in rural energy projects, such as ACCESS, is significantly shaped by their gendered environmental roles and the complex intersections of their social identities. Even if women in practice demonstrate extraordinary agency in contesting patriarchal norms and promoting sustainable development, the road to empowerment is bumpy. To ensure inclusive and equitable sustainable development, future endeavors should proactively challenge systemic gendered exclusions and accommodate the diverse experiences resulting from women's intersecting identities, thereby strengthening women's voices as central to development justice.

Future work should extend the analysis to comparative studies with men to examine co-constructed, gendered roles. A mixed-methods research design, incorporating approaches such as ethnographic fieldwork or participatory action research, might have provided a more comprehensive understanding of power relations. Longitudinal research is necessary to evaluate the long-term sustainability of empowerment. Understanding the contributions made by male allies and the provision of tailored institutional support is also essential for ensuring more gender-inclusive energy governance in the future.

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SOCIAL SUPPORT NETWORKS AMONG PERSONS LIVING WITH HIV AND ITS IMPLICATIONS ON WELL-BEING

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Abstract

Human Immunodeficiency Virus (HIV) remains a critical global health issue, with the Philippines experiencing a rapid increase in cases, particularly among gay men. This study explores the social support networks of HIV-positive gay men in Northern Mindanao, Philippines. Guided by Cullen's Social Support Theory, the research aimed to identify the types of social support utilized and their implications on their well-being. Using a qualitative thematic analysis, in-depth interviews were conducted with five participants selected through purposive sampling. Findings revealed that emotional, instrumental, informational, and appraisal support from family, friends, medical professionals, and advocacy groups significantly influenced participants' well-being and resilience; however, stigma, privacy concerns, and systemic barriers limited access to adequate support. The study concludes that strengthening inclusive, community-based, and confidential support systems is vital. It recommends enhancing mental health services, enforcing anti-discrimination policies, and expanding public education initiatives to reduce stigma and promote holistic care for HIV-positive individuals. These findings contribute to addressing critical gaps in services and fostering empowerment for marginalized populations.

Keywords: Persons Living with HIV, HIV/AIDS, Social support networks, Emotional support, Instrumental support, Informational support, Appraisal support

Introduction

HIV remains a formidable global health concern, with the Philippines facing a rapid increase in infections, particularly among men who have sex with men (MSM). Northern Mindanao, a region in the Philippines, has seen an alarming rise in HIV diagnoses.

Despite national policies like the HIV and AIDS Policy Act of 2018 and programs by local and international organizations, stigma and discrimination persist. These social barriers significantly impact the well-being of persons living with HIV (PLHIV), especially gay men, making the exploration of their support networks essential.

While biomedical interventions have advanced, social determinants like stigma,

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emotional isolation, and limited access to reliable support systems continue to affect PLHIV. Gay men, in particular, encounter intersecting forms of discrimination that hinder not only their access to healthcare but also their social integration. The role of social support becomes critical as it helps mitigate psychological distress, fosters resilience, and enhances treatment adherence. This study, therefore, situates itself in the pressing need to understand better how PLHIV, particularly gay men in Northern Mindanao, access and experience social support.

The study aims to examine these support networks to reveal insights about emotional, instrumental, informational, and appraisal support. It explores how these networks influence their well-being and resilience. Aligned with Sustainable Development Goal 3 (Good Health and Well-Being), this study also seeks to inform future programs and policies on how to improve inclusive, culturally sensitive, and community-based care.

Research Questions

- 1) How do PLHIV access different types of social support within their networks?
- 2) How do social support networks influence the well-being of PLHIV?
- 3) What insights do the experiences of PLHIV provide about their social support networks?

Conceptual Framework

This study is anchored on the understanding that social support plays a crucial role in the lives of persons living with HIV (PLHIV), particularly among gay men who face overlapping layers of stigma and marginalization. Social support is not a singular experience but a multidimensional concept that includes emotional, instrumental, informational, and appraisal support. Each of these types of support contributes to the individual's ability to cope with challenges, maintain treatment adherence, and foster resilience in the face of adversity.

Emotional support involves expressions of empathy, love, trust, and care that affirm the individual's worth and reduce feelings of isolation. This support is often provided by family members, close friends, or intimate partners who offer comfort during periods of emotional distress. Instrumental support refers to tangible assistance that helps individuals manage daily life and health-related needs, such as transportation to medical appointments, financial aid, or help with accessing medication. Informational support, on the other hand, is the guidance and advice provided to PLHIV that enables them to make informed decisions about their health, treatment options, and lifestyle adjustments. Finally, appraisal support includes constructive feedback and affirmation that helps individuals evaluate their experiences, validate their emotions, and reinforce a sense of self-worth and identity.

This framework assumes that when PLHIV are surrounded by consistent and affirming social support, they are more likely to experience improved psychological well-

being, greater self-efficacy, and stronger engagement with care systems. Conversely, the absence of supportive networks or the presence of discriminatory environments can exacerbate internalized stigma and hinder both mental and physical health outcomes. The conceptual lens of this study emphasizes that building inclusive, responsive, and community-based support structures is vital to the holistic care and empowerment of PLHIV, particularly those navigating complex social realities.

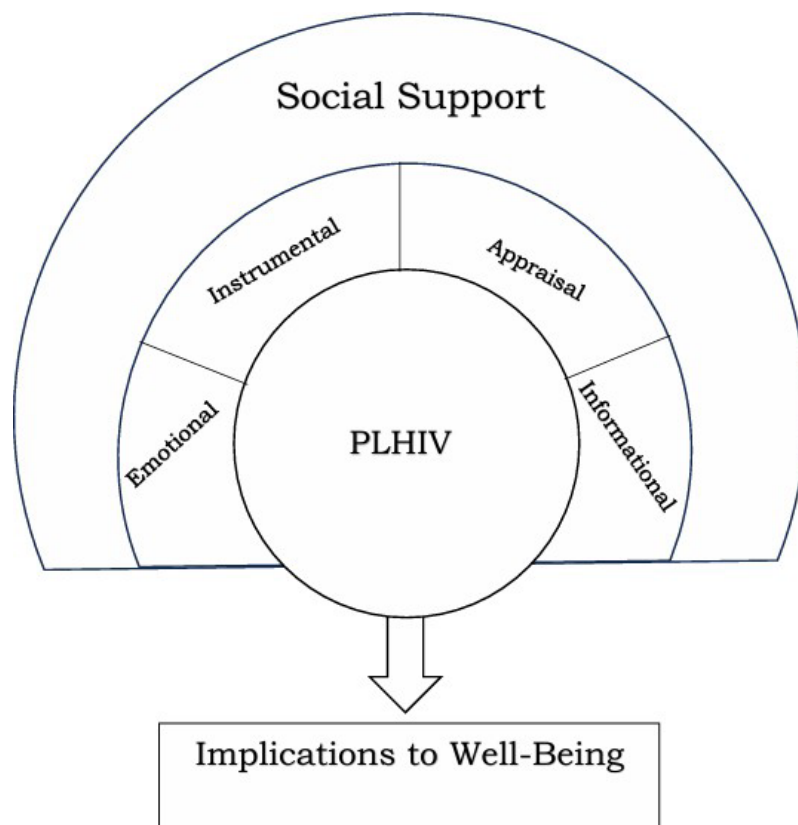


Figure 1: Conceptual Framework

Methodology

This qualitative study employed a case study design focusing on five HIV-positive gay men from Northern Mindanao, Philippines. A case study was appropriate to deeply explore individual experiences in context, especially when dealing with sensitive topics such as sexuality and chronic illness.

Participants were selected through purposive sampling in collaboration with ALAGAD Mindanao, a local NGO assisting PLHIV. Inclusion criteria required participants to be adult gay men diagnosed with HIV and residing in Northern Mindanao. Exclusion criteria eliminated those experiencing acute psychological distress or those unable to provide informed consent. A structured, open-ended interview guide allowed the researcher to explore the depth of participants' experiences while maintaining

consistency across interviews.

Data were collected through two rounds of one-on-one interviews—initial interviews lasting 50 to 60 minutes, and follow-ups conducted six months later. The interviews were conducted in private, with participant consent, and were audio-recorded for transcription. Thematic analysis was used to analyze the data, following Braun and Clarke’s six-phase approach. Coding was done both manually and with cross-validation by a secondary coder to ensure inter-rater reliability. Themes were generated based on recurring patterns and participant narratives, focusing on the types and impact of social support.

Ethical considerations included participant confidentiality, informed consent, and emotional safety. The study obtained clearance from an institutional ethics board and ensured that participants had access to free counseling if the interviews caused them distress. A token of appreciation was given without coercion, and participation was entirely voluntary.

Results

The study found that the five HIV-positive gay men in Northern Mindanao accessed four key types of social support: emotional, instrumental, informational, and appraisal. Emotional support emerged as the most consistent and vital, primarily sourced from immediate family members such as mothers and siblings. Instrumental support was provided through NGOs, advocacy groups, and HIV treatment centers, including access to medication, transportation assistance, and food. Informational support was obtained through peer networks, support groups, and healthcare providers, helping participants make informed decisions about managing their condition. Finally, appraisal support was noted in peer-led settings where participants received validation and encouragement, particularly those engaged in advocacy or peer education roles. Each participant’s experience revealed varying degrees of accessibility and satisfaction with these types of support, which were shaped by factors such as family dynamics, personal disclosure, socioeconomic status, and emotional readiness.

Discussions

The results demonstrate the vital role of emotional support in the well-being of PLHIV, especially from family members. For example, some participants experienced nurturing relationships, with mothers and siblings playing active roles in caregiving, providing emotional reassurance, and monitoring their health. Such consistent emotional support helped participants build resilience, adhere to medication, and overcome moments of self-doubt. However, not all participants had access to positive familial relationships. One participant shared experiences of hostility and threats from a sibling, which served as a reminder that familial support is not guaranteed and may be complicated by stigma, secrecy, or unresolved family conflict.

Instrumental support emerged as a stabilizing force for participants experiencing

economic hardship or job loss. NGOs and government-run treatment hubs provided crucial assistance, including free antiretroviral therapy (ART), financial aid, and transportation allowances. These services helped alleviate some of the material burdens associated with living with HIV and enabled participants to focus on managing their health.

Informational support also played a critical role in the participants' ability to make sound health decisions. Through support groups and peer education, participants gained access to reliable information about ART adherence, managing side effects, and navigating stigma. This knowledge helped some participants transition from confusion and denial to a place of empowerment and advocacy. Notably, participants who were part of organized support groups felt more informed and confident in managing their condition.

Appraisal support, while less overt, was evident in peer-to-peer settings where participants received encouragement and affirmation of their coping strategies. This type of support helped validate their efforts and strengthened their sense of identity and purpose. In some cases, participants went on to become peer educators, signaling a transformative shift from being passive recipients of support to active advocates.

The discussion highlights that although social support systems are accessible in various forms, they are not uniformly experienced. Gaps in familial acceptance, persistent stigma, and emotional isolation still pose barriers. The study underscores the importance of strengthening inclusive, confidential, and community-based social support networks that are sensitive to the diverse needs of HIV-positive gay men in both rural and urban settings.

Conclusion

This study reinforces the critical role that multidimensional social support plays in the lives of HIV-positive gay men. Emotional, instrumental, informational, and appraisal support each contribute uniquely to mental health, treatment adherence, and social integration. However, access to these supports remains uneven, particularly in settings marked by stigma, poverty, and geographic isolation.

Community-based organizations and peer-led advocacy groups often serve as safe havens when familial or institutional support falls short. These findings suggest the need for sustained investment in grassroots programs that center the lived realities of PLHIV, especially in rural and conservative regions.

To foster inclusive well-being, healthcare systems must adopt culturally sensitive and gender-responsive approaches that recognize the complex intersections of HIV status, sexual identity, and social stigma. Strengthening these networks through policy reform, mental health services, and education campaigns will not only improve individual outcomes but also advance broader public health goals.

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A COMMUNITY-BASED APPROACH TO REDUCING RICE FIELD BURNING IN CENTRAL THAILAND TO MITIGATE PM2.5 POLLUTION

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Abstract

From 2019 to 2025, PM2.5 air pollution has had a severe impact on public health in Thailand, prompting the government to declare it a national priority. The Central Region has been particularly affected, with PM2.5 concentrations peaking between December and April. This impact is primarily due to stagnant wind conditions that cause pollutant accumulation, compounded by open burning in rice fields. This paper aims to explore a community-based participatory approach as a mechanism for reducing rice field burning in Central Thailand. This study employed a documentary review, analyzing national policy documents, satellite data reports, community-based case studies, and academic literature to examine effective local responses. The paper was grounded in two theoretical concepts, the politics of scale and community participation. This study examined four communities that have been publicized or officially recognized at the regional level for their achievement as 'burn-free communities': Ban Rang Chorakhe (Phra Nakhon Si Ayutthaya Province), Ban Pa Buk (Lamphun Province), and Ban Kong Kai and Mae Sai Na Lao (Chiang Mai Province). This paper concludes that, despite governmental policies aimed at reducing agricultural burning, their effectiveness remains limited due to insufficient local engagement. The diverse socio-environmental contexts of each community require localized solutions. Therefore, community-based participatory processes are seen as a vital tool to addressing this challenge, particularly in rice-producing areas of Central Thailand. The process of becoming a burn-free community requires multiple collective actions from community members, including raising awareness about the health and environmental impacts of burning, promoting model farmers and communities, and collaborating with governmental, private, and local agencies to provide knowledge, resources, and market access sustainably.

Keywords: PM2.5 air pollution, Reducing rice field burning, Community participation

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Introduction

The State of Global Air (SoGA) (2024) report revealed that, in 2021, air pollution caused 8.1 million deaths worldwide. More than 90 percent, or approximately 7.8 million people, died from PM_{2.5} exposure (Health Effects Institute, 2024). PM_{2.5} pollution has significant impacts on daily life, public health, and the economy. Thailand has experienced PM_{2.5} pollution since 2011 (Chulalongkorn University, 2019). The severity of PM_{2.5} pollution led the Thai government to declare it a national agenda in 2019.

PM_{2.5} refers to particulate matter with a diameter less than 2.5 microns (Chulalongkorn University, 2019). Ozone is one of the eight key indicators used to assess ambient air quality. In Thailand, PM_{2.5} pollution commonly occurs during the transition from the cool to the hot season (December to April). This occurrence is due to weakening high-pressure systems from the northeast monsoon, stagnant wind conditions, and temperature inversions that trap pollutants near the ground (Chulalongkorn University, 2019). Poor atmospheric circulation leads to the accumulation of fine particles, which originate from vehicle emissions, fossil fuel combustion from industrial activities, and open burning—including agricultural burning, forest fires, and waste incineration.

Hotspot data from satellites in 2023 indicated that open burning accounted for the most significant proportion (54.50%) of all detected incidents. The majority of the cumulative burned area was in the agricultural sector, with a total of 55,470 hotspots recorded. Among these, rice fields accounted for the highest share (38.02%), followed by maize fields (24.08%), sugarcane plantations (9.90%), and other agricultural lands (28.00%) (Meepien and Jirakittithavorn, 2025). One rai (1,600 square meters) of rice field typically produces approximately 650 kilograms of straw and rice stubble per year. The open burning of one kilogram of rice stubble releases approximately 0.06 grams of black carbon particles, of which 80 percent consists of PM_{2.5} (Local Environment Division, 2023). The Central Region of Thailand possesses geographical conditions that are highly suitable for rice cultivation. When compared to its total area, the Central Region has the largest proportion of off-season rice cultivation in Thailand. This paper aims to explore a community-based participatory approach as a mechanism for reducing rice field burning in Central Thailand. This study seeks to address the following research question: How can community participation processes be effectively utilized to reduce rice field burning in communities in Thailand's Central Region?

Methodology

This study employed a documentary review, analyzing national policy documents, satellite data reports, community-based case studies, and academic literature to examine effective local responses. The paper was grounded in two theoretical concepts, the politics of scale and community participation. This study examined four communities that have been publicized or officially recognized at the regional level for their achievement as 'burn-free communities': Ban Rang Chorakhe (Phra Nakhon Si Ayutthaya Province), Ban Pa Buk (Lamphun Province), and Ban Kong Kai and Mae Sai Na Lao (Chiang Mai Province). This study analyzed national policies and community-based case studies to propose a framework for

reducing agricultural burning in rice paddies in Thailand's Central Region, focusing on community participation.

Findings

National Policy

The burning activity in rice fields is attributed to the preparation process for off-season rice cultivation (known as 'na prang'). Burning is perceived as the fastest and most cost-effective method for clearing rice stubble. Off-season rice cultivation is the main factor leading farmers to burn stubble. Burning stubble enables the rapid planting of the next rice crop without waiting for the straw to decompose or ferment. Cultivating off-season rice two to three times a year is a common practice in commercial rice production. This system has led farmers to change their behavior from wet-season rice cultivation to off-season rice cultivation. Farmers need to continuously cultivate rice because it is their primary source of income, given the high cost of production.

Off-season rice is typically cultivated from December to April. This cultivation occurs in areas with irrigation systems and near water sources that provide a consistent water supply throughout the year. The Rice Department Information and Communication Technology Center (2025) reported in its Weekly Rice Situation Report of April 28th, 2025, for the 2024/2025 cropping season, that the off-season rice cultivation in the Central Region accounted for a total of 4,726,219 rai. It represented 10.88% of the Central Region's total area of 43,450,440 rai (Emmanoch et al., 2021). According to the Ministry of Agriculture and Cooperatives, the Central Region comprises 19 provinces: Sing Buri, Ang Thong, Suphan Buri, Pathum Thani, Nonthaburi, Nakhon Pathom, Bangkok, Samut Prakan, Samut Sakhon, Samut Songkhram, Ratchaburi, Nakhon Nayok, Phra Nakhon Si Ayutthaya, Saraburi, Lop Buri, Chai Nat, Phetchaburi, Kanchanaburi, and Prachuap Khiri Khan.

Satellite-detected hotspots revealed that, in the agricultural sector, between 2023 and 2024, despite the absolute number of hotspots decreasing from 55,470 points to 51,901 points, the proportional incidence of agricultural burning increased from 31.30% to 36.60% (Royal Forest Department 2025). This data suggests that the implementation of policies by the Ministry of Agriculture and Cooperatives has not been entirely successful. These policies are based on forcing farmers to comply rather than offering alternatives. Although training and education on alternatives to rice straw burning have been provided, a uniform approach cannot be applied to all areas due to differing local contexts. Some approaches conflict with community practices, such as the use of microbial decomposition in dry areas, the presence of abundant weedy rice from leftover seeds on the farm, and witness interrogation processes to identify those who burned rice stubble, all of which lead to social tensions. Furthermore, there is a lack of support for non-burning methods in terms of production inputs. It increases production costs for farmers while rice prices continue to decline. For this reason, community participation processes can play a significant role in addressing the issue of rice stubble burning.

Between 2019 and 2024, the policies implemented by the Ministry of Agriculture and Cooperatives to reduce agricultural burning were unsuccessful. In 2025, it began to strictly enforce policies through legal measures, economic incentives, technological and innovation support, and the promotion of community participation (Department of Public Relations, 2025). Legal measures include specifying specific areas and periods where burning is permitted. Violators will be fined and will be ineligible to participate in the Ministry of Agriculture and Cooperatives' programs. Economic incentives involve providing subsidies to farmers who refrain from burning, as well as developing markets for non-burning products, such as purchasing rice straw and certifying burn-free products. Technological and innovation support includes the use of straw incorporation machinery, microbial decomposition of rice stubble, the production of biomass fuel from stubble, and composting. Community participation is promoted through the establishment of non-burning farmer networks to facilitate knowledge exchange and training on non-burning stubble management.

The concept of the 'politics of scale' is a term coined by Neil Smith in 1984 to explain the process by which different social spaces of different sizes are constructed and contested in terms of power and meaning (Blakey, 2020). Actors can shift power and authority by operating at different spatial levels. This ability allows for changes in access to resources, as well as in the decision-making processes related to those resources. The strategic choice of scale can serve as a tool for including or excluding others. Analysis at a particular scale may itself reflect the exercise of power (Swyngedouw, 1997, as cited in Lebel, Garden, and Imamura, 2005). Meanwhile, Brown and Purcell (2005) proposed 'scale' as three theoretical tenets. Norman, Bakker, and Cook (2012) summarized these as: “(1) Scale is socially constructed, (2) scale is both fluid and fixed, and (3) scale is fundamentally a relational concept.” An analysis of the implementation of agricultural burning reduction policies through Brown and Purcell (2005) three theoretical tenets of scale reveals the following considerations:

Scale is socially constructed. Centralized decisions often fail to meet local needs. Policies concerning the reduction of burning to address PM2.5 in agriculture were typically decided upon by the central government (at the national level) within the Ministry of Agriculture and Cooperatives and then disseminated to provincial, district, and community levels. This information reflects a centralization of power at the national rather than the local level. Given that each community possesses distinct contexts, these policies cannot effectively resolve problems in every area. For instance, the use of microbes to decompose stubble requires flooded fields for effective decomposition; however, not all agricultural areas have enough water at the right time. This centralization of power at the national level reflects the disempowerment of local populations, who lack the authority or opportunity to participate in shaping policies that directly affect their lives.

Scale is both fluid and fixed—Fixed in concept but flexible in practice. National policies are uniform, but local implementation, enforcement, and support for reducing burning can vary significantly across different areas. This fact happens because policies were adapted to suit local contexts. For instance, if water is unavailable for microbial decomposition of stubble, a straw baler may be utilized. However, the practice is limited by the structure, authority, budget, and operators. For example, some areas can utilize microbes to decompose

stubble. However, the supply of stubble-decomposing microbes received by the Provincial Agricultural Extension Office from the central government may not be sufficient to meet the demand. Alternatively, the strictness of the operators varies. If an area where the authorities are strict encounters a hotspot, the owner farmers may be disqualified from participating in programs. At the same time, authorities in other areas may only give a warning. Even though the guidelines have been adapted to the specific context, in practice, there is still no genuine space for the local people to have the power to determine the approach that is appropriate for themselves.

Scale is a relational concept. Impacts go beyond farmers. Rice field burning did not just affect farmers. It affected the whole community, the region, the country, and even neighboring countries. Several groups contributed to shaping policies, including local residents, farmers, local agencies, the national government, and international organizations such as the FAO and the WTO. Without understanding the context of the community, the needs of smallholder farmers, and the lack of sufficient budget and technology support, centralized policies might be ineffective. Although burning reduction policies were declared at the national level with an emphasis on "participation" and "voluntariness," in practice, they often involved indirect coercion. An example is the use of hotspot targeting systems for area control, which led to resistance from communities who believed that the government did not provide tangible alternatives or that these systems caused community divisions. It reflected that local people or community members had been reduced from being "citizens" to being "policy recipients," which contradicted the principle of citizenship that emphasizes the right to determine their future.

Ultimately, the impacts of decisions regarding policy implementation, both large-scale and small-scale, mutually affect one another. Policy decisions from the Ministry of Agriculture and Cooperatives (at the national level) aimed to protect national interests without considering the input of local communities or smallholder farmers. Consequently, the declared policies were not as effective as intended. Moreover, the negative impacts cycled back to affect communities, leading to a decrease in tourism and a decline in residents' health. Suppose local levels were to take advantage of the fluid character of the policies by adapting them to suit their specific contexts. In that case, they should listen to local voices, employ non-burning rice stubble methods that are appropriate for their region, and bring together farmers, processors, and buyers. From this process, PM2.5 issues could be resolved. Community participation can be a vital tool for gathering local feedback to inform policy development and implementation. This article aims to propose guidelines for reducing agricultural burning (rice fields) in the Central Region to address the PM2.5 problem through community participation processes.

Community-based case studies

This analysis examined four case studies of "burning-free" communities: Ban Rang Chorakhe (Phra Nakhon Si Ayutthaya Province), Ban Pa Buk (Lamphun Province), and Ban Kong Kai and Mae Sai Na Lao (Chiang Mai Province). The analysis was framed by the concept of community participation, defined as a two-way communication process. Its overarching goal is to make better decisions that gain support from community members throughout the entire decision-making process. This goal necessitates providing sufficient information to the

community and enabling community members to express their opinions on proposed projects, as well as participate in problem-solving to identify the best solution for all (Wattanasap, 1992). This process comprises six steps: 1) providing accurate and sufficient information to the community; 2) actively soliciting feedback from community members; 3) consultation to assess progress or identify points of clarification; 4) collaborative planning, including project preparation and potential impacts; 5) joint implementation to achieve stated objectives; and 6) community-led control, involving referenda that reflect the community's needs (Raksakaew, n.d.).

However, the case studies did not follow them. They started with Step 1: sharing information through village meetings, training, and participatory action research. This step was then followed by Step 5: Collaborative implementation of the trained guidelines, leading to a change in the production process. Next came Step 6: Community oversight, using income from the production process to fund scholarships and further develop community products. Subsequently, Step 3: Evaluating progress and identifying problems was undertaken. This step then led to Step 2: Open consultation with community members, followed by Step 4: Collaborative planning for problem-solving. These steps are summarized in Table 1.

Table 1: Summary of Community Participation Processes and Key Characteristics of Four Burning-Free Communities

Community Issue	Ban Rang Chorakhe (Phra Nakhon Si Ayutthaya Province)	Ban Kong Kai (Chiang Mai Province)	Ban Mae Sai Na Lao (Chiang Mai Province)	Ban Pa Buk (Lamphun Province)
Community Participation Processes	- Information was first shared with the working group and partner organizations, and then communicated to the local community through village meetings. The discussions centered on the harms of burning and the benefits of participating in the project. - When the project started, there was a problem with the straw baling machine not arriving in time.	- Partner organizations educated community members on reducing monoculture farming to help prevent burning. They emphasized forest restoration and the cultivation of high-value crops suitable for the environment, as well as provided training on coffee product development. - Community members actively participated, leading to a shift in behavior	- Project staff and local farmers conducted community-based research together, leading to a participatory process that included information sharing, listening to opinions, consultation, joint planning, and collaborative action. - As a result, a community database and integrated farming practices were developed.	- The project was initiated by the community itself, with the village headman serving as the leader. - Community participation took place through village meetings, which included providing information to highlight the problems, listening to opinions, discussing possible solutions, and planning to address the issues. - Community members worked

Community Issue	Ban Rang Chorakhe (Phra Nakhon Si Ayutthaya Province)	Ban Kong Kai (Chiang Mai Province)	Ban Mae Sai Na Lao (Chiang Mai Province)	Ban Pa Buk (Lamphun Province)
	This problem led to joint discussions and planning, resulting in nearby areas agreeing to harvest at the same time. - Community members were responsible for managing the profits, which were used to support local scholarships, charitable activities, administrative costs, and equipment maintenance.	from monoculture farming to forest restoration and the cultivation of coffee as a high-value crop. - The community took the lead in establishing a community enterprise and further developing coffee products.		together to implement the solutions and took responsibility for managing the project. - They also expanded the initiative by turning waste into valuable products to generate income for the community.
Key Characteristics	- Community leader, Mayor of Ban Rang Chorakhe Subdistrict Administrative Organization (SAO), prioritized making the community burning-free, initiating projects and seeking integration with both public and private sectors for successful project implementation. - Presence of network partners with shared interests, leading to the involvement of	- Private sector organizations provided support and showed interest in community development, leading to project initiation. - Supporters provided knowledge to community members, leading to behavioral change. - Successful coffee cultivation and market access led to product development for market expansion and increased product value. - Recognition of burning-free success	- Non-governmental organizations (NGOs) implemented community-centered projects. - Community research conducted to understand the community context, involving collaborative research between project staff and community farmers. - Integration with government agencies, government-funded NGOs, and community members.	- Community members desired behavioral change due to health issues from poor environmental conditions. - A committed community leader (village head) fostered community participation, enabling behavioral change among community members. - Clear waste management approaches, such as weed choppers for mulching and cement pipes for composting small weed pieces mixed

Community Issue	Ban Rang Chorakhe (Phra Nakhon Si Ayutthaya Province)	Ban Kong Kai (Chiang Mai Province)	Ban Mae Sai Na Lao (Chiang Mai Province)	Ban Pa Buk (Lamphun Province)
	farmers, community leaders, and buyers of produce. - Community education on the importance of the problem and the benefits of project participation, fostering community cooperation. - Community members capable of providing input and collaboratively planning solutions.	by organizations, leading to nomination and receipt of the 2024 burning-free community award.	- Promotion of intercropping perennial trees with short-term crops and flowers, with market access, generating community income, reducing monoculture, decreasing agricultural chemical use, and reducing burning. - Recognition of burning-free success by organizations, leading to nomination and receipt of burning-free community awards in 2022 and 2024.	with household food scraps. - Transformation of other waste materials (e.g., palm fronds, foam, fabric scraps) into value-added products. - Community cooperation. - Received a Royal Award for the "Waste-Free Community" competition from King Rama IX in 2014, motivating further community action. - Recognized as a model burning-free waste management community, attracting visits from other agencies and communities to study their practices.

A Community-Based Approach to Reducing Rice Field Burning in Central Thailand to Mitigate PM2.5 Pollution

Based on the analysis of the national policy and case studies of the four aforementioned communities, an approach to reduce agricultural burning (rice paddies) in the Central Region, aiming to mitigate PM2.5 issues through a community-based approach, involves a total of eight steps through a community participation process. This approach emphasizes educating community members about the impacts of agricultural burning to raise awareness of its severity. The initiative also focuses on creating model burn-free farms and communities to facilitate replication and network expansion. This initiative is achieved through integration with various public and private sector agencies to provide knowledge, production factors, and market channels. The approach steps and their challenges are summarized in Table 2.

Table 2: Summary of a Community-Based Approach and Its Challenges to Reducing Rice Field Burning in Central Thailand to Mitigate PM2.5 Pollution

STEP	INSTRUCTIONS	CHALLENGES
1. Analyze problems, build mutual understanding, and provide training through village meetings. Analyze problems, build mutual understanding, and provide training through village meetings.	The Department of Agricultural Extension provides knowledge on the environmental impacts of burning and offers alternative methods for managing agricultural waste that do not involve burning.	If farmers' perceptions regarding the impacts of stubble burning remain unchanged and policies prohibiting burning are revoked, they are likely to resume burning. This possibility happens since they still believe it is the most advantageous method, considering it the cheapest and fastest way to eliminate weeds, pests, and weedy rice. Research by Arunrat, Sreenonchai, Sansupa, Kongsurakan, and Hatano (2023) suggests that burning stubble when it is still moist does not generate enough heat to cause complete soil moisture loss or kill all soil bacteria. Furthermore, stubble burning is particularly well-suited for heavy clay soils, where tillage is especially challenging (Manitoba, n.d.). However, it is undeniable that stubble burning contributes to air pollution and has a negative impact on community health. Therefore, raising farmers' awareness of the health and environmental consequences of stubble burning is a crucial step.
	The Subdistrict Health Promoting Hospital and the District Public Health Office provide information on the health impacts of burning, with a focus on training village health volunteers (VHVs).	
2. Agricultural agencies provide support for production inputs used in non-burning agricultural waste management.	Distribute microbial agents for stubble decomposition, short-season crop seeds, and fruit tree saplings to interested farmers to support trials aimed at changing their farming practices.	Annual budgets vary, and funding allocated to different areas is inconsistent. Therefore, it is essential to establish a burn-free farmers' network that enables farmers to support one another. Additionally, farmers need to develop skills in writing project proposals to request funding from sources other than relying on government assistance.
	Government officers or local authorities conduct monthly monitoring and evaluation.	
3. Develop model farmers — one model farmer per community.	Select farmers who have successfully transitioned to alternative farming practices.	If community leaders and farmers do not prioritize the issue, it will not be possible to establish model burn-free farms. Therefore, a burn-free farmers' network must be built to create incentives, showing farmers that success is achievable. Other incentives, such as support for non-burning production inputs or offers of rewards, should also be provided.
	Support the establishment of learning centers in demonstration plots.	
	Share it through social media.	
4. Establish a Network of Burn-Free Farmers.	Organize field visits to demonstration burn-free rice fields.	If no government or private agencies regularly organize events for farmers to meet, it will be difficult for a burn-free farmers' network to form. Moreover, if they do not meet often enough, this network will not be strong. Therefore, agencies
	Share information through social media to expand the	

STEP	INSTRUCTIONS	CHALLENGES
	network to non-agricultural sectors.	should consistently organize activities for the non-burning farmer network to meet and exchange ideas.
	Organize activities to award the "Burn-Free Community" recognition.	
5. Acquire Shared Community Machinery.	Raise funds within the community or seek support from local administrative organizations (LAOs), government agencies, and the private sector—for instance, Siam Kubota Company.	Government funding may not be sufficient for communities to purchase the necessary machinery. Therefore, farmers should develop skills in writing project proposals to secure funding from sources apart from the government. Alternatively, they could raise funds from within the community. A committee must be appointed to oversee procurement, scheduling usage, and maintenance. This approach would help reduce potential conflicts.
	Develop project proposal writing skills.	
6. Find Market Channels for Products.	Sell baled straw to private sector businesses (such as SDG company) or small-scale farmers for use in livestock feeding, fresh markets, or restaurants, and create markets within the community.	Farmers might not have connections with entrepreneurs who can buy their products. Relevant government and private agencies should organize events for farmers and entrepreneurs to discuss available community products and entrepreneurial needs.
	Gather produce within the community to make transportation more efficient and cost-effective.	
7. Develop and Process Products to Add Value and Expand Customer Base.	Enhance packaging through collaboration with local educational institutions or by conducting online research.	Most farmers are elderly, so they may not be comfortable using technology to design products and sell them online. Relevant government and private agencies should organize activities that enable students in the community to help design local products, thereby fostering stronger community relationships. Additionally, younger generations within the community should be engaged to manage online market channels.
	Process products by integrating with knowledge-based agencies.	
8. Continuously Develop the Capacity of Community Leaders	Focus on enhancing self-learning abilities.	If farmers do not see the importance of skill development or believe they are not educated enough to understand, efforts to enhance their capabilities will not succeed. Therefore, every time there is a meeting or training session, it is crucial to emphasize the importance of skill development, highlighting that anyone, regardless of age or educational background, can continually improve their skills.
	Collaborate with educational institutions.	

Conclusion

From 2019 to 2025, PM_{2.5} air pollution has emerged as a critical issue, impacting public life and health to the extent that the government declared it a national agenda item. PM_{2.5} concentrations typically intensify from December to April, primarily due to calm atmospheric conditions that facilitate the accumulation of dust. This accumulation is compounded by burning activities from open fields, factories, and vehicles. Open burning in the agricultural sector, particularly from large-scale farming and commercial production, is identified as the most significant contributor to air pollution. Rice paddy areas exhibit the highest incidence of burning, driven by the need for rapid land preparation for subsequent planting cycles. The Central Region, capable of 3-4 rice harvests annually, also holds the largest area of off-season rice cultivation in Thailand. The surge in PM_{2.5} during the off-season rice cultivation period is directly attributable to rice paddy burning.

This paper argues that policies to reduce burning in rice fields have failed because they were made through centralized decisions and did not address local needs. Each community has different conditions. These variations include differences in water abundance, access to innovation, and technology for rice straw disposal. A sustainable solution necessitates community participation processes to educate on the disadvantages of burning and non-burning disposal methods. It also involves understanding why communities continue to burn and developing solutions suited to their specific contexts.

Although developing locally derived policies requires extensive and time-consuming data collection from every community in Thailand, this approach offers a sustainable solution by generating guidelines tailored to each community's unique conditions. For instance, consider areas within and outside irrigation zones. Community participation could serve as a tool for proposing policies to address the issue. However, the success of community participation may be hampered by a lack of strong leadership, leaders' disinterest in solving the problem, or insufficient attractive benefits or welfare for farmers. This success takes place because farmers often engage in multiple occupations, and if the benefits of participating in community processes are not appealing, they may not join. Nevertheless, community participation remains an effective long-term solution tool, as it addresses the problem precisely according to the distinct contexts of each community.

From the review, these four fire-free communities revealed an eight-step approach for reducing agricultural burning (rice paddies) in the Central Region to address PM_{2.5}, utilizing community participation. This approach prioritizes educating communities on the environmental and health impacts of agricultural burning to enhance awareness of the problem's severity. It also promotes the establishment of model farmers and burning-free communities to facilitate sustainable expansion and networking. This goal necessitates integrated cooperation with various government and private sector entities to provide knowledge, production inputs, and market channels in a systematic manner.

This article's case studies were selected from 'burning-free communities' that received awards. From 2019 to 2025, during which PM_{2.5} was declared a national agenda, only agencies in the Northern Region organized these award ceremonies. Consequently, only communities in the Northern provinces have received 'burning-free community' awards, leading to most case

studies being from this region. The award criteria include the absence of hotspots and the adoption of burning-free agricultural practices (rice paddies). Therefore, the current approach to solving PM2.5 through community participation is not yet universally applicable across all regions. Future research should encompass burning-free communities across all four regions of Thailand—North, Central, Northeast, and South—to develop agricultural burning reduction guidelines (specifically for rice paddies) that can be adapted through community participation to suit the specific contexts of different regions.

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LANGUAGE, BELONGING AND BARRIERS: THAI LANGUAGE ACCESS AND SOCIAL INTEGRATION OF SHAN MIGRANTS IN CHAING MAI, THAILAND

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Abstract

This research examines the influence of Thai language accessibility on the social integration experiences of Shan migrants residing in Chiang Mai, Thailand. The research aims to understand the extent to which language proficiency facilitates integration, particularly for a non-citizen population with social and legal vulnerability. Employing a primarily qualitative approach, the research integrates survey data with in-depth case study interviews with Shan migrants as well as key informant interviews with Thai language providers and civil society organizations. The research applies the 4A Framework (Availability, Accessibility, Acceptability, Adaptability) and Bosswick and Heckmann's model of social integration (structural, cultural, interactive, and identificational dimensions). Findings show that community-based language programs, in conjunction with government-led non-formal education centers, serve as essential resources for Shan migrants seeking to acquire Thai language proficiency. However, migrants encounter ongoing challenges due to their irregular work schedules, transportation difficulties, and concerns about legal consequences. While Thai proficiency improves employment opportunities, facilitates communication with local authorities, and deepens understanding of Thai culture, it does not lead to complete social acceptance. Many migrants, especially those without legal status, continue to experience exclusion even after achieving fluency. The study concludes that access to Thai language programs and the development of Thai language proficiency play an essential role in the economic and social integration of Shan migrants in Chiang Mai. However, existing Thai language programs are under-resourced and insufficiently tailored to the complex needs of migrant learners. This study argues that Thai language proficiency alone cannot ensure long-term integration of migrants without structural reforms addressing precarious legal status, exclusionary migrant policies, and the lack of sustained institutional support for migrant-focused Thai language education.

Keywords: Shan Migrants, Thai Language Access, Social Integration, 4A Framework

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Introduction

Thailand serves as a popular destination for Myanmar workers, who make up 80 percent of its migrant workforce (Aung et al., 2024). Migrant workers generate approximately 6 percent of Thailand's national GDP (Aung et al., 2019). Chiang Mai, located near Myanmar, has become a central hub for these migrants. This major city in northern Thailand hosts an estimated 300,000 Myanmar migrants, predominantly ethnic Shan individuals, who have migrated in search of safety, job opportunities, and better prospects for themselves and their families (Aucoin, 2020). Many of these migrants fled internal conflicts and economic hardships in Myanmar, further driving the migration to Chiang Mai. They share religious and cultural customs similar to those of Thai locals. However, based on their educational backgrounds and level of adaptation to the Thai context, as well as their language proficiency, cultural background, social circumstances, and Thai language abilities, their experiences vary (Aung et al., 2019).

Despite their significant presence and contribution to labor-intensive sectors such as agriculture, garment, construction, and hospitality, Myanmar migrants often face marginalization and negative perceptions from various social groups within the city. The majority of these migrants are employed in what are commonly referred to as the "3Ds" – dangerous, difficult, and demeaning jobs (Tithirat, 2015). As the migrants cannot understand and communicate in the Thai language, they become the victims of exploitation and isolation. Moreover, the Thai language barrier not only limits their full potential to advance their career paths, as they cannot access training opportunities, promotions, or roles with greater responsibility that require proficiency in the Thai language, but also impedes access to essential services related to healthcare, education, grievance, and remediation mechanisms. Possessing Thai language proficiency will empower migrants as they can protect themselves from exploitation and foster mutual understanding and respect, resulting in better integration into the host society (ILO, 2024). Migrant women who cannot speak Thai in Chiang Mai are more likely to face domestic violence and lack protection from the law as they are not able to report (Fortifyrights, 2021). Many migrants have shared their concerns about communication and making friends with Thai people, as not everyone can speak English and uses only the Thai language (Jitwichikkan, 2017). One migrant shared, "When I arrived in Thailand, I could not speak any Thai, so my first purchase was a pocket dictionary. I hope to get a better-paid and less physically demanding job if I have better skills in Thai" (Aucoin, 2020). This hope underscores the significance of Thai language proficiency in the professional and social lives of Shan migrants in Chiang Mai.

Although Thai language proficiency plays a crucial role in the lives and social integration of migrants, Shan migrants in Chiang Mai face barriers to accessing Thai language education, including legal insecurity, irregular work schedules, and economic hardship. Despite the Thai language programs operated by both the government and civil society that exist for migrant learners in Chiang Mai, they vary widely in terms of availability, accessibility, acceptability, and adaptability. This study sought to answer the following research questions:

- (1) How do Thai language education programs for Shan migrants in Chiang Mai align with the 4A Rights-Based Framework in terms of availability, accessibility, acceptability, and adaptability?
- (2) How does Thai language proficiency influence Shan migrants' access to jobs and public services, cultural understanding, social networks, and sense of belonging in Chiang Mai?

Conceptual Framework

The conceptual framework illustrates the relationship between Thai language education accessibility, Thai language proficiency, and their influence on the social integration of Shan migrants in Chiang Mai. The analytical framework begins with education as a human right, based on the Education for All (EFA) principles, which Tomasevski's 4A Framework is used to evaluate in terms of availability, accessibility, acceptability, and adaptability. While Tomasevski's 4As Framework is the standard tool for assessing and evaluating the fulfillment of the right to education in a broader context, specific modifications to the respective 4As were made to better assess the current landscape of Thai language programs for Shan migrants in Chiang Mai. In this study, availability extends beyond program presence to mean the actual operational effectiveness of the program. The analysis includes an assessment of how regularly classes operate, as well as teacher qualifications, learning material availability, and institutional sustainability. Accessibility focuses on ensuring that education is accessible to all, without discrimination, including gender disparities in education and the physical and economic accessibility of education. Accessibility in this study refers to the ease of access to Thai language programs, both physically and financially. Migrants should be able to study without incurring additional costs, and if any fees are required, they should be limited to transportation expenses. Programs should include everyone, including males, females, migrants, refugees, transgender people, older adults, youth, and people with disabilities. No one should be excluded or feel too young, too old, or too poor to study. Acceptability refers to the degree to which Thai language education programs are of good quality and culturally appropriate, promoting inclusivity through their curriculum design. Adaptability is assessed by how the Thai language programs maintain the ability to meet various learner needs that emerge from migration, as well as poverty and social instability, by providing flexible class times, dropout re-entry policies, distance learning options, and support networks through LINE and Messenger groups. The framework's middle section examines Thai language learning opportunities that Shan migrants can access through civil society organizations and government institutions, as well as informal learning environments that include workplace communication, peer support, and self-study. The final section demonstrates the outcomes of social integration, illustrating how both formal and informal access to Thai language education enhances migrants' language proficiency and enables them to participate more deeply in Thai society. Social integration outcomes are analyzed using Bosswick and Heckmann's four-dimensional model, which encompasses structural (employment and public services), cultural (understanding and adaptation to the host culture), interactive (social relationships with the host society), and identificational (sense of belonging) aspects.

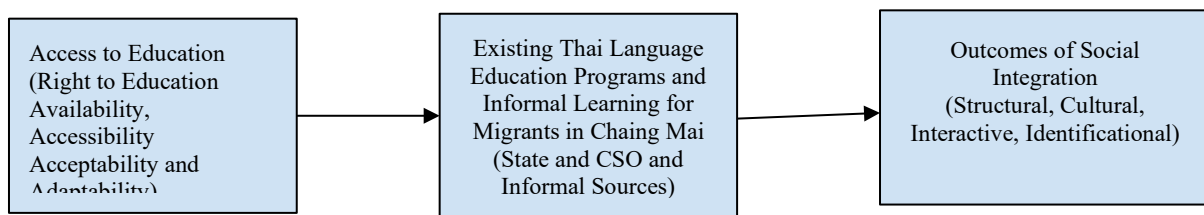


Figure 1: Conceptual Framework Linking Thai Language Education Access and Social Integration of Shan Migrants

Methodology

This study employed a qualitative approach, incorporating a mini-survey, to capture the diverse Thai language learning experiences and the role of Thai language proficiency in the social integration experiences of Shan migrants in Chiang Mai. The mini-survey included questions such as demographics and background of Shan migrants, class attendance, self-assessed language proficiency, their Thai language education experiences based on 4A framework such as availability, accessibility, acceptability and adaptability and whether their Thai language proficiency helps improve their access to jobs, public services, deeper understanding of Thai cultures, build social relations with their Thai friends and strengthen the sense of belonging in Thai society. Six case-study interviews were conducted with Shan migrants who differed in terms of Thai language proficiency, learning experience, demographics, and prior educational level. Moreover, semi-structured interviews were conducted with key informants from the selected Thai language providers from non-formal government education programs and civil society organisations (CSOs). The curricula of the chosen programs were also reviewed to evaluate their relevance and responsiveness to the real needs of migrant learners. All data were triangulated to ensure the validity and depth of the findings. During the data collection and interview process, ethical considerations, including anonymity, confidentiality, and informed consent, were carefully considered.

Findings

Shan Migrants' Access to Thai Language Programs in Chaing Mai

The findings revealed that there are five main types of Thai language programs offering Thai language education to Shan migrants. This study used pseudonyms for the five Thai language education programs and referred to them as Program A (Community-Based Learning Foundation for Migrant Empowerment), Program B (Volunteer-Run Thai Language Program by the Tai Association), Program C (Learner-Centered Migrant Learning Center), Program D (Thai Language Education Initiative by a Community-based Organization), and Program E (State-led Non-formal Education Initiative or Sor Kor Ror). The following matrix summarizes the comparative finding analysis of the five programs (A–E) through the lens of the 4A Framework.

Program	Availability	Accessibility	Acceptability	Adaptability
Program A	Moderate to High (Community-Based) - Operates regularly with inclusive enrollment and low-cost access, but is constrained by limited classroom space, reliance on volunteers, and minimal infrastructure.	Moderate - Offers free classes, including to undocumented migrants, but with limited capacity. Students' unpredictable work schedules also limit consistent participation.	High – Uses government-approved culturally relevant curriculum; supports further certification to the Sor Kor Ror pathway.	Moderate – Allows re-entry and uses LINE groups for student support. However, it lacks flexible schedules or consistent online learning for working migrants.
Program B	Moderate– Enrolls many due to inclusivity and low barriers, but is limited by weekly schedule, lack of funding, and volunteer dependence.	Low – Open to all with minimal costs, but Sunday-only schedule and transportation challenges limit access for many working migrants.	Moderate– Community-developed curriculum, culturally responsive, but lacks formal structure and certification pathways.	Low – No online or alternative class options. Limited ability to adjust to diverse migrant needs.
Program C	Moderate - Regular access is limited by a single teacher, small class size, and lack of support for expansion.	Moderate – Flexible teaching and low cost, but limited slots create delays for learners, making participation dependent on timing rather than need.	Moderate- Customized beginner-friendly lessons and cultural content, but no Sor Kor Ror pathway or further study	Moderate- Although it no longer offers online classes, the teacher adapts lessons to suit working migrants, older learners, and young people. The use of a LINE chat group for outside-class interaction supports some flexibility.
Program D	Low – Suspended due to safety concerns; fragile and irregular operation.	Low – Free and inclusive in principle, but fear of arrest and legal insecurity have	Low – Practical and needs-based for workplace Thai, but lacks consistency, structured curriculum,	Low - Switched to online teaching during immigration crackdowns, which shows some reactive

Program	Availability	Accessibility	Acceptability	Adaptability
		suspended operations, making the program inaccessible in practice.	and stable instructional delivery.	adaptability. However, low student engagement and the current suspension of the program limit sustained flexibility.
Program E	Moderate to High – State-supported with structured curriculum and certification, but limited access for undocumented migrants due to G-code rules and teacher shortages.	Low to Moderate- State-supported and free, but the G-code registration process and inconsistent implementation by local officials limit access for undocumented migrants.	High- Comprehensive, standardized curriculum with certification and civic education components; may be less accessible for low-literacy or undocumented learners.	High–Offers multiple re-entry points and digital access to learning materials via a national LINE platform. Strong alignment with Thailand's Zero Dropout Policy ensures long-term structural adaptability, although digital access may vary in certain areas.

Comparison of the 4A Dimensions Across Five Thai Language Education Programs in Chiang Mai

The 4A Framework analysis reveals that no program fully meets the requirements of all four dimensions. The structured curriculum of Program E, combined with certification pathways and re-entry options under Thailand's Zero Dropout Policy, makes it stand out for its high acceptability and adaptability. The program faces two significant restrictions because of G-code regulations and teacher shortages, which prevent undocumented migrants from accessing its services, even though they need educational inclusion most.

Program A demonstrates average performance in all areas. The program maintains strong availability and acceptability through its volunteer-based model and regular scheduling; however, its lack of digital learning resources and restricted physical space, as well as limited staff, limit wider accessibility and adaptability.

The program B demonstrates excellent enrollment inclusivity; however, its accessibility and adaptability remain severely restricted due to its limited operating hours, which are only on Sundays. Program C offers customized instruction through flexible teaching methods; however, its impact is limited by the presence of a single teacher and the lack of online learning availability.

Program D shows the lowest scores in all dimensions because it operates as an unregistered, underfunded community initiative. The program demonstrated some adaptive capabilities through its transition to online learning during police crackdowns; however, its unstable nature, insufficient safety measures, and lack of engagement and structure make it unsustainable.

Most programs show weak adaptability and accessibility dimensions, primarily when serving undocumented and working migrants. The existing limitations prevent migrants from sustaining their language learning activities and reaching social integration goals. The transformation of Thai language education programs into sustainable platforms for migrant integration requires targeted interventions, including blended learning approaches, secure legal access, and inclusive scheduling systems.

Informal Learning Pathways

The findings also indicate that informal learning pathways, in addition to formal classes, play a significant role in the acquisition of the Thai language by Shan migrants in Chiang Mai. Survey data indicate that nearly one in four respondents learned the Thai language through self-study, either via online platforms such as YouTube or by learning from friends or colleagues. Case studies also show that migrants can develop advanced Thai proficiency through workplace interactions and self-study. However, key informants warned that these informal sources lack systemic pedagogical oversight, and the migrants need to verify the reliable sources. Thus, hybrid approaches combine the flexibility and accessibility of informal learning with the quality, accuracy, and cultural sensitivity of formal curricula. Such hybrid models would better support Shan migrants in acquiring effective Thai language skills suited to their social and occupational contexts.

Findings on Thai Language Proficiency and Social Integration of Shan Migrants

Structural integration involves migrants obtaining rights and gaining access to key positions and statuses within the fundamental institutions of the host society, such as the labor market, healthcare, and administrative services. For Shan migrants in Chiang Mai, proficiency in the Thai language plays a pivotal role in determining both the quality of employment and the ease of accessing public services. Findings from the case studies, key informants, and survey data reveal that improved language skills often translate into enhanced job opportunities, increased confidence in navigating public institutions, and improved

socioeconomic mobility. However, structural integration also depends on legal recognition and political inclusion, areas where many Shan migrants remain excluded. Although Thai language skills enhance access to work and services, they do not automatically translate into full legal or political rights. Shan migrants may become deeply integrated in the labor market and public service systems, yet remain legally and politically peripheral. Language proficiency alone cannot overcome the institutional barriers posed by limited citizenship rights, rigid documentation systems, and exclusion from political participation.

Cultural integration refers to the process by which migrants acquire knowledge and adapt to the norms and values of the host society, thereby claiming their rights and actively participating in it. Cultural integration among Shan migrants in Chiang Mai is profoundly influenced by their proficiency in the Thai language. As shown in both survey results and case studies, migrants with higher language skills are more likely to understand and adapt to Thai cultural norms, engage in local traditions, and navigate social expectations with confidence. While many participants have shown enthusiasm in blending Thai customs with their own Shan heritage, the ability to do so is often limited by language barriers, particularly for recent arrivals or those working full-time. These findings suggest that language acquisition is not only a means of communication but also a pathway to deeper cultural understanding and respectful participation in Thai society.

Interactive integration refers to the development of social relationships and regular interactions between migrants and members of the host society, extending beyond functional or institutional spaces. For Shan migrants in Chiang Mai, Thai language proficiency plays a central role in shaping the depth and frequency of everyday communication with Thai locals, influencing how socially embedded they feel in their surroundings. Survey data indicates promising trends. Sixty percent of respondents reported that they talk with Thai people every day, beyond just work-related interactions. An additional 34 percent said they "sometimes" interact socially with Thais. Only a small minority, four respondents, said they rarely or never talk to Thai people outside of work. These figures suggest that everyday communication is a key entry point for deeper social inclusion. Several case study participants also reported that speaking Thai enabled them to build closer relationships with Thai friends, neighbors, and co-workers.

Identificational integration concerns the emotional and psychological dimensions of migrants' integration, particularly how they perceive their place in the host society, whether they feel accepted, and how they construct their identity within the context of migration. For Shan migrants in Chiang Mai, Thai language proficiency often functions as both a bridge and a boundary in this process of belonging. Across the case studies, language proficiency emerged as a significant enabler of psychological inclusion. Participants who had attained fluency or high proficiency in Thai reported feeling more confident, accepted, and settled. However, language proficiency does not eliminate structural barriers or erase social stigmas. Case 5, who had only recently begun studying Thai, shared his experience of being perceived differently once locals realized he was a migrant. Although his physical appearance initially allowed him to "pass" as Thai, his limited language proficiency eventually revealed his identity as Shan, leading to subtle forms of exclusion, being told that most Tai Yai work in 3D jobs. This fact

shows that identificational integration is not solely determined by individual efforts or language acquisition. Societal perceptions and ethnic stereotypes also shape it. Moreover, despite long-term residence and high levels of Thai language proficiency, most participants continue to identify primarily as Shan migrants from Myanmar. While Chiang Mai is widely perceived as "home," this does not equate to a desire to assimilate or acquire Thai citizenship. For these Shan migrants, belonging in Chiang Mai does not require abandoning their roots. Thus, integration for them is defined not as adopting a Thai identity, but as the capacity to live harmoniously in a multicultural setting while retaining their ethnic roots.

Conclusion

This study has demonstrated that Thai language education plays a critical role in shaping the social integration of Shan migrants in Chiang Mai. However, the current landscape of Thai language programs, implemented by both the state and the community, is not fulfilling the criteria of 4As, particularly for undocumented migrants, due to constraints including limited resources, inadequate government support, and bureaucratic hurdles. The findings also highlight that Thai language proficiency alone is insufficient to ensure full social integration of migrants. Although language proficiency can help the Shan migrants to access jobs, public services, cultural understanding, and build relations with Thai locals, it does not eliminate the cultural discrimination and stigma faced by Shan migrants. Migrants with strong Thai skills may still face exclusion and discrimination, and many choose to maintain their Shan identity while negotiating coexistence within Thai society rather than full assimilation.

These insights underscore the need for a rights-based, context-sensitive approach to Thai language education that not only expands linguistic opportunities but also addresses structural barriers such as legal insecurity and socio-cultural prejudices. Only through such comprehensive strategies can Thai language education become a genuine pathway to meaningful social integration for Shan migrants in Chiang Mai.

Therefore, policymakers, educators, and civil society organizations need to collaborate to design and implement inclusive, flexible, and adequately resourced language programs that prioritize the rights and diverse needs of migrant learners. Legal reforms to protect migrants' status and public campaigns to combat stigma are also in need. Together, these efforts can transform language education into a powerful tool for social equity, dignity, and belonging for Shan migrants and other marginalized groups in Thailand.

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FRAMING DEVELOPMENT: A COMPARATIVE ANALYSIS OF TAIWANESE AND CHINESE MEDIA NARRATIVES ON SINO-THAI BRI COOPERATION

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Abstract

The Belt and Road Initiative (BRI), launched in 2013, aims to enhance global connectivity and economic cooperation. Thailand, due to its strategic location, has become a key BRI partner, expanding its infrastructure with projects such as high-speed railways and investments in electric vehicles. These initiatives are reshaping Thailand's economy and geopolitics, but their implications depend on how the media frames them. This paper analyzes 200 news reports (2017–2024) from Chinese and Taiwanese media to examine how they frame Sino-Thai BRI cooperation. Drawing on framing theory and development communication paradigms, it highlights how political media systems influence narratives of development. Chinese media consistently utilize opportunity and propaganda frames, portraying China as a benevolent power while excluding dissenting voices. Taiwanese media, particularly the Central News Agency (CNA), present more pluralistic and critical perspectives, reflecting the logic of democratic media. The study emphasizes how media framing shapes public understanding of development and advocates for media plurality to ensure inclusive and accountable international cooperation.

Keywords: Sino-Thai, Belt and Road Initiatives, Media Framing, Taiwan.

Introduction

BRI is a grand strategy proposed by Chinese leader Xi Jinping in 2013, aiming to facilitate global connectivity and economic collaboration. BRI projects, such as the Thai–

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Chinese high-speed railway and EV sector investment, have expanded Thailand's infrastructure, while China has surpassed the US as Thailand's top trade partner. However, rising deficits and geopolitical balancing reveal deeper complexities; Thailand's trade deficit with China continues to widen (Benbourenane, 2024). Not only does Thailand face domestic political pressure, but it also needs to balance cooperation with Western countries, such as the US, as it seeks to prevent overreliance on China (Martín Olea, 2024; Benbourenane). Due to Thailand's strategic position in Southeast Asia and its historical ties with Taiwan, Sino-Thai relations—especially economic cooperation under the BRI—have attracted growing attention in Taiwan.

Taiwan is now one of the top Foreign Direct Investment (FDI) sources in Thailand. Taiwan's efforts to strengthen its relationship with Southeast Asia, particularly through its New Southbound Policy (NSP), have also deepened economic and investment ties with Thailand. Under sensitive geopolitical dynamics, the Taiwanese people are aware of Sino-Thai relations through media reports, which influence public perception through their agenda-setting functions (McCombs & Shaw, 2017). Taiwan's approach provides an alternative model for economic cooperation that starkly contrasts with the state-led development initiatives favored by China. This unique model might influence how Taiwan frames Sino-Thai cooperation, including narratives surrounding the BRI.

This study aims to compare Taiwanese and Chinese media coverage to analyze how political ideologies and media systems shape different media narratives on development, and how these affect public perceptions of regional cooperation. Based on the objective of the study, the paper aims to address the following research questions: How did Taiwanese and Chinese media frame economic cooperation in Sino-Thai relations from 2017 to 2024?

Sub-questions:

1. What are the key differences in how Taiwanese and Chinese media construct narratives about Sino-Thai relations?
2. How do these narratives reflect their respective political and ideological contexts?
3. How do Taiwanese and Chinese media frame the development outcomes of Sino-Thai cooperation under the Belt and Road Initiative, particularly in terms of economic growth, social equity, and local sustainability in Thailand?

Literature Review: Media Framing Theory and Comparative Media Systems

Entman (1993) outlines that media framing theory serves as a foundational framework for analyzing how media outlets select, emphasize, and present information to influence public perception. As Cohen (1963, p. 13) noted, "The press may not be very successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think about." Studies have extended this framework to comparative media systems, emphasizing differences in narrative construction across democratic and authoritarian contexts (Hallin & Mancini, 2004). Pan and Kosicki (1993) provide tools for analyzing how frames operate through language and structure, guiding this study's examination of Taiwanese and Chinese media.

Narratives serve as ideological tools. As Cohn et al. (2016) note, they are not just stories but expressions of shared cultural values that influence how audiences interpret events. Media use narrative devices—language, symbols, and visual elements—to create realities aligned with political and strategic goals. For instance, coverage of international conflicts like the Bucha massacre in the Russia-Ukraine war varies greatly across national media, demonstrating how framing reflects state agendas (Wang, 2023).

Comparative media research shows that political and institutional contexts greatly influence framing. Studies on environmental and geopolitical topics (e.g., Iyengar et al., 2010; Barkemeyer et al., 2017) reveal that democratic media often emphasize risks and dissent, whereas authoritarian media tend to support state-aligned narratives. In the context of Sino-Thai relations, Taiwanese outlets tend to highlight geopolitical issues and local resistance, whereas Chinese state media present initiatives like the Belt and Road as symbols of peaceful cooperation (Eriksson, 2023). However, little research has directly compared how such development narratives are framed under different political systems in East Asia—this gap is what this study aims to fill.

The Role of Media in International Development

Media are an influential force for international development, not only in transmitting contemporary values and information, but also in shaping or distorting stories about local needs. McPhail (2009) emphasizes that development communication needs to shift from top-down to bottom-up approaches, enabling communities to engage actively in development issues. Servaes and Malikhao (2005) make the case for participatory communication that captures grassroots voices and situates development within the aspirations of the target

populations. Schramm (1964) first presented his "Diffusion of Innovations" model, and envisioned media as the vehicle for new technologies and practices that create social change. Nevertheless, Scott (2014) has warned that these models tend to neglect more profound inequalities, and that media initiatives from the outside may end up legitimising the interests of the elite at the expense of dissenting or marginalised voices.

Such perspectives are particularly evident in how the Taiwanese and Chinese media illustrated Sino-Thai economic cooperation during the period from 2017 to 2024. Community participation in McPhail's discussion prompts the question of whether these novels represent Thai interests or merely a reflection of Chinese and Taiwanese interests. Schramm's model theoretically underpins why each media system transforms BRI into either innovation or intrusion. In the meantime, Scott's critique is that narratives themselves can legitimize dominant power while effacing local tensions or opposition.

In conclusion, the application of these theoretical approaches promotes a more critical examination of discourses on development, as presented by state and semi-autonomous media. It highlights the need to scrutinize what is framed as "development" and whose voices are amplified or neglected in the process.

Analytical Framework

This study employs qualitative framing analysis to investigate how Taiwanese and Chinese media present narratives about Sino-Thai economic cooperation. The analysis focuses on textual elements such as wording, tone, and imagery, particularly how terms like "win-win," "threat," and "development" are used to signal specific frames. For example, Chinese media often employ a "cooperation frame" to portray the BRI as a symbol of mutual prosperity and regional harmony. In contrast, Taiwanese media, influenced by the New Southbound Policy and democratic media norms, tend to apply more critical frames that highlight geopolitical tensions, risks of dependency, and civil society reactions. This framework allows for identifying not only what is being said, but also whose voices are emphasized or omitted in each narrative.

Methodology

Research Design: Comparative Content Analysis

This study adopts a qualitative comparative case study approach to analyze media coverage of Sino-Thai relations from 2017 to 2024. This design helps uncover detailed insights into complex, context-driven issues. A qualitative approach is particularly suited for examining the framing of narratives in media, as it captures underlying ideologies and contextual influences. The comparative aspect enables an analysis of the distinct differences in how Taiwanese and Chinese media portray specific events, reflecting their respective political and ideological contexts. It focuses on economic cooperation under the BRI and uses framing analysis to explore how media outlets from China and Taiwan construct narratives.

Sampling Strategy and Data Collection

1. **Timeframe:** The selected timeframe (January 2017 – December 2024) corresponds to the period during which China's Belt and Road Initiative (BRI) experienced significant developments in Thailand. In September 2017, the two governments signed the Joint Action Plan on China–Thailand Strategic Cooperation, along with bilateral cooperation documents covering BRI construction, railway development, and other sectors (Ministry of Foreign Affairs of the People's Republic of China, 2017). The inauguration of the China–Thailand Railway project in the same year marked a key milestone in Sino–Thai economic cooperation (The Belt and Road Portal, 2018).

Following Prime Minister Prayut Chan-o-cha's resignation in 2023, his successor continued pursuing BRI-related projects with China. However, shifting political leadership and evolving economic priorities under the new administration have brought new dynamics and uncertainties to the bilateral relationship. This timeframe provides a comprehensive foundation for analyzing media coverage during this critical period of continuity and change.

2. **Keywords:** Articles will be identified using keywords such as "Belt and Road Initiative (BRI)," "economic cooperation," "investment," and "Thailand-China relations."
3. **Media Outlets:**
 - a. **People's Daily Online (PD; 人民網):** As the official newspaper of the Chinese Communist Party, this outlet represents the Chinese government's perspective on Sino–Thai economic relations and BRI-related projects.

- b. The Paper (PP; 澎湃新聞): A Shanghai-based digital news outlet known for its progressive tone. The Paper claims to be the first Chinese media product to fully transition from traditional to new media, becoming a leading brand in online Chinese-language journalism (The Paper, n.d.).
- c. Central News Agency (CNA; 中央社): Taiwan's state-run news agency, which offers a perspective rooted in Taiwan's geopolitical considerations and often provides a counter-narrative to mainland Chinese media.
- d. United Daily News (UDN; 聯合報): Established in 1951 and currently under the United Daily News Group, UDN has been one of Taiwan's most influential media outlets since the end of the authoritarian era. It is widely recognized for its Pan-Blue stance and pro-Kuomintang (KMT) orientation (Rawnsley et al., 2016).

To ensure that the dataset is manageable and analytically sufficient for capturing media narratives over the eight years from 2017 to 2024, this study collects 50 articles from each of the four selected media outlets—20 main and 30 supplementary samples per outlet. The main samples serve as the primary material for comparative analysis across Taiwanese and Chinese media systems. In contrast, the supplementary samples provide additional depth, enabling the researcher to identify subtler patterns and emerging themes beyond the core comparisons. To ensure a balanced temporal distribution and coverage of major geopolitical turning points, the articles are chosen from key moments such as:

- The signing of major BRI agreements in 2017 and the inauguration of the China–Thailand Railway project in December 2017.
- The COVID-19 pandemic period (2020–2022), and
- The transition from the Prayut to the Srettha administration in 2023.

Reports covering significant events, including bilateral summits, infrastructure project launches, and official policy announcements, are prioritized. This approach allows for a robust longitudinal comparison of how media narratives respond to political and economic developments.

This study adopts coding to analyze the topic and frame used in each sample, the thematic coding are classified into eight categories: Infrastructure (T1), Invest (T2), Trade (T3), Tourism (T4), Technology (T5), Diplomacy (T6), Strategic Competition (T7), Social Response

(T8); Frame coding are classified into six categories: Opportunity (F1), Challenge (F2), Threat (F3), Geopolitical (F4), Propaganda (F5), Skeptical (F6).

Frames were identified through repeated close reading, focusing on wording, tone, imagery, and source attribution. Reprints from state-affiliated outlets were noted where applicable to assess editorial independence.

Positionality and Ethical Considerations

As a researcher from Taiwan, my perspective may influence interpretation. To ensure rigor, I employed systematic coding procedures and included both state and independent media. All sources are cited ethically and analyzed objectively.

Findings: Framing Analysis

To understand how different media systems construct development narratives, this section compares framing patterns across four major media outlets by examining both primary and secondary narrative frames, including cooperation, threat, propaganda, and skepticism, in 50 articles from these outlets.

Chinese state media overwhelmingly use dual-frame combinations such as "opportunity + propaganda," while Taiwanese media—particularly CNA—display a broader range of critical and skeptical frame pairings. For more details regarding People's Daily, 49 of 50 articles used the F1 opportunity as a dominant frame. A total of 20 primary samples are adopted, with the F1 opportunity as the main frame; the other 29 articles come from subordinate samples. Furthermore, 29 articles out of 50 adopted F5 “propaganda-oriented” sub-frames, with recurring phrases such as “win-win cooperation” and “high-quality BRI construction,” illustrating a nation-branding logic in media narrative.

Similarly, The Paper used F1 opportunity and F5 propaganda as dual narratives. Among the dominant frames, F1 opportunity overwhelmingly dominates (34 articles), followed by F5 propaganda (12 articles). Look closer at the primary samples; 16 out of 20 articles adopted F1 opportunity as the main frame, and 18 out of 30 articles from the subordinate samples adopted F1 opportunity as the main frame too. Notably, within the F1 group, 23 articles also employ F5 propaganda as a secondary frame, forming a dual-layered narrative of development, packaging, and state discourse. Phrases like “building a community of shared destiny” and “win-win cooperation” frequently appear, signaling narrative alignment with official political rhetoric.

As for Taiwanese media, UDN adopted a similar structure, though its commentaries sometimes included critical or skeptical undertones. The dominant frame was F1 opportunity (25 articles), highlighting positive narratives of win-win outcomes, prosperity, and mutual benefit. The next most common were F5 propaganda (8 articles) and F4 geopolitical confrontation (6), indicating that some articles adopted Chinese official discourse or emphasized Sino-U.S. competition and strategic ambiguity. Frames such as F6 skeptical (3) and F2 challenge (4) were rare, showing limited coverage of risks or critical perspectives. Moreover, analysis of primary and secondary narrative frames reveals a “dual-packaging strategy”: Of the 25 reports framed as F1 opportunity, 17 paired it with F5 propaganda as a secondary frame. While adopting a neutral or cooperative tone, these reports frequently incorporated Chinese official language or ideological discourse, such as “community of shared future” and “mutual prosperity,” indicating embedded alignment with Chinese state narratives.

CNA, in contrast, employed a polarized framing strategy, combining positive development discourse with skeptical or challenge-oriented narratives, particularly in stories that covered public backlash or environmental controversies. CNA's dominant frames are F1 opportunity (19 articles) and F6 skeptical (12 articles), reflecting a tension between legitimizing cooperation and voicing criticism. Notably, across outlets, primary samples were more likely to adopt positive or official frames (F1/F5). In contrast, supplementary samples—particularly in CNA and UDN—provided space for skeptical or socially reactive framing (F6/T8), suggesting a divergence in editorial openness based on content tier.

In summary, People's Daily and The Paper exhibit a dominant use of the F1 + F5 pairing, aligning development discourse closely with official propaganda and reinforcing the narrative of China as a benevolent regional leader. CNA exhibits the most diverse pairing patterns, including critical combinations such as F6 + F2 (skeptical + challenge) and F6 + F3 (skeptical + threat), which highlight media plurality and critical inquiry. UDN balances between positive and critical pairings, but prominently employs F1 + F5 in news reports while reserving F3 + F6 and F2 + F3 pairings for critical commentaries. It shows that frame pairing is not random but structured by media ideology and editorial norms. State media privilege coherence (e.g., development paired with propaganda), while democratic media are more likely to juxtapose cooperative and skeptical frames to reflect narrative tension or public dissent.

Conclusion

Chinese media, exemplified by People's Daily and The Paper, consistently promote a highly uniform and positive view of Sino-Thai cooperation. Their coverage primarily features "opportunity" frames, often combined with "propaganda" elements that emphasize China's leadership, benevolence, and narratives of mutual benefit. The content mainly relies on state sources and visual symbols of diplomacy, with almost no presence of dissenting or critical perspectives (F3/F6).

Taiwanese media display a wider variety of patterns. CNA, in particular, reflects a pluralistic media environment, balancing development narratives with skeptical and challenge-oriented perspectives (F6/F2). CNA's inclusion of public opinion, political dissent (e.g., CNA-36), and civil society viewpoints demonstrates how democratic media systems facilitate more nuanced storytelling. UDN exhibits signs of hybridization, particularly through its significant overlap with Chinese narrative framing in the main samples, while occasionally allowing critical voices and alternative perspectives in its supplementary coverage.

Differences between the main and supplementary samples further highlight editorial strategies. In Chinese media, primary samples strictly adhere to the official line, while supplementary samples slightly broaden the range of topics but remain within the same ideological framework. Taiwanese outlets utilize supplementary samples to explore nuanced or emerging themes, indicating a more adaptable editorial approach.

Media outlets utilize narratives and discourse to convey specific perspectives about issues to their target audiences. Further examine the implications of the connection between these findings and the four media outlets. Because the language used in Chinese media is in Simplified Chinese characters and English, the primary target audiences include those living in mainland China and ethnic Chinese who can read simplified scripts. According to the findings, the Chinese media controlled by the CCP promoted "win-win" and "mutual benefits" through their coverage of Sino-Thai relations to influence how readers "think about" these issues. In contrast, Taiwanese media employ traditional characters to disseminate stories regarding Sino-Thai relations. The difference in framing between UDN and CNA may suggest the presence of multiple editorial logics within Taiwan's media landscape. While CNA tends to adopt a more cautious or critical tone toward Sino-Thai cooperation—possibly reflecting its public media role during the DPP administration—UDN's framing shows greater alignment with Chinese media narratives in several cases. This divergence could reflect broader political

plurality in Taiwanese society, though further study would be needed to confirm such associations. These findings effectively group the four outlets into three categories—PRC-controlled, non-state-aligned, and DPP-affiliated—while also reflecting more profound structural differences between centralized and pluralistic media systems (Hallin & Mancini, 2004). Chinese state-controlled outlets represent a centralized media logic, while Taiwanese media outlets, especially CNA, embody a liberal-pluralist model that accommodates dissent and societal debate.

Theoretical Contributions

This study contributes to media and development scholarship by combining framing theory (Entman, 1993) with Hallin and Mancini's (2004) model of media systems. It demonstrates how political systems shape not only media ownership and control but also narrative framing, source selection, and issue emphasis. The clear contrast in how Sino-Thai cooperation is portrayed highlights how state-controlled media serve as tools of strategic communication, while democratic systems promote multidimensional reporting.

Additionally, this research emphasizes how media framing influences the geopolitics of perception. By emphasizing or excluding specific themes—such as dependency, dissent, or local impact—media shape not only the public understanding of economic relations but also the legitimacy and perception of diplomatic initiatives like the BRI. By showcasing different narrative approaches, the study enhances our understanding of how media not only report on development cooperation but also influence its meaning for domestic and regional audiences.

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RETHINKING SUSTAINABLE URBAN DEVELOPMENT THROUGH MORE-THAN-HUMAN ATMOSPHERES IN BANG KACHAO, THAILAND

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Abstract

This paper investigates urban air as an agentic force shaping the relationship between Bangkok and Bang Kachao, its designated "green lung." Traditional sustainable development frameworks often overlook the air's dynamic role, treating it as a passive environmental component rather than an active participant in urban ecologies. Drawing on ethnographic research in Bang Kachao, this study argues that an affective, more-than-human analysis of urban air provides crucial insights for rethinking sustainable urban development beyond anthropocentric and technocratic paradigms.

Employing an urban assemblage approach and theories of affective atmospheres, this paper examines how the materialization of urban air — specifically heat, wind, and pollution — is co-constituted through interactions between humans and non-humans. Findings highlight how residents' sensory attunements to the air's materialization influence their daily routines and sense of belonging, while visitors' perceptions of Bang Kachao as an "atmospheric escape" underscore the contrasts in air quality and its socio-spatial implications.

This paper critically assesses how prevailing policies and sustainable development projects in Bang Kachao often reflect anthropocentric and technocratic understandings of air and the environment, failing to acknowledge their relational agency. It proposes that sustainable urban development must integrate the qualitative, affective dimensions of atmospheric encounters, fostering a multispecies culture of care and responsiveness. Such an approach offers a more equitable and ecologically attuned pathway for urban planning, emphasizing the inherent interconnectedness between air, inhabitants, and governance.

Keywords: urbanism, affective atmospheres, assemblage, sustainable development

Introduction

Cities are important places in the Anthropocene, becoming *critical zones* (Latour), as they are both highly vulnerable to climate change impacts and significantly contribute to the problem (Grimm et al., 2008). With an increased awareness of the need to redesign our cities, supported by the introduction of SDG 11 on "Sustainable Cities and Communities",

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megacities across the globe have started creating urban green spaces and include nature-based solutions to address heating or flooding. However, the focus on sustainability is often more concerned with human comfort and convenience than with truly addressing ecological decline or climate impacts (Fieuw et al., 2022). Cities, usually perceived as human-dominated spaces opposite to rural or 'wild' landscapes, are inherently anthropocentric in their design and policies, and "it is the economic drivers of landscape change that dominate the land use planning agenda" (Houston et al., 2018, p. 195). This urban exceptionalism has led to insufficient planning and policies for climate resilience and adaptation.

A relevant example of greening the land and airspace of Bangkok is the conservation of the Bang Kachao peninsula, often referred to as the "green lung" of Bangkok. Initially, due to its island-like location since the 1780s and the Chao Phraya River functioning as a barrier, Bang Kachao was spared from the rapid urbanization and expansion of Bangkok's metropolitan area and was inhabited by farming and fishing communities.

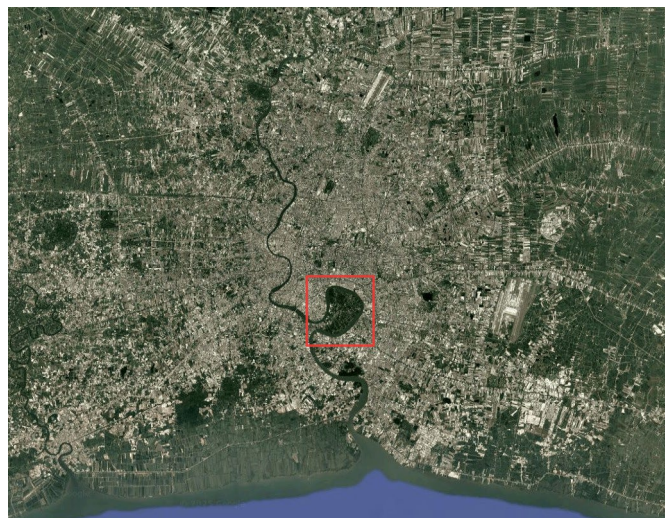


Figure 1 Research Site Bang Kachao

Note. The red square marks the location of Bang Kachao in the urban area of Bangkok, Thailand. Map created by the author using Scribble Maps (<https://www.scribblemaps.com/>) on June 4, 2025. Copyright: Google Open Street Maps.

The local land policy prohibits the building of large housing estates, resorts, or factories, and aims to conserve at least 60 percent of the area's natural biodiversity and green spaces (Ariando et al., 2017). The main objective of these policies, based on combined efforts and interests by the government, royalty, private sector and conservation advocates, was "to build and support it to be an eco-tourism destination in the form of an urban community forest and to function as lungs for Bangkokians" (Yamclee, 2007, p.3).

Considering the urban context and non-human elements of the (urban) environment as more than the background to urban life, "not an inert, natural backdrop but a collectively lived and shaped condition" (Anderson and Ash, 2015, p. 34), this study is a critical examination of how urbanization processes and air-related issues are co-produced across spatial and material

networks. This paper examines how perceptions of air flows between Bang Kachao and the Bangkok Metropolitan Region influence sustainability policies, infrastructure, and the lived experiences of residents in the area. By focusing on air as a relational and more-than-human element, the study critically examines how urbanization processes and environmental governance are co-produced through material and multispecies entanglements. It seeks to reconceptualize urban sustainability by foregrounding the agency of air and atmospheric conditions, and to propose a more-than-human approach to sustainable development in peri-urban contexts.

Conceptual Framework

This study examines how diverse human and non-human elements—such as air, infrastructure, vegetation, policies, and social practices—interact to shape the emergent relationships between Bangkok and Bang Kachao. The conceptual framework is used to highlight air as both a sensory and relational agent, capable of influencing and affecting the lived experiences of both human and non-human residents.

Urban Assemblage

The concept of assemblage enables me to reconceptualize assumptions about the city as stable and bounded, and to understand cities not as “socially constructed, but enacted into being in networks of bodies, materialities, technologies, objects, natures and humans” (Fariás, 2010, p. 13). I apply the concept of *urban assemblage* both ontologically and methodologically to analyze Bang Kachao and Bangkok as interconnected and relational components of a dynamic urban network. Using a more-than-human-centric lens, assemblage theory frames diverse actors such as air, urban infrastructure, vegetation, policies, and social practices as integral to the relationships that shape Bang Kachao’s role within Bangkok’s urban ecology.

Affective atmosphere

To study the effects and entanglements of urban air flows, this thesis conceptualizes air as not just air, but as an atmosphere, in both meteorological and affective senses. Researchers have defined atmospheres as “moving materiality” (McCormac, 2008, p. 415) in meteorological terms, consisting of the elements, gases, and particles that create the Earth’s atmospheric conditions. However, they have also described atmospheres as immaterial and “affective relations that animate spaces” (Adams-Hutcheson, 2017, p. 2). Bringing these two meanings together, I employ the concept of *affective atmosphere*, as defined by Ben Anderson (2009), which encompasses the affective, sensory and spatial dimensions of atmospheres. Affective atmospheres arise from the more-than-human interactions between various elements in a space, including human bodies, objects, environmental conditions, and non-human forces. They are not reducible to any single actor or factor but are relational, emerging from the interplay of these elements. They can be experienced individually and collectively, bridging ideas of space and temporality. This experience helps to understand air and its materializations as a “placed assemblage” (Shaw, 2017), studying the entanglements and effects of air on both human and non-human residents.

Sustainable development

Sustainability is commonly defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own” (WCED, 1987, p. 43). The approach of sustainable development emerged as a response to the environmental consequences of modernization, industrialization, and resource extraction that dominated much of the 20th century. With growing awareness of climate change, biodiversity loss, pollution, and resource depletion, concerns over the long-term viability of unchecked economic growth have become more urgent. They are now recognized as the main drivers of the problems we face in the Anthropocene (Moore, 2016). Willis (2021, p. 194) notes, “The long-term environmental problems were disregarded in favour of the goals of economic growth and development”, highlighting how development paradigms prioritized quantitative metrics of progress while not considering ecological limits and ethical considerations. Nature is often treated as a form of natural capital, valued primarily for its use in securing human well-being and economic stability and growth (Barbier, 2016).

Methodology

The method and research approach is an ethnographic study of Bang Kachao, using participant observation, affective ethnography, and semi-structured interviews with residents and key informants. The method is based on a more-than-human ethnographic approach, considering material flows and elements, multispecies interactions, and other-than-human influences on the place. The methodology considers the study site of Bang Kachao as a multispecies, more-than-human, peri-urban place and setting, which includes several ecosystems, villages, farms, conservation areas, and bodies of water (freshwater, seawater, blackish water).

The study employed key informants and informal interviews with participants recommended and randomly selected through snowball sampling, focusing on individuals who could provide diverse perspectives on air and its role in Bang Kachao. As this study employs an issue-based approach rather than focusing on populations, the exact number of interviewees was not determined prior to the fieldwork but evolved throughout the ethnographic research. In total, I did 10 interviews; 9 of which were conducted in Thai with the help of a translator, and one was conducted in English. The interviews ranged in length from 20 minutes to 3 hours.

Additionally, I spent 11 days conducting fieldwork in Bang Kachao through participant observation. Over five days, I conducted interviews with informants. On the sixth day, I engaged in observations, affective autoethnography, and immersed myself in various spaces of Bang Kachao, interacting with people and non-human beings. Observing and conceptualizing (urban) assemblages and their actors, this study includes *more-than-human sociality* (Tsing, 2013, p. 28) in research. Social refers here to being “constituted in relations with others”. This referral aligns with “a current turn towards a more inclusive notion of the social, as well as calls for attention to generative and affective relations beyond the human” (Lien and Pálsson, 2019, p. 3).

Findings

The findings first explore how air materializes in Bang Kachao through heat, wind, and dust, shaping everyday experiences and multispecies relations. The second part examines how sustainability is framed and governed in the area, revealing tensions between policy, performativity and local culture.

Atmospheres of Heat, Wind, and Dust

Drawing on assemblage theory and the concept of affective atmospheres, findings reveal how heat, wind, and dust emerge as dynamic forces that co-produce everyday life and relational networks in Bang Kachao.

Heat

Heat emerges as an agent that co-produces affective atmospheres of exhaustion, adaptation, and relational care. These atmospheres—such as the exposure along Phetchaburi Road, the transitional relief further north, or the contrasts in shaded parks—were created through assemblages involving asphalt surfaces, sun exposure, building materials, seasonal monsoonal rhythms, mobility infrastructure, and human mobility. The human responses to heat, such as adjusting routines, retreating into shade, or watering plants, revealed embodied forms of attunement and practices of care, particularly evident in informant Pa Tuk's gardening routines and the hydrological knowledge of farmers. While plants and animals such as birds, lizards, and dogs responded through retreat or temporal activity shifts, the research could only capture these changes indirectly. The primary consequence of the heat assemblage is a shifting of mobility and habitability, where space and time are curated in response to the intensity of heat.

Wind

Wind acted as a mediator and connector of the other elements, by relieving heat or carrying dust or sensations of freshness between places. It connects these local effects to global phenomena and seasonal patterns, such as the monsoon. Through assemblages of riverside vegetation, seasonal monsoon rhythms, park infrastructure, artificial wind (such as fans), and bodily sensation, the wind generates atmospheres that invite movement, refreshment, and pause. Interviews emphasized how wind produced an embodied awareness of the environmental contrast between the city and the island. Especially in locations like the northeastern riverside and parks, wind was experienced as more than a relief from heat; it connected visitors and locals to their environment and contributed to dissolving the binary between self and surroundings, enacting what Ingold (2007) terms the "weather-world." The consequence of this affective assemblage was a heightened sensory perception and emotional association of Bang Kachao with peace, livability, and escape, reinforcing its role as a "green lung".

Dust

Air pollution, or its absence, generated affective atmospheres marked by calm, slowness, and sensory relief, especially in sites like the Sri Nakhon Khuean Khan Park. These atmospheres were actively produced through dynamic assemblages involving plants, water

bodies, sensory routines, and infrastructural conditions, and revealed sensory attunements of people to atmospheric changes. Trees and leaves became more-than-human sensors, read by residents like Pa Tuk and P’Noi as indicators of pollution, rendering the often-invisible PM2.5 perceptible. These affective atmospheres emerged not only through ecological materialities such as shade, breeze, and greenery, but also through curated narratives—tourism discourses, policy framings, and seasonal rhythms—that constructed Bang Kachao as a place of escape. At the same time, spatial borders like rivers and bridges filtered movement and air, reinforcing contrasts between urban pollution and peri-urban freshness.

Sustainability in Bang Kachao

This section first investigates sustainable development projects and policies in Bang Kachao. Then it connects these to the atmospheric dynamics observed in the field, arguing that sustainability must account for the atmospheric culture shaped by everyday encounters with air.

Sustainable Development Approaches

Interest in Bang Kachao intensified after *TIME* Magazine dubbed it “The Best Urban Oasis in Asia” in 2015. This media attention catalyzed a new phase of sustainability discourse centered on eco-tourism and regenerative urban development, officially promoting it as Bangkok’s “green lung.” However, the dominant sustainability discourse, often rooted in top-down policy and royal conservationist narratives, does not address underlying tensions around land use and livelihoods. Land-use regulations prohibit industrial or large-scale residential development and mandate that 60 percent of the area remain green, but offer few economic alternatives for residents. This disjuncture has led many to sell their land, often to the state or private developers, resulting in unintended ecological consequences and a shift in land ownership patterns. Tax policies that penalize “abandoned” land have led to the conversion of biodiverse or untouched areas into cultivated zones.

The *OUR Khung Bang Kachao* initiative, launched by the Petroleum Authority of Thailand (PTT) and a collaborative effort among the public, private sectors, academia, and foundations, aims to bridge the income gap by generating income based on local sustainable practices. They fund localised community projects in recycling, agriculture, tourism and education, and are framed around “regenerative” development. While the initiative has created job opportunities and increased environmental awareness, its short project cycles, limited follow-up, and dependence on corporate CSR also reveal structural weaknesses. Through interviews with the PTT team and local community members, I found that despite genuine local engagement, many efforts remain temporary or performative, raising concerns about the depth and continuity of impact. These dynamics point to the ongoing challenge of aligning sustainability rhetoric with long-term, inclusive, and ecologically grounded outcomes.

Atmospheric Culture

Building on the critical analysis of sustainable development projects in the area, I argue that sustainability should focus on how it is cultivated and lived from below through everyday relations and seasonal attunements. It emerges from what I propose to call an

atmospheric culture —a collective way of life shaped by the affective and relational presence of air and the consequences of imposed air governance. Common notions of sustainable development often rest on the idea of a division between

'nature' and 'culture', and this dualism underlies much of mainstream environmental governance. To challenge this set of notions, culture here needs to be understood as entangled with nature, or what Haraway (2003) coined *naturecultures*.

Building on Anderson's (2009) concept of *affective atmosphere*, which emphasizes the temporality and indeterminacy of affect, I would argue that aspects of these atmospheres are also sustained in collective practice and multispecies relations through repeated, cyclical interactions with air, climate, and more-than-human actors. Air — in its different materializations as heat, wind, and dust — not only impacts individual mood and physical comfort but also participates in shaping communal rhythms, human–nonhuman interdependencies, and practices of care. These experiences are not merely physiological but relational and cultural: they are shared, remembered, and acted upon in ways that stabilize a sense of place and identity.

Local culture in Bang Kachao is structured through attunements to weather and air: people adjust their routines to heat and rain, share food, and engage in collective labor without instruction. These practices—like planting mangroves in response to salinization or managing forests for cooking, dyeing, and income—are atmospheric practices rooted in everyday life. The conservation of large areas of green coverage and restrictions on building construction have also shaped close cohabitation with plants and animals. The absence of dense infrastructure makes air more present and shared, as people live outdoors, travel by bike, and gather in response to atmospheric rhythms. Central to this atmospheric culture are key components of mutual care and collective responsibility: neighbors help one another with household repairs, share food without being asked, and participate in communal work tied to seasonal cycles and rituals. These practices create strong social bonds and shape an ethic of care not only among humans but also toward the more-than-human world, shaping sustainability as an embodied, relational process of ongoing cohabitation and stewardship.

Discussion: Towards More-than-Human Sustainability

Rethinking sustainability in terms of the more-than-human is one possible and essential approach to understanding the core drivers and root causes of the environmental crises we currently face, or as McGregor and Ashraful (2022, p. 170) express it:

“If we were to identify a core driver of the deteriorating planetary conditions that are changing the planet, it is surely the atomized focus on measurable human development outcomes above the broader more-than-human processes through which development occurs.”

In their paper “More-than-Human Development”, they propose the idea of *thick development* as an alternative approach to common development practices. This practice would include understanding communities and places not only in terms of human needs, but also to focus “on the different temporal and spatial rhythms of the multi-species communities

through which spaces and places evolve” (McGregor and Ashraful, 2022, pp. 171-172). This approach would generate new knowledge based on non-human agencies, and can be used to inform policies so that development processes and planning can include "thinking about how places, and all the more-than-human relations that comprise them, can develop together" (McGegor and Ashafrul, 2022, p.176).

Cameron (2023, p. 7) suggests reexamining every one of the sustainable development goals (SDGs) to expand their focus on societies and economies and understand the embedded human/more-than-human relationships in each of the Goals. Cameron argues that "refiguring the SDGs is a case of changing fundamental social relations and reframing what various elements mean, such as land, human agency, and trees" (2023, p.7). In her opinion, this approach would lead not only to thinking of the SDGs in terms of development agendas and quantifiable outcomes to be achieved, but rather "sustainability becomes living, habitability practices of care towards, and respect for, the rhythms and vitalism of the non-human world and other entities entangled with humans; it means the respectful sustaining of all resources” (Cameron, 2024, p. 8). Based on my findings on Bang Kachao's airspace, the principles of affect, attunement, respect, and care are essential to be included in reimagining and expanding the concept of sustainability.

To achieve this, a shift in ethics and perspectives is necessary; this requires the adoption of new methodologies in academia, the utilization of immersive and experimental approaches in education, the creation of spaces for dialogue, and the consideration of speaking on behalf of non-humans, moving toward a more-than-human governance of place.

Conclusion

Assemblage theory, affective atmospheres, and sustainable development were the central concepts to analyze how urban air flows shape the relationship between Bangkok and Bang Kachao. Together, these concepts provided a more-than-human lens that allowed me to study specific places and atmospheres while connecting these to broader urban and political dynamics.

By integrating affect, rethinking ethics and governance response-abilities, I argued for a more-than-human development approach that is attuned to place-specific relations, atmospheric cultures, and ethical multispecies coexistence. Too often, development has been synonymous with linear progress, growth, and modernization—values grounded in Western epistemologies. However, what if development were instead understood as plural, relational, and situated within a *pluriverse* (Kaul et al, 2022) of different ways of knowing, being, and living? McGregor and Ashraful (2022, p. 172) make a powerful point in this regard: "good change need not be limited to the human". Development, in this sense, should not seek universal solutions, but rather cultivate the capacity to listen to human and non-human voices alike and to attend to the specific relational contexts in which change unfolds. As Curry (2006, p. 1) points out, "such an idea is not new, but the idea of taking it seriously is new", especially in the context of mainstream development discourse. In this light, embracing more-

than-human ethics in development also requires a decolonial turn: recognizing the legacy of colonial thought embedded in the ideals of progress and modernization, and making space for alternative, often Indigenous, worldviews and values.

Ultimately, this means rethinking development policy itself. Rather than focusing solely on human needs, development planning should start by identifying shared interests—those entangled spaces where human and non-human relations intersect. Sustainable development must build on this foundation, extending even ecosystem service frameworks to account for the services humans provide to non-human species. This development opens up a radically different orientation: one that takes seriously the ethical, political, and practical implications of living in a more-than-human world.

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CHILLING EFFECTS ON FREEDOM OF EXPRESSION AND ASSEMBLY IN MYANMAR FOLLOWING THE MILITARY COUP FROM THE PERSPECTIVES OF FORMER POLITICAL PRISONERS AND LEGAL AID LAWYERS

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Abstract

Since the 2021 military coup, freedom of expression and assembly has been severely restricted in Myanmar. Furthermore, political activists, including women's rights advocates and human rights defenders, have encountered arbitrary detention and prison sentences. These individuals have had their fundamental rights undermined; they continue to be monitored by military intelligence, subject to re-arrest, and are not socially integrated upon their release. This situation makes it difficult for them to resume their political and legal activities after being released from prison, as evidenced by case studies conducted between 2021 and 2024, which featured interviews with seven former political prisoners and five lawyers providing legal aid. The research methods employed included semi-structured interviews and thematic analysis to capture the perspectives of former political prisoners and legal aid lawyers regarding freedom of expression and assembly. This paper illuminates how Myanmar's authoritarian regime has eroded the significance of freedom of expression and assembly through chilling effects, as viewed from the perspectives of former political prisoners and legal aid lawyers. The study's findings indicate three critical chilling effects identified within the conceptual framework: judicial repression chilling effects, state-survival chilling effects, and social chilling effects, all of which impact freedom of expression and assembly. In response, the paper recommends that local and international stakeholders prioritise efforts to foster support, drawing on the insights of former political prisoners and legal aid lawyers.

Keywords: Chilling effects, judicial repression, draconian laws, freedom of expression and assembly, Political prisoners, legal aid lawyers

Introduction

Following the 2021 Myanmar military coup, the coup leaders established the State Administration Council (SAC). The SAC declared a state of emergency and then put

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legislative, executive, and judicial powers within its administration. Subsequently, the military has strategically constrained and restricted civil rights, especially freedom of expression and assembly, through brutal crackdowns on nationwide demonstrations. During the security forces' crackdown, more than 700 activists and participants were shot and killed by security forces, including the police and the military (BBC, 2021). Based on the AAPP report, more than 29,000 people involved in peaceful assembly and expression have been arbitrarily arrested and detained, even sentenced to life imprisonment.

During the post-military coup, the military removed judges and replaced them with those with military backgrounds (Radio Free Asia, 2023). Township courts were temporarily relocated to the prison compound, known as the special courts, but some political cases were still heard in township courts outside the prison. The military also exercised its authority through military courts concerning freedom of expression and assembly within the prison (Maung, 2023). Political detainees reported torture and other human rights abuses during interrogation, but judges ignored these reports (ICJ, 2022). Lawyers have stated that their legal aid is now at risk of failing to support detainees' rights to expression and assembly, facing chilling effects that hinder their work in the militarised trial process (Thar Yar and Andrew, 2025).

Approximately 360,000 people, including government staff, law enforcement officials, and judges, participated in the Civil Disobedience Movement (CDM) (Radio Free Asia, 2022). The houses and valuable belongings of these CDM members were seized without a court trial (Irrawaddy, 2022). In some cases, they have encountered torture and severe human rights abuses in military interrogation camps (Mayberry, 2023). In some instances, the military targeted to arrest not only these CDM participants but also their family members, including wives and children (Radio Free Asia, 2021).

Women protested peacefully, such as hanging banners from windows and streets, and also participated in online protests against the military coup (Frontier, 2021). They have been arbitrarily detained and subjected to sexual abuse in military camps and prisons (Progressive Voice, 2023). Local news (Irrawaddy, 2024) report that women activists, protesters, and journalists were killed or detained. Some young women have faced sexual harassment, intimidation, verbal abuse, torture, inadequate medical care, and other gender-based violence during arrest (Myanmar researcher and Gaborit, 2021).

The paper examines the chilling effects in literature, introduces a framework with three factors that suppress political activism, discusses the views of former political prisoners on judicial, surveillance, and social exclusion effects, and suggests how stakeholder support can be leveraged through the perspective of former political prisoners.

Chilling effects on freedom of expression and assembly under Myanmar's authoritarian regime

In democratic nations, freedom of expression is often referred to as “the shield of liberty,” protecting civil and political rights (Memeti and Jaji, 2025). It enables individuals to express thoughts, opinions, emotions, or information through speech, writing, music, art, or

media (Emerson, 1972). The concept encompasses both instrumental justification--including political expression and elections--and constitutive justification, which involves autonomy, self-realisation, and human dignity (Melkonian, 2012). It is vital for recognising political, civil, religious, and personal rights.

At its core, the right to assembly is closely tied to the right to freedom of expression (Smith, 1967). Public meetings and assemblies play a crucial role in expressing minority rights and other political causes, especially when other avenues, such as the press, radio, and other forms of communication, are inaccessible (Smith, 1967, p. 365). In a similar vein, the notion of assembly illustrates the gathering of individuals who temporarily protest and demonstrate, regardless of their group identities (Brod, 2013). However, there is no universal agreement regarding assembly – the definition of assembly in domestic law is designed to be “regulatory” and “protective” in international law (Hamilton, 2020).

Existing literature often overlooks the chilling effects on freedom of expression and assembly, particularly under Myanmar's authoritarian regime. The chilling effect, defined as deterrence, causes people to avoid speaking or publishing out of fear of government punishment (Schauer, 1978). Legally, it involves errors such as biased testimony and misinterpretations, which create uncertainty (Schauer, 1978, p. 695). This situation leads to fear and uncertainty about the legal process, discouraging expression despite constitutional rights (Schauer, 1978, p. 732). However, the chilling effect does not rely solely on the legal mechanism; other factors also contribute to it. According to Penney (2021), self-censorship, avoiding certain situations, or distancing oneself from others due to feeling scrutinised also constitutes a chilling effect, acting as social barriers that influence actions.

Similar to Myanmar, authoritarian regimes use courts and special tribunals for political trials to repress 'outsiders' and dissenters through judicial repression (Shen-Bayh, 2022; Cheesman, 2011). Legal aid lawyers also experienced chilling effects when supporting political detainees after the 2021 coup; however, their refusal to concede military dominance through tactics of evasion and endurance (Lynn and Jefferson, 2025). Since General U Nay Win's 1962 coup, the military has imposed chilling effects, limiting civil and political rights and obstructing legal recourse (Cheesman, 2011, p. 5). These chilling effects exercised by the military continues to undermine freedom of expression and assembly.

Conceptual Framework

This study examines how the military utilises various forms of the chilling effect within the militarised judicial system and draconian laws. In this context, the chilling effect is not solely caused by the judicial mechanism and strict laws concerning freedom of expression and assembly. It can also stem from factors like state surveillance and social exclusion imposed by authoritarian regimes. These three key factors significantly contribute to deterring individuals from peaceful activities in Myanmar's autocratic regime, leading them to remain silent and restricting their rights to free expression and assembly. Consequently, these political activists have become self-censoring, hesitant to resume their activism, and have experienced disconnection from society after their release.

Research Methodology

This study used a qualitative approach to explore perspectives on freedom of assembly and expression through interviews with seven former political prisoners and six legal aid lawyers in Yangon, Myanmar. The semi-structured interviews lasted an hour, with audio recordings and notes taken. Data were thematically analysed and anonymised with pseudonyms to protect participants, who live in areas controlled by the military. Details of the interview process cannot be disclosed due to the risk of military retaliation. The study identifies three main chilling effects: judicial, state-survival, and social-exclusion.

No.	Interviewees	Type of Sample	Remark
1	Respondent 1	A woman former political prisoner	More than six years in prison regarding freedom of expression and assembly
2	Respondent 2	A woman former political prisoner	More than 3 years in prison regarding freedom of expression and assembly
3	Respondent 3	A woman former political prisoner	More than 3 years in prison regarding freedom of expression and assembly
4	Respondent 4	A woman former political prisoner	More than 3 years regarding freedom of expression and assembly
5	Respondent 5	A woman former political prisoner	2 years in prison regarding freedom of expression and assembly
6	Respondent 6	A woman former political prisoner	2 years in prison regarding freedom of expression and assembly
7	Respondent 7	A male former political prisoner	2 years in prison regarding freedom of expression and assembly
8	Respondent 8	A woman legal aid lawyer	Expert
9	Respondent 9	A woman legal aid lawyer	Expert
10	Respondent 10	A woman legal aid lawyer	Expert
11	Respondent 11	A woman legal aid lawyer	Expert
12	Respondent 12	A woman legal aid lawyer	Expert
13	Respondent 13	A woman legal aid lawyer	Expert

Findings

Judicial Repression and its Chilling Effects

Since the 2021 military coup, judges and law officials have been replaced with military loyal people, and they have been working under military control in political trials where political activists have been sentenced under Section 505 (A) of the Penal Code and the

counter-terrorism law to impose maximum sentences against their peaceful activities, especially exceeding two years (respondent 10, personal communication, May 21, 2025). Additionally, these individuals have been promoted by the military to higher positions after handling political cases and have been transferred to Naypyitaw (Respondent 13, personal communication, June 27, 2025). Township judges in the special courts, located in Insein prisons, were unable to decide independently because military intelligence often monitored the judges' decisions and movements, as well as their interactions with lawyers and political detainees, through CCTV cameras during the political trial process (Respondent 9, personal communication, June 21, 2025). In contrast to the courts outside the prison, the judge appeared more flexible, offering greater opportunities for lawyers to discuss their points and allowing more time and days for preparation (Respondent 11, personal communication, June 20, 2025). Respondent 13 discussed his experiences with the special courts, highlighting the treatment he and other political detainees received from the young judge:

... I vividly remember the moment when the young judge called me and said, "I have decided to make a mini sentence with Section 505 (A) (his political detainee), but unfortunately, this morning, I received a message sent by Naypyidaw (referring to the military authorities) on Viber. They wanted me to allow other criminal charges, including a terrorist charge, to be brought along with long-term imprisonment against him. That is why I cannot help him." Then, he showed me his Viber message before the trial process ... (personal communication, June 27, 2025)

This case illustrates the connection between the judge and the lawyer. The judge sought to show leniency towards the political detainees, aiming to reduce their sentences. However, an unforeseen military instruction from Viber undermined his decision, highlighting the military's coercive influence on the judge during the political trial process. Additionally, the military appears to exert influence over the judge regarding the length of sentences or the duration of imprisonment. Respondent 10 notes that judges often reduce sentences or release political detainees, after which they are quickly called to be examined by higher-ranking judges with military backgrounds and removed or transferred to remote areas (personal communication, June 21, 2025).

Respondent 1, a former political prisoner, participated in the demonstrations on two occasions and was incarcerated twice as a result, sharing her perspectives on how the military utilises the courts to silence freedom of expression and assembly:

... Under the previous civilian government, courts were open to the public through hearings and the media; however, court procedures have undergone significant changes. Political activists cannot express their perspectives on why they engaged in peaceful assembly and expression, not only on the street but also in disclosing their experiences of human rights abuses within military camps ... The judge disregarded whatever we discussed ... They made a verdict based on the accusation from the military... (personal communication, June 14, 2025)

This response suggests that the courts were previously designed with open access and transparency in mind for the public. Still, later, after a military coup, these fair trial norms and

procedures were restricted entirely, and even the rights of detainees were undermined in the militarised criminal justice setting. During the trial process, she attempted to portray her actions as peaceful activities for the public rather than posing a threat to the public interest, despite the brutal crackdown on her peaceful activities and the torture she endured in the military camps. Nevertheless, the judge never considered her rightful actions and made a decision based on the military accusation. In some cases, it is learnt that the judges did not allow political detainees and their lawyers to submit any evidence against the allegations from the military because they claimed that they could not sacrifice their family members as political detainees (Respondent 1, personal communication, June 14, 2025).

State-survival chilling effects

Based on interviews with former political prisoners, their phone conversations and online expressions have been explicitly targeted by the military. They have discussed future peaceful assemblies and other activities over the phone in opposition to the military coup (the respondent 7, personal communication, June 15, 2025). In addition, former political prisoners have posted their perspectives against the military and have been re-arrested. Respondent 7 expressed:

...After being released from prison, some of my friends continue to participate in the previous peaceful assemblies and express themselves online. They demonstrate remarkable bravery in demanding their rights; however, they have unfortunately been re-arrested for posting on Facebook against the military... (personal communication, June 15, 2025)

In this instance, the military surveilled the phone conversations and social media of former political prisoners. Despite being released, these individuals were prohibited from engaging in their peaceful activities, such as expressing themselves online and assembling, which the military viewed as a threat to their authority.

Occasionally, the act of liking and sharing on social media is viewed as a threat to national security or military strength. Respondent 12, a legal aid lawyer, recounted the experience of providing legal aid to political detainees about this act:

...My political detainees liked a post on Facebook against the military. After a few days, the Sa.Ya.Pha (known as the military intelligence agencies) and soldiers came to his home and arrested him ... "Click Like" has become a risk for social media users. Individuals who like and share posts on Facebook have been charged with several criminal offences, including those related to counter-terrorism law ... (personal communication, June 14, 2025).

Her experiences indicate that access to information and its sharing are now jeopardised after the military coup. The long imprisonment as a detainee shows that the military perceives any shift from just liking and sharing to supporting their political opponents. In some cases, political activists reveal comments in the local news concerning the military and relate to political issues regarding the arbitrary arrests of these individuals. Both physical expression and assembly, as well as online activists related to freedom of expression and assembly, have been brutally abused and violated by state surveillance. Interviews with former political

prisoners reveal that after their release, they have become self-censoring, avoiding actions such as liking, sharing, and commenting on social media.

Social Exclusion as a Chilling Effect

Former political prisoners involved in previous peaceful assemblies and expressions reveal that after their release, they face exclusion from their society due to the consequences of military intimidation. In some cases, former political prisoners reported that when they returned home, their names were removed from the household list by other family members, ostensibly to avoid the military threat. As a result, they faced challenges in obtaining passports, national identity cards, and securing employment. Respondent 7, a former political prisoner, commented on the situation of political prisoners following their release:

Former political prisoners were instructed by the prison authorities to report to the local police station and the administrative ward after their release. Furthermore, wherever they travel, they are required to report, and I did not. Instead, I have moved to another area ... (personal communication, June 15, 2025).

In this instance, it is clear that the military does not merely surveil the political prisoners but also instructs them to independently report their movements for a month to the relevant authorities. Furthermore, mandatory reporting restricts freedom of movement, limiting their ability to engage in peaceful activities. Ongoing state surveillance and control, coupled with restrictions on freedom of movement, noticeably contribute to social exclusion, prohibiting social integration and participation in peaceful expression and assembly.

Respondent 11 (personal communication, June 10, 2025) also noted that local authorities, particularly administrative ward staff, along with soldiers, frequently visited former political prisoners' homes, which created personal and mental insecurity for their neighbours and family members. On the other hand, the relationships with neighbours and families have become exclusionary for these political prisoners due to the military's surprise checks.

Conclusion

Based on the research findings, the Myanmar military has entirely suppressed and restricted peaceful activities related to freedom of expression and assembly, using three different forms of chilling effects: Judicial repression, state surveillance, and social exclusion. Currently, the criminal justice system has been militarised by the Myanmar military, resulting in judicial actors being incapable of making a fair verdict or protecting the rights of detainees. The military also employs a 'carrot and stick' approach in managing judicial actors: co-opting the military offers promotions or punishments if they do not cooperate. As a result, the military secret order/verdict is prioritised over judges' discretion. Besides, the military does not solely rely on the judicial chilling effect; they also monitor the social media accounts and phones of political activists. Additionally, their social exclusion approach involves soldiers and administrators being ordered to visit these activists' homes and family members, along with intimidation. As a result of these chilling effects, freedom of expression and assembly activities are discouraged, and people are hesitant to participate in them.

This article does not cover the treatment of political activists and their actions in prison, as the prison environment can also hinder their peaceful activities, including freedom of expression and assembly. It should be further explored in future research. However, these two rights should be exercised following both international and constitutional law without restriction. Furthermore, the paper recommends that local and international stakeholders focus on building support by offering education, vocational training, and psychosocial assistance to civil society, particularly in the protection of political prisoners, based on the views of former political prisoners. Additionally, these interviewees call for increased international pressure to help reduce ongoing violations within the criminal justice system. Therefore, individuals should be able to participate in expressing their rights and gather, either publicly or online, to support the democratic process.

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RETHINKING GENDER PERFORMATIVITY IN BELGIAN CLASSROOMS: MOVING PAST THE "BOY CRISIS"

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Abstract

Policy, media, and public discussions throughout Western Europe have been influenced by the growing discourse on a "boy crisis" in education, which is characterized by boys' underachievement in literacy, rising dropout rates, and overrepresentation in special education. These issues, which are frequently presented as proof of a feminized educational setting that is out of step with boys' innate tendencies, have gained particular attention in Belgium. By moving away from essentialist or biological explanations and toward a performative understanding of gender in educational contexts, this thesis challenges such crisis narratives. This study rethinks classrooms as settings where gender is actively produced through repetition, regulation, and surveillance rather than merely expressed, guided by Judith Butler's theory of gender performativity. The study critically investigates how gender norms are enacted, policed, and occasionally subverted in educational settings using critical discourse analysis (CDA) and secondary qualitative data, such as policy documents, teacher reports, and classroom studies. The results show that by promoting essentialist presumptions, binary logics, and moral panic frames, the "boy crisis" discourse oversimplifies gendered educational disparities. While girls are subtly rewarded for adhering to standards of cooperation and diligence, boys' behavioral traits—such as restlessness or verbal assertiveness—are more commonly pathologized in Flemish classrooms. The thesis illustrates how peer dynamics and teacher perceptions co-construct gendered identities that influence students' academic paths, drawing on empirical research from Dutch-speaking contexts (Geerdink et al., 2016). These performances are the outcome of historically ingrained expectations about masculinity and femininity rather than manifestations of inherent difference. The thesis contends that the inflexibility of school norms that define success in strictly gendered terms is the true problem, rather than identifying boys' difficulties as proof of systemic bias against male students. Boys frequently have to balance competing demands to perform masculinities that are valued by their peers, such as toughness, disinterest, or dominance, and to meet academic standards that reward compliance and verbal fluency. Disengagement, misidentification, and exclusion may result from these conflicts. In the end, the study suggests redefining educational discussions to move past crisis rhetoric based on

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deficits. It advocates for more inclusive pedagogical approaches that challenge the normalization of gender differences and create room for a variety of student expressions by highlighting gender as performative. By connecting educational outcomes to cultural constructions of identity and inequality, it adds to the conversation about international development while providing a conceptual and empirical critique of gendered education in OECD contexts. The study also emphasizes how educators and policymakers must take a critical approach to the narratives they promote because, despite their best efforts, they may unintentionally perpetuate the very disparities they are trying to address.

Keywords: Classroom dynamics, educational inequality, Judith Butler, gender performativity, boy crisis, educational discourse, Belgium, and masculinity

Introduction

Concern over what has been dubbed the "boy crisis" has grown over the past 20 years in Western educational systems (Tyre, 2006). This narrative has become very popular in academic, media, and policy circles in nations like Belgium. Boys' poor literacy performance, greater dropout rates, and lower university enrollment rates are increasingly seen as indicators of a systemic failure in education that jeopardizes social cohesiveness in addition to individual outcomes. Boys in Belgium are much more likely than girls to drop out before finishing secondary school, be overrepresented in vocational tracks, and repeat school years (Vlaamse Overheid, 2025; Maenhout, 2024).

Urgent calls for reform have been sparked by these disparities, and they frequently center on the need to "re-engage" boys or rebalance an educational system that is allegedly biased toward feminine learning styles. This framing is by no means neutral, though. Boys are portrayed as inherently disruptive, kinaesthetic, or less talkative in the discourse of a "boy crisis," which often rests on essentialist gender assumptions. It also suggests that schools have been "feminized" at the expense of male students (Timmerman & van Essen, 2015; Purnelle, 2022).

In addition to oversimplifying the reasons behind underachievement, these framings also hide the sociocultural mechanisms that initially generate gendered educational outcomes. Importantly, they run the risk of re-centering male subjectivity as the normative baseline, presenting changes in gendered power dynamics as alarming, and presenting girls' academic success as a threat. This paper makes the case that we should examine the institutional and cultural processes that produce the boy crisis narrative rather than accepting it at face value.

This study does this by utilizing Judith Butler's theory of gender performativity, which views gender as a socially constructed set of norms that are enacted and reinforced through everyday practice and discourse rather than as a fixed identity or biological essence (Butler, 1990). It specifically poses the following question: How can Butler's theory of gender performativity offer a more complex interpretation of the educational gender gap known as the "boy crisis" than straightforward crisis narratives?

The study uses a qualitative methodology based on critical discourse analysis of Belgian policy, media, and educational literature to answer this question. The main analytical

weight is placed on how discourse creates and controls gendered subjectivities, although it also includes statistical data on educational disparities as contextual support. It goes beyond descriptive accounts of underperformance by analyzing these narratives using Butler's framework to reveal how gender is performed, policed, and made understandable in educational settings. The ultimate goal of this analysis is to reinterpret the boy crisis as a discursive construction that reflects and upholds dominant gender norms rather than as an empirical fact requiring reactive policy. By doing this, it creates room for a more inclusive and reflective approach to educational equity, one that views gender as a site of contested meaning, power, and performance rather than as a binary variable.

Framework for theory: Gender as performative

Judith Butler's theory (1988) of gender performativity, which provides a critical lens through which to examine the "boy crisis" narrative in education, serves as the foundation for this investigation. Butler's intervention, initially presented in *Performative Acts and Gender Constitution* (1988) and *Gender Trouble* (1990), questions the notion that gender is a stable identity or a logical progression of biological sex. Butler (1988), on the other hand, views gender as a regulatory fiction, a socially acceptable performance that is maintained through normative discourse, repetition, and surveillance.

According to this perspective, gender is a continuous enactment that is influenced by institutional power and cultural norms rather than something that an individual is. The difference between performance and performativity is fundamental to Butler's framework (1988). Performativity is the process by which gendered subjects are constructed through the repetition of socially explicable acts, whereas performance may imply an intentional, theatrical act. The appearance of a cohesive gendered self is materialized by these behaviors, which include how one dresses, speaks, moves, and interacts.

Crucially, these performances are the very process by which gendered identity is created; they are not manifestations of an already-existing identity. According to Butler's theory, norms establish and uphold legibility rather than just describing behavior. When gender is consistently acknowledged within prevailing cultural norms, it becomes "real." Because educational environments are rife with normative expectations and regulatory practices, this conceptualization of gender is especially useful for analyzing them.

The "ideal student" is frequently used to mediate normative assumptions about masculinity and femininity, which deeply structure classrooms. Discipline, verbal fluency, and emotional control are among the traits that are implicitly coded as feminine and more easily rewarded (Vantieghem et al., 2016). On the other hand, characteristics like physicality, emotional restraint, and competitiveness that are linked to hegemonic masculinity are usually pathologized or problematized, particularly when they show up as behavioral abnormalities.

The classroom is a crucial location in the iterative production of gendered subjectivities because these characteristics are not only observed but also performed, acknowledged, and reinforced through regular classroom interactions. Crucially, Butler's theory also emphasizes the potential for subversion. Gender norms are susceptible to disruption because they are

contingent rather than natural. According to Butler (1988), the process of "resignification" reveals the artificiality of the norm itself by allowing repeated acts to be parodied, inverted, or performed in a different way.

This creates the necessary room to acknowledge students as both possible agents of resistance and subjects of regulation. Such subversive performances are frequently risky, though. They can challenge prevailing conventions, but when they deviate from understandable gender frames, they may also lead to criticism, exclusion, or misidentification. For this study, Butler's focus on discourse, regulation, and embodied repetition thus offers a potent analytical framework.

The performativity lens shows how social norms, institutional practices, and discursive regimes shape gendered educational outcomes rather than seeing boys' academic difficulties as a reflection of intrinsic deficiencies or feminized institutions. This makes it possible to comprehend how masculinity and femininity are created in educational systems in a more nuanced way, as performances influenced by resistance, power, and recognition rather than as fixed categories.

Classrooms as venues for performance

Beyond individualist or biological frameworks, a critical lens for interpreting gender disparities in education is provided by viewing classrooms as performative spaces. Based on Butler's theory (1988, 1990), the classroom can be viewed as a place where gender is actively constructed through social regulation, institutional expectations, and repeated acts rather than just a place where gender roles are reflected. Teachers, peers, and the larger school culture all influence how students are perceived, evaluated, and react in these performances.

Institutional expectations—such as punctuality, neatness, verbal participation, and emotional control—are often implicitly coded as feminine, meaning that students who perform these traits are more likely to be recognized as “good students.” Conversely, behaviors more readily associated with hegemonic masculinity, including physical restlessness, nonconformity, or verbal assertiveness, are often interpreted as disruptive or deficient. Students and teachers internalize and reinforce these gendered expectations, as shown by the work of Vantieghem et al. (2016, 2025). Boys are frequently viewed by teachers as more unruly, distracted, or immature, whereas girls are regarded as hardworking and articulate.

By influencing how students are treated and how they perceive themselves, these perceptions not only reflect but also contribute to the creation of classroom realities. Although they may receive less severe punishment than girls who deviate from femininity, boys who adhere to normative masculinity—by avoiding involvement in school activities or emotional expression—also suffer academic setbacks. When girls reject feminine-coded behaviors, they may face harsher disciplinary measures, but they are rewarded for compliance. A feedback loop is produced by these institutional dynamics: students internalize gendered expectations and modify their behavior accordingly, reinforcing the norms that generated them. This process is exacerbated by peer dynamics, particularly in adolescence.

In contrast to girls who assert themselves or defy classroom norms, boys who exhibit qualities like emotional openness or close relationships with teachers are frequently socially disciplined by their peers. These small-scale interactions add up to larger educational paths and contribute to underachievement patterns that are frequently misrepresented as normal or unavoidable. Empirical research conducted in Dutch-speaking classrooms, especially by Geerdink (2007, 2016), offers specific examples of how gender is enacted and controlled in learning environments. According to Geerdink's observational study, girls were more likely to behave quietly and in accordance with the rules, while boys were much more likely to interrupt teachers, talk out of turn, and be labeled as verbally disruptive.

Nonetheless, almost 50% of all pupils, both male and female, were classified as non-talkers, suggesting that the behaviors typically linked to gender are not fixed but rather arise through repetition and recognition. Geerdink (2007) also discovered that even in the absence of conscious bias, teachers—especially female teachers—more frequently linked externalizing behavior to boys and prosocial behavior to girls, reinforcing gendered expectations.

These results support Butler's contention that citation gives meaning to actions and that repeated social recognition is the only way for gender to become coherent. Therefore, disruptive behavior is not intrinsically masculine; rather, it is made understandable as such through repeated framing within gendered discourses. These studies show that students constantly negotiate the limits of appropriate gendered behavior in the classroom, which functions as a crucial location for gender regulation. Peer group dynamics, internalized expectations, and institutional rules all come together to shape these negotiations. Boys' disengagement can be interpreted as a performance of masculinity that conforms to peer group values but deviates from school norms, rather than being a natural disposition.

Similar learned behaviors that adhere to institutional norms but may conceal more profound forms of constraint shape girls' seeming academic success. In both situations, gender is a process that is enacted, policed, and reproduced through the routine interactions that make up classroom life rather than a variable that can be compared to test scores.

Dissecting the discourse surrounding the boy crisis

The discussion of the "boy crisis" in education does not just happen. The idea that boys are falling behind is given shape and urgency by particular rhetorical techniques, institutional narratives, and political anxieties. Popular texts like Tyre's *The Boy Crisis* (2006) and Farrell and Gray's book of the same name (2018) helped this crisis narrative gain international traction. However, in Belgium, it has been replicated and localized through policy documents, media headlines, and educational commentary. By highlighting the dearth of male teachers, the alleged incompatibility of boys' innate learning styles with classroom norms, and the increasing predominance of female students in higher education, these sources usually portray boys as passive victims of a feminized educational system.

These portrayals use emotive and alarmist language, evoking a moral panic about boys' disengagement and portraying recent advancements in gender equality as excessive or dangerous. According to this interpretation, boys' academic underperformance is not only a

problem in schools but also a sign of a larger social downturn and a reversal of gender norms that needs immediate attention. This crisis discourse is notable for its heavy reliance on essentialist and binary conceptions of gender. Girls are positioned as naturally docile, talkative, and inquisitive, while boys are portrayed as naturally athletic, competitive, and active.

These presumptions reinforce the notion that biological differences are the primary cause of educational success or failure by ignoring the social and cultural production of behavior. Such narratives homogenize both boys and girls, erasing internal diversity and concealing the ways that gender intersects with race, class, and sexual orientation to influence educational outcomes, as demonstrated by Francis and Skelton (2005). The emphasis on average performance gaps and comparative statistics in the Belgian context further flattens these complexities by obscuring the lived experiences of students who don't fit the dominant gender norms. For example, the frequent reference to the "feminization" of education implies that boys are fundamentally incompatible with the current system and pathologizes women's teaching roles. This framing legitimizes calls for educational reform that would reassert rather than challenge traditional gender roles and perpetuates a nostalgic vision of masculinity under threat.

A compelling critique of this discourse can be found in Judith Butler's performativity theory. From a Butlerian standpoint, the crisis narrative uses language to create gendered subjects rather than just describing an empirical reality. A certain idea of masculinity that is frail, troubled, and in need of saving is reinforced by the frequent labeling of boys as victims and underachievers. The binary logic that underpins this rescue narrative, in turn, makes gender a zero-sum game: if girls are succeeding, it must be at the expense of boys.

Intelligible gendered positions are constructed by the discourse, which then uses them to defend institutional and political responses—girls as overperforming and threatening, boys as unruly and disadvantaged. Framing boys as being in crisis turns into a performative speech act that influences policies, behaviors, and expectations. Furthermore, by portraying educational results as proof of intrinsic qualities rather than as the result of socially controlled performances, the discourse eliminates the performative aspect of gender.

The crisis narrative in Belgium is part of a larger set of worries about the perceived instability of traditional norms and changing social hierarchies. A moralized portrayal of educational inequality is facilitated by the media's focus on male dropout rates, the demand for more male educators, and the frequent use of sentimental terms like "lost boys" or "boys adrift." However, an intersectional analysis is largely absent from this conversation.

While concealing the systemic disadvantages experienced by students from migrant backgrounds, lower socioeconomic status, or with disabilities, the emphasis is still on a presumed universal boy who is middle-class, cisgender, and implicitly white. As a result, the crisis discourse both limits the scope of discussions about educational equity and restores normative masculinity. Intersectional issues are marginalized in favor of a sentimental and simplistic narrative, and feminist advancement is presented as overreaching. Here, Butler's emphasis on challenging the standards that render gender understandable is essential because it draws attention to the ways in which the debate's very terminology is set up to exclude different interpretations of educational injustice. A performative approach asks how gendered

subjectivities are being constituted, policed, and possibly transformed within institutional settings, as opposed to how schools can better accommodate boys as a group.

Conclusion

This study has maintained that essentialist explanations of gender differences and statistical comparisons are insufficient to fully comprehend the "boy crisis" in education, especially as it is framed in Belgium. Rather, it needs to be positioned within the institutional and discursive structures that create and govern gendered subjectivities in learning environments. This study has shown that gender is a collection of socially acceptable behaviors that are enacted through repetition, recognition, and regulation rather than a static trait, drawing on Judith Butler's theory of gender performativity (1988). Gender is constantly performed in classrooms through interactions between peers, teachers, and students, all of which are influenced by cultural expectations and institutional norms. These performances are not neutral; rather, they are interpreted through gendered frames that reinforce patterns of educational inequality by rewarding some behaviors and penalizing others. Instead of providing a neutral diagnosis, the crisis discourse serves as a regulatory narrative that obfuscates more significant structural problems and upholds normative masculinity. It erases feminist gains and intersectional concerns while re-centering male subjectivity by portraying boys as the new victims of a feminized educational system.

By attributing underachievement to innate characteristics or a mismatch with school culture rather than to the social construction of gender itself, it provides a reassuring but ultimately deceptive explanation for complex phenomena. From a Butlerian standpoint, the recurrence of this crisis narrative creates gendered realities rather than just reflecting them. It influences how people view students, how they view themselves, and how organizations address their needs. A more complex and politically pressing understanding of gender and education is made possible by reinterpreting the boy crisis through the performativity lens. It focuses on challenging the institutional norms and cultural scripts that shape the educational experience rather than on fixing individual behavior or reestablishing a nostalgic gender balance.

This method also shifts the focus from how to "fix" boys to how to challenge, disrupt, or rethink gendered expectations. New pedagogical and policy opportunities arise when classrooms are acknowledged as places of learning as well as gender regulation and possible subversion. Teachers have a significant impact on whether prevailing gender norms are challenged or reinforced. The narrowing effects of intelligibility can be resisted and more inclusive forms of recognition and belonging can be made possible by practices that allow for emotional expression in boys, assertiveness in girls, and a variety of performances across the gender spectrum.

In the end, transcending the boy crisis narrative necessitates a structural rethinking of our conception of gender in education, not just a discursive critique. Gender is a social process that is constantly enacted and reinforced in classrooms; it is neither a risk factor nor a statistical category. We must acknowledge the performative nature of gender and make a commitment to

challenging the norms that continue to place students in unequal positions if we are to create educational environments that are truly equitable. Butler's (1988) theory provides a vocabulary for this criticism as well as a vision for its change, one in which gender is viewed as a field of opportunity to grow rather than a problem to be resolved.

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QUEER TOURISM DEVELOPMENT IN NEPAL: BUILDING TOURISM THROUGH A RIGHTS-BASED APPROACH

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Abstract

Highlighting the queer tourism industry in Nepal, this paper examines the potential for developing inclusive spaces within the tourism sector through LGBTQIA+ rights and legal reforms. The Nepali constitution has vested equal rights and protections in all sexual and gender minorities in the country. Despite concurrent legal milestones, such as third-gender recognition, decriminalization of homosexuality, and so on, there remains a gap in translating these rights into societal and sectoral inclusion, such as in tourism. Drawing on queer tourism theory and the rights-based approach, this qualitative study includes interviews with stakeholders, such as Queermandu Tours & Travels and the Blue Diamond Society. The study reveals that inclusive queer tourism can contribute to economic and social development by creating safe and liberating constructs for both LGBTQIA+ tourists and Nepali people working in the tourism industry. The paper concludes with some policy recommendations and highlights the need for future research on community-led LGBTQIA+ practices and advocacy in Nepal.

Keywords: Queer Tourism, Rights-Based Approach, LGBTQIA+ rights, Nepal.

Introduction

Nepal has made notable strides in LGBTQIA+ rights, becoming one of the first South Asian nations to recognize non-binary genders in its census and to ensure constitutional protections for sexual and gender minorities. These reforms mark a progressive shift in human rights advocacy, laying the foundation for broader societal transformation.

Tourism is a significant contributor to Nepal's GDP and holds promise for fostering economic opportunities while enhancing the country's global recognition. Queer tourism, a niche market that caters to LGBTQIA+ travelers, presents an opportunity for Nepal to align itself with international trends of inclusivity. By embracing queer tourism, Nepal can transform its tourism sector into a vehicle for economic growth, cultural exchange, and the promotion of Nepali identity. The concept of creating inclusive tourism spaces in Nepal involves creating environments that are inclusive.

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Environments that cater to the unique needs of LGBTQIA+ individuals while promoting safety, cultural understanding, and acceptance. This approach not only aligns with global development goals but also enhances Nepal's global reputation as an inclusive destination.

Although there has been some prior research on LGBTQIA+ rights in Nepal, studies connecting these reforms to attracting LGBTQIA+ tourists to Nepal remain scarce. Likewise, the practical application of these rights remains limited in scope, particularly in sectors such as tourism, which have the potential to contribute to both economic growth and social inclusivity. There may be credible reasons why a research gap exists in this field. For instance, as the advancement in LGBTQIA+ rights in Nepal is a relatively new and developing concept, a multifaceted research approach connecting it with other areas of development thus becomes a developing research area as well. Due to recent developments in the LGBTQIA+ movement in Nepal, there have also been discussions about how to approach the queer vision of Nepal from a decolonial and Nepali perspective. Thus, by addressing this gap, the study aims to create more substantial research and dialogues to understand how queer tourism can be developed as an inclusive and transformative force, a growing body of research at the intersection of queer studies and international development.

Research Question

How can Nepal's queer tourism sector, following legal reforms, create inclusive spaces for LGBTQIA+ tourists?

Historical Background on LGBTQIA+ Rights in Nepal

Some of the significant landmark legal decisions that have laid out the historical institutionalization of LGBTQIA+ rights in Nepal include:

- 2007 Supreme Court Decision (Sunil Babu Pant v. Government of Nepal): This ruling decriminalized homosexuality, mandated the formation of a committee to study same-sex marriage, and instructed the government to recognize "gender and sexual minorities (UNDP, 2014). This decision was also explicitly based on the Yogyakarta Principles, which were a set of international legal principles designed to apply the existing international human rights law to issues of sexual orientation and gender identity (SOGI) ("Sunil Babu Pant v. Nepali Government, 2007).
- 2015 Constitution of Nepal: The newly reformed 2015 Constitution of Nepal was the first fully realized constitution in post-monarchy Nepal. The constitution enshrined explicit protections for gender and sexual minorities under citizenship (Article 12), equality (Article 18), and social justice (Article 42) clauses. For instance, Section 18(3) of the Constitution of Nepal (2015) explains that the State shall not discriminate against, inter alia, "sexual minorities" ("Constitution of Nepal", 2015).
- Recognition of Third Gender: Nepal became one of the first countries globally to

introduce a third gender category on official documents. It is also the first country to allow its citizens to identify with the third gender option while registering the national census count (Knight, 2016). Becoming one of the more liberal countries in terms of gender ideology and identity, Nepal positioned itself on the global map relatively early in the 2000s, especially as a beacon for transgender and gender-diverse people.

- Same-sex marriage laws (2023): The Supreme Court ruled that same-sex marriages should be legally recognized and directed the legislature to create appropriate laws (Ghimire, 2023). Same-sex couples can now register under a separate registry, and so far, approximately 8-10 same-sex marriages that have been legally registered across Nepal have made it into local and international news, including one between a Nepali national and an American national (Ray, 2025).
- Transgender Laws (2024): In 2024, the Supreme Court of Nepal ruled that transgender individuals can amend their citizenship documents without undergoing medical procedures, marking a significant advancement in transgender rights through the court case based on Ruksana Kapali v. Nepali Government (Knight, 2024). After the court ruling, Ruksana Kapali, a transgender Nepali woman, was allowed to legally change her gender marker to female in all of her legal documents, including her citizenship document.

Identifying the Gaps in Translation

Despite Nepal's globally recognized legal reforms for the LGBTQIA+ community, a disjuncture exists between constitutional guarantees and their practical application, particularly in public-facing sectors such as tourism. The "gap in translation" underscores a critical issue: while policies exist on paper, there is limited societal awareness, weak implementation, and a lack of inclusive infrastructure. Moreover, LGBTQIA+ narratives are largely absent in Nepal's official tourism campaigns and development agendas.

Conceptual Framework

This research thesis primarily employs three theoretical frameworks to develop a final conceptual theory that answers the research question and fulfills the objectives. Firstly, it draws on queer theory to create an understanding of why the LGBTQIA+ movement in any country, including Nepal, does not occur in a vacuum and therefore impacts several other development sectors, including tourism. As queer theory explores the deconstruction of normative tourism practices, challenges heteronormative structures, and reimagines spaces for identity affirmation, the thesis applies queer theory, especially in the historical framework of the LGBTQIA+ movement in Nepal, to help understand how queer tourism can break down those societal barriers to further develop inclusive spaces in Nepal's tourism sector (Mulé, 2018).

Secondly, LGBT+ tourism theory examines tourism as a space of liberation and visibility, shaping LGBTQIA+ identities and communities. In the context of this thesis, LGBT+ tourism theory will help further develop strong and logical findings through interviews and desk research, which this thesis undertakes (Waite and Markwell, 2006).

Finally, the rights-based approach (RBA) anchors analysis in equality and justice through its four pillars: Participation, Non-discrimination, Accountability, and Transparency (Veneklasen et al., 2004). Through the RBA operationalization and the lens of LGBT+ tourism theory, this thesis offers some strategic recommendations for moving forward.

Methodology

This thesis employs a qualitative approach to answer the question and includes the following methods:

- Document Analysis: Review of legal documents, policy papers, archival records, and international frameworks related to LGBTQIA+ rights and tourism. Retrieving information and data from local organizations like Blue Diamond Society, Nepal, and Queermandu, who are actively engaged within the Nepalese community in terms of promoting LGBTQIA+ rights and support, mainly from their websites and research journals.
- Analysis of Marketing Campaigns and Advertisements: Reviewing advertisements and marketing campaigns by tourism operators in Nepal to understand how they target LGBTQIA+ travelers. Identifying strategies and narratives used to attract queer tourists to Nepal and assessing their inclusivity and effectiveness.
- Examples from other countries with more developed queer tourism sectors: An analysis of queer tourism initiatives in Thailand, Taiwan, and Argentina. However, these will not be comprehensive comparative case studies. Still, rather than examples and influences drawn from other countries, this will help form a foundation for understanding how countries in contemporary times have attracted more LGBTQIA+ tourists.
- Interviews: This research will also conduct semi-structured interviews with representatives from the LGBTQIA+ advocacy organization Blue Diamond Society and the LGBTQIA+ tour and travel agency in Nepal, Queermandu, focusing on their perspectives on the challenges, opportunities, and strategies for promoting queer tourism in Nepal.

Key Findings

- Legal Progress Does not Guarantee Inclusion: Despite reformative actions by the Supreme Court of Nepal in cases including same-sex marriage and third-gender recognition, there's a lack of LGBTQIA+-specific policies

within Nepal's national tourism framework. Bureaucratic hurdles remain widespread, particularly in areas outside urban centers.

- **Queer Tourism as Grassroots Innovation, Not Institutional Initiative:** The development of queer tourism in Kathmandu is grounded in necessity, community spirit, and informal infrastructure. Nepal's queer tourism sector is being led primarily by individual entrepreneurs, drag collectives, and community organizations. These grassroots actors are taking enormous initiative, often with little financial support or state recognition, to build inclusive tours, host queer events, and maintain LGBTQIA+-friendly spaces. While ministries and national campaigns remain silent on LGBTQIA+ inclusion, grassroots groups are building visibility, resilience, and creativity from the ground up.

This presents both a challenge and an opportunity: while institutional backing is still needed, organic queer-led innovation provides a strong foundation for ethical, locally rooted development. As viewed through the lens of LGBT tourism, the events organized by Queermandu, such as drag shows and personalized tours, are examples of community-led initiatives that exist outside formal government support, according to the founder of Queermandu.

- **Fragmentation and Lack of Cohesion in Activism:** Despite the grassroots success as explained in the point above, it can be observed that Nepal's queer tourism sector lacks coordination. The lack of cohesion, communication, and awareness among several related organizations and initiatives was evident throughout the conversations with Blue Diamond Society members and Queermandu. While there are isolated efforts, including Queermandu's heritage walks, the Blue Diamond Society's advocacy and accessibility initiatives, and LGBTQIA+ film and art festivals, they remain siloed, with limited collaboration or policy dialogue. Businesses like Queermandu operate independently of one another and lack an umbrella organization or coalition through which to coordinate advocacy or branding efforts. There is no national network of queer-owned or queer-friendly businesses.
- **Economic Potential with Human-Centric Framing:** Nepal's queer tourism can be an engine for local empowerment rather than pure commodification. Safe, visible queer spaces allow LGBTQIA+ people to participate in development on their own terms, not through externally imposed market logic, as seen in the rights-based approach model.

Economically, it offers job creation, niche market expansion, and community-led development. Culturally, it reshapes public narratives about who belongs in the nation and what kind of futures are possible. From an RBA perspective, every tour, performance, or queer café is more than a service; it is a site of micro-liberation, fostering empathy, awareness, and solidarity.

Crucially, queer tourism challenges the dominant notion that economic development must be heteronormative or apolitical. Instead, it shows that Inclusion and empowerment can themselves be engines of sustainable development.

- The Role of International Support vs. Domestic Invisibility (Silence): International partnerships and global networks are also crucial, given Nepal's limited domestic funding and bureaucratic hurdles. Organizations such as the International LGBTQ+ Travel Association (IGLTA) and Human Rights Watch can also actively offer further incentives and opportunities for queer tourism to flourish more in Nepal. For instance, IGLTA's global LGBTQ+ tourism research and marketing standards can guide Nepal in developing ethical, data-driven queer travel experiences (IGLTA, 2022).

Strategic Recommendations Informed by Theoretical Frameworks

One of the significant findings of this research is the importance and potential of non-state actors, particularly grassroots and community-led movements and organizations, in advocating for and furthering the demands of the LGBTQIA+ movement in Nepal. Such activism needs to be boosted more through financial and political investments by NGOs, the government, and other community actors. For instance, if Queermandu had been provided with small startup grants from an NGO or even an international organization, in that case, as the co-founder mentioned about having requested funds from World Bank Nepal (which was denied/ignored), their reach and creative outlets could have had a more lasting and impactful appearance in the tourism market.

Another important finding of this research is the realized potential of creative and inclusive marketing that aligns with universal queer language while also maintaining authenticity to the country's main tourism features. Marketing campaigns shape public perceptions. For instance, "Momo" is a famous Nepali cuisine that can be inferred as "Nepali dumplings". Having momo anywhere in a major city of Nepal is pretty easy, affordable, and oftentimes never disappoints. Keeping this in mind, Queermandu began offering Momo-making sessions for tourists interested in learning more about this popular Nepalese food item. However, to align it more closely with their creative output, they named the session "Homo Momo," a quick-witted pun that combines the queer linguistic tone with authentic Nepali cuisine.

Many of the recent legal reforms for the LGBTQIA+ community in Nepal have originated from the Judicial branch of the government, with very little coming from the executive and legislative branches, which are responsible for producing and passing bills to create more inclusive national tourism policies. Therefore, other branches of the Nepalese government should formally integrate LGBTQIA+ inclusion into national tourism policies, guidelines, and campaigns. Such visibility and educational awareness at

the institutional level can help normalize queer inclusion and send a clear message of safety and a welcoming gesture to travelers worldwide. One of the best practices in this same vein can be educating and awaring business and local communities about the LGBTQIA+ development prospects and requiring training for hotel staff, tour guides, and travel agencies about such topics. Here, collaboration with NGOs like the Blue Diamond Society will be necessary.

Digital platforms, in many instances around the world, have demonstrated the ability to promote and liberalize queer visibility across multiple channels. Looking beyond bureaucratic and tangible governmental reach, Nepal should also invest in developing LGBTQIA+ inclusive tourism portals and mobile apps, or collaborate with already existing digitally forward companies to create a platform for promoting its queer tourism sector as inclusive and authentic. For instance, TripAdvisor reviews of Queermandu and Pink Mountain already act as informal feedback loops that are easily accessible and discoverable, often through a single Google search.

Call To Action for Further Research and Future Endeavors in the Field

Future studies in this field should quantify the contribution of queer tourism to local economies through employment, income generation, and ancillary industries. Furthermore, there is an urgent need to explore how caste, religion, ability, rurality, and class intersect with queerness in travel and tourism spaces (the idea of queer intersectionality). Within Nepal's complex bureaucratic and political landscape, it is crucial to understand how to advocate for queer-inclusive tourism policies effectively. Further studies could also involve a targeted examination of LGBTQIA+ youth in the hospitality and tourism industry, which could illuminate employment barriers and training needs related to inclusive tourism practices. Moreover, as Nepal gradually increases its international visibility, through foreign investment, UN engagements, and SDG reporting, there will be opportunities to mainstream queer inclusion within broader development frameworks. Future scholars, policymakers, and practitioners should aim to institutionalize queer tourism not as a siloed niche but as a vibrant expression of inclusive nation-building.

Conclusion and Revisiting the Research Question and Objectives

Circling back to the research question, this thesis posed the central research question: "How can Nepal's queer tourism sector, in the wake of legal reforms, foster inclusive spaces for LGBTQIA+ tourists?"

In answering this question, the thesis finds that legal reforms provide a critical but incomplete foundation, as evidenced by the fact that their implementation in tourism is still limited. However, yes! queer tourism can foster inclusive spaces in Nepal—but only through a localized, rights-based approach that values lived experience and community leadership over top-down tokenism. Furthermore, grassroots LGBTQIA+ entrepreneurs and other civil society actors have already created the blueprint for inclusive tourism

through community-led tours, events, and hospitality practices. Despite their efforts, societal stigma, institutional silence, and policy gaps remain key structural barriers. In this way, inclusivity can be built not just through policies, but also through practices of visibility, participation, and recognition where LGBTQIA+ people are not merely seen but empowered as stakeholders in Nepal's development narrative.

Similarly, the thesis's objectives—providing a historical overview of LGBTQIA+ rights, analyzing the tourism sector's inclusivity, operationalizing queer theory, and identifying structural barriers—have been met through a combination of theoretical review, legal contextualization, and field-based research. Documenting Nepal's LGBTQIA+ legal reforms notably the 2007 Supreme Court decision and the 2015 Constitution, highlighting the gap between legal recognition and social inclusion, applying the queer tourism theory and a rights-based approach to tourism development offering both conceptual and operational tools, and identifying societal and structural barriers such as stigma, lack of support, policy gaps, and underrepresentation have helped to fulfill the research objectives for this thesis.

This thesis presents an optimistic yet cautious path forward—one that treats queer space not as a novelty, but as a right, and positions Nepal as a leader in human-centered development in South Asia.

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RESURGENT ENVIRONMENTAL STEWARDSHIP PRAXIS OF COLLECTIVELY WALKING THE LAND: STRENGTHENING KAREN YOUTH ENGAGEMENT IN INDIGENOUS GOVERNANCE VITALITY THROUGH YAW KAW IN KAW THAY GHU, MYANMAR

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Abstract

Kaw Thay Ghu is a Karen Indigenous territory in southeast Myanmar facing severe pressures from protracted armed conflict, displacement, climate change, and youth outmigration. Drawing on focus group discussions and interviews with 25 local leaders and youth, this study examines how Karen communities in Kaw Thay Ghu are responding to these pressures by reviving Indigenous practices that reconnect youth to their ancestral land and culture. In particular, I conducted a case study on the revival of Yaw Kaw (“walking the *Kaw*”), a cyclical land-based governance ritual that inducts Karen youth into the *Kaw* governance system by collectively walking territorial boundaries. While practices such as Yaw Kaw may not resemble formal conservation tools, evidence from my study shows that Yaw Kaw is an effective system for promoting Indigenous land-based stewardship that closely aligns with all five dimensions of the Governance Vitality Framework (GVF) for community conserved areas: Strategic Adaptability, Connectivity and Collaboration, Wisdom from Local Experience, Creativity and Empowerment, and Inspiring Collective Values. Moreover, the findings highlight that the Karen community is trying to revive Yaw Kaw as a deliberate act of Indigenous resurgence, which operationalizes governance vitality in ways that intimately link cultural revival with environmental protection. This case study offers insights into the important role of Indigenous resurgent praxis in promoting self-determination, peace, and environmental sustainability.

Keywords: governance vitality, Indigenous resurgent praxis, Yaw Kaw (walking the *Kaw*), Karen self-determination.

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Introduction

Indigenous Karen communities in Kawthoolei (Karen State, Myanmar) have long managed their ancestral lands (Kaw) through customary institutions that blend ecological knowledge, social norms, and spiritual duties. Today, these communities face multiple crises: decades of armed conflict, marginalization of Indigenous land rights by the state, worsening environmental destruction, climate stress, and renewed violence since the 2021 military coup, which has displaced villages and disrupted local governance. Despite these challenges, Karen communities have been working to revive Indigenous customary practices, including those that foster Indigenous-centered environmental stewardship. This paper presents evidence from a case study I conducted on why and how Karen communities in Kaw Thay Ghu are reviving the customary practice known as Yaw Kaw ('walking the Kaw').

Kaw Thay Ghu is a network of 12 interconnected villages covering 12,500 hectares of customary Karen territory in Southeast Myanmar. In Karen, "*Kaw*" means "land" in a broad sense, encompassing the ancestral domain, which includes the community, its spiritual guardians (K'sah), and customary law as an integrated whole. For centuries, elders and spiritual leaders (Kaw Hko/Kaw Hka) guided governance—overseeing land use, resolving conflicts, and conducting ceremonies—through customary rules and beliefs in the K'sah. These institutions enforced ecological practices such as rotational swidden farming and seasonal taboos on hunting and fishing, maintaining a balance between community livelihoods and conservation within a reciprocal human–land relationship (Paul et al., 2021). Decades of conflict and external pressures have strained Kaw Thay Ghu's governance. The state's refusal to recognize customary tenure led to overlapping claims and encroachment, while war-related displacement blurred boundaries. Nevertheless, the Karen National Union's 2015 Land Policy acknowledged the *Kaw* system, allowing customary rules to coexist with KNU regulations. This support, along with community resolve, set the stage for reviving traditional governance practices, such as Yaw Kaw.

Yaw Kaw is a mandatory cyclic ritual where the *Kaw* community walks the boundary of its territory with neighboring communities, typically every 3 to 10 years. Lasting about 5 days, it involves nine ceremonial activities. Neighboring villagers walk along shared borders to reinforce boundary markers, with elders resolving disputes that arise. Upon completion, the community shares a feast and performs ritual offerings to honor land spirits. This tradition allows young people to follow in their ancestors' footsteps, internalizing their responsibility to protect the land.

Literature Review and Conceptual Framework

The conceptual framework for this study brings together Indigenous resurgent praxis with the Governance Vitality Framework (Borrini-Feyerabend & Jaeger, 2024). Indigenous resurgence praxis refers to the deliberate revitalization of Indigenous knowledge, lifeways, governance practices, and relationships to land as acts of decolonization and self-determination (Coulthard, 2014; Simpson, 2017). Indigenous scholars from North America have championed resurgent praxis as a ground-up renewal of Indigenous pedagogies and praxes that reject

reliance on colonial and other exploitative and extractive institutions in favor of Indigenous teachings and land-based practices grounded in a reciprocal stewardship relationship with nature (Alfred & Corntassel, 2005; Simpson, 2017). Going beyond seeking change through state “recognition” alone, resurgent movements emphasize everyday acts of remembrance, revitalization, and reparative justice that regenerate Indigenous knowledge, languages, ceremonies, and laws in ways that help to repair “broken relationships” with nature/land (Simpson, 2014). One of the key resurgent Indigenous praxis is treating land not just as a place to live, but also as an embodied teacher and classroom for learning how to live in relational, kin-centric ways—an approach Simpson (2014) calls ‘land as pedagogy’. Corntassel (2012) identifies key elements of resurgence praxis as: revitalizing land-based practices and relationships, transmitting Indigenous knowledge between Elders and youth, increasing reliance on traditional non-extractive systems, and re-establishing Indigenous social institutions as viable governing authorities.

Recent conservation scholarship has begun to acknowledge the importance of such Indigenous resurgence for sustaining territories of life. Borrini-Feyerabend and Jaeger (2024, front flap) situate their Governance Vitality Framework (GVF) as responding to calls for “decolonisation, resurgence, resistance to the commercialisation of nature and community self-strengthening.” Their work on governance vitality aligns with Indigenous voices that emphasize community-driven governance vitality as key to lasting social-ecological well-being. Based on a synthesis of global case studies of community conserved areas, the GVF identifies five interrelated dimensions of governance that tend to enhance a community’s long-term capacity to manage its territory (Borrini-Feyerabend & Jaeger, 2024):

1. Strategic Adaptability: Ability to anticipate and respond to change to enhance governance and resilience.
2. Connectivity and Collaboration: Level of partnerships and internal cohesion within the community and with external stakeholders.
3. Wisdom from Local Experience: Leveraging local and Indigenous knowledge, oral histories, and lessons learned from past experiences.
4. Creativity and Empowerment: Innovative, community-driven solutions that empower all members, including youth and marginalized groups, in governance.
5. Inspiring Collective Values: Nurturing shared values, spiritual beliefs, and ethical principles that inspire commitment to governance and collective action.

Communities with high governance vitality combine strong shared values and attachments to the land, which enhance adaptability, collaboration, learning, and creativity, leading to effective environmental stewardship in community-conserved areas.

Methodology

This study employed a qualitative design to examine the revival and adaptation of the Yaw Kaw. Utilizing a constructivist grounded theory framework, the research aimed to co-construct knowledge in ways that center research participants' lived experiences and

perspectives (Charmaz, 2008; Creswell & Poth, 2016; Denzin & Lincoln, 2018). A case study approach (Yin, 2014) was adopted to analyze the contextual reasons behind the revival of Yaw Kaw in the Kaw Thay Ghu community and to assess the vitality of this customary practice within Indigenous conservation governance.

With the help of Karen Research Assistants, I conducted four-day-long focus group discussions with three different constituent groups: elders, women, and youth. A total of 25 participants (17 males and eight females) took part in the focus group discussions; among them, 14 were elders and customary leaders, and 11 were youth. The four-day focus group format allowed for time to build rapport and validate information, thereby enhancing data reliability.

During the focus groups, the study team employed Participatory Action Research (PAR) tools, such as community mapping and thematic visualization, to create an engaging environment for knowledge co-creation (Salas & Tillmann, 2009). I then brought together participants from all three focus groups for a joint one-day discussion, enabling them to explore diverse and cross-cutting perspectives. Following the focus group discussion, I conducted semi-structured interviews with five elders and five youths to explore further the themes discussed.

Study Findings and Discussion

“I descend from the Yaw Kaw ancestors, making me a Yaw Kaw person or land protector. My responsibility is to perform Yaw Kaw. To do this, I must do it with belief, faith, and prayer, following our traditions. If I make a mistake, I could face spiritual and social retributions, and eventually, the land might be lost.” (Elder participant, personal communication, April 13, 2025)

“When I participated in the Yaw Kaw, I could feel there was so much peace and unity. The neighboring communities that shared the boundaries warmly welcomed us with food and traditional rice wine. We enjoyed eating and drinking together. The young people from our neighbors then joined us and accompanied us ...” (Female youth participant, personal communication, April 14, 2025).

“When I didn’t know the names of mountains, valleys, or big trees along the way, I asked the elders. I am proud now that I can identify a Hto Daw bird that I had only heard about in the traditional poems ...” (Male youth participant, personal communication, April 14, 2025).

Findings from this study indicate that Kaw Thay Ghu’s leaders are actively reviving Yaw Kaw as a governance praxis. However, conducting Yaw Kaw presents challenges such as security risks from Myanmar Army garrisons and landmines, as well as the physical demands of multi-day treks and re-emerging boundary disputes. Despite this, community leaders collaborate with NGOs to organize Yaw Kaw when feasible, strengthening governance cohesion and engaging youth. A quote from a Karen elder frames this revival as a resurgence, reclaiming their right to govern and protect their land (as “land protectors”).

For Karen youth who have grown up amid war and displacement, participating in Yaw Kaw is deeply empowering: it reconnects them with their homeland, instills pride in Karen identity, and gives them an active role in Indigenous stewardship. The two quotes presented above from Karen's youth participants capture these sentiments. While some youth may feel less connected to the ritual, those involved expressed predominantly positive responses.

Crucially, this study found that the revival of Yaw Kaw embodies elements of Indigenous resurgent praxis identified by Corntassel (2012), including the revival of land-based management, inter-community collaboration, knowledge transfer, cultural revitalization, and spiritual renewal.

Relatedly, the practice of Yaw Kaw has traditionally aligned with all five dimensions of GVF. Additionally, the findings highlight how Karen communities are reviving Yaw Kaw in ways that further strengthen these dimensions of governance viability and promote effective land-based stewardship despite political turmoil and climate crises. The alignment and deepening of GVF through the revival of Yaw Kaw is discussed below.

Strategic Adaptability

Findings from my case study indicate that Yaw Kaw has become a key mechanism for strategic adaptability, enabling the Karen community to adjust its governance practices in response to conflict and environmental uncertainty. The revival of Yaw Kaw itself is an adaptive, resurgent response to the disruptions of war: rather than relying on written maps or state enforcement (impossible under conditions of political instability), the Karens went back to the flexible, oral system of boundary management that they could carry out whenever there was a lull in fighting. One elder noted (personal communication, April 13, 2025), “During any ceasefire, we quickly walk the land and renew our boundaries,” highlighting how community leaders seize windows of calm to reaffirm their territory and prevent ambiguities from escalating into disputes. Involving youth in these boundary negotiations and storytelling sessions further enhances adaptability, as young participants learn from past generations how they resolved conflicts and how to creatively handle future challenges.

Connectivity and Collaboration

Data from my case study highlights that Yaw Kaw actively builds connectivity and collaboration, both within the Karen community and with their neighbors. By walking the boundary together, the people of Kaw Thay Ghu and adjacent *Kaws* engage in a form of grassroots diplomacy to peacefully manage shared borders. The joint feasting and ceremonies during and at the end of the walk serve as bonding events that strengthen inter-community relationships and trust. In a conflict zone where formal legal recourse is limited, such neighborly collaboration is crucial for regional stability. Yaw Kaw effectively creates a horizontal alliance of communities that mutually recognize each other's custodianship of the land. Within Kaw Thay Ghu, Yaw Kaw brings together all segments of society—elders, youth, men, and women—in a collective endeavor, reinforcing internal cohesion. This inclusive process breaks down social barriers and encourages intergenerational cooperation and unity, as a customary leader described (personal communication, April 13, 2025). “During Yaw Kaw, we felt like we were one family, like chicks from the same hen.”

Wisdom from Local Experience

Study results suggest that Yaw Kaw is a powerful vehicle for mobilizing wisdom from local experience. The ritual relies on Indigenous knowledge of the landscape and historical memory preserved in oral traditions. During the boundary walk, elders' recollections of land use and past agreements inform boundary decisions, rather than relying on external maps or titles. By resolving boundaries through oral history and spiritual sanctions, the community elevates its memory to the status of law, affirming Indigenous ways of knowing and connecting governance decisions to the lived landscape. Each Yaw Kaw adds to the collective repository of wisdom: new anecdotes at each boundary marker become part of the story for future generations. The ritual is iterative, allowing the community to correct and update its knowledge over time.

Critically, Yaw Kaw ensures intergenerational knowledge transmission, transforming the land into a living classroom ('land as pedagogy,' Simpson, 2014)². Young people walk with elders, absorbing factual information like place names and cultural values tied to those places. They learn to "read the land"—recognizing watershed boundaries or identifying trees planted by ancestors. They also hear songs, Hta poems, and stories encoding resource management lessons or spiritual warnings. Experiencing these teachings in situ enhances their impact. One youth noted (personal communication, April 14, 2025), "I learned more about our beautiful land during Yaw Kaw than in school," highlighting how experiential, land-based learning deepens understanding.

Creativity and Empowerment

Findings indicate that Yaw Kaw's revival in a modern context showcases community creativity and empowerment. The Karen have revised an old ritual for new purposes, incorporating contemporary contexts and tools. This blend of pragmatism and tradition is a creative, resurgent act. In recent Yaw Kaw events, local organizers proudly used GPS devices and drones to record boundary points and special sites.

Many Karen youth felt disempowered after being displaced and growing up in temporary shelters. Study results show that Yaw Kaw has provided youth meaningful ways to engage in local governance and stewardship. Some youth learned to recite Hta poems during the ceremony—an empowering experience in cultural leadership and public speaking. Women have increasingly taken on roles in Yaw Kaw, guiding parts of the trail with their knowledge of local resources and leading ceremonial prayers as hereditary spiritual specialists. The creativity and empowerment sparked by Yaw Kaw have also inspired broader innovations in community stewardship, including the introduction of the "forest guardians" program, which involves youth and women in leadership roles in biodiversity research.

Inspiring Collective Values

Evidence from this study suggests that Yaw Kaw's most profound impact may be in inspiring collective values. As people walk together, they are reminded of their shared identity and duty as custodians of the *Kaw*. Villagers trek through forests and across streams, helping

² "Simpson (2014) describes 'land as pedagogy' as an approach where the land itself is the context and teacher of learning, meaning that Indigenous knowledge is transmitted through direct experience with the land."

one another and sharing food and drink as one. These acts build social capital—trust, norms of reciprocity, and support—that endure long after the event. “We know each other, we understand each other, as one *Kaw* community,” said a female youth participant (personal communication, April 14, 2025), describing the unity forged by the journey.

For Karen youth, joining Yaw Kaw is a rite of passage in re-embracing cultural values. Many youths, after participating in their first boundary walk, report feeling more connected to their heritage and determined to uphold it. This strong determination led Kaw Thay Ghu leaders to induct 75 youths who had participated in Yaw Kaw into the governance committee. Conflict, displacement, and increasing consumerism complicate elder engagement with youth in Yaw Kaw. However, study participants noted that youth participation in Yaw Kaw and governance is rising, thanks to proactive efforts by elders, KNU, and civil society. At a time when outside forces often pull Indigenous youth away from their traditions, Yaw Kaw offers a resurgent counter-narrative, reconnecting them to their community and ancestral land as stewards.

Conclusion

The case of Yaw Kaw in Kaw Thay Ghu demonstrates how an Indigenous community can revive a ceremonial land stewardship praxis that strongly aligns with and deepens governance vitality. Under extreme pressures of armed conflict and climate change, the Karen people are not relinquishing their practices of land-based governance; instead, they are reviving them in ways that strengthen community collaboration, empowerment, and self-determination. By collectively “walking the land,” Karen elders and youth can reconnect with their territory, reassert shared custodial authority, and reaffirm the cultural values that underpin sustainable governance of their community and conserved areas. My analysis using the GVF’s five dimensions shows that Yaw Kaw is far more than an arbitrary ritual: it is a sophisticated and effective land-based Indigenous governance strategy that enhances adaptability (through flexible, locally led conflict resolution), fosters collaboration (uniting communities and generations in common purpose), employs local wisdom (using oral history and experiential knowledge as guiding law), spurs creativity and empowerment (innovating within tradition and engaging youth leadership), and inspires collective values (renewing shared identity, solidarity, and spiritual commitment to the land). Findings highlight that, in reviving the Yaw Kaw, the Karen communities in Kaw Thay Ghu are engaging in radical, resurgent praxis that links cultural revitalization with environmental protection.

For those concerned with conservation and sustainable development, this case study offers insights. Findings show that although Indigenous practices, such as Yaw Kaw, may not resemble formal conservation tools, they achieve similar outcomes in ways that center on Indigenous knowledge and praxis. Recognizing, reviving, and supporting these Indigenous land-based stewardship and governance practices can greatly strengthen self-determination and conservation efforts in Indigenous territories, even amid political turmoil.

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WHOSE RIGHTS COUNT? RECONCILING THE RIGHTS OF NATURE WITH HUMAN RIGHTS IN CONSERVATION

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Abstract

The concept of *Rights of Nature (RoN)* has emerged as a savior amidst the ecological crisis. It advocates for the involvement of indigenous empowerment and presents the voices of the voiceless elements of nature. However, upon practical examination, the vacuum regarding legal liability and the lack of resources have made courts around the world reluctant to adopt the framework. The study aims to explore whether conservation strategies of a developing nation, such as Nepal, can afford to adopt a framework that challenges the anthropocentric approach to conservation. The research evaluates national legal frameworks governing conservation and advocates for a conservation strategy that upholds both environmental and human rights, which is later supplemented by a case study of Bardia National Park in Nepal.

Keywords: Rights of Nature, biocentrism, Indigenous population, equity

Introduction

With six of the nine planetary boundaries already transgressed, it is clear that humanity is confronting an accelerating ecological crisis. As ecosystem attempts to adapt to climate change that affects the survival of plant and animal species, their capacity to deliver essential services, such as clean air and water, food production, climate regulation, and natural disaster mitigation, becomes compromised. Consequently, this generates an ecological crisis that impacts both the human and non-human world (Sjöstedt & Hulme, 2023). The concept of *Rights of Nature (RoN)* has emerged as a response to the ecological crisis, marked by an unprecedented decline in ecosystem diversity and species abundance, as well as the failure of existing institutional frameworks to safeguard the Earth's environmental integrity (Wesche, 2021). It represents a legal concept and philosophy that challenges the traditional view of nature as property to be exploited for human needs. Instead, it recognizes ecosystems and natural communities as entities with an independent and inalienable right to exist and flourish. The concept also plays a significant role in conserving Indigenous rights by providing a legal avenue to redefine the human-nature relationship through the integration of human well-being, cultural diversity, and social justice with ecological integrity and biodiversity protection, offering a hopeful and optimistic approach to conservation (Kahui et al., 2024).

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This article critically examines the concept of *Rights of Nature (RoN)*, aiming to explore the extent to which the recognition of natural entities as rights-bearing subjects both complicates and contributes to equitable conservation practices. Ultimately, it serves to supplement the author's broader thesis, which addresses the overarching question: How can national park governance be restructured to ensure both ecological conservation and the protection of human rights in contexts of escalating human-wildlife conflict?

Conceptual and Legal Foundations

Rights of Nature (RoN) as legal personhood is a legal innovation that grants non-human natural entities the status of legal rights-holders, allowing them to have standing in court and be protected for their intrinsic value. It represents a paradigm shift from an anthropocentric to an ecocentric worldview, challenging the traditional legal framework that treats nature solely as property for human exploitation (Baard, 2024). The concept of *RoN* legal personhood, particularly its origins, is heavily influenced and driven by Indigenous Peoples globally, reflecting their long-held philosophies and traditional governance systems (Wesche, 2021).

In 2008, Ecuador became the first country in the world to enshrine *RoN* in its Constitution. It recognized "Nature, or *Pacha Mama*, in which life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes" (Suarez, 2013). This decision was influenced by Indigenous concepts such as *Pacha Mama* (Mother Earth) and *Buen Vivir* (good living), reflecting the deep connection between culture and nature, and condemning excessive exploitation of natural resources (Pelizzon, 2025). In 2016, the Colombian Constitutional Court declared the Atrato River a legal entity and subject of rights, emphasizing the "biocultural rights" of local Indigenous and Afro-Colombian communities. Biocultural rights refer to the rights of Indigenous peoples to maintain their cultural practices and traditions about their environment (Kauffman, 2021). Here, the court linked environmental protection to the cultural values of these communities and mandated a joint guardianship between the government and the communities (Pelizzon, 2025). Additionally, in 2021, the Innu Council of Ekuanitshit and the Regional Municipality of Minganie in Quebec, Canada, jointly declared the *Mutehekau Shipu* (Magpie River) a legal person, which emphasized Innu people's traditional culture, spirituality, and their ancient occupation and stewardship responsibility for the river (Kahui, et al., 2024).

This acknowledgement and integration of Indigenous values through *RoN* play a significant role in conservation, particularly given the historical violations of Indigenous rights. The establishment of national parks and conservation initiatives has historically resulted in the widespread dispossession and forced displacement of millions of Indigenous peoples from their ancestral territories across the globe. The United States established early national parks through the forced removal of the *Ahwahneechee*, *Miwok*, *Paiute*, and *Yosemite* peoples, who had inhabited these regions for centuries (Kahui et al., 2024). By 1969, the US government had gone so far as to burn the homes of Native American residents to erase any trace of their presence (Knox, 2025). Similar patterns are evident worldwide: the *Batwa* and *Twa* peoples were evicted from the area now designated as Kahuzi-Biega National Park in the Democratic

Republic of Congo (Ambriz et al., 2023), while the Baka were displaced from their ancestral lands for the creation of Lobéké National Park in Cameroon in the early 2000s (Knox, 2025). These actions not only disrupted their way of life but also constituted a violation of their right to cultural identity. Such actions exposed these communities to systemic injustices through the seizure or denial of access to their customary lands and undermined their right to act as stewards of their ecosystems. Moreover, these state-led displacements frequently occurred without respecting the principle of free, prior, and informed consent. These are not merely aspirational values, but universally recognized rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2007).

The plight of Indigenous peoples residing within or around national parks in Nepal reflects similar patterns of marginalization and rights violations. In the Himalayan region, although not physically relocated, Indigenous communities such as the *Sharwa*, *Dolpo-pa*, *Yolmo*, *Tamang*, *Lhomi*, and *Rai* have experienced loss of access to ancestral lands and disruption of traditional practices due to the nationalization of their communal territories and restrictive policies imposed by national park administrations (Stevens, 2014). Accounts of forced evictions and the excessive use of force by national park officials against Indigenous communities are prevalent in the study area of this article. Since the mid-1980s, national park authorities have prohibited access to land in the buffer zone for at least 300 households, 274 of them *Tharu*, from Wards 4 and 6 of Geruwa Rural Municipality alone. A report by Amnesty International (2021) documented the arrest of seven *Tharu* women and thirteen men from the *Jharniya* and *Sitronela* settlements in Ward 6, *Magaradi* VDC, located in the buffer zone of Bardia National Park. These individuals were detained by army personnel for 25 days and subjected to threats until they agreed to facilitate the eviction of the entire *Tharu* community of 105 households from the area.

The rhetoric of participatory conservation has, in practice, severed Indigenous peoples' ties to their ancestral lands and waters. The *Sonaha*, an Indigenous minority group residing in the lower Karnali River delta adjacent to Bardia National Park, were forced to abandon their traditional livelihoods of gold panning and fishing due to restrictions imposed by park authorities on river access and mobility (Thing et al., 2017). Ethnographic research further reveals that decision-making authority over buffer zone management lies predominantly with the park warden, marginalizing the Indigenous population. The study illustrates how the *Sonaha* were reconstituted as "conservation subjects," coerced into adopting mainstream conservation and development discourses under the guise of participatory approaches despite bearing the disproportionate burdens of these policies (Thing et al., 2017).

It is unrealistic to expect the protection of the rights of non-human species when the rights of those regarded as the traditional stewards of conservation are threatened. It is necessary to confront and rectify the longstanding disregard for Indigenous rights for conservation efforts to be effective and just. Conservation strategies should be rooted in equity, ensuring that Indigenous communities are not only included but also empowered as equal stakeholders in environmental governance and decision-making.

Contributions of *Rights of Nature (RoN)* to Equitable Conservation

Rights of Nature (RoN) represents a fundamental shift from anthropocentric to ecocentric governance, challenging the traditional view of nature as mere property for human exploitation and instead recognizing its intrinsic value and inherent rights (Kahui et al., 2024). The anthropocentric approach has been criticized for failing to halt nature's deterioration due to its view of nature as a property, with environmental laws primarily focused on human benefit through taxes and regulations (Kauffman, 2021).

RoN frameworks, in contrast, center on the health of ecosystems for their own sake, treating natural entities as separate legal subjects with their own agency and aims to create a 'Rule of Law for Nature,' moving towards a symbiotic relationship between humans and nature, where natural systems are protected for their intrinsic value (Kahui et al., 2024). This approach stems from the belief that human well-being is inherently dependent on healthy ecosystems and that law should reflect the interconnectedness of all life (Kauffman, 2021).

Indigenous and local communities play a crucial role in advocating for the *RoN*, as they have long promoted this concept as a response to the failure of existing governance structures to protect natural environments from the impacts of ongoing economic activities (Kahui et al., 2024).

The 2016 judgment of the Colombian Constitutional Court concerning the Atrato River recognized the river as a legal rights-bearing entity, adopting an ecocentric approach influenced by the Whanganui River settlement in New Zealand (Pelizzon, 2025). The ruling underscored the intrinsic link between the protection of cultural and biological diversity, highlighting the significance of involving ethnic communities in policy formulation. Furthermore, it facilitated the emergence of innovative governance models and empowered local communities to protect their natural resources through participatory mechanisms (Wesche, 2021).

Similarly, the recognition of the Whanganui River as a legal entity in New Zealand enabled the Māori to engage in co-governance of the river. The *Te Awa Tupua* (Whanganui River Claims Settlement) Act 2017 emerged as a response to longstanding Māori resistance to colonization and land appropriation (Pelizzon, 2025). The Act embodies the Māori worldview, encapsulated in the phrase '*I am the River and the River is me*,' and affirms the river's intrinsic value (Kahui et al., 2024). The co-governance structure established under the Act provides for the appointment of legal guardians, comprising representatives from both the Indigenous Whanganui iwi and the New Zealand Government (Darpö, 2021).

Granting legal personhood to natural entities means they are recognized as subjects with rights, similar to how corporations can exist as separate legal entities. It reduces the sole responsibility of the person affected by environmental degradation and allows individuals or appointed guardians to take legal action on behalf of ecosystems (Kahui et al., 2024).

Legal provisions under *RoN* can be structured in two ways: the nature's rights model or the legal personhood model. The nature's rights model empowers or allows any person to speak on behalf of nature. It recognizes that all of nature within a jurisdiction has rights, often specifying unique substantive rights, in particular the right to exist, maintain ecological cycles, and be restored. Countries like Ecuador and Bolivia practice this (Darpö, 2021). The legal

personhood model recognizes particular ecosystems (e.g., a specific river, forest, or lagoon) as legal persons, granting them the same rights and liabilities as humans or corporations. Here, specific guardians are appointed and obligated to represent these entities. This practice is found in New Zealand and India (Baard, 2024).

Although we cannot deny that legal personhood has facilitated the rapid proliferation of *RoN* provisions due to its existing legal framework, it also presents challenges. Critics argue that it can anthropomorphize ecosystems, thereby undermining the principles of Earth jurisprudence. (Pelizzon, 2025). It can also create legal liabilities for ecosystems, leading to "perverse incentives," such as the concern in India that if the Ganges and Yamuna rivers flooded, their human guardians might be held liable for damages (Kahui et al., 2024). Despite this, legal personhood is considered adequate when combined with governance institutions rooted in Indigenous values, as seen in New Zealand and Colombia (Baard, 2024).

The effectiveness of *RoN* laws has yielded mixed results. The 2011 court case rehabilitated the Vilcabamba River (Darpö, 2021). However, two case studies in India and the US have been overturned due to issues of unclear liability or conflicting economic interests. The cases of Australia and New Zealand suggest that precise attention to liability is essential for the practical application of *RoN* effectiveness (Kahui et al., 2024).

RoN laws propose a fundamentally different approach to human-environment relations. It empowers communities to reject any governmental action that would harm their local environment, based on the principle that ecosystems have rights (Pelizzon, 2025). It fosters accountability for environmental degradation and can influence societal pricing mechanisms to internalize the external costs of biodiversity loss (Kahui et al., 2024).

It is premised on the understanding that, in situations involving conflicting interests, priority must be given to the long-term viability of human existence, which ultimately depends on a habitable planet sustained by healthy ecosystems (Slagle, 2019). Some courts have even recognized the *RoN* as a necessary precondition for safeguarding human rights to the environment. This recognition has contributed to the evolution of jurisprudence that integrates *RoN*, environmental rights, and socio-cultural rights into the broader concept of 'bio-cultural rights' (Kauffman, 2021).

RoN addresses issues of environmental justice by challenging the systems that have led to ongoing ecological degradation and the disproportionate imposition of structural disempowerment on human beings (Pelizzon, 2025). By recognizing the inherent worth of nature and emphasizing responsibilities towards it, *RoN* frameworks seek to transform legal and socio-economic systems to prioritize sustaining ecosystem functioning and ensure equitable access to the Earth's sustaining capacity for present and future generations (Kauffman, 2021).

Challenges and Complications

While it may seem to assign legal personhood to an entity of nature, it is still challenging to identify and establish who should speak on nature's behalf. Courts are likely to continue relying on existing parties, such as landowners, advocacy groups, or government

agencies, which may perpetuate existing problems of narrow perspectives in multi-jurisdictional contexts (Spitz & Penalver, 2020). Consequently, it means that the likelihood of government or other elite groups seizing control of a natural entity as a resource remains high. Bolivia rejected the authority of the International Rights of Nature Tribunal when it challenged road infrastructure plans (Marshall, 2019). The Colombian Atrato River case established a bipartisan guardianship body comprising both the government and affected communities. While this structure fosters dialogue and participation, it may limit the body's capacity to pursue judicial action, especially against government entities that fail to comply with environmental protection responsibilities (Wesche, 2021). Sometimes, essential livelihood requirements can directly conflict with the Rights of Nature. It may not always be possible to curb human needs and requirements when there is a direct competition. Activities essential to the human population could trigger a *RoN* lawsuit. It may not always be justifiable to prioritize the preservation of nature over human needs. For instance, Bangladesh's court decision to uphold the rights of the Turag River led to the displacement of people living along its banks (Pain & Pepper, 2021). Countries with a high level of poverty may still have no choice but to pursue economic development through the extraction of natural resources. It explains why countries like Bolivia and Uganda, despite recognizing the rights of nature, continue to expand extractive industries in pursuit of economic growth (Spitz & Penalver, 2020).

The implementation of *RoN* still faces issues due to the ambiguity created through the use of terminologies and a lack of resources. The rights conferred on nature, such as the right "to exist," "flourish," or "be restored," are often vague and undefined, providing little guidance for their implementation in practice (Sachs, 2023). Rights-holders within *RoN* exceed the defined jurisdictional scope, which hinders judicial enforcement (Stone, 1972). The poorly defined liability of guardians and economic agents has led to two reverse *RoN* case studies in India and the US. The Indian Supreme Court quashed the legal personality of the river Yamuna due to uncertainty about who would be liable for damages in cases of flooding or drowning (Kauffman, 2021). Similarly, the Lake Erie Bill of Rights (LEBOR) was overturned in the US as state legislation explicitly denied standing to nature or ecosystems in court (Kahui et al., 2024). The Vilcabamba River case in Ecuador was a landmark success. Still, it faced a difficult implementation phase because the plaintiffs lacked the resources to enforce the ruling against the developer (Suarez, 2013). Lack of funding, along with the socio-political context, made it challenging to implement the Colombian Atrato River case (Wesche, 2021).

Implementing the *RoN* framework in Nepal may be challenging, given that the legislation here has not yet established liability, and the country continues to struggle with economic growth. Nepal entered the modern era of protected area management with the promulgation of the National Parks and Wildlife Conservation (NPWC) Act in 1973, followed by the establishment of Chitwan National Park (CNP). Before this, the *Terai* region, particularly the lowland areas of the Chitwan Valley, had been used by the country's elite, especially the Royal family and their international guests, for recreational hunting of species such as deer, rhinoceroses, and tigers (Bhattarai et al., 2017).

The National Parks and Wildlife Conservation Act of 1973 (NPWCA) adopted a model similar to that of Yellowstone National Park, emphasizing the preservation of pristine natural

areas and prohibiting human settlements within park boundaries. During the 1970s, the government forcibly relocated communities from the core areas of national parks and wildlife reserves. For instance, the Government of Nepal ousted 1,572 families from the *Babai Valley* in Bardia National Park between 1979 and 1984 (Bhattarai et al., 2017).

Over the years, the Government of Nepal has introduced various amendments to the Act to provide compensation and address the concerns of local populations. To better understand these measures, it is vital to examine the Act in detail. The National Parks and Wildlife Conservation Act 1973 was promulgated to manage national parks, wildlife, and their habitat. It aims to control hunting while ensuring the efficient utilization and management of areas with natural significance to maintain facilities for the civilian population.

The boundary of the national park is to be determined by the Government of Nepal. The public is informed about the demarcation of the national park and any changes made to it through a notice in the *Nepal Gazette*. Section 3 (b) explicitly mentions the need to consider the rights of local people during buffer zone management. Businesses are permitted in the buffer zone, provided they do not harm wildlife. Locals are permitted to collect wood under exceptional circumstances, along with fishing and gathering ground vegetables. The Act gives special place to the protection of endangered species while allowing the killing of elephants that have gone mad, man-eating tigers, sick or disabled animals.

Furthermore, wildlife that has caused extensive harm to the population or domestic animals can be killed, captured, or chased away. Local communities have a right to 30 to 50 percent of the income earned by the parks for community development. Killing wild animals is allowed in the Act of self-defense.

The rules established for implementing this Act outline the procedure for claiming compensation. The local population occupies a seat as a member of the committee formed to investigate a case. A 10 percent tax, as per the law, is charged to those who collect wood from the forest. The Buffer Zone Management Rules 2052 primarily concern the establishment of a consumer group, its rights, and the classification of forests within the area as private, public, or religious forests. The Government of Nepal has also formulated the Policy Directive on the Compensation of Individuals Affected by Wildlife Encounters 2080 for victims of human-wildlife conflict. However, the Wildlife Friendly Infrastructure Construction Directives, 2022, is the only document that aims to decrease conflict between humans and wildlife and secure the movement of wildlife.

The law disregards the *Free, Informed, and Prior* Consent of the indigenous population. A national park can be demarcated simply through a notification in the *Nepal Gazette*. Fines and procedural matters deprive the native population of using resources close to their proximity. Studies indicate that the activities conducted for the welfare of local people often fail to address their priorities, despite the act stipulating that 30-50 percent of park revenue should be allocated for development and conservation activities in the buffer zone. They lack representation of Indigenous groups and women, who are most affected by park regulations (Amnesty International, 2021).

Reconciling Rights: Towards Integrated Conservation

The *RoN* framework is a positive impetus toward recognition of the value of the *Planet* and its ecosystems. It even allows cultures practiced within different Indigenous communities to manifest and get global recognition. However, nature will still have to bear the burden while the human population struggles to maintain a livelihood in the absence of resources for basic survival. The lack of legal liability does not help courts base their judgment on a vague notion of ecological rights. So, how do we move forward, knowing that nature is intrinsically valuable and has its rights, while a country struggling with poverty may not be in a position to defend it through its actions? Establishing the *RoN* should be the ultimate goal, while internal legislation attempts to harmonize the *RoN* with human rights. Countries all over the world must commit to adopting participatory governance, integrating indigenous legal orders, which enable community members to make decisions and implement them within their existing conservation strategies. Legislation should be mindful to ensure safeguards that prevent the further marginalization of communities meant to act as stewards for the preservation of the Earth. The *Right of Nature* framework can only act as a tool of balance if it is embedded within rights-based conservation.

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TRANSITIONAL JUSTICE AS INSTITUTIONAL CHANGE: CASE STUDY OF MYANMAR (2015 - 2020)

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Abstract

Since the end of the Cold War, Transitional Justice has become a central framework for confronting the legacies of authoritarian rule in states transitioning to democracy. However, when democratization is led by authoritarian actors, as in the case of Myanmar, the application of justice mechanisms often deviates from traditional models. Most scholarship on Transitional Justice focuses on contexts where transitions follow regime collapse or popular uprisings, leaving a gap in our understanding of how justice is pursued when incumbent elites tightly control the reform process. This study addresses that gap by examining how Myanmar's National League for Democracy (NLD) sought to implement Transitional Justice through institutional reform between 2015 and 2020, and what structural barriers impeded those efforts. Using the United Nations framework, which recognizes institutional reform as a central mechanism of Transitional Justice, the research applies a theoretical lens that combines transitional justice, authoritarian-led democratization, and structural constraints. It adopts a qualitative case study approach based on the analysis of official documents, parliamentary debates, NLD policy proposals, media reports, and civil society publications. Thematic coding was used to identify reform initiatives, justice discourse, and patterns of institutional resistance. The findings suggest that while the NLD government has made deliberate efforts to reform state institutions and amend the 2008 Constitution, these attempts have been repeatedly blocked by structural constraints embedded in Myanmar's hybrid regime. The military's constitutional veto power, control over key ministries, and legal immunity under Article 445 significantly limit the scope for meaningful justice. This research concludes that in settings where former regime actors control the transitional process, institutional reform may represent the only available avenue for justice. Still, its impact is often partial, delayed, or suppressed.

Keywords: Transitional Justice, Institutional Change, Myanmar, NLD

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Introduction

Since the third wave of democratization began in Latin America during the 1980s, Transitional Justice (TJ) has emerged as a pivotal framework for addressing past human rights violations in transitions from authoritarian regimes to democratic governance. However, much of the existing scholarship on TJ presumes complete regime transitions marked by significant political ruptures, allowing robust judicial mechanisms and truth commissions to operate effectively. This transition overlooks scenarios of authoritarian-led democratization (ALD), where incumbent elites orchestrate transitions to maintain control, severely constraining justice and accountability measures.

Myanmar represents a critical and under-examined case within such constrained transitions. Following five decades of military rule, Myanmar initiated a military-led political transition in 2011, culminating in a semi-civilian administration led by the National League for Democracy (NLD) from 2015 to 2020. Despite domestic and international expectations for accountability, Myanmar's 2008 Constitution institutionalized significant structural constraints, notably granting immunity to former regime actors and securing military political dominance. Consequently, traditional retributive justice mechanisms were effectively impossible.

This paper examines how the NLD government attempted to implement TJ through institutional reforms, with a specific focus on its efforts to amend the Constitution, civilianize governance structures, and curtail military power. By examining the structural constraints—constitutional limitations, military veto power, and compromised judicial independence—this study seeks to illuminate how TJ can manifest in authoritarian-led democratization contexts. It contributes to the broader scholarly discourse by offering insights into the adaptability and limitations of institutional reform as a mechanism for justice in semi-authoritarian settings, with practical implications for policymakers, scholars, and justice advocates.

Brief Literature Review

Transitional Justice (TJ) is broadly understood as the set of judicial and non-judicial processes that societies undertake to address past human rights violations and foster reconciliation after periods of authoritarianism or conflict (ICTJ, 2010; UN, 2010). Initially conceptualized by Teitel (2011) during studies of post-authoritarian transitions in Latin America and Eastern Europe, TJ mechanisms typically include criminal prosecutions, truth commissions, reparations, and, increasingly, institutional reforms. Over recent decades, TJ has evolved beyond punitive justice to embrace structural reforms and broader reconciliatory measures aimed at preventing recurrence and restoring civic trust (Rubli, 2012; Teitel, 2011).

The institutionalization of TJ mechanisms has been significantly influenced by international human rights law and practice, notably through the role of international criminal tribunals for Rwanda and the former Yugoslavia ((Salehi, 2022; UN, 2010). Such mechanisms underscore TJ's commitment to accountability and the rule of law, which are foundational to stable democratization and lasting peace. The United Nations' comprehensive framework explicitly incorporates institutional reform as central to transitional justice, underscoring the

importance of systemic changes within judicial systems, security sectors, and constitutional frameworks to sustain post-transition stability.

However, much TJ scholarship remains anchored in contexts of apparent regime rupture, neglecting scenarios where authoritarian elites initiate and manage transitions, referred to as authoritarian-led democratization (ALD) (Levitsky & Way, 2010; Riedl et al., 2020). ALD differs fundamentally from classic democratization models because incumbent elites deliberately orchestrate political liberalization processes to preserve power rather than relinquish it entirely (Donno, 2013; Morse, 2012). These elite-managed transitions inherently constrain the scope of TJ, often rendering traditional justice measures, such as trials or truth commissions, ineffective or politically untenable.

Myanmar presents a compelling case illustrating these dynamics. After decades of military rule, Myanmar initiated a gradual process of democratization, culminating in the election of a civilian National League for Democracy (NLD) government in 2015. The transition was significantly constrained by the military-crafted 2008 Constitution, which secured military veto power and provided legal immunity to military officials through provisions such as Article 445 (Crouch, 2020; Pierce & Reiger, 2014).

Given these structural constraints, the NLD government pursued transitional justice primarily through institutional reforms—namely, constitutional amendments, judicial, and administrative reforms—rather than traditional punitive measures (Zin et al., 2024). However, these reform efforts were consistently hindered by entrenched military interests and systemic judicial weaknesses (Loveland, 2023; Stokke & Aung, 2020). Consequently, the efficacy and integrity of these reforms as genuine transitional justice mechanisms remain contested and under-explored in existing scholarship.

This study addresses this significant literature gap by critically examining the NLD's transitional justice efforts under conditions of authoritarian-led democratization. By doing so, it contributes to an emerging academic discourse that seeks to expand understandings of TJ beyond classic liberal democratic transitions, providing critical insights into the potentials and limitations of institutional reform within semi-authoritarian contexts. This nuanced analysis not only enriches theoretical debates on transitional justice but also has practical implications for policymakers and civil society organizations operating in transitional contexts marked by authoritarian legacies.

Methodology

This study employs a qualitative research design, utilizing a case study approach to explore how the National League for Democracy (NLD) sought to implement Transitional Justice (TJ) through institutional reforms in Myanmar from 2015 to 2020, and to identify the structural constraints that limited these efforts. A qualitative case study is particularly suitable for analyzing complex political dynamics and institutional processes embedded within specific socio-political contexts (Hollweck, 2015). This methodological approach enables an in-depth examination of the interactions between political structures, institutional reforms, and justice

initiatives, offering nuanced insights that are often overlooked by broader comparative or quantitative analyses (Mowery et al., 2010; Salehi, 2022).

Myanmar offers a critical and under-examined case study of TJ under constrained political conditions. After decades of authoritarian military rule, the country's transition initiated in 2011 led to partial democratization with the electoral victory of the NLD in 2015. Despite this civilian governance, the transition remained significantly limited by military-designed structures, notably the 2008 Constitution, which entrenched military influence through reserved parliamentary seats, constitutional veto powers, and immunity provisions such as Article 445 (Crouch, 2020; Holliday, 2014). This constrained democratic environment makes Myanmar analytically rich for investigating the potential and limitations of institutional reforms as mechanisms of transitional justice within authoritarian-led democratization (ALD) contexts.

Data for this study comprises diverse qualitative sources aimed at capturing comprehensive perspectives on the transitional justice process and institutional reform attempts:

- **Government Documents:** Analysis of official NLD manifestos, constitutional amendment proposals, legislative records, and public speeches.
- **Parliamentary Debates:** Examination of Pyidaungsu Hluttaw records focused on constitutional reform, judicial independence, and civil-military relations.
- **Media Reports:** Review of news articles from both Burmese and international outlets, including Frontier Myanmar, The Irrawaddy, and Myanmar Now, providing insights into public discourse and perceptions of justice-related reforms.
- **NGO and International Reports:** Utilization of publications by organizations such as the International Center for Transitional Justice (ICTJ), Fortify Rights, Amnesty International, and UN Human Rights Council reports, which offer detailed assessments of Myanmar's justice initiatives.
- **Academic Literature and TJ Databases:** Consultation of scholarly articles and resources from journals such as the Journal of Current Southeast Asian Affairs, Asian Survey, and the International Journal of Transitional Justice, supplemented by data from Transitional Justice Research Collaborative databases.

Where primary source materials are initially in Burmese, translation was conducted by the researcher to ensure fidelity to the original meaning and cultural context. This linguistic capability enhances the depth, accuracy, and cultural sensitivity of the analysis.

The analytical strategy involved thematic coding of these diverse sources, with a specific focus on institutional reforms, transitional justice discourse, structural constraints, and instances of resistance or support. The thematic analysis was cross-validated through triangulation across multiple data types and sources, strengthening the reliability and validity of findings. Nonetheless, this study acknowledges limitations, including potential biases in media coverage, restricted access to internal governmental deliberations, and the inherent challenges associated with accurately translating complex political terminology and concepts.

Findings & Analysis

This study examines how the National League for Democracy (NLD) government's institutional reforms from 2015 to 2020 represented efforts toward transitional justice (TJ) amidst Myanmar's constrained democratization. Analysis of official documents, parliamentary records, media reports, and international reports reveals key findings across three thematic areas: constitutional amendments, legal and administrative reforms, and human rights discourse.

Constitutional Amendment Attempts

A cornerstone of the NLD's transitional justice strategy was constitutional amendment, targeting the 2008 Constitution, which solidified military dominance and institutionalized impunity (Article 445). The NLD's 2015 manifesto emphasized amendments aimed at fostering a federal democratic union, signifying constitutional reform as essential for achieving justice and accountability (Burma, 2019), however, despite extensive parliamentary efforts—resulting in over 3,700 proposals—the military's guaranteed 25 percent parliamentary seats provided an effective veto, blocking nearly all substantive amendments (ISP, 2020; Myanmar, 2018). These blocked reforms highlight the limitations inherent in Myanmar's authoritarian-designed political framework, where even significant popular and civil society support fails to overcome the structural military power. While constitutionally unsuccessful, these efforts publicly underscored military resistance and positioned constitutional reform as central to the discourse on justice (OHCHR, 2023).

Legal and Administrative Reforms

Recognizing the limits of constitutional reform, the NLD pursued additional measures through legal and administrative reforms aimed at weakening authoritarian legacies. Early reforms included dismantling censorship boards, revising assembly laws, promoting judicial training, and establishing anti-corruption commissions. Nonetheless, implementation faced considerable resistance from military-aligned structures; judicial appointments remained influenced by military approval, and key security ministries remained beyond civilian oversight. Anti-corruption measures frequently targeted lower-level officials without challenging entrenched military-linked elites. This selective approach underscored the superficial nature of institutional reforms in contexts constrained by persistent authoritarian influence.

Human Rights Discourse and Commissions

The NLD government also sought transitional justice through human rights rhetoric and the establishment of inquiry commissions, notably the 2018 Independent Commission of Enquiry (ICOE), which investigated abuses in Rakhine State. However, criticisms arose from the commission's limited independence and inadequate mandate, failing to produce meaningful accountability or meet international standards. Although the discourse around human rights maintained international and domestic attention, substantial gaps persisted between rhetoric and actionable justice due to structural constraints. Civil society and minority groups have frequently criticized these symbolic gestures, instead calling for comprehensive and internationally credible accountability mechanisms.

Structural Constraints

The overarching constraints impeding meaningful transitional justice efforts included constitutional barriers, notably Article 445's immunity protections, military parliamentary veto power, and a lack of judicial independence. These structural factors entrenched military interests and systematically undermined the NLD's institutional reforms, rendering transitional justice efforts largely symbolic. The persistent power imbalance and constitutional rigidity significantly shaped the scope and effectiveness of all reform initiatives.

In conclusion, the NLD's pursuit of transitional justice via institutional reforms was genuine yet fundamentally limited by Myanmar's entrenched authoritarian structures. The analysis demonstrates how transitional justice mechanisms, unless they address foundational power imbalances, risk becoming performative rather than transformative. These insights highlight the complexities and inherent challenges of pursuing transitional justice in contexts of authoritarian-led democratization.

Discussion and Interpretive Analysis

The National League for Democracy's (NLD) experience illustrates that Authoritarian-Led Democratization (ALD) conditions significantly shape transitional justice (TJ), particularly constraining the potential for institutional reforms. In Myanmar, transitional justice initiatives were deliberately managed within an institutional framework still dominated by the former authoritarian regime. Key reforms—constitutional amendments, legal and administrative changes, and human rights commissions—were strategically constrained by military influence embedded within constitutional and political structures. The result was that genuine accountability remained elusive, and reforms often took symbolic forms without substantial shifts in power dynamics.

This context exemplifies the concept of "transitional justice without rupture," where transitions do not involve a complete break from past authoritarian structures. In Myanmar's case, the continued constitutional protection of military interests and immunities, as outlined in Article 445, has fundamentally undermined meaningful justice efforts. The inherent contradiction of attempting transitional justice within an unchanged authoritarian framework rendered the NLD's initiatives largely ineffective, often resulting in public frustration and skepticism, rather than reconciliation or accountability.

The implications for transitional justice theory are significant, highlighting the limitations and complexities faced in semi-authoritarian or hybrid regimes. Transitional justice frameworks traditionally anticipate a clear break from past abuses through either revolutionary change or negotiated settlements. Myanmar's experience challenges these assumptions, suggesting the need for more nuanced approaches that take into account the persistent authoritarian elements. This analysis underscores the importance of structural changes as prerequisites for effective transitional justice and advocates for theoretical refinement to better address the complexities of constrained political environments, where traditional transitional justice mechanisms often fall short.

Conclusion and Implications

This paper examines how the National League for Democracy (NLD) government in Myanmar attempted to implement transitional justice (TJ) through institutional reform during its governance period from 2015 to 2020, highlighting the significant structural constraints inherent in Myanmar's authoritarian-led democratization (ALD). Key findings revealed that while the NLD pursued constitutional amendments, judicial reforms, and administrative restructuring as mechanisms of TJ, these efforts were systematically constrained by entrenched military power, particularly under the military-drafted 2008 Constitution and Article 445. Military veto power, parliamentary obstruction, and compromised judicial independence severely limit the potential of these reforms to deliver meaningful accountability and justice, rendering many initiatives largely symbolic.

This study makes a significant contribution to the academic discourse on transitional justice by extending the analysis beyond traditional democratization models, which are characterized by apparent regime ruptures. By examining Myanmar's hybrid, semi-authoritarian transition, this paper broadens theoretical perspectives on how transitional justice mechanisms function—or fail to do so—in constrained democratization environments. It emphasizes the critical importance of analyzing institutional reform as a transitional justice tool, offering nuanced insights into the challenges faced when authoritarian structures persist. Moreover, this research provides an analytical framework for examining structural constraints, thereby enhancing our understanding of the limitations of transitional justice in semi-authoritarian contexts.

For future research, comparative analyses of transitional justice in similar ALD contexts—such as Thailand, Egypt, or Cambodia—could further test the robustness and generalizability of these findings. Exploring the role of international actors and civil society advocacy in influencing transitional justice outcomes in constrained political settings is another valuable avenue for scholarship.

From a policy perspective, this study highlights the importance of addressing structural impediments—including constitutional design, entrenched military influence, and judicial independence—to establish effective transitional justice processes. Policymakers and international actors operating in semi-authoritarian contexts should prioritize incremental legal and judicial reforms, encourage broader coalitions supporting constitutional amendments, and calibrate their expectations realistically to the specific political constraints encountered.

Ultimately, this research highlights the complexities and contradictions inherent in pursuing transitional justice without genuine political rupture. While Myanmar's institutional reforms under the NLD achieved limited immediate outcomes, they maintained critical dialogue on accountability, democracy, and justice. Thus, transitional justice in constrained democratization contexts requires strategic patience, sustained advocacy, and realistic expectations to gradually reshape societal norms and create pathways for more profound future transformations.

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THE SOCIO-ECONOMIC IMPACTS OF SPORT TOURISM DEVELOPMENT IN BURIRAM: CHALLENGES AND OPPORTUNITIES FOR EQUITABLE GROWTH

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Abstract

This study examines the socio-economic impacts of sports tourism development in Buriram, Thailand, exploring how it has transformed the province's economy and identity while also creating new challenges for equitable growth. Over the past decade, significant investments in sports infrastructure and hosting international events have elevated Buriram's profile and generated substantial tourism revenue. However, the benefits of this transformation remain unevenly distributed, with large businesses and urban areas reaping the most, while small enterprises and rural communities struggle to participate in the tourism economy fully. Based on interviews with local stakeholders and an analysis of policy and economic data, the research highlights both the economic opportunities and the social inequalities associated with sports tourism. The findings suggest that without deliberate efforts to connect local businesses to tourism supply chains, support marginalized groups, and protect cultural heritage, Buriram risks deepening social and economic divides despite its rapid growth.

Keywords: sports tourism, Buriram, economic impact, equity, creative economy, modernization, inclusive growth

Introduction

Over the past decade, Buriram Province, located in Northeastern Thailand, has rebranded from a primarily agrarian economy into a dynamic regional hub for sports tourism. At the heart of this transformation lies a series of investments in sports infrastructure, including the Chang Arena football stadium and the Buriram International Circuit, which have enabled the organization of globally recognized events such as MotoGP. After being recognized as just a provincial town, these investments have earned Buriram the nickname "Sport City". The province has been experiencing significant increases in national recognition as well as tourist arrivals and business activities from around the world.

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Buriram shifted its cultural identity and rebranded itself. These actions reveal more than just an economic change. The province has been increasingly positioning sports tourism as part of Thailand's broader creative and cultural economy. The province emphasizes its cultural assets and local identity because they are sources of economic value, as well as a form of soft power (Howkins, 2001; UNESCO, 2013). Sports events, such as football matches and motorsports, are cultural symbols that are reshaping how Buriram is perceived both nationally and internationally, and are becoming significant economic drivers.

Even with visible progress, questions remain about who truly benefits from this change in the economic landscape, sparking concerns about both inclusive growth and social equity (OECD, 2012; World Bank, 2009). Evidence suggests that gains through sports tourism may be unevenly distributed. Large businesses and urban areas tend to concentrate, with greater access to networks and capital. Conversely, local communities and smaller entrepreneurs may struggle to derive meaningful benefits from increased visitors and funding (Daniels & Norman, 2003; Fletcher, 1989). Existing inequalities risk deepening together with fostering social tensions (Adams, 1965; Ap, 1992).

This study seeks to address the following central research question: What are the economic and social impacts of sports tourism development in Buriram, and what challenges does it present for equitable growth?

Conceptual Framework

This study employs an integrated conceptual framework to examine the economic and social impacts generated by sports tourism development in Buriram.

In the background, Modernization Theory explains how large-scale infrastructure and technological advancements can transform regional economies (Inglehart & Baker, 2000; Rostow, 1960), drawing on the economic impacts highlighted by the framework. The construction of Chang Arena and Buriram International Circuit represents Buriram's modernization. However, modernization also risks creating uneven development. Benefits concentrated in urban zones or among certain economic actors create this risk. Creative and Cultural Economy Theory supports the contextualization of just how sports tourism reshapes cultural identity and regional branding (Howkins, 2001; UNESCO, 2013).

In order to explore the economic impacts of sport tourism in Buriram, Economic Impact Theory, along with the Multiplier Effect, has been applied to clarify how tourism generates direct, indirect, and induced benefits across different sectors because money flows through local supply chains and creates wider economic gains (Fletcher, 1989; Daniels & Norman, 2003). These ripple effects are not always equitable, yet. The Inclusive Growth Framework is therefore applied to specifically assess whether Buriram's sports tourism economy distributes benefits widely across the community, including small businesses, rural populations, and marginalized groups (OECD, 2012; World Bank, 2009).

This study examines perceptions of fairness, as well as social trade-offs related to the social impacts. Equity Theory was used by Adams (1965). Even when economic benefits are substantial, Equity Theory suggests that communities may perceive development as unfair if

they incur costs, such as disruption, social problems, or exclusion from decision-making, without corresponding compensation or participation. Fairness perceptions are often reflected through residents' experiences regarding social tensions with cultural shifts throughout Buriram (Ap, 1992).

As a result, this study analyzes both the economic and social dimensions of sport tourism development in Buriram, allowing for the nuanced identification of challenges to achieving equitable growth. This identification ensures that economic data and stakeholders' narratives are interpreted not only for their immediate impacts but also to understand how benefits and costs are shared among various social groups.

Methodology

This research uses a qualitative case study approach. The study aims to explore the multifaceted ways in which sports tourism affects economic benefits and equity concerns.

Data were collected from thirteen participants through semi-structured interviews, comprising local government officials, business owners (both large corporations and small vendors), tourism sector representatives, and residents. The interviews were designed to explore participants' perspectives and experiences regarding the cultural impacts, their views on fairness in benefit distribution, economic changes, and their participation in tourism supply chains.

In addition to the interviews, the study also analyzed a range of documentary sources, including Buriram provincial development plans, reports from the Tourism Authority of Thailand, national policy documents, and statistical data related to inbound tourism and economic performance.

Findings

The findings in this paper are based exclusively on the interviews. The results are organized according to the main research question, focusing on the economic, social, and challenges to achieving equitable growth in Buriram. In this paper, a thematic analysis, as suggested by Braun and Clarke (2006), was applied to examine the economic impacts of sport tourism in Buriram. To ensure alignment with Inclusive Growth and Economic Impact theories, five themes were identified.

Economic Growth Driven by Sports Tourism

Sports tourism is now a vital component of Buriram's economy, driving growth in various areas. Significant sports infrastructure projects, such as the Chang Arena and the Buriram International Circuit, have had a profound impact on the local economy. When people spend money on significant sports events, economic activity triggers a chain reaction that benefits not only the revenue from ticket sales and hosting fees, but also the broader economy. One of the business owners who has been working closely with the provincial industry office disclosed that, over the past decade, the number of registered accommodations, such as hotels,

guesthouses, and daily rental rooms, has increased more than four times to meet the rising number of visitors. The interviewee also noted that hotels generally occupied around one-third of their capacity during regular periods and that they reached full capacity during each of these events, indicating the full demand generated by sports tourism. Residents agreed that it is visible that the province has been benefiting from this. There are now more restaurants, malls, convenience stores, and coffee shops in the area. Both coffee shop owners stated that during events, they receive more customers than during the normal period. One also mentioned that their businesses, such as gas stations and tire shops, have been benefiting as well.

Unequal Distribution of Economic Benefits

Data and perceptions from stakeholders and provincial sources confirm that major events, particularly high-profile events like MotoGP, attract hundreds of thousands of visitors to Buriram, resulting in increased overall provincial revenue. However, the benefits are not shared equally. Because the visitors' spending often goes primarily to large businesses and outside suppliers, such as event organizers. A big hotel manager stated that they would receive staff members of the events as their recurring customers. Due to the event schedule, customers usually stay on packages that include all meals. One interviewee pointed out that provincial elites have carefully planned the development of the football stadium and racetracks to include chain hotels, restaurants, souvenir shops, and even replicas of tourist attractions such as Phanom Rung Stone Castle. This created an all-in-one destination for visitors to stay and spend their money in the area. Small business owners stated they seldom get to be within stadiums or event spaces. Their ability to earn income straight from sports tourism is limited. Local businesses with less capital struggle to attract more customers compared to the capacity and resources of big hotel chains and restaurant franchises.

Labor Market Inequality

People from outside Buriram with specialized skills or more experience often get higher-paying skilled jobs in hotels, event planning, and hospitality. Neither the hotel manager nor the head chef interviewed is originally from Buriram; they were hired based on their qualifications. In contrast, local workers tend to stay within lower-wage service jobs. They do have so few chances available for them to move into better positions. Locals often end up in seasonal or low-wage work. Opportunities toward management roles, skilled positions, or owning businesses mostly remain out of reach.

Spatial Economic Disparities

Adding to this challenge is the way businesses have developed around Buriram's sports venues. Interviewees noted that large hotel chains, famous restaurants, and modern shopping complexes have quickly taken over the areas around Chang Arena. These neighborhoods have become designated zones, primarily for visitors. As a result, economic activity has become highly concentrated in this newly developing area, where larger businesses with more financial resources can afford prime locations. Meanwhile, traditional business areas, especially the old town center of Buriram, have become noticeably quieter and less crowded. Residents said the old business district has lost much of its business. This fact shows how sports tourism, while

promoting modern development, can shift economic flows and leave older local economies behind.

Shift Away from Traditional Economic Sectors

Economic sectors, such as agriculture, are no longer the primary focus of this development. All the interviewees mentioned that the land near the sports facilities has become significantly more expensive. It is now filled with hotels, shops, and other tourism businesses that have replaced many old agricultural areas. Due to this change, urban developments have replaced farmland, and many former agricultural workers have had to seek new employment opportunities.

Social Impacts and Equity

For the social impacts and equity dimensions of sport tourism development in Buriram, this study also adopted thematic analysis, with three themes arranged in alignment with Equity Theory (Adams, 1965), highlighting local experiences and perceptions.

Social Disruption and Daily Life Challenges

The growth of sports tourism in Buriram has transformed not only the provincial economy but also the everyday lives of many residents, producing social consequences that extend far beyond financial considerations. It is important to see how perceptions of fairness and the burdens borne by local communities are.

Daily life has also grown tougher for residents outside of tourism. Large events bring heavy traffic congestion, crowded streets, and noise since these events greatly disrupt everyday routines. Locals often prefer staying home at such times because tourism events make their neighborhoods chaotic. This disruption makes staying at home a preferable option. Social problems from tourism trouble residents more than the inconveniences. These problems include increased gambling as well as drug use, especially among younger people. These are issues that contribute to a broader perception of the problem. Sports tourism is often perceived as a sign of progress, but it also creates social burdens that disproportionately fall on local communities.

Perceived Inequity and Exclusion

Residents often think they must make valuable sacrifices for developments, giving them few individual rewards. Sports tourism visibly grows the economy, while locals often feel that they bear the costs as social structures are disrupted and living costs rise, without them fairly gaining the benefits. This sense of unfairness then compounds because people are unable to participate meaningfully in planning or make decisions about tourism development. Residents feel excluded from discussions on Buriram's evolution, as well as acceptable trade-offs.

From the interviews, it was clear that many interviewees were cautious when mentioning issues arising from sport tourism development. They are aware that these developments are largely a top-down initiative from local political elites, and those who hold different views or are not part of their inner circle find it difficult to speak openly about what

is happening. One interviewee suggested that it would be better if the development could be done freely, without local political elites guiding it, thus allowing local officials to focus on their primary responsibilities and better address the needs of local people.

Cultural Displacement and Identity Transformation

Cultural shifts reflect dynamics of resource allocation and prioritization. Although cultural displacement is not directly caused by sports tourism, it signals how provincial resources are increasingly funneled toward supporting sports events at the expense of other sectors. Traditional silk makers, for instance, have begun adjusting their designs to match tourist preferences, sometimes sacrificing the authenticity of their crafts to appeal to changing market demands. Meanwhile, initiatives aimed at preserving local culture, such as community-based tourism projects or cultural heritage training, have struggled to secure funding, as resources are directed toward large-scale sports infrastructure and events.

This prioritization raises concerns that local identities and traditional livelihoods may gradually fade as Buriram's economic and social focus shifts ever more toward the sports sector. The province's political climate further discourages open critique. Discouragement makes people experience powerlessness since change negatively impacts them.

Overall, while sports tourism has elevated Buriram's image and delivered real financial benefits, its social impacts remain complex and uneven. Many residents face burdens due to rapid development. Those outside the tourism economy do not fully share in its rewards. Policies are needed to meet these issues. They must secure greater input during decisions, preserve native cultural identities and spread growth profits fairly throughout society.

Challenges for Equitable Growth

While sports tourism has driven economic growth and transformed Buriram into a prominent regional destination, important difficulties remain to ensure this development is both equitable and sustainable.

Sports tourism creates considerable revenue, yet economic gains are not distributed equally. There are insufficient opportunities for all sectors of society. A key challenge is that small local businesses have limited opportunities to integrate into the tourism supply chain due to their limited capital, scale, and networks. Small vendors and family-run businesses often face challenges, while large hotels and renowned restaurants capture the majority of tourism revenue.

Issues arising from the spatial concentration of development. Land prices have increased since investors began focusing heavily on sports venues, and then economic activity shifted to the area surrounding this new development zone. Former commercial areas, including the old town of Buriram, have experienced a decline in activity. Farmland has been replaced by commercial use. This shift contributes to urban-rural gaps, and spatial inequities are exacerbated. Rural communities are often left with fewer economic opportunities.

Also, there are challenges related to labor market dynamics. Despite the increasing number of jobs being created, managerial and higher-paying skilled positions often go to professionals from outside the province of Buriram. At the same time, local workers remain in

service roles with fewer opportunities for advancement. This dynamic reinforces a two-tier economy in which economic benefits are not being shared evenly.

Socially, issues arise from how residents view equity and compromise. Many locals feel burdened by disruptions during major events, including traffic congestion, overcrowding, and increased noise. They are also concerned about social issues like gambling and drug use associated with sport tourism development. Additionally, residents often feel excluded from planning and decision-making processes. This exclusion makes them feel powerless and reinforces their perception of inequity, especially about the power held by local elites.

Although cultural displacement is not directly caused by sports tourism, it reflects broader shifts in resource allocation, where provincial funding is increasingly directed toward sports-related development at the expense of cultural preservation. Community-based tourism and cultural heritage projects often struggle to secure sufficient funding, raising concerns that traditional identities and local cultural practices could gradually fade as Buriram's identity becomes increasingly sports-focused.

Overall, these challenges highlight the issues Buriram has faced since gaining recognition for its sports tourism. However, achieving equitable growth will require the implementation of policies that are both deliberate and inclusive. Such measures should prioritize the integration of local businesses into tourism supply chains, the preservation of cultural heritage, the promotion of spatially balanced development, improved access to skilled and higher-wage employment for local workers, and genuine community participation in planning processes. Buriram risks sustaining a development model that concentrates economic gains for only a few, while excluding many residents of the province from the benefits of its tourism-driven success.

Conclusion

This study has explored the socio-economic impacts of sports tourism in Buriram, revealing that while it has raised the province's profile and increased economic growth, the benefits are still unevenly distributed. Large businesses, as well as urban areas, capture most of the gains. Local communities, along with small enterprises, are often excluded. Socially, the rapid pace of development has disrupted everyday life, increased living costs, and contributed to the emergence of social problems. Many locals feel left out of planning and decision-making processes, which reinforces their sense of unfairness. Based on Buriram's experience, regional growth can be driven by sports tourism, but inequalities can also deepen. For inclusive development, future policies should distribute benefits more fairly, ensure stronger local participation, and protect cultural identity.

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SYMPTOMS OF A SYSTEM: DIAGNOSING THAILAND’S UHC THROUGH THE LENS OF IBD

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Abstract

Inflammatory Bowel Disease (IBD), a lifelong condition requiring long-term and often costly medical treatment, was once considered rare. However, in recent decades, the incidence of IBD has gone up, linked to societal changes. The prevalence of IBD worldwide increased by around 47 percent between 1990 and 2019. However, the incidence was significantly lower across Asia, including Thailand, which, according to a 2022 study, has an annual prevalence of IBD of 0.49 cases per 100,000 people. Although it is relatively rare in Thailand compared to other regions, it still highlights the need for awareness and healthcare resources, as well as the recognition of challenges patients encounter when accessing the care they require, which can greatly impact their lives. Thailand, as a signatory to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), is obligated to take steps toward the progressive realization of health rights by ensuring the availability, accessibility, acceptability, and quality of healthcare services for all, without discrimination. Universal Health Coverage (UHC) was established in 2002 to provide equitable access to healthcare for all Thai citizens. It significantly expanded access to essential healthcare services. Still, patients with rare and chronic diseases face challenges in receiving timely and adequate care due to several systemic barriers. This paper presents a review of existing literature on Inflammatory Bowel Disease (IBD) situation in Thailand combined with perspectives on Thailand's Universal Healthcare Coverage, which includes three major schemes covering over 90 percent of Thai citizens, this study aims to analyze existing laws relevant to the public healthcare system, proposing a conceptual framework to guide future empirical research. The framework integrates the challenges faced by IBD patients within the Thai public healthcare system landscape. This. This work proposes a foundation for future studies and contributes to academic discourse by clarifying existing knowledge.

Keywords: Universal Health Coverage, Health Rights, Thailand’s Healthcare, Inflammatory Bowel Disease (IBD)

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Introduction

In February 2018, at a Meeting 'Achieving the Universal Healthcare Coverage: from the past to the future at the Ministry of Foreign Affairs. WHO Director-General at the time, Dr. Tedros Ghebreyesus, said that Thailand had achieved progress in UHC implementation. The country serves as a role model in helping other countries shape their UHC Policies.

Thailand introduced UHC in 2002, with over 75 percent of the Thai population covered under the Universal Healthcare Scheme, 18 percent under the Social Security Scheme, and 7 percent under the Civil Servant Health Welfare Scheme. Although launched only a few years after the 1997 financial crisis, UHC survived its early years through the use of the capitation payment method. The UHC was launched, aiming to provide people with free healthcare, help them alleviate the burden of healthcare expenses, and, in return, with good health, enhance the economy and increase consumption power. Between 2002 and 2014, UHC had reduced catastrophic health expenditure by a factor of four (Sumriddetchkajorn et al., 2019).

Despite these gains, however, the system faces deep-rooted structural inefficiencies that limit its overall effectiveness. Structural inefficiencies persist, hindering effectiveness, including legislation, resource misallocation, corruption, data fragmentation, and bureaucratic inertia.

This paper proposes using Inflammatory Bowel Disease (IBD) as a lens to explore system-level vulnerabilities within Thailand's healthcare system. Given the chronic and complex nature of IBD, its management necessitates coordinated, multidisciplinary care, making it an ideal case to identify systemic inefficiencies by analyzing patient access to specialized care, treatment affordability, long-term disease management, and healthcare infrastructure support. The study aims to uncover gaps in legislation and policies relevant to Thailand's healthcare system. The insights will highlight critical weaknesses and inform strategies to enhance healthcare resilience, equity, and efficiency, contributing to improved outcomes for chronic disease management in Thailand.

Health as a Human Right

Human rights are the essential freedoms and entitlements that are inherent to all individuals, regardless of their race, gender, nationality, or social status. Among these rights, the right to health stands as a fundamental right. It is critical to human dignity and well-being. Good health is one aspect necessary for the enjoyment of human rights. Health can empower people, as a healthy person is in a better position to engage in activities they find helpful, increase their life chances, and enjoy other human rights (Nampewo et al., 2022).

The right to health, protected by international human rights legislation, is closely linked to access to healthcare, including the necessary prescription medications, specialized care, and therapies. According to the Universal Declaration of Human Rights (UDHR), the right to health is declared as part of the right to life, under the standard of living, which includes food, clothing, and housing. This, General Comment No. 14 on Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which declared a universal right to the highest attainable standard of physical and mental health. According to Article 12 of the ICESCR, states are obligated to take steps toward the progressive realization of health

rights, ensuring the availability, accessibility, acceptability, and quality of healthcare services for all, without discrimination.

According to Article 12 of the ICESCR, states are obligated to take steps toward the progressive realization of health rights, ensuring the availability, accessibility, acceptability, and quality of healthcare services for all, without discrimination. Governments must demonstrate that they are using the maximum of available resources to continue improving the conditions of their people.

Overview of IBD Care in Thailand

Inflammatory Bowel Disease (IBD), which includes Crohn's disease and ulcerative colitis, is a chronic inflammatory disease believed to be caused by an immune response in a genetic predisposition. The impacts on daily life associated with globalization have led to discernible and tangible health consequences in nearly all countries worldwide. Today's increasing health risks in the Global South are closely related to urbanization and altered lifestyles, especially air pollution, unhealthy diets, physical inactivity, smoking, and excessive alcohol use. The changes in working and living habits, along with their consequences for physical, mental, and social health, contribute to the global harmonization of diseases (Caron, Sailish Honap, and Laurent Peyrin-Biroulet, 2024). The diseases are commonly treated not just with medical treatment, but with a unique combination that depends on each patient's symptoms, such as biologic treatment, endoscopic healing, hospitalization, surgery, or intervention, and colectomy in some cases. Compared to the Western population, the incidence is significantly lower across Asia; however, the inclination for IBD is increasing.

In Thailand, the prevalence and incidence of IBD are still low compared to both Western and other Asia-Pacific countries. Moreover, the incidence of IBD is also lower compared to other major colorectal diseases in Thai patients. Diagnosis remains challenging due to unawareness and difficulty in the differential diagnosis between IBD and other diseases with similar symptoms. Currently, there are limited numbers of physicians focusing mainly on IBD. According to a 2021 study, there are fewer than 10 gastroenterologists in the country who specialize in IBD, and only two IBD clinics, both of which are located in Bangkok. The study stated that, in addition to colorectal surgeons and gastroenterologists, individuals with IBD often require the services of other specialists, including pathologists, radiologists, nutritionists, and psychiatrists. Specialists in these areas are also in short supply. Compounds with restricted medical treatment, such as biologics, are not widely available, resulting in limited medication choices. Moreover, not all biologic agents are reimbursable by the Thai government; only a few patients can afford them (Sumriddetchkajorn et al., 2019).

Current Situation of Thailand's Universal Health Coverage (UHC)

Launched only a few years after the 1997 Asian financial crisis, the Universal Health Coverage (UHC) policy was designed to function in difficult financial conditions. Strong social support gave the policy resilience against political and economic challenges. Nevertheless, a sustainable approach is necessary to reduce the likelihood of medical impoverishment and ill health among the insured. A predominantly tax-financed policy will always struggle to contain challenges to funding the health system (Sumriddetchkajorn et al., 2019).

According to recent information, over 99 percent of Thai citizens are covered under one of the three tax-funded healthcare schemes. The most comprehensive scheme, which provides free healthcare services regardless of income level and contributes to achieving universal healthcare coverage, is the Universal Coverage Scheme (UCS). Despite the good intention, Thailand's UHC is still far from perfect, the National Health Security Office (NHSO) recognized flaws within the system and planning to elevate three key aspects, by introducing new medicines and innovative operational methods to advance technologies used, offering patients guidance and medications for minor illnesses through pharmacies instead of only offer services through hospital visits, and aim to grant UCS beneficiaries access to healthcare services at any health unit regardless of registered address. Although these attempts had been made clear by the secretary-general of NHSO, the effort is still underway.

While Thailand's UHC system makes significant improvements in providing access to healthcare, challenges remain in specialized care and multidisciplinary treatment. Despite systems and legislation designed to improve healthcare accessibility, such as the National List of Essential Medicines (NLEM), many medications remain inaccessible to certain patients due to geographic, financial, and systemic barriers. Specialized healthcare services, including those provided by specialists and advanced medical equipment, are often concentrated in urban areas. Persistent inequalities persist due to fragmentation between schemes, unequal benefits, and variations in quality of care, which are compounded by other demographic factors. Reform is still needed to integrate advanced care models and address existing barriers. Further legal analysis will be required to refine the regulatory frameworks that govern more inclusive services and reduce healthcare inequalities.

Existing Loopholes in Thailand's Healthcare Delivery

Through personal experience and informal discussions, both online and offline, several preliminary observations have revealed persistent loopholes in healthcare delivery that hinder the effectiveness of equitable and timely care, notably disparities in resource distribution and regional inequality, which leave many underserved areas lacking medical infrastructure and personnel. Corruption and mismanagement not just worsen the quality of care by diverting resources away from patient care, but also destroy the trust in public health systems. The fragmented health system affects continuity of care, compounded by bureaucratic and administrative hurdles that delay access to services, particularly for particular vulnerable groups. Collectively, these issues reflect profound structural weaknesses that require coordinated reform.

Resource Distribution and Regional Inequality

Another significant challenge in the Thai healthcare system has been stated in many academic literature, that most advanced medical facilities, specialized treatments, and well-equipped hospitals are concentrated in major urban areas, especially in Bangkok Metropolitan, as stated in a study about the IBD situation in Thailand, which mentioned that there are only two specialized clinics. Both are in Bangkok (Riansuwan and Limsrivilai, 2021). These hospitals mentioned possess modern diagnostic technologies, advanced surgical equipment,

and a concentration of medical specialists. While rural or remote areas face severe shortages of both healthcare professionals and medical equipment. Especially community and district healthcare units, they frequently lack essential resources, which is often highlighted on social media, as they have to rely on donations. As a result, patients in rural regions must travel long distances to urban hospitals, incurring additional out-of-pocket expenses and experiencing delays. Furthermore, the disproportionate number of specialist doctors who are primarily based in cities limits the availability of treatment for those living outside metropolitan areas. The lack of strategic investments in regional healthcare infrastructure and incentives to retain professionals in underserved areas results in less developed areas having lower-quality care and experiences, with the gap in healthcare access and outcomes continuing to widen.

Corruption and Mismanagement

The healthcare system is complex, characterized by substantial financial flows of high-cost medical equipment and an intricate organizational structure, all of which make it vulnerable to corruption in many forms. In the absence of third-party audits and transparency mechanisms, numerous vulnerabilities exist at different levels of the system. This vulnerability can lead to budget leakages, fraud in the transfer of allocated funds, and embezzlement of public money. All undermine the quality of services and contribute to the shortage of limited resources. Moreover, informal arrangements and favoritism, such as relationships between healthcare providers and medical suppliers or pharmaceutical companies, can further distort processes, inflate costs, and reduce the quality of care provided. Although there are no widespread reports on such corruption, it is evident that the matter is concealed in many countries, such as Cambodia, where a report estimates that approximately 5 to 10 percent of the health budget is lost before it is transferred to the Ministry of Health. Corruption in these forms leads to the waste of public funds and erodes public trust, thereby exacerbating healthcare service inequality.

Fragmented Health Data System

Currently, there is no nationwide database that connects hospitals across the country. When patients visit a new hospital, either through referrals or direct appointments, they must acquire and carry their medical records from previous healthcare providers. This process often requires time and effort, as acquiring medical records, which contain private information, involves bureaucratic procedures and delays. A lack of real-time access to patient histories can hinder the coordination of care. This fragmentation can also result from repeated tests, inconsistent diagnoses, and medical errors, which further the burden to both healthcare providers and patients. Especially for patients with chronic conditions that may require switching healthcare facilities, efficiency and continuity of care are frequently compromised without a unified health information system. Such a system can improve the overall streamlining of healthcare services. Although the privacy character of medical records can be concerning, another way to enhance this aspect of healthcare is to allow patients to access their information and make an informed decision about sharing their health data. Projects with a similar purpose exist in many countries, including South Korea, which has the Personal Health Record (PHR). It is a tool that enables individuals to manage and share their health information held by medical institutions, as well as self-generated health data. It is an information

technology application used in the healthcare field to enhance communication between patients and healthcare workers, facilitating patient participation and improving the quality of care (Lee et al., 2021).

Bureaucratic and Administrative Hurdles

Bureaucratic and administrative hurdles in the Thai healthcare system impede timely access, particularly in public hospitals. One prominent issue is the referral process. Under the UCS, patients are required to seek treatment at a registered primary care unit, which is usually a community hospital with limited resources and insufficient capacity to manage complex or rare diseases. A physician must refer patients to a higher-level facility. This tiered system can significantly delay both treatment and diagnosis, particularly in rural areas where primary care units are often overburdened. To gain an appointment with a specialist, patients must secure an appointment at a local clinic, wait for a referral, and then face longer waiting times at regional or tertiary hospitals. Direct access is rarely allowed; additionally, booking appointments can be a complex and time-consuming task by itself. Most hospitals lack online systems, requiring patients to present in person or make multiple phone calls. Administrative inefficiencies, such as a lack of medical records and limited coordination between departments, complicate the process and disproportionately affect many vulnerable groups.

Conclusion and Proposed Conceptual Framework

Key Concepts: Fragmentation Across UHC Schemes. There are three separate schemes under Thailand's UHC system; each scheme operates under different laws and regulations, eligibility criteria, and reimbursement processes.

1. The Civil Servant Medical Benefit Scheme (CSMBS) covers government employees and their families.
2. The Universal Coverage Scheme (UCS) covers the general population that is not covered under the other two schemes, including low-income individuals.
3. The Social Security Scheme (SSS) covers people who work in the formal private sector.

The legal and regulatory differences create barriers to accessing care. Patients enrolled in different schemes may face unequal access to treatments, and specialists rely on the benefits and limitations of their schemes, leading to uncertainty and a lack of clarity. This uncertainty also leads to inconsistent care and interruptions in treatment. The complicated pathway and legal fragmentation can complicate the ability of IBD patients to receive continuous care, especially when involved with multiple healthcare providers and complex regulations. This complexity affects the coordination of care and complicates the management of conditions.

Due to variations in legal frameworks and administrative processes of the three different schemes, it can result in differential treatment options and coverage under each scheme, creating an inequitable healthcare environment where IBD patients in different schemes may have varying degrees of access to care. This difference leads to lower or unequal quality of care, as some patients may experience delays and limited treatment options. This inequality contributes to less effective management and inadequate support for IBD patients.

This conceptual framework highlights the fragmentation of Thailand's UHC system due to its three distinct schemes, worsening the difficulties IBD patients face in accessing treatments. It illustrates the connection between legal structures and administrative processes that influence patient care. The goal is to determine how these barriers impact health outcomes and the quality of care. This conceptual framework guides the analysis of how Thailand's UHC system can be reformed for more equitable and effective healthcare, particularly for those with chronic conditions like IBD.

Conclusion

Thailand has made significant progress in expanding access to primary healthcare, ensuring that basic medical services are available to most of the population. However, challenges persist to varying degrees, especially in the diagnosis and treatment of complex and rare diseases, where gaps in resources, specialist care, and system coordination are more pronounced. Using IBD as a lens to examine systemic shortcomings can highlight broader issues that also affect other rare or complicated conditions. Addressing these barriers and challenges can lead to practical and far-reaching solutions, enhancing the ability to manage care for rare or complex diseases more effectively and improving the overall quality of healthcare.

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ETHNIC IDENTITY, NATIONALISM, AND MARITAL AUTONOMY: NAVIGATING SOCIETAL PRESSURE AND RESISTANCE AMONG RAKHINE WOMEN

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Abstract

This study examines the intersection of gender, nationalism, and ethnic identity in Rakhine society in Myanmar, with a focus on how nationalist ideologies and marriage norms impact the autonomy and lived experiences of Rakhine women. Drawing on anthropological and feminist lenses, and building on previous studies and theoretical frameworks, this paper argues that societal expectations constrain the rights of Rakhine women. Rakhine women are burdened with the responsibility of preserving ethnic purity and cultural continuity through their marriage and reproduction, even though nationalist ideologies often disregard individuals' freedoms. In the Myanmar context, ethnic identification and the preservation of cultural and religious values are deeply rooted, especially among communities such as the Rakhine, as specific historical contexts have influenced their cultures and traditional practices. Gender roles are consequently shaped by these preservationist ideologies, often ignoring women's human dignity. Marriage to non-Rakhine individuals—particularly Burmese men—is commonly regarded as taboo and a betrayal of ethnic identity. This paper explores the experiences of women who deviate from these norms and often face social challenges, including stigma and exclusion from their social circles, strained family relationships, and intense pressure from family members who fear social shame in the community and accusations of "race betrayal" (A Myo Phyat Ma). By analyzing how nationalist narratives manifest societal expectations and practices in this community, which are defended as necessary for safeguarding Rakhine heritage, this paper aims to examine how these narratives limit the autonomy of Rakhine women. It further suggests the need for public critical discourse to re-examine the roles of women beyond ethno-nationalist frameworks. To achieve gender equality, community-based initiatives must critically examine these practices that undermine the recognition of the dignity and freedom of these women as fundamental to their well-being.

Keywords: Rakhine women, ethnic identity, marriage norms, nationalism, feminist anthropology, cultural preservation, intersectionality

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Introduction

The Rakhine ethnic group, also known as the Arakanese, is an inhabitant of Myanmar's western coastal region. The group is widely known for its rich history and strong cultural practices under the independent kingdoms such as Dhanyavati, Vesali (Waithali), Laymro, and Mrauk-U. These kingdoms played significant roles in regional trade, connecting Southeast Asia with the Indian subcontinent (Sarman, 2007). Notably, the Mrauk-U Kingdom was renowned for its monarchy, which brought prosperity and development to the population, fostering cultural pride among the Rakhine people. Despite these illustrious histories, the Rakhine lived under Burmese rule from 1785 to 1826, followed by further external pressures of British colonial domination from the early 19th century until Myanmar's independence in 1948.

Among the Rakhine, prior historical legacies have shaped strong societal expectations that uphold cultural identity and preserve ethnic purity, where the roles of women are especially pronounced. Marriage practices are central to this cultural preservation, and women who marry outside the ethnic group, particularly to Burmese men, are controversial. They often face several challenges: social exclusion and family rejection. The study related to this area remains under research, with a noticeable gap in understanding how this matter is deeply rooted in mythical traditions that affect autonomy and personal choices in marriage and self-expression, as well as undermining their dignity.

While such practices are normalized within the community, they contradict international human rights standards according to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In particular, Articles 2(d) and 16 state that states are obliged to ensure non-discriminatory cultural norms guaranteeing the decision-making roles of women without coercion when it comes to choosing their spouses. On the contrary, Myanmar is not a state party to the International Covenant on Civil and Political Rights (ICCPR); however, these international norms remain critical for reflecting on and analyzing the denial of individual rights, as Article 23 of the ICCPR protects the right to marry with free and full consent.

This study aims to fill a research gap by exploring the broader implications of societal norms and gender-based discrimination that limit women's freedom and rights within the Rakhine community. Moreover, the study will also investigate whether imposing a sense of preserving identity relates to the framework of patriotism and nationalism, offering a critical lens on gender and ethnic identity.

Conceptual and Theoretical Framework

This study applies Gendered Nationalism theory to examine the roles of Rakhine women who are expected to conform to marital decisions deemed acceptable by the community under the nationalist ideologies. Drawing on Nira Yuval-Davis (1997) and Floya Anthias (1989), the theory reveals how women are positioned as "biological reproducers" and cultural guardians for the continuation of the nation. In Rakhine society, mythical nationalist discourses demand that women marry within their ethnic group to uphold ethnic pride while simultaneously maintaining cultural purity. These pressures are often enforced by male-

dominated societal structures that portray inter-ethnic marriage as a threat to their ethnic identity and cultural values under the pretext of ethnic group preservation. A common belief among the community is that "disappearance of ethnic groups" occurs if Rakhine women marry non-Rakhine men, their children are perceived not to carry the "pure bloodline" of Rakhine. However, Rakhine men may experience some degree of pressure from society, which is significantly less intense than the pressure faced by women. Men generally can enjoy their freedom and challenge these against norms in choosing marriage partners, whereas women face strict social controls and stigmatization for marrying outside their ethnic group. A male-dominated society reinforces this gendered burden through various channels, both directly and indirectly, including religious discourse, particularly from nationalist Buddhist monks, formal or informal conversations, nationalist rhetoric, social media platforms, and cultural songs that portray inter-ethnic marriage as a threat to the survival of the ethnic group.

The research also incorporates Anthony D. Smith's (2009) theory of Ethno-Symbolism and Nationalism, which highlights the role of cultural symbols, myths, narratives, and traditions in shaping nationalist ideologies and sustaining national identities over time. In Rakhine, mythical cultural narratives frame women as core propositions—cultural guardians whose roles in marriage within the same ethnic group are deemed essential for preserving ethnic purity and continuity. The framework of Anthony D. Smith offers a valuable lens for analyzing the intersection of gender and nationalism in Rakhine society, which is deeply rooted and embedded in mythic narratives that center on women as passive objects for the reproduction and continuity of the Rakhine ethnic group.

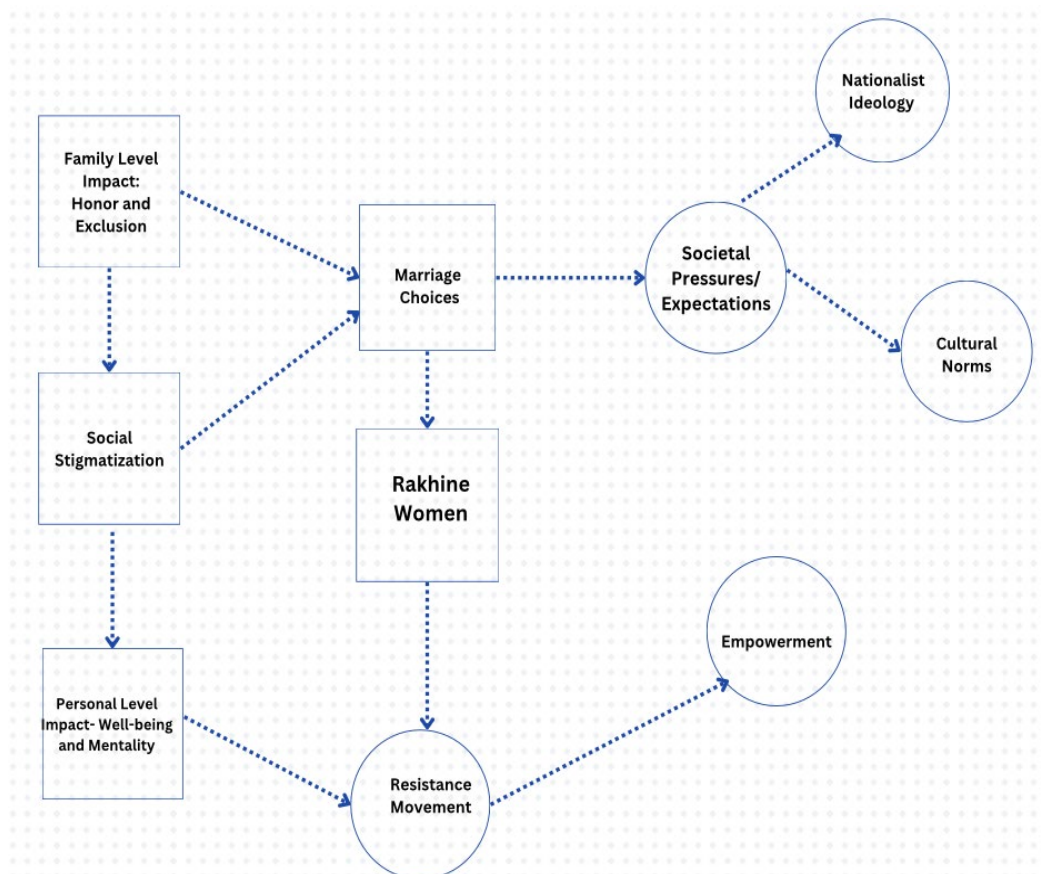
Chie Ikeya (2012) further contextualizes how women's bodies and marriage choices become symbolic sites for nationalist control, where women who marry outside the ethnic or national group are perceived as betrayals of the nation, labeled as "race traitors" or disloyal to their community. Chie Ikeya emphasized the symbolic role of women as "mothers of the nation," providing a compelling example of postcolonial periods; a prominent democratic figure in Myanmar, Aung San Suu Kyi experienced social stigmatization and nationalist backlash for marrying a foreigner. Her marriage to her late British husband was publicly condemned as "mixed blood" due to the anti-colonial sentiment. Article 59 (f) explicitly excluded her from the presidency opportunity, despite widespread public support, due to her marriage to a citizen of a foreign country, or any of their children or their children's spouses being foreign citizens. This article reflects how nationalist ideologies influenced women's roles and marital decisions as political acts rather than personal freedoms. Her case mirrors how Rakhine women today encounter societal expectations of their conformity to preserve identities around cultural loyalty, marriage, and reproduction.

Anne McClintock's 1993 work discusses the symbolic role of women as culture reproducers, where patriarchal nationalism enforces conformity and exerts control through mechanisms of exclusion and social shame on women who fail to comply with expected norms. This theoretical lens reflects the lived experiences of Rakhine women, and their marriage decisions are mirrored by broader power dynamics within a patriarchal nationalist framework.

To deepen the analysis, Crenshaw's 1991 theory of intersectionality offers a critical lens to explore multiple forms of discrimination that affect women differently based on the

intersections of gender, ethnic identity, and social and cultural norms shaped by nationalist and patriarchal contexts. This theory helps to illuminate how Rakhine women experience intersecting oppressions rooted in the community due to the values and practices of the ethnic, patriarchal, and cultural identity. In particular, those who marry outside their ethnic group often face family rejection and social stigma—forms of social control that reflect the intersecting pressures to preserve ethnic purity and conform to nationalist ideals.

At its core, this study reveals the conflict between the freedom of Rakhine women to make independent marital choices. The patriarchal and nationalist ideologies attempt to influence their bodies, identities, and personal lives. These pressures contradict fundamental human rights, such as those enshrined in Article 5 (a) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which requires states to eliminate the cultural and social norms based on stereotyped gender roles. It also guarantees women's freedom to choose their spouses and enter marriage without pressure and discriminatory cultural practices. This research advocates for the recognition of Rakhine women's dignity and ensuring freedom beyond their roles as cultural guardians, simultaneously calling attention to how nationalist ideologies limit these women from enjoying their rights in the name of ethnic preservation.



Conceptual Map showing societal pressures within nationalist ideology on Rakhine women through their marriage choices. The map also indicates the potential outcomes for those women who challenge the norms and face levels of impact at the personal, family, and community levels.

Research Methods

This research will employ a combination of qualitative design and ethnographic methods, including semi-structured interviews and focus group discussions with Rakhine youths from diverse backgrounds, as well as content analysis of social media posts related to Rakhine women's marriage choices and the formation of nationalism in gender norms. The primary qualitative data focuses on the lived experiences of Rakhine women, primarily through the societal expectations imposed by families and communities on their marriage choices, which intersect with broader nationalist ideologies.

Semi-Structured Interviews with a Case Study Approach

The sample size for this research will consist of 15 participants, including Rakhine women and community leaders, divided into three groups. The main subject of the group consists of 8 Rakhine women married to Burmese men, and the next group will comprise three women married to men from other ethnic groups. The objective of dividing the groups is to facilitate a comparative analysis with an in-depth exploration of how these women experienced societal pressures related to marriage norms and challenges after marrying across different ethnic identities, and how nationalist sentiment influenced their social lives. This interview will feature the insights and perspectives of four community/cultural leaders or elders to examine how the crucial roles of cultural leaders influence and position Rakhine women as cultural bearers, and how their cultural ideologies shape these women's roles through their marital choices. During the interviews, the focus will be on their personal experiences, including how they encountered and dealt with familial expectations, navigated Rakhine culture, and their perceptions of nationalism. This focus will involve studying how nationalism influences individual autonomy, gender roles within marriage, and ethnic identity preservation. A Rakhine woman who has never experienced it and is unwilling to share her response and perception will be excluded from the interviews. Further interviews will be conducted with five cultural leaders or community elders who agree to reinforce these norms and cultural practices. This data will help address the research questions related to the involvement of nationalism in controlling women's autonomy and choices. The case study approach will be adopted in this research to explore the broader implications of ethnicity, gender, and nationalism through each personal story. It will also highlight the need for respect and recognition of their dignity and individual marriage choices and freedom. Given the small sample size and the focus on specific experiences, there will be a limitation in representing the wider community. However, some personal stories and unique experiences of the participants can reveal the voices and struggles of the women, bringing the public discourse on these areas and re-examining the nationalist ideologies and social expectations that shape their lives.

This research also focuses on the broader representation of experiences; women from different residences of the state, aged 18-40, will be selected based on diverse backgrounds. For community leaders, cultural leaders, or elders, consideration will be based on their membership in cultural associations or influence within the community, or on individuals known for their conservative or reformist perspectives on intermarriage.

Focus Group Discussions

A focus group will consist of at least two males and three females, as well as 5-7 Rakhine youth who are currently studying abroad, to provide insights into how the youth generation perceives the intersection of these marriage norms and ethnic identity preservation in the context of globalization. By identifying the FGD, they will be from varied study destinations with diverse gender representations, who have many exposures, particularly to diverse socio-cultural environments, which could bring insights into intermarriage issues from younger perspectives.

During the discussion, their opinions on intermarriage and its potential impact on the disappearance of ethnic identity, as viewed within the Rakhine community, will be explored, along with their experiences with societal pressure when studying abroad and conforming to Rakhine marriage norms. The data from the focus group discussions will provide insights into changes in attitudes towards marriage within the same ethnic identity across generations, focusing on ethnic purity, as well as the role of Rakhine women within society.

Supplementary Data: Social Media Content Analysis

Incorporating secondary data through social media content analysis will allow us to analyze how nationalism, gender roles, and marriage norms are reinforced in the digital world by monitoring comments and narratives regarding intermarriage (which are publicly available). It also aims to study how the general people of the Rakhine ethnic's attitudes on the Rakhine traditional weddings, where the study can collect the cheerful marriage-related narratives to understand the ways nationalism and gender intertwine in the society, and also to identify the patterns of the comments on the gender roles concerning the marriage choices. The content analysis will reveal not only the broader societal views on marriage and ethnic identity, analyzing how nationalism is shaping public discourse and its implications for gender roles, but also how these messages are disseminated through digital platforms by influential individuals and religious leaders to the public.

Social Media Content Selection

The publicly available posts, comments, and narratives shared on Facebook, as well as songs and TikTok videos where some users played background nationalist music. The selection of these posts will prioritize content that features images with a significant number of users and notable attention, as indicated by likes, comments, or interactions (minimum of 20). In addition to these, conversations through private groups may be included if the group can be joined or is accessible, which discuss Rakhine cultural identity preservation and marriage norms.

Data Collection Breakdown

Semi-Structured Interviews	Sampling - 15 persons ● Rakhine Women - 10 (Main Group - 8 married to Burmese, 3 with non-Burmese) ● Community Leaders or Elders - 4
Focus Group Discussions	● Male 2-4 ● Women - 3-5 Total 5-7
Content Analysis/Secondary Data	Social media posts related to the wedding ceremony, nationalist views, and comments on intermarriage

Preliminary Observations

While the formal IRB process is still ongoing at Mahidol University, no human subject interviews or focus group discussions have begun yet. Those will be commenced once the ethical approval has been received. To contextualize the emerging research environment, this paper refers to publicly available digital content as illustrative case material. Preliminary observations have been conducted. After reviewing, one notable content includes a video reaction by a Rakhine youth who presumably resides in Bangladesh, in which the youth responded to an alleged incident of a Rakhine woman who was physically attacked by a man while a group of men were watching the act. It said that she was attacked while on her way to meet her Muslim boyfriend. The youth included in his speech highlighted that she was dressed in an Islamic style, meaning she covered her body parts (Uthowing, 2025).

In the video, the reactor condemned the action of a woman criticizing such inter-ethnic relationships, degrading the ironic historical pride of the Rakhine people. He further added the importance of loving one's ethnicity, otherwise it can lead to the disappearance of ethnic culture, religion, and language. Despite the authenticity of the original video remaining unverified, over 14,000 mixed social media users, predominantly Rakhine, reacted to the post. In contrast, the majority of comments supported the reactor's statement, expressing their stronger nationalist sentiments and criticizing the nationalist ideas of Rakhine women, who were carefully called out for upholding ethnic continuity and cultural purity.

In another clip, a group of people is seen confronting a young Rakhine woman—wearing a hijab—on her way to meet her Muslim boyfriend. A man scolded her and told her to call her parents and implied that she dishonored her ethnic group. The tone and approach of referring to her as a minor, despite the absence of verified information on her age or legality. One of the women even attempted to slap her, but she did not act further. However, the aggressive behavior toward her and the lack of full consent for public circulation illustrate how women's bodies and choices become public matters in the name of ethnic preservation (Uggajai Mog, 2025).

These digital case examples² Highlight the risk of digital platforms, which can be social surveillance without the full consent of the individual persons, and a greater platform to circulate nationalist ideologies is enacted through everyday interactions, provoking strong and often violent reactions against the marginalized group.

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² The research design and methodology outlined in this section reflect the planned approach for the primary research, which will commence after receiving full ethical approval from Mahidol University's IRB. No interviews, focus groups, or human subject data collection have been conducted at this stage. The illustrative digital content mentioned elsewhere in this paper is not part of the formal methodology. Still, it is included to provide contextual background and inform the conceptual framing of the study.

SEXUAL PREJUDICE AND COMPLEX REALITIES OF GAY MEN IN MODERN BANGKOK

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Abstract

The semi-structured in-depth interviews with multiple participants have revealed that many factors influence gay men's experiences of sexual prejudice. Differences in individuals' identities make each person's encounter a unique experience, even when they share the same sexual orientation. Gay people's sexual orientation is the most significant factor affecting gay individuals' experiences of sexual discrimination, followed by major socioeconomic factors such as education, income, and career, which play a crucial role in shaping their experiences of sexual prejudice in Bangkok. Additionally, a gay hierarchy exists in Bangkok, which has caused some gay people who do not meet the set of standards of an ideal gay person set by this hierarchy to feel segregated. Gay people are considered sexual minorities who face discrimination. However, some also experience internalized discrimination from others within the gay community.

Keywords: Sexual Prejudices, Gay, Intersectionality, Socioeconomic, Social Stratification

Introduction

Gay sex-assigned male at birth frequently faces sexual prejudice and stigmatization, particularly in Thailand. Compared to women's same-sex relationships, Thai male same-sex relationships encounter more hostility because some Thais view women-to-women relationships as mere friendships (Ojanen et al., 2016). Thailand is seen as a paradise for non-heterosexual individuals. Nonetheless, the openness of Thais towards LGBTQIA+ individuals is still an external illusion; Thai society appears to be tolerant but is often unaccepting of LGBTQIA+ individuals. Thai society exhibits a strong patriarchal culture that upholds heteronormative ideas about sexuality and human eroticism. Additionally, a 2014 study found that more than half of LGBTQIA+-identified Thai secondary students experienced bullying or violence. Some even faced sexual assault, some attempted suicide, and over 23 percent of them suffered from depression (Shrestha et al., 2020). Accordingly, it is essential to examine the underlying causes of sexual prejudice directed towards gay individuals in Thailand, specifically in Bangkok, which serves as a melting pot where individuals from diverse

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Thai regions coexist. Also, given that gay men's demographics in Thailand are currently experiencing more acceptance and popularity due to the surge in the Boys' Love (BL) media genre, gay men are prevalent subjects of discussion. Thus, it is a riveting topic to examine the real-life experiences of these individuals in Bangkok to see whether their experiences correlate with the ongoing trend of acceptance of men-loving men relationships. The findings substantiate the claim that LGBTQIA+ paradise is indeed an illusion, and findings also accentuate that there is a complexity of sexual prejudice towards gay people in Bangkok; multiple factors are relevant in shaping gay people's experience of homophobia. Oftentimes, sexual prejudice is internalized. The findings and discussion section will delve more deeply into this issue.

Conceptual Framework

The study utilizes intersectionality theory. The essence of intersectionality lies in its ability to explain the intricate interactions between various systems of oppression. This concept originated from exploring how race and gender relations influence social and political dynamics. The African American feminists in the United States contended that their discriminatory issues and the challenges they faced could not be equated with those experienced by African American men, Caucasian women, or any other race. Subsequently, Crenshaw (1991) formalized the term "intersectionality," emphasizing that women belonging to marginalized groups within the United States encounter more complex obstacles in addressing issues such as sexual violence compared to their Caucasian counterparts. She also emphasized that multiple grounds of identity should be acknowledged when considering how the social world is constructed (Crenshaw, 1991).

To fully grasp the multifaceted nature of systemic oppression, it is crucial to recognize how race and gender intersect to create a so-called "matrix of domination."

Additionally, race and gender are not the only social structures that intersect; considering class, disability, sexual orientation, nationality, and age reveals additional intersecting systems of oppression. Therefore, the interplay among these structures can illuminate the unique individuals' experiences within this complex dynamic. Also, ignoring the interaction of these systems of oppression equates to disregarding the experiences of many different groups within marginalized populations altogether (Weldon, 2008).

Consequently, intersectionality theory was selected as the primary framework to analyze the forms of sexual prejudice faced by gay and bisexual individuals² and how they can navigate such experiences, considering that everyone has unique identities.

Methodology

This study employs a qualitative research method, utilizing semi-structured, in-depth one-on-one interviews with participants to understand the multilayered and multifaceted forms of prejudice. Interview questions are designed around the

intersectionality theory framework to ensure they comprehensively address the overall status quo of sexual prejudices in the Bangkok Metropolitan Region. For data analysis, this study² employs Thematic Analysis, following the guidelines established by Virginia Braun and Victoria Clarke (2006). The main themes include sexual prejudice, specifically homophobia, which manifests in various forms, and intersectionality and multilayered discrimination. Two extra themes are socioeconomic issues and the gay hierarchy in Bangkok.

Participants

	Name	Pronouns	Income	Career	Education	Residing
1	Kevin (pseudonym)	he/him	Not specified	Private sector worker	Bachelor's degree	Bangkok
2	Tewin (pseudonym)	he/him	25K -50K THB per month	Associate at a private company	Bachelor's degree	Bangkok
3	Sky (pseudonym)	he/him	25K -50K THB per month	Project Manager at a social enterprise	Bachelor's degree	Nonthaburi
4	Gavin (pseudonym)	he/him	51K-100K THB per month	Event planning at a private company	Bachelor's degree	Nonthaburi
5	Porsche (pseudonym)	he/him	25K -50K THB per month	Business development at a private firm	Bachelor's degree	Bangkok
6	Palmy (pseudonym)	he/him	51K-100K THB per month	Sales Associate at a private company	Bachelor's degree	Bangkok
7	Jade (pseudonym)	he/him	Not specified	-	Master's degree	Bangkok

Findings and Discussion

1 Main Themes

1.1 Sexual Prejudices

1.1.1 Explicit Forms of Sexual Prejudice:

² This conference paper focuses primarily on the narratives of gay participants, as their experiences were most salient in shaping themes related to intra-community dynamics, such as hierarchy and socioeconomic stratification. The broader thesis also includes bisexual and non-gay and bisexual men participants; this selective focus allows for a deeper engagement with specific social processes within Bangkok's gay communities

Starting with an obvious form of verbal sexual prejudice, such as a joke, a slur, or a put-down. Some participants have experienced this, particularly those who display feminine characteristics and gender expressions. Palmy mentions that he is a gay person with effeminate behavior and shared that he has been teased since childhood, feeling he never belonged to the majority, especially when his classmates made fun of him. They typically used the term *โอดู้ด* or F-slur in Thai. Another participant has had similar experiences back in high school. Jade said that his male high school peers, mostly heterosexual males, do not have awareness of diverse gender expressions or even diverse sexual orientations in general. Some of them used derogatory phrases towards Jade, such as “to press black beans”, which is a very degrading phrase signifying male same-sex sexual intercourse.

Another explicit form of prejudice against gay people, based on the interview, is in the verbal form that manifests in questioning identity and sexual orientation. Based on multiple in-depth interviews with informants, they were challenged mainly by older generations. Consequently, many gay individuals report that this constitutes another form of sexual prejudice. When Tewin returns to his hometown outside Bangkok, he is usually stopped by a neighbor's uncle to ask some questions. One time, Tewin brought his boyfriend home, and this uncle said, “I do not know if this guy has a husband or a wife?” but in an impolite tone in the Thai language. Moreover, this uncle has tried to shame Tewin in front of people in his neighborhood; he said things like “I do not know who the husband is and who is the wife in this relationship.” Another participant named Jade mentioned that his parents are understanding of his sexuality. However, some of his relatives still have traditional views about sexuality. Some even asked, “When you grow up, are you going to find a husband or a wife for your dad?” In this context, the relatives mean that they want to know if Jade will marry a man or a woman.

1.1.2 Implicit Forms of Sexual Prejudice:

Moving on to a more subtle dimension of sexual prejudice, which may manifest as misidentified gender expressions or stereotypes concerning a person's gender expression. Many non-gay individuals may assume that gay people share similar gender expressions characterized by femininity and woman-like traits, perhaps because gay men are often seen as attracted to other men. Another participant, Sky, shared his experience: sometimes heterosexual women refer to him as *ลูกสาว* or *ตัวเอง*, which means daughter and sis when loosely translated in Thai. This phrase can sometimes be used to describe effeminate gay men or kathoey, and not all gay individuals feel comfortable with this term, including Sky. He mentioned that while he can handle it, he does not support heterosexual women using these phrases casually towards gay individuals.

Another notable implicit form of prejudice that can be observed is that gay participants are doubted in terms of their capacity and their ability to perform tasks, particularly in the workplace and in educational settings.

One of the participants, Kevin, reported that he has faced prejudice in his career. He elaborated that his job has always been in a male-dominated field, and several heterosexual

men have doubted his abilities since he joined the company. Based on his experiences, others questioned his ability, even though he holds the same position as those who doubt him; he also mentioned that he successfully executed the job throughout his tenure. Nevertheless, he was still regularly checked by others. For example, his supervisor typically double-checks if he has completed the task correctly.

Porsche, another participant, noted that he has not faced challenges or questions regarding his ability to work. However, he shared his observations on the experiences of other gay individuals, speaking from the perspective of a recruiter in a recruitment agency. He stated that several companies maintain strict requirements for their employees and are particularly concerned about the sexual orientation of prospective candidates. For instance, a luxury furniture company indicated that they have numerous high-end customers and require Porsche's agency to recruit both attractive male and female candidates. Furthermore, they explicitly express their preference against candidates identified as third gender, an antiquated term in Thai that was formerly used to describe LGBTQIA+ individuals. A noteworthy observation made by Porsche is that companies with issues regarding LGBTQIA+ candidates are often foreign firms, especially those from conservative nations. Nevertheless, Porsche reported that Thai companies have been trying to adapt to a more diverse workforce.

2 Additional Themes

2.1 Socioeconomic Factors and Their Impacts on Sexual Prejudice

It is evident from the interview that many participants expressed the belief that individuals with high socioeconomic status, characterized by high income, better education, and prestigious careers, tend to face less discrimination; they are shielded from discrimination due to their abundant resources, including financial wealth and workplace power. As one study also suggests, as income increases, the tolerance of queer people also increases accordingly (Walker, 2022). In another study about LGBTQIA+ in Thailand, the study shows that individuals in higher job

positions tend to be more respected and judged less regarding their identity due to the power their roles confer. One participant who is transgender shared that she is a director at a hospital in Thailand, and people mostly gossip about her gender identity. Still, they cannot do anything to undermine this transgender person's position as a director (Ojanen et al., 2019). This example highlights that greater economic resources and social capital are crucial for LGBTQIA+ individuals to address discrimination in any context.

Palmy offers a different perspective on how socioeconomic factors influence sexual prejudice. He asserts that it can manifest in two significant ways: between heterosexual and homosexual individuals, and within the homosexual or gay community. Palmy believes education is the most crucial factor contributing to sexual prejudice. Education is essential for a promising career and good financial stability. Moreover, education serves to cultivate people's minds. Those who can study, especially in the field of gender, are more likely to be open-minded and recognize the concept of individualism,

where everyone is unique in their own way. However, this is not guaranteed. Speaking of gay individuals within the gay community, some have limited opportunities to pursue a quality education and are more inclined to exhibit negative behaviors that can tarnish the image and reputation of the gay community. For example, some Thai gay individuals create an image of gay people as assertive, bold, and fierce. He specifically highlighted that: “There exists an image that society portrays of gay people as fierce and queen bees, mostly in bad colloquialisms. Usually, this group of gays tends to get the spotlight for their actions” (Palmy, personal communication, April 25, 2025). Likewise, Jade’s experiences suggest that individuals from less reputable universities tend to have a more limited understanding of gender issues. He provided an example that some people from those universities are unaware of what LGBTQIA+ stands for; they still use terms like “third gender” or “optional gender” in Thai. These two terms were used to refer to LGBTQIA+ people before the term LGBTQIA+ became widely used in Thailand. Currently, these two terms are outdated.

The discussion about socioeconomic issues sparked Jade to discuss his experience. He mentioned that, during his school days, he felt the urge to improve himself and study hard so that he could enter a prestigious university, driven by his desire to gain acceptance from those around him. He wants to prove to those around him that gay people can do everything. What Jade mentioned resonates with some literature. In a study about gay men’s migration in China, some gay people felt the urge to prove their worthiness by earning prestigious degrees, securing good career positions, and accumulating a substantial amount of money (Choi, 2022). In Thailand, one finding also reveals that those with higher SES have more means to challenge discriminatory regulations affecting LGBTQIA+ individuals. Yet, they are often subjected to elevated familial expectations and pressure to conform to stereotypical gender and sexuality norms based on sex assigned at birth throughout their studies and early careers (Ojanen et al., 2019).

2.2 Gay Hierarchy and Social Stratification of Gays in Bangkok

In-depth interviews with several participants reveal fascinating insights. It becomes evident that a gay hierarchy currently exists. More formally, it can be stated that there is a horizontal social stratification among gay individuals in the Bangkok Metropolitan Region. Some participants reported what can be considered intra-community discrimination, internalized homophobia, and segregation based on socioeconomic capital.

The interviews with participants show that gay individuals in Bangkok need to find ways to attain capital. Some individuals strive to acquire this type of capital to enhance their social standing within a group. The concept of capital is not limited to economic capital alone. Still, it may also encompass other forms of capital, as mentioned by some scholars, such as cultural capital or assets that facilitate a person’s social mobility, including educational qualifications, fashion preferences, mentality, and media

consumption habits (Bourdieu, 1986; Morris, 2018).

Bridging this theoretical concept to Bangkok's gay hierarchy, as Sky and Palmy mentioned, Bangkok's gay community tends to gather in hotspots such as bars, cafés, and other activities, particularly in the Silom area, which is a popular gay district. This can also be explained by the concept of social capital, which refers to the grouping and recognition of membership within a specific group. Bourdieu (1986) coined this term to highlight that in modern societies, institutions or groups can create occasions, such as parties and rallies, or even establish neighborhoods and clubs, initiating standard practices that bring together like-minded individuals who want to belong to the same group (Bourdieu, 1986). This is like what many gay people in Bangkok are experiencing, as there seems to be a solidified package of the ideal gay person that incorporates everything from looks to lifestyles and even places to hang out. Recently, there has been a new discourse used in the gay community.

To elaborate on this new discourse, a context of ปลาหมึกแถวบน or upper-row squid will be explained in depth. This term was circulated online last year after a massive arrest of over 120 people in a gay underwear chem-sex party at a luxury hotel in Sukhumvit. The Bangkok Post reported that most partygoers at this event possessed narcotics, and many are doctors and beauty clinic operators (Ngamkham, 2024). Speaking of this discourse, the discourse itself is a metaphor that derives from a street food dry squid stand in Thailand, where the upper row of squid refers to a more expensive and higher-grade squid. Hence, it has been used as a metaphor to compare gay people who align with Thai gay beauty standards, have promising careers, and tend to be in higher socioeconomic strata.

Palmy provides a detailed explanation of such hierarchy. He once discussed with another friend that there is a hierarchy of gays in Bangkok. This is not a legitimate set of standards but rather a socially constructed one. Palmy elaborates that the ideal ones are typically well-groomed, graduates from highly reputable institutions, have promising careers, and, most importantly, those who fit the Thai standard of male beauty. While beauty is subjective, Palmy elaborates that the Thai male beauty standard generally involves a masculine appearance, a good-looking face shape, a fit body, fair skin, and those of Chinese descent, who in Thai are referred to as หมูมดี: or nhum- tee. He asserted that they are in the highest rank of this gay hierarchy. Followed by an average, good-looking gay person with masculine characteristics and masculine gender expressions. Next are transgender people who have been accepted by the gay community even though they are not gay. Finally, effeminate or feminine gay is at the lowest base of this hierarchy. He highlights that there is a bias within the gay community that has a strong linkage to the beauty standard and gender expression, with a strong emphasis on masculine and feminine gender expressions.

In terms of the gay beauty standards mentioned by Palmy, his observations can be explained by the literature surrounding gay beauty standards and the homoerotic body image of Thai gay men. In the modern Thai context, having a slender physique and being

athletic are indicators of male identity and virility (Duangwises, 2024). However, this value transcends to gay individuals, as the images of gay models in past gay magazines since the 1980s have consistently depicted Thai gay men as lean, rugged, and strong. This portrayal of male characteristics and identities has contributed to an enduring standard of gay beauty. Later, after the 1990s, the Thai gay beauty image incorporated more cosmopolitan male looks due to new communication technologies, internet access, and foreign tourism in Thailand. Consequently, gay men's aesthetic during this period combines the masculine body ideal with a man of good taste, typically associated with those who have more money, higher education, and a career in the city, as gay lifestyles evolve in response to global trends and cosmopolitan influences. Modern gay beauty includes Thai-Caucasian and Thai-Chinese men, who have embodied metrosexual looks and represent the ideal image of gay men since the 1990s (Duangwises & Jackson, 2022).

Furthermore, Palmy explained that gay individuals who do not meet the so-called beauty standard can still attract attention from men if they have money. For instance, he mentioned that: "Money is a thing that can fix suppressed and layered bias, particularly in the context of Bangkok, because it is less effective in the provinces" (Palmy, personal communication, April 25, 2025). Adding to this, Palmy also includes a famous phrase that can summarize livelihoods and how many people live in Bangkok: "Living in a city of pretentiousness, you should have a lavish lifestyle." (Palmy, personal communication, April 25, 2025). Lastly, Palmy emphasizes the importance of adjusting oneself to appear better and be more presentable if someone is gay in Bangkok and does not conform to the socially constructed beauty standards for gay individuals.

He understands that if he does not belong to the higher chain of gay people, grooming himself to cultivate an appealing and affluent appearance is essential. While one may not adhere to conventional beauty standards, financial resources, such as money, can significantly contribute to a person's happiness in multiple ways. Regardless of socioeconomic status, money is the most critical factor in Bangkok (Palmy, personal communication, April 25, 2025).

Conclusion

In conclusion, this qualitative study used semi-structured in-depth interviews to explore participants' experiences with sexual prejudice, specifically homophobia. The study shows that gay men in Bangkok encounter various forms of sexual prejudice based on their identities and backgrounds. Some experience explicit prejudice through slurs and degrading terms, along with doubts about homosexuality as a sexual orientation. For implicit discrimination, some gay participants face misjudgment regarding their gender identity, and others have doubts about their ability to work in educational and professional settings. Additional themes reveal that gay people in Bangkok face complex forms of sexual prejudice, with socioeconomic factors—such as education, income, and

career—playing a significant role in their experiences, as many participants mentioned during the interviews. This underscores intersections of socioeconomic status, indicating that gays with higher socioeconomic standing are more likely to be protected from discrimination. Finally, the socially constructed hierarchy within the gay community is a key issue, highlighting the uniqueness of intersectionality and sexual prejudice in Bangkok’s context. It introduces another layer of systemic oppression, as members of the gay community can internalize societal biases. Issues of beauty standards and personal capital influence the socio-stratification of gay people in Bangkok. Those who meet the community’s beauty ideals and possess more social capital tend to rank higher within the gay hierarchy and are more accepted by others. Conversely, those who do not conform to these standards and ideals are often marginalized, effectively being marginalized within an already marginalized group.

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RIGHT TO EDUCATION: EXCLUSION OF ROHINGYA STUDENTS FROM THE NORTHERN RAKHINE STATE FROM ACCESS TO HIGHER EDUCATION IN MYANMAR

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ABSTRACT

The development of youth and higher education is important for an individual, a community, and a nation. While the global trend of accessing higher education has increased recently, marginalized groups in developing countries like the Rohingya still face barriers. The role of education of Rohingya youths for development is often overlooked in the contemporary discussion of human rights violations against the Rohingya community. This study investigates how and why the successive governments in Myanmar have excluded Rohingya students from the Northern Rakhine State from accessing Higher Education for decades, analyzes its impacts on students, new generations and parents and provides recommendations for the government based on the lived experiences of the participants. Key Informant and Semi-structured interviews were conducted with 19 participants, comprising students, teachers, aid organization workers, and community leaders. The analysis showed that the exclusion was deliberate, discriminatory, and arbitrary based on race, religion and citizenship status. Students, younger generations and parents were negatively affected and deepened the existing inequalities due to this decades-long exclusion and hindered the community development of the Rohingya community.

Keywords: Rohingya Students, Higher Education, Exclusion, Access, Myanmar

Introduction

A child or adult can acquire knowledge, experience, skills, and a sound attitude through education, a methodical process. An individual becomes civilized, refined, cultured, and educated as a result. Education is the primary means of creating a socially civilized society. Its objective is to make a person ideal. Education is valued in every society, as it is seen as a cure-all for all ills. It is the secret to resolving all of life's issues (ERDO, n.d). A Rohingya leader says that you do not have to kill people to hurt a community; simply prevent them from going to school (Khin, 2018). That barrier is access to any university after the matriculation exam in secondary education. The restriction and denial of the right to higher education for Rohingya students has been happening for more than two decades in Myanmar. This research is about exploring how the government imposed this restriction and exclusion of Rohingya students from accessing higher education and how it impacts the students who passed matriculation

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exams, and the perception of parents, new generations, and community development. Moreover, it provides, based on the participants' experiences, some insights and recommendations for the government of Myanmar. The research presents how exclusion has been imposed on students by successive governments in Myanmar and its consequences for students, parents, new generations, and community development.

Furthermore, the research also identified that citizenship status has been used to deny the right to Higher Education for the Rohingya students in the Northern Rakhine State of Myanmar. The term Rohingya, as the ethnicity of the people residing in the Northern Rakhine State of Myanmar, will be used throughout this research because everyone has the right to self-determination (UN Charter, Article 1(2)), and their identity was also recognized by the government after the Independence of Myanmar in 1948. Based on the experiences of the participants, this research not only highlights how the Rohingya students have been arbitrarily denied access to higher education by local administration in different ways since 1997, particularly for professional higher education, but also its effects and impacts on the Rohingya students, new generations, parents, and community development. The denied access to higher education negatively affects individual students who migrate to other countries, causing emotional trauma, and contributes to increased unemployment in the Northern Rakhine State of Myanmar.

Conceptual Framework

Figure 1 below illustrates the exclusion process that has occurred since 1997. Access to higher education was initially denied blatantly and arbitrarily during the time of military regimes, without justification. However, the justifications and underlying reasons for the denied access were known during the military-backed civilian government (2011-2015) and the democratically elected government (2016-2020). Although the government largely ignored the issue of students' access to higher education, it later acknowledged that the denial of access to any form of university education was related to the students' citizenship status. The Myanmar Education Law of 2014 explicitly states that "every citizen" shall have the right to education as a birthright. However, an amendment to the education law in 2015, during the military-backed government of U Thein Sein, introduced another clause, "inclusive education," which mentions creating opportunities for people with disabilities and others who are unable to study for other reasons (Section 2, c). However, access to higher education for Rohingya students is closely tied to their citizenship status.

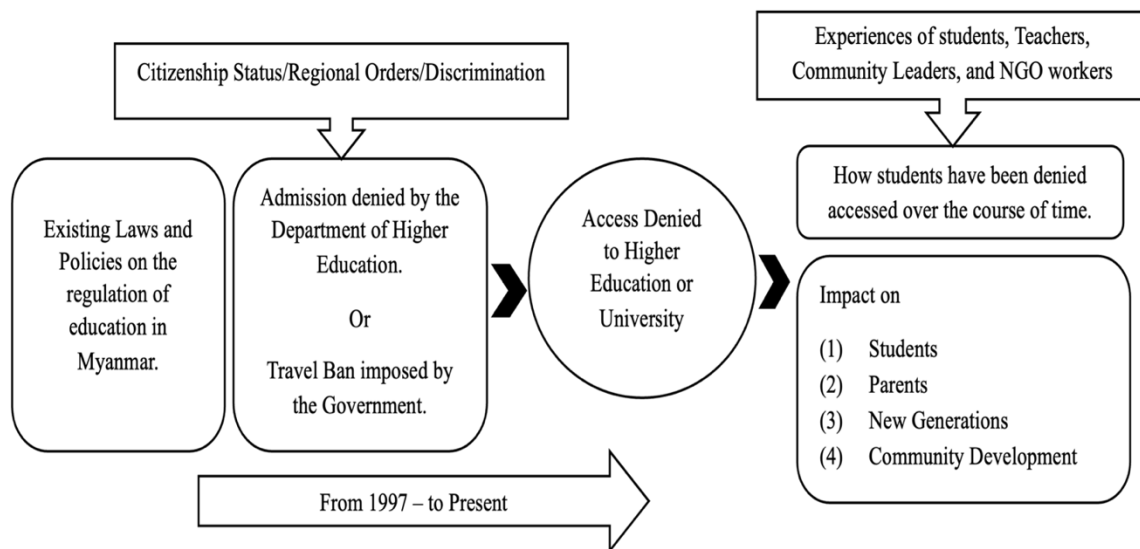


Figure 1: Explanation of how students are excluded from accessing higher education.

Research Methodology

In this research, a qualitative methodology, specifically a narrative form, is employed to explore participants' experiences regarding the exclusion of students from accessing higher education. The participants in this research are free to express their experiences and understanding of the subject matter openly. The different participants with varying levels of understanding provide a holistic picture of their experiences, allowing the researcher to make a good analysis of the data collected for this research purpose. As research tools for interviewing participants, the researcher used semi-structured questionnaires for some participants and Key Informant Interviews (KII) for others. Three interviews were conducted in person in Yangon, and the remaining interviews were carried out using local phone calls and online social messengers, such as WhatsApp and Signal. A total of 19 respondents participated in this research from different locations, including Yangon, and all have had direct or indirect lived experiences with the denial of access to higher education in the Northern Rakhine State of Myanmar. The research target community is the Rohingya community, and the target area is Northern Rakhine State of Myanmar (Maungdaw, Rathedaung and Buthidaung) where the majority of the Rohingya live. Although the majority of participants are Rohingya, non-Rohingya participants (Rakhine, Chakma, Rakhine/Burma, and Kachin) who are familiar with the context are also included in this research. The demographic factors of the respondents are described below.

Table 1: Demographic Factors of 19 respondents

Education Level	High School	42.11%	Marital Status	Married	53%
	Undergraduate	15.79%		Single	47%
	Graduate	36.84%	Gender	Male	84%
	Postgraduate	5.26%		Female	16%
Profession	NGO Workers	37%	Ethnicity	Rohingya	79%
	Teachers	11%		Rakhine	5%
	Students	32%		Chakma	5%
	Politician	11%		Rakhine+Burma	5%
	Doctor	5%		Kachin	5%
	Journalist	5%			
Age Group			Religion	Islam	79%
	18-24	26.32%		Buddhism	16%
	25-31	36.84%		Christianity	5%
	32-38	10.53%			
	39-45	10.53%	Mode of Communication	Local Phone Call (Northern Rakhine State)	42%
	46-52	10.53%		Face to Face (in-person in Yangon)	37%
	53-59	5.26%		WhatsApp (Abroad)	16%
				Wire (Abroad)	5%

Location	Maungdaw	37%
	Yangon	32%
	Buthidaung	16%
	Abroad	11%
	Rathedaung	5%

Literature Review

Social exclusion is the process by which individuals or groups are systematically blocked from or denied full access to various social services, including education, healthcare, economic opportunities, and political participation. There are also various attributes of social exclusion, including the creation of a category of people, types of exclusion, accentuating factors, metaphors of exclusion, structural causes, and psychological effects of exclusion (Peace, 2001). The right to education has been widely recognized and developed in several international normative instruments elaborated by the United Nations, including the 1966 ICESCR, the 1989 CRC, and the 1960 CADE. As Rohingya students are denied access to higher education is a violation of the right to education by the state, which may occur through direct action of state parties (act of commission) or through their failure to take steps required by law (act of omission), as described in General Comment No. 13 (ICESCR: General Comment No.13, 1999). Today, in different parts of the world, certain social castes, ethnic groups, religious affiliations, or genders are not allowed to access higher education by a cultural or political regime that restricts the movements and opportunities of those marginalized groups of people.

Although access to and participation in tertiary education worldwide have increased, inequalities persist for people based on factors such as socioeconomic class, race, gender, disability, and location (Yang et al., 2015). There are similar restrictions on minority groups in the world, such as Iran, India, and South Africa. After the Islamic Revolution of 1979, the Iranian regime denied Baha'i students access to higher education (Affolter, 2007). For the marginalized groups of people in South Africa, opportunities for accessing higher education have been ignored by apartheid structures and systems (Menon, 2015). In India, a marginalized group, like lower caste people, has been denied access to higher education (Sayed et al., 2018). In 1995, the parents of an Indian pupil brought a case against the University of Natal because her application to medical school was rejected despite the satisfactory results she obtained in her qualifying examinations. They claimed that the admissions process was discriminatory because it did not consider all applications equally. Instead, they set higher admission standards for Indian students and lower ones for African students (The Right to Education Initiative, 2022).

The Rohingya community has been living in poverty due to discriminatory policies by the state, and exclusion from educational development exacerbates the existing social inequalities in the community. In many countries, patterns of social exclusion continue to influence educational exclusion, while educational exclusion often perpetuates social exclusion (UNESCO, 2012). Higher education is also closely linked with social development and economic growth. The economic literature indicates that an individual or society can generally benefit from higher education (Gyimah-Brempong et al., 2006). Although there are many consequences of exclusion from accessing higher education for individuals or society as a whole, the case of Rohingya students has additional consequences, such as hopelessness, mental trauma, and fleeing to other countries. The main consequences of a lack of education that Adabala (2020) mentions are a lack of representation in society, unemployment, promoting exploitation, difficulty in raising children, and a poverty trap. All these consequences of denied access to higher education in the case of Rohingya students are entailed.

Findings

Exclusionary Patterns in Accessing Higher Education

Initially, the successive military governments in Myanmar blatantly imposed a travel ban to deny access to higher education for the Rohingya students from Northern Rakhine State of Myanmar, particularly preventing students from accessing professional studies, including science and medical subjects. As science and medical universities are mainly located outside Rakhine State, Rohingya students need to travel from Rakhine State to Yangon, Magway, or Mandalay. As a result of this travel ban on students who passed matriculation exams, their dreams of pursuing professional studies were halted, and their paths to their preferred universities for further education were cut short.

Later, the government began denying access to higher education, citing students' citizenship status as the excuse. Although Rohingya students in the past were given admission, based on their matriculation examination results, by universities specialized in

professional studies such as science, medicine, law and computer engineering, the Ministry of Higher Education later rejected the students' applications for the professional studies and science subjects related universities, due to the lack of not having citizenship cards. Instead, these students were provided with arts-related subjects to study in a local university (Sittwe University), which is located outside Northern Rakhine State. Even access to Sittwe University had been strictly restricted by the local authority for students who wanted to travel to Sittwe University. The travel authorization to attend Sittwe University had been processed from the village-level administration to the state-level immigration and administration, and it cost a significant amount of money and took months to be ultimately approved. Moreover, the students were required to have their documentation checked and were charged at various checkpoints along the way to Sittwe University, despite having travel permits.

A complete shutdown on access to any form of Higher Education for the Rohingya students from northern Rakhine State was imposed following the communal violence that erupted in the whole Rakhine State in 2012². Rohingya students who passed their matriculation were neither allowed to attend Sittwe University nor any other universities located outside of Rakhine State to continue their higher education. Both the military-backed U Sein Thein Government (2011-2016) and Daw Aung San Suu Kyi-led Government (2016-2021) in Myanmar justified their actions as security concerns for allowing Rohingya students to travel to Sittwe University and citizenship status for allowing them to study science, medicine and engineering subjects outside of Rakhine State. As a result of these exclusionary patterns, imposed differently over time, thousands of Rohingya students every year end up without any form of higher education.

Impact of Exclusion

The direct impact on students who were not allowed to continue their higher education is vast, and it affects them in different ways. Given the prolonged oppression of Rohingya community by the successive military regimes in Myanmar, the limited access to basic services and lack of job opportunities in Northern Rakhine State, this exclusion of the students from accessing higher education resulted with immediate negative impacts on the students such as emotional trauma, feeling hopelessness, depression, engaging in illicit drug business and migration to neighboring countries such as Bangladesh, India, Thailand and Malaysia in pursuit of having a job or seeking for educational opportunities.

Today's societies place great importance on formal education because it is regarded as the preferred route to a career in the field, and parents' hopes for their children are no exception (Vieira et al., 2020). The parents of the students enthusiastically provided support for their children's education rather than putting them in agriculture, farming and other livelihoods. Given the results of their children due to this exclusion and their daily, hard-earned income, the parents are discouraged and demotivated from providing continuous support for their education. The primary cause of the parents' abrupt change in perspective on the value of

² The 2012 Rakhine State riots were a series of conflicts primarily between ethnic Rakhine Buddhists and Rohingya Muslims in northern Rakhine State, Myanmar. However, by October, Muslims of all ethnicities had begun to be targeted.

education and its principles is their children's inability to access higher education. However, other factors also play a role in this.

Moreover, the research finds that new and younger generations in secondary education are also discouraged and demotivated, as they have witnessed year after year that their seniors were not allowed to pursue higher education continuously. The respondents, who are tuition teachers, expressed that the exclusion of students from accessing higher education is increasingly and negatively affecting the mindsets of junior students. Some participants also emphasized the importance of developing youth through higher education and its connection to broader community development. In the context of the exclusion of Rohingya students from accessing Higher Education, the contribution to societal and community development has been lacking, as many youths have been migrating to other countries.

Conclusion

The successive military governments in Myanmar have intentionally and deliberately imposed a travel ban on students or restricted access in different forms at various times, such as for reasons of security concerns or citizenship status. As a consequence of the exclusion, the students affected suffered the most. According to the findings, it is evident that denied access to higher education has forced students to flee to other countries in search of educational or job opportunities. Moreover, this exclusion had a significant impact on the students' socio-economic lives; most of the students are unemployed or lack job opportunities in Northern Rakhine State. Additionally, all the students interviewed for this research expressed their emotions, such as feeling hopeless, sad, lost, and depressed, followed by being denied access to higher education. The increasing number of youths who have neither job opportunities nor educational development chances are the most vulnerable to engage in drug smuggling or usage, which is widely available and openly accessible in the Northern Rakhine State. Moreover, this exclusion not only negatively affects students in various forms but also the younger generations, as well as their perception of educational values and community development. Denying access to higher education has negatively impacted students in various ways, the new generation, and parents, and hindered community development as a whole.

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PIRATES AT THE END OF HISTORY: VISUALIZING POWER AND POLITICAL CRITIQUE IN ONE PIECE

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Abstract

At the end of the Cold War, Francis Fukuyama's "End of History" thesis declared the global victory of liberal democracy and market capitalism. Concurrently, Eiichiro Oda began serializing his manga *One Piece* (1997), a narrative about pirates challenging an oppressive global order. This paper analyzes how *One Piece*, particularly through its early arcs "Alabasta" and "Skypiea", visually and thematically critiques the neoliberal optimism and political narratives of the late 1990s. Using visual and thematic content analysis, the paper argues that *One Piece* allegorically interrogates the contradictions and violences underlying the "End of History" moment, highlighting authoritarian peace, suppressed historical memory, and imposed global stability. The analysis demonstrates how visual popular culture functions critically, contributing nuanced insights into discussions of global governance, legitimacy, and resistance.

Keywords: *One Piece*; Global Politics; Visual Analysis; Neoliberalism

Introduction

In September 2023, while working as an intern at the United Nations Economic and Social Commission for Asia and the Pacific, I also began watching Netflix's live-action adaptation of *One Piece*. This surprising coincidence led me to an intellectual and emotional entanglement: the manga's world seemed to mirror the structures and contradictions of global politics. The late 20th century celebrated the supposed universal triumph of liberal democracy and free-market capitalism, encapsulated by Francis Fukuyama's "End of History" thesis (Fukuyama, 1989). The United States' post-Cold War global dominance appeared unchallengeable, creating a political atmosphere where alternative ideologies seemed obsolete (Shade, 2025). Amidst this ideological milieu, Eiichiro Oda's manga *One Piece* emerged in 1997, becoming a global phenomenon with over 500 million copies sold (Tuting, 2023). On the surface, *One Piece* depicts the adventures of *Monkey D. Luffy*, a pirate searching for the legendary treasure known as "One Piece," yet beneath its entertainment value lies an intricate critique of global power structures.

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This paper employs a qualitative methodology, combining thematic and visual content analysis, to examine how Oda's narrative visually critiques the neoliberal hegemonic order of the late 1990s through two specific arcs: "Alabasta" and "Skypiea." By aligning these arcs with historical contexts from Colette Shade's analysis of the Y2K era (Shade, 2025), this study aims to address the central research question: How does *One Piece* visually subvert dominant global political narratives, particularly the purported triumph of liberal democracy?

Literature Review: Visual Global Politics and Popular Narratives

Roland Bleiker (2018) argues that visual media shape political perceptions beyond mere reflection, actively influencing global political realities. Visual narratives structure the understanding of international relations by constructing, contesting, and disseminating political meanings. Similarly, Weldes and Rowley (2015) emphasize that popular culture is an active participant in shaping global political discourse, rather than a passive reflection. Their approach positions cultural products, such as manga, as "everyday sites" of political engagement. In this regard, Zoth (2011) and Kopper (2020) explore *One Piece* explicitly as political commentary. Zoth highlights Oda's critique of power structures and systemic injustices through the manga's narrative of resistance and solidarity. At the same time, Kopper emphasizes the tension between justice and order portrayed in the manga, paralleling real-world international dynamics.

Visualizing Power and Neoliberal Order in *One Piece*

In *One Piece*, the fictional *World Government* symbolizes a neoliberal order: superficially decentralized yet effectively ruled by an oligarchy comprising militarized forces and elite financial interests, the *Celestial Dragons* (Oda, 2006). Visually, the *Marines'* overwhelming military power mirrors the United States' unipolar dominance post-Cold War, particularly its interventionist policies (Krauthammer, 1990). *Cipher Pol* agents symbolize neoliberal states' covert surveillance and suppression, while the *Seven Warlords* reflect outsourcing violence—state practices that maintain control with plausible deniability (Oda, 1998).

'Alabasta' Arc: Manipulation, Proxy Wars, and Control

In the Alabasta arc, the desert kingdom of 'Alabasta' faces severe droughts, causing widespread suffering, economic collapse, and escalating civil unrest. Amidst this crisis, a rebellion grows, falsely convinced by carefully manipulated misinformation that their ruler, *King Cobra*, used a specific chemical to induce rainfall in areas surrounding his palace, at the expense of the entire kingdom for his own benefit (Oda, 2000c, Chapter 161). Unknown to the citizens, the true instigator is *Crocodile*, a member of the *Seven Warlords of the Sea* operating with support from the *World Government*. Exploiting this chaos, Crocodile seeks to overthrow the monarchy and seize control. *Princess Vivi*, *King Cobra's* daughter, desperately seeks aid from *Monkey D. Luffy* and his *Straw Hat Pirates* to reveal Crocodile's conspiracy, halt the civil war, and restore peace to her homeland (Oda, 1999).



Figure 1: Unveiling Sir Crocodile

Analysis of Power Dynamics in Alabasta

The central antagonist, *Sir Crocodile* (see Figure 1), embodies a sophisticated representation of state-sanctioned manipulation reminiscent of historical proxy wars conducted by global powers. Officially recognized by the fictional ‘*World Government*’ as one of *the Seven Warlords of the Sea*, Crocodile operates under the veneer of legitimacy, allowing him to mask his clandestine activities and covertly undermine the Alabasta Kingdom (Oda, 2000a, Chapter 155). Popular culture often mirrors real-world power dynamics in surprising ways. This duality aligns closely with post-Cold War proxy strategies, in which powerful nations, particularly the United States, provided tacit or explicit support to authoritarian regimes or insurgent groups to pursue their geopolitical goals without direct military intervention.

Crocodile’s manipulation hinges on two interlocking tactics: narrative control and resource exploitation. *Crocodile* strategically exploits *Alabasta’s* vital resources, specifically controlling the water supply by using ‘*Dance Powder*’ to induce rainfall selectively, thus deepening drought conditions in targeted regions (Oda, 2001)

Visual & Discursive Symbolism

The *Baroque Works* syndicate, a secret organization masterminded by *Sir Crocodile*, serves as a powerful visual and narrative symbol of covert power in the *One Piece* series. The organization's structure—cloaked in secrecy, layered in hierarchy, and reliant on coded identities—evokes the world of espionage and shadow governance. Members are known only by codenames (e.g., *Mr. 0*, *Ms. All Sundays*), and strict compartmentalization ensures that knowledge is tightly controlled. In the attached manga panel, *Crocodile’s* chilling directive—“Have Mr. 3 disposed of”—delivered through faceless speech bubbles, visually communicates an atmosphere of fear and ruthless expendability within the organization (Oda, 2000b, Chapter 127). Subordinates are nameless and easily replaced, reinforcing the depersonalized, transactional logic of authoritarian systems.

Baroque Works expertly manipulates information and orchestrates propaganda to

destabilize Alabasta from within. Through acts of sabotage, the syndicate engineers rainwater scarcity (mentioned earlier), then disseminates misinformation that sows mistrust in the monarchy. *Crocodile*, while posing as a benevolent hero to the public, cultivates the persona of a protector while secretly orchestrating civil war. This calculated use of false narratives to incite rebellion and manufacture consent is visually mirrored in the use of shadowed figures, clandestine meetings, and coded communications—motifs that recur throughout the *Alabasta* arc. Such imagery highlights the syndicate’s capacity to obscure truth, silence dissent, and control perceptions at every level. The visual iconography—shadowed faces, formal attire, and imposing architecture—conveys both the omnipresence and opacity of *Baroque Works*’ power (see *Figure 2*). In the referenced panel, *the Crocodile* towers over its environment, dominating the frame, its body language exuding authority and cold detachment. His exchange with subordinate *Nico Robin*, where he dismisses the value of individual agents as “Minions are replaceable”, further underscores a worldview in which loyalty and humanity are subjugated to power and expedience (Oda, 2000b, Chapter 127).



Figure 2: *The True Colors of Crocodile*

The *Baroque Works* arc (sub arc of Alabasta), in turn, allegorically reflects real-world global powers and institutions that project images of legitimacy or benevolence while pursuing exploitative, self-serving aims beneath the surface. The rhetoric of “building a new, ideal nation” recalls the language of imperialism, humanitarian intervention, or corporate globalism—narratives that promise progress while enabling control, extraction, or destabilization behind the scenes. *One Piece*’s visual and discursive choices thus offer a critique of how power operates not only through brute force, but also through manipulation, secrecy, and the strategic deployment of narrative. This theme resonates in global politics from the late twentieth century to the present.

The Alabasta arc ultimately serves as a pointed critique of indirect control and manipulation by powerful actors in a world that outwardly appears stable and unified. Through *Crocodile* and *Baroque Works*, Eiichiro Oda illustrates how power does not

always manifest as direct violence or open conquest, but more often through covert influence, narrative control, and resource manipulation—mirroring the proxy wars and interventions of the post-Cold War era. *Alabasta's* turmoil is not the result of organic internal conflict, but rather the outcome of outside manipulation, misinformation, and the calculated exploitation of local divisions for personal gain. By exposing how external powers can destabilize and exploit vulnerable states under the guise of order or legitimacy, *One Piece* underscores the dangers lurking beneath the surface of "unipolar" peace. It highlights the need for vigilance and resistance in the face of hidden hegemony.

Skypiea Arc: Imperialism, Religious Hegemony, and Extractive Capitalism

In the *Skypiea* arc, the *Straw Hat Pirates* journey to a mythical island in the sky, *Skypiea*—a society floating on clouds, ruled by a self-proclaimed god named *Enel*. *Skypiea's* surface appears serene, as shown in *Figure 3*, but beneath lies an oppressive regime shrouded in religious dogma (Oda, 2002, Chapter 239). *Enel* uses his divine title to violently enforce order, deploying priests—his underlings—and soldiers to punish dissenters and invaders under the guise of “*God's judgment*” (Oda, 2003). *The Straw Hat crew* quickly becomes entangled in a deep-rooted conflict over Upper Yard, a sacred land rich in resources called *Vearth*—the rest of the world that we know of in *One Piece*. The land of *Skypiea* originally belonged to the *Shandians*—an indigenous people forcibly displaced when part of their homeland was blasted into the sky centuries earlier. Their struggle to reclaim this land persists, creating a three-way conflict among the *Shandians*, the *Skypieans*, and *Enel's* regime.



Figure 3: *Skypiea*

Through battles, alliances, and historical revelations, the arc explores resistance against divine authoritarianism and the reconciliation between warring communities. Ultimately, the ringing of a legendary *golden bell* becomes a powerful symbol of truth, remembrance, and liberation.

“Divine” Hegemony in the Post–Cold War Era

Enel's reign in the *Skypiea* arc offers a striking allegory for the post–Cold War era, when global and regional hegemons increasingly invoked spiritual, civilizational, or

moral authority to legitimize their power. Just as *Enel* presents himself as a “God” whose rule is justified by divine right, real-world leaders have used similar rhetoric to defend their dominance. Notably, President George W. Bush declared in 2003 that he was “driven by a mission from God” to “end the tyranny in Iraq” and defeat terrorists, casting U.S. intervention in quasi-divine terms (MacAskill, 2005). This era was marked by leaders who claimed higher mandates—moral, religious, or historical—to enforce their authority and marginalize dissent. This parallel raises a crucial question posed by critics of the era: was the ‘War on Terror’ a clash of civilizations, or rather a clash between two fundamentalisms—one of religious extremism and one of market-driven, quasi-divine national destiny?



Figure 4: *Enel's (on the bottom right) use of his lighting strike power on Shandians (indigenous community)*

Within *One Piece*, *Enel's* authoritarian regime is maintained through fear, violence, and the erasure of opposition. His self-deification—the belief in one's own divinity—allows him to silence dissenters under the guise of divine justice, mirroring the post-Cold War reality where states or leaders invoked civilizational superiority or providential missions to justify interventions and unchecked power (Litwa, 2016). This reality parallels how American dominance in the late 1990s and early 2000s was couched in the language of a civilizing mission, with the “unipolar moment” reinforcing the notion that the U.S. was destined to lead the world (Krauthammer, 1990). *Enel's* conviction in his divine mandate and his intolerance for resistance thus serve as a fictional reflection of these global trends.

The arc further explores colonialism and indigenous resistance. The *Shandians*, Skypiea's native people, shown in *Figure 5*, are violently displaced from their sacred land and subject to both cultural erasure and resource exploitation. Their struggle for self-determination echoes the real-world indigenous movements of the post-Cold War era,

such as the Ogoni resistance in Nigeria. In both the manga and real history, the rhetoric of progress, security, or divine right has been used to rationalize the suppression of marginalized groups.



Figure 5: *Shandians, the natives of Shandora*

In the 1990s, the Ogoni people of the Niger Delta suffered severe repression for protesting petroleum exploitation on their land. The multinational Shell, with backing from Nigeria’s military regime, ravaged Ogoni territory with oil operations while local communities got no benefits. When Ogoni activists led by Ken Saro-Wiwa organized nonviolent protests, the regime responded with “deadly force and massive, brutal raids”, ultimately executing Saro-Wiwa and others in 1995 (EarthRights International, 2016). This real-world atrocity, an indigenous group crushed for defending its land from resource plunder, uncannily resembles the Shandians’ torment under Enel. Just as Skypiea’s rulers coveted the Upper Yard’s rich soil and treasures, Shell and the Nigerian government colluded to exploit Ogoniland’s oil, silencing the land’s custodians through violence. The suppression of Shandian dissent under Enel is a fictional reflection of how real authoritarian regimes crush uprisings by force.

Moreover, the arc delves into cultural resistance. The *Shandians* strove not only to regain territory but also to honor their ancestors, protect their ruined *Golden City*, and ring the bell that carries their history. Even when dominated politically, colonized groups often hold onto symbols, language, and traditions (just as the Shandians guarded their mantras, chants, and memories of Shandora). The climactic moment of Skypiea, when the golden bell rings out, signifying the truth of Shandian’s history and fulfilling a 400-year-old promise (see Figure 6), can be seen as a metaphor for historical justice: the idea that one day, the voice of the oppressed will be heard and acknowledged. In a global context, one might liken it to moments such as the Truth and Reconciliation Commissions or belated apologies to indigenous peoples, where the truth is finally being revealed after long suppression (International Center for Transitional Justice, 2013). It is a deeply anti-imperial moment: the false god *Enel* is vanquished by Luffy (a pirate representing

freedom), and the long-silenced native culture literally rings loud and clear over the island (see *Figure 7*).



Figure 6: Shandian Ancestor's Promise to Ring the Golden Bell



Figure 7: Golden Bell rings again for Luffy's departure after defeating Enel

Visual & Discursive Symbolism

In *Figure 11*, the scenes of *Enel* unleashing devastating lightning strikes—instantly silencing dissenters and punishing even the suspicion of rebellion—underline his ability to wield absolute, arbitrary violence. Figures collapse under terror or remain paralyzed under his threats, a visual metaphor for how authoritarian regimes leverage both

fear and spectacle to maintain control. The close-ups of *Enel's* glare and the trembling reactions of his victims reinforce the climate of total surveillance, where no act escapes his notice and punishment is both swift and disproportionate. These images collectively evoke not just the terror of living under unchecked authority, but also the suppression of individuality and dissent. This visual grammar echoes the logic of real-world dictatorships, where technology and fear are intertwined to silence opposition and enforce a single, dominant narrative over a subdued populace.

The Golden Bell of Shandora stands as a great symbol of memory, resistance, and the right to truth in *One Piece*. Shown in *Figure 9*, the bell is massive and central, depicted ringing triumphantly amid joyous crowds of *Shandian* ancestors, contrasting starkly with the earlier scenes of oppression and silence. Its sound carries a message across time and space, reconnecting the Shandian people to their ancestors and the lost city of gold, and finally revealing the “Voice of Shandora” after 400 years (see *Figure 6*). The climactic ringing of the golden bell can be interpreted in two powerful ways. On the one hand, it represents reparative justice—a symbolic act that restores the truth of the Shandians' history.

On the other hand, it can also symbolize the 'return of history', a powerful declaration that challenges the 'end of History' narrative and affirms that struggles for liberation are never truly over. The struggle to ring the bell and preserve true history parallels postcolonial efforts to reclaim silenced narratives. The celebratory ringing not only marks the defeat of Enel's tyranny but also reasserts the agency of the oppressed, ensuring their story resonates far beyond Skypiea.



Figure 8: Enel's overwhelming power silences Nami

The *Skypiea* arc offers a powerful critique of cultural hegemony and the deliberate erasure of history as fundamental tools for consolidating and maintaining power. Through Enel's self-proclaimed divinity and absolute rule, the arc illustrates how authoritarian leaders invoke spiritual or ideological legitimacy to silence dissent and justify

repression—echoing post–Cold War global trends. The dispossession and marginalization of the *Shandian* people mirror real-world examples of indigenous communities stripped of land and memory by colonial and imperial forces. The struggle to reclaim the *Upper Yard* and ring the *Golden Bell* represents not just a fight for territory, but for the right to preserve and transmit historical truth against the attempts of dominant powers to rewrite or obliterate it. Ultimately, *Skypiea* underscores the resilience of marginalized peoples, suggesting that true liberation and justice require the recovery and recognition of suppressed histories, both within fiction and in the real world.



Figure 9: The Golden Bell of Shandora, located in the Upper Yard

Conclusion

One Piece visually disrupts dominant global narratives by depicting neoliberal order as inherently unstable—maintained through covert violence and manipulative spectacle—thereby challenging the triumphant myth of liberal democracy as history’s ultimate destination. The manga employs vivid symbolism and allegories of resistance to expose the contradictions and instabilities concealed beneath global hegemony.

Collectively, the *Alabasta* and *Skypiea* arcs serve as clear allegories for the exercise and contestation of power in the post–Cold War era, critiquing the neoliberal world order and its inherent contradictions. The *Alabasta* arc exposes the dangers of state-sanctioned manipulation, as *Crocodile*—operating with the implicit backing of the ‘*World Government*’—engineers a proxy civil war to seize control of a sovereign nation. Through narrative and visual cues, the arc mirrors real-world cases of powerful states covertly destabilizing others for strategic gain, highlighting the treachery of manufactured consent and information warfare. In contrast, *Skypiea* spotlights the consequences of unchecked, self-legitimized authority. Enel’s tyrannical rule allegorizes the hubris of global hegemonies who invoke moral or civilizational mandates to dominate and erase dissent. The arc’s focus on cultural erasure, indigenous resistance, and the reclamation of suppressed history resonates with the colonial and imperial legacies that persisted after the Cold War.

Both arcs employ rich visual metaphors to challenge the monopolization of truth and the illusion of a stable, “end of history” global order. Oda’s narrative predicts that beneath the surface of triumphant liberalism and globalization, deep fissures remain, fueled by exploitation, exclusion, and the persistent struggle for justice. By framing power as contested, corruptible, and never fully secure, *One Piece* anticipates the resurgence of resistance and the demand for new, more just forms of world-making beyond the myths of inevitable progress and uncontested authority.

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ORGANISATIONAL INNOVATION IN THE INDONESIAN LABOUR PARTY: MOVEMENT PARTY AS A STRATEGY IN EMERGING DEMOCRACIES

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Abstract

Movement crackdowns characterise Indonesia's democratic decline since the New Order era to today's post-Reformasi era. This situation is accompanied by an exclusive political system that has prevented smaller and newer parties from partaking in Indonesia's formal politics. The result is a divide between social movements and mainstream parties, with the latter failing to address the demands of the former. The divide peaked during the passage of the Omnibus Law in 2020, which was met with massive protests. In response, trade unions and farmer groups revived the Indonesian Labour Party (ILP) to challenge the established political institutions. After a 12-year hiatus, the ILP was revived in 2021 by 11 founding organisations from trade unions, farmers, and collectives. As a movement party, ILP confronts the crossroads between maintaining its movement characteristics and adapting to the pragmatism of electoral politics. Therefore, a deeper investigation of the ILP is needed, particularly in addressing how the ILP maintains its party unity, public representativeness, and handles intergenerational dynamics. By conducting in-depth interviews with six intergenerational ILP members across Jakarta, Bekasi and Surabaya, this paper has identified three key organisational innovations based on Porta's notion of organisational innovation in movement parties, from ILP's presidium system that distributes authority across different union groups within the party; ILP's dual track strategy through its coalition with social movements; to ILP's youth participation through its youth wing and a vice-president for youth. By explaining said innovations, this case study aims to contribute to understanding how movement parties navigate themselves in emerging democracies and address the gap in the party-movement relationship through organisational innovations.

Keywords: politics, Social Movement, Movement Party, working class, organisational innovation.

Introduction

Indonesia's democracy is experiencing what Aspinall and Mietzner described as a 'democratic decline' due to aspects such as the rise of political illiberalism and polarisation, as

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well as the weakening of the political party system that is concentrated among the elites (Aspinall & Mietzner, 2019).

For the past decade, Indonesia has implemented parliamentary and presidential thresholds that enable large political parties to compel smaller parties to form coalitions with them (Al-Hamdi et al., 2021). Newer and smaller political parties were not given a chance to participate in Indonesia's electoral politics, resulting in 55 per cent or 381 out of the total 575 members in the Indonesian parliament being dominated by business elites (Aidulsyah et al., 2020). This point is where movement parties enter the picture, as they seek to represent public demands that are sidelined by the ruling political elites (Kitschelt, 2006). While social movements are influential to the civic representation in democratic nations (Porta, 2020) and are inseparable from public policies (Akarapongpisak, 2023), movement parties are defined as "coalitions of activists" from social movements who attempt to practice movement values in the "electoral arena" (Kitschelt, 2006). These activists include the Indonesian Labour Party (ILP).

The ILP emerged as a political vehicle representing workers' interests amidst Indonesia's democratic decline, with roots tracing back to the early Reformation era. The party's earlier iterations dates back to 1999, where it contested under the name National Labour Party (PBN), followed by a reorganisation in 2004 as Social Democratic Labour Party (PBSD), and in 2009 as the Labour Party of Indonesia (*Partai Buruh Indonesia*) ("Indonesian Labour Party Charter 2021-2026," 2022). In 2021, the ILP was revived from its 12-year hiatus by 11 organisations and movement coalitions through the fourth congress, with Indonesian Workers' Union Confederation (KSPI) president Said Iqbal as its president (Indonesian Labour Party National Work Meeting Presentation, 2025).

ILP's revival in 2021 marked a new era in the Indonesian labour movement, challenging the larger and more established parties in the country. After a 15-year hiatus, the party joined the 2024 election and won 10 seats in the regional parliament (DPRD), ranging from the industrialised area of Bekasi to small regions in Eastern Indonesia, such as Ambon in Maluku Province and Sorong in Papua Province. Aside from 10 elected members of parliament in 9 cities, ILP also managed to secure one Vice Regent seat in Bekasi. ILP managed to secure 972,910 votes nationally, surpassing other new parties (Sanur, 2024). This outcome is the party's strongest electoral result since its first election in 1999.

Despite its promising electoral prospects and potential as an alternative party, a question arises about how movement parties can maintain their movement identity and political ideology while addressing the demands of social movements (Laohabut & McCargo, 2024). By thoroughly examining the gap between the ILP and social movements in Indonesia, this study utilises Kitschelt's (2006) movement-party framework to develop an in-depth analysis of the ILP's organisational innovations, which were developed to navigate Indonesia's emerging democracy.

Methodology

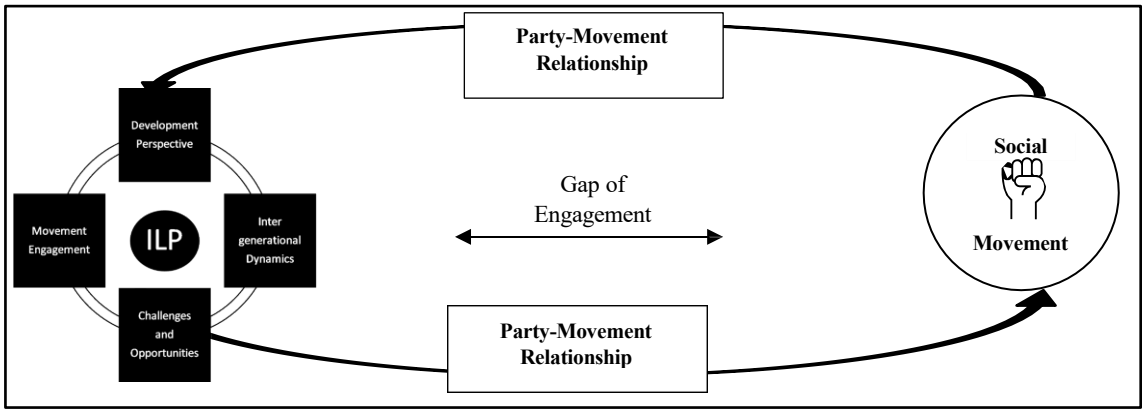
This study employs a qualitative approach as its methodology, aiming to explore in-depth understandings of individual experiences within different contexts (Leavy, 2023, p. 8)

and facilitate a deeper understanding of the ILP. The primary data for this study were collected through in-depth, semi-structured interviews with six members from the ILP, resulting in a total of six interviews conducted across three cities: Jakarta, Bekasi, and Surabaya. The participants consisted of three females and three males, with ages ranging from 23 to 48 years old. The age range this study defines as youth members ('YM') is from 15 to 35 years old (ASEAN, 2022). Meanwhile, senior members in this study ('SM') are aged 36 years or older. The participants in this study are affiliated with two union groups within the ILP: the United Confederation of Indonesian Trade Unions (KPBI) and the Federation of Indonesian Metal Workers' Union (FSPMI). Meanwhile, the secondary data of this study are documents from internal memos, conference presentations, statements, social media posts, and press releases related to the ILP.

Conceptual Framework

The study is centred on the following four variables, which are **Development Perspective** (ILP's ideology and organisational structure); **Movement Engagement** (how the party engages movements and how movements influence party agenda); **Intergenerational Dynamics** (youth and senior members' differing perspectives); and **Challenges and Opportunities** (how the party aligns its agenda with public demands).

With the four variables mentioned above and a list of open-ended questions as an interview guideline, participants in this study are allowed to freely discuss their detailed and nuanced experiences. Deriving from the four variables above, this study's conceptual framework consists of how this study aims to elaborate how ILP—represented by its four variables—addresses the gap of engagement in its relationship with Indonesian social movements as follows:



Picture 1. Research framework of this study is based on the movement party framework developed by Laohabut and McCargo (2024)

Findings and Analysis

As a movement party, the ILP aims to balance between building an electoral vehicle and preserving its movement characteristics. The ILP's core ideology centres on achieving a

welfare state that prioritises workers' rights, economic equality, and social protections ("Indonesian Labour Party Charter 2021-2026," 2022). Drawing from this context, this section will examine how the ILP advances this agenda by exploring the challenges and opportunities the party faces, and how it has developed what Porta identifies as "organisational innovation" based on progressive social movements (Porta, 2020).

1. Development Perspective: Praesidium System as a Double-Edged Sword

The ILP's development perspective is reflected in two aspects: its organisational structure and its core identity that represents all the unions and movement coalitions within the party. As Kitschelt argues, movement parties face challenges in maintaining their core identity (Kitschelt, 2006). The ILP responds to this challenge by implementing a movement-style collective leadership, known as the "praesidium system."

The praesidium system's collective nature distributes leadership across multiple individuals representing different groups within the party. As an organisational innovation that reflects its development perspective, ILP's praesidium system was described by SM-1 as an *"internal democratic process"* within ILP. The praesidium system provided an opportunity for movements to consolidate themselves within a party, despite their differences. As stated by YM-2 from Bekasi:

"Unlike other parties (that are) mystically centred around one person... The ILP cannot just follow Mr. Iqbal (President of ILP) alone. We have a mechanism called praesidium meetings. These praesidium meetings decide on issues and steps that the ILP will take, because decisions cannot be in Mr. Iqbal's hands alone" (YM-2).

Aside from YM-2, research participants in Jakarta, Bekasi, and Surabaya all referred to ILP's praesidium system positively, due to its collective decision-making process that maintains cohesion among its 11 founding group members. However, the ILP's praesidium system is clouded by divisions within the ILP. The praesidium system enables groups and party members to hold diverse stances and opinions on issues, both privately and publicly. This diversity has become a challenge, as it draws public distrust towards ILP's inconsistency, as seen in the differing reactions of groups and individuals within the party to specific issues. SM-2 implied that there are competing interests within the party:

"It is human nature, we are one party, one understanding, one ideology, but (internally) we have competition. There are not just one or two cadres, there are many" (SM-2).

As argued by many movement activists, the so-called progressive groups within the ILP need to compete and hold the ILP president, Said Iqbal, accountable for his friendly approach to the military and capitalist elite circles (Miswanto, 2025). Despite its movement-style praesidium system, which reflects its movement characteristics in collective decision-making, if the ILP fails to address public scrutiny regarding this issue, the party might lose its relevance as a movement party, as well as the movements it claims to represent.

2. Movement Engagement: The Dual Track Strategy

Movement engagement is essential to ILP as a movement party, and it is seen as what Kitschelt described as movement parties' need to maintain accountability to their social

movement base (Kitschelt, 2006). As a young member stated:

"The movement must continue to be built because there is a possibility this party might become negligent... this movement becomes a control tool because we are nothing without the movement" (YM-2).

To further highlight its dedication to movement engagement, the ILP employs a dual-track strategy, which combines formal politics with continued extra-parliamentary actions such as street demonstrations (Kitschelt, 2006). As described by a YM-3 from Surabaya, ILP conducts demonstrations *"to voice aspirations to get answers,"* and that their demonstrations *"are not chaotic"* due to the *"clear reasoning"* behind each demonstration. One of the ways the ILP maintains this dual-track strategy is by establishing the Trade Union – Labour Party National Coalition (KSP-PB) to facilitate movement engagement during the ILP's advocacy for labour law revision with the government. Through KSP-PB and other alliances with civil society organisations, such as the Workers Movement for the People (GEBRAK), the party has expanded its outreach even beyond union networks. As described by YM-3 from Surabaya:

"In Surabaya, we mix (with other movements). Now, FSPMI and the Labour Party, together with other unions, join as one. We keep mixing, not only with unions and parties inside (of the ILP), but also with those outside" (YM-3).

The ILP's dual-track strategy is evident in its constitutional advocacy work alongside mass mobilisation efforts. For example, the ILP has been actively engaged in judicial reviews at the Constitutional Court, resulting in the annulment of 21 articles in the Omnibus Law that affect the rights of millions of Indonesian workers (Fadhil, 2024).

With their dual-track strategy, the ILP continues to consistently organise protests to maintain pressure on policymakers and represent working-class demands in public spaces. Meanwhile, the recent protest, co-organised by ILP members, was the May Day rallies, where KPBI members joined GEBRAK at the parliament, while FSPMI joined ILP President Said Iqbal and Indonesian President Prabowo Subianto at the National Monument (CNNIndonesia, 2025). These different positionings between KPBI and FSPMI during the May Day rally reflect what YM-1 described as *"contradictions and differences of opinion within the ILP."*

Nevertheless, controversy arises as the public expresses outrage at feeling betrayed by the ILP, despite parts of the public being aware that the ILP comprises different groups with varying political strategies for engaging the elite (Asgani, 2025). Controversy aside, ILP's dual-track strategy as an organisational innovation has enabled the party to align itself better with social movements, while simultaneously operating in both parliamentary and extra-parliamentary spheres.

3. Intergenerational Dynamics:

Embracing Youth Participation

The findings of this study reveal how the ILP addresses intergenerational dynamics through formal mechanisms for youth participation. The party has developed specific

organisational structures to facilitate youth engagement, most notably the Working-Class Youth Voice (SMKP), which reports directly to the party president rather than being subordinated to any faction. This direct reporting line gives the youth wing significant bargaining power within the party structure and creates a formal pathway for younger members to influence party decisions. Aside from establishing SMKP as a youth wing, ILP has created a new Vice-Presidential position within its praesidium, focusing on youth and digital organising. As mentioned by YM-1:

“There is a position called Vice President for Youth and Digital Organising. Our young friend fills it. So, there are strategic positions given to young people, especially to represent the aspirations of young people in praesidium meetings” (YM-1).

The party's institutional response to intergenerational dynamics within the party reflects the party's recognition that effective intergenerational knowledge exchange requires formal positions that empower younger members. Despite these organisational innovations, this study found significant variations in intergenerational dynamics across regions and organisations within the ILP. YM-2, a young FSPMI member from Bekasi, stated that expressing ideas to senior members is “something many of us were never taught, even from a young age.”

This observation reveals that often, FSPMI young members in Bekasi are unable to express their opinions freely to senior members due to their cultural upbringing and limited ability. In Surabaya, FSPMI has a different intergenerational dynamic. As stated by SM-3, during the 2024 election, they paid no attention to the age of their candidates because “whoever wants to be a candidate... What is important is their willingness.”

In comparison, the Jakarta-based members of the KPBI reflect a more egalitarian approach to age differences, where traditional hierarchical barriers have been notably reduced. As noted in a reflection by a KPBI senior member in Jakarta:

“Don't gatekeep our information, the contacts we have. We have contacts with journalists, donors, state officials, and religious leaders who support our struggle. Activate these as collective belongings ... Our knowledge and experience are their rights” (SM-1).

Despite these variations, the research identified a mutual recognition across the parties that intergenerational knowledge exchange is essential for organisational sustainability. Senior members across regions acknowledge the need to transfer organisational knowledge and skills to younger members, while also recognising the value of younger members' technological aptitude and contemporary perspectives. This mutual recognition lays the foundation for intergenerational collaboration, despite occasional tensions among groups.

Conclusion

This study suggests that organisational innovation represents the critical bridge enabling the ILP to function effectively as a movement party within Indonesia's exclusionary political system. The ILP's experience illustrates how social movements can transition into

electoral politics without abandoning their activist identity through strategic structural adaptations.

The praesidium system demonstrates an innovative approach to collective leadership that reflects the party's ideological commitment to worker solidarity. However, this system reveals significant tensions between democratic representation and effective governance. This study suggests that while the praesidium successfully prevents any single union from dominating decision-making, it creates operational inefficiencies when multiple groups pursue conflicting agendas. The implementation of innovation varies considerably across regions, with more cohesive operations in industrial strongholds than in peripheral areas, where competing union interests often undermine policy coherence.

This dual-track strategy, operationalised through mechanisms like the KSP-PB coalition, reveals fundamental contradictions that the ILP has yet to resolve. This innovation aims to bridge institutional engagement with grassroots activism. However, it also creates potential clashes and tensions, as exemplified by the May Day 2025 incident, where KPBI publicly clashed with FSPMI. This contradictory positioning, facilitated by the party's praesidium system and "internal democracy", potentially confuses ILP's constituents about the party's actual stance on specific issues, especially during government negotiations.

Youth inclusion mechanisms, including the SMKP and vice-presidential position for youth affairs, represent the ILP's attempt to institutionalise intergenerational dynamics. This study suggests that these innovations provide formal representation but often fall short in practice, with significant variation in implementation between urban and rural chapters. These innovations succeed in creating structural pathways for youth participation but frequently fail to shift underlying power dynamics that continue to privilege senior leadership in actual decision-making processes.

This study argues that the ILP case refines existing theoretical frameworks by demonstrating that successful movement party development in Southeast Asian contexts depends less on uniform institutional transformation and more on what can be termed "contextual adaptability." The ILP's experience suggests that organisational innovation must extend beyond formal structural changes to address the complex reality of diverse regional and organisational contexts. The varying success of these innovations across different regions indicates that movement parties must continually reassess and adjust their organisational structures to maintain coherence while accommodating regional differences.

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PUBLIC AUTHORITY AND LEGITIMACY IN LAND AND FOREST RESOURCES GOVERNANCE IN THE SALWEEN PEACE PARK

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Abstract

This study explores how the KNU and customary *Kaw* institutions produce and negotiate public authority and uphold legitimacy in land and forest governance in the SPP, particularly *P' Saw Lu* village, through the concept of public authority and qualitative methods. The study finds that land and forest governance in *P' Saw Lu* village of the SPP is shaped by both the KNU and customary *Kaw* institutions. Public authority is exercised and produced through the daily practices of various actors from both the KNU and customary *Kaw* institutions, including KNU officials, such as KFD and KAD authorities, village heads, administrators, and customary *Kaw* leaders. Moreover, public authority is continuously co-produced through negotiation and cooperation over land and forest, as well as through contestation in the provision of public services. While the KNU derives legitimacy from legal-rational authority, the *Kaw* system is rooted in tradition.

Keywords: Governance, public authority, legitimacy, land, forest

Introduction

In Karen State, Myanmar, sovereignty is shaped by multiple actors, including the central state (Myanmar), Karen armed groups, and local civilians. The state's strategies, such as military tactics and resource concessions, to assert de facto control, contradict the Karen National Union's (KNU) attempts to legitimize their authority through territorial control and governance (Oh, 2013). Although Myanmar state actors represent the country's official government, ethnic authorities like the KNU are regarded as the governing body for ethnic communities. After Burma gained independence, the KNU began its revolution and struggled for autonomy, functioning as state-like actors and exercising public authority through their administrative structures within their controlled areas, including Mutraw District (South, 2018). Within its controlled areas, where the central state's governance is absent, the KNU operates through a formal governance structure similar to that of a state, exercising public

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authority by collecting taxes and providing essential public services, such as healthcare and education (Mark, 2022). Land and forest resources are also governed through the KNU's departments, like the Kawthoolei Forestry Department (KFD) and the Kawthoolei Agriculture Department (KAD) (KNU, n.d.).

Moreover, customary *Kaw* governance existed before the emergence of the KNU's governance functions and operates through traditional structures that uphold customary rules and taboos rooted in spiritual beliefs. The *Kaw* governance system plays a significant role in governing land and forest resources. "Kaw" refers to the Karen customary system of land tenure, encompassing ancestral lands, livelihood farms, water sources, and sacred or taboo sites. Community rules, taboos, and local leadership govern *Kaw*. The *Kaw* system is diverse and flexible in structure, and can consist of a single settlement of a community or multiple settlements working together. *Kaw*'s boundaries are marked through ceremonial walks, and disputes are settled by elders using oral histories and *Hta* (ancient poems), accompanied by rituals and communal gatherings (Paul et al., 2021).

After the establishment of the Salween Peace Park (SPP), *Kaw* governance was revitalized and was formally recognized by the KNU. The SPP is located in the Mutraw District of the KNU, established through collaboration with community-based organizations and residents. The SPP aims to protect Indigenous Karen lands from state encroachment and to reclaim land rights, conserve biodiversity, and preserve cultural heritage, as land confiscation was introduced under Myanmar's 2012 Vacant, Fallow and Virgin Lands (VFV) Land Law during Myanmar's ceasefire periods (Kenney-Lazar & Wong, 2016; Woods et al., 2020). At the same time, customary *Kaw* governance was revitalized through the efforts of community-based organizations CBOs like KESAN and was formally recognized by the KNU in 2015. Through the influence of the SPP, the KNU adopted a land and forest policy that acknowledged the *Kaw* system, thereby strengthening Indigenous governance and challenging the VFV Land Law framework, as well as contributing to the KNU's land and forest governance (TBC, 2016).

As a result, two governing institutions in the SPP co-exist and operate in the governance of land and forest resources: the KNU and customary *Kaw* governance systems. This coexistence of the KNU and customary *Kaw* governance contributes to the production of "public authority," which, as Lund (2006) argues, is not exclusive to the state but emerges through interactions between state and non-state actors, including customary institutions and local communities. Public authority is legitimized through social recognition and the capacity to enforce rules, provide services, and represent community interests. However, the knowledge gap lies in understanding how overlapping governance systems interact with local communities to produce public authority and legitimacy, often resulting in forces, conflicts, inconsistencies, and implications for sustainability and community well-being.

Thus, drawing on Christian Lund's (2006) concept of "twilight institutions" (see literature review), the study focuses on a *P' Saw Lu* village in the SPP, where two governing bodies coexist: the KNU, acting as a state-like authority, and the customary *Kaw* system, rooted in traditional governance. The study examines the roles of the KNU and customary *Kaw*, focusing on their practices that generate public authority and their outcomes. It also examines the forms of legitimacy each institution holds, based on community perceptions and responses.

Literature Review and Conceptual Framework

The concept of public authority encompasses how various actors, including both state and non-state entities, exercise power, establish legitimacy, and govern populations through formal and informal institutions. Christian Lund (2006) highlights that "public authority" is not exclusive to the state. However, it is often produced in "twilight" spaces where traditional institutions, local groups, and informal networks assert authority by enforcing rules, collecting taxes, and maintaining order, borrowing symbols and practices from the state to legitimize themselves. Ferguson (2023) argues that public authority emerges through cooperation, competition, and conflict among various actors, including formal and informal figures, relying on power dynamics, institutional bricolage, state-like symbols, and claims to legitimacy. According to Max Weber's idea of "Herrschaft", authority needs some level of voluntary obedience or acceptance, not just force (Breuer, 2020). Moreover, Max Weber classified three typologies of legitimate authority: "traditional," "charismatic," and "legal-rational." "Traditional authority" derives from customs and traditions, which are often passed down through hereditary lines. The authority's right to rule is not related to the capacity of individuals and the framework, but rather to the traditional structure. "Charismatic authority" derives from the qualities and abilities of the individuals whose leadership can influence and motivate the followers. In contrast, "legal-rational authority" derives from legal frameworks, where legitimacy is based on bureaucratic institutions rather than individuals (Hermann, 1983).

In the context of SPP, the governance model employs a collaborative approach, where a plural form of governing institutions shapes public authority. Governance is shared among the KNU, local villagers, and civil society, with a majority of its Governing Committee comprising community and civil society members. The SPP's governance system has been created with different representatives for the administration, integrating the representatives from the community, CBO/CSOs, and the KNU. There are 11 members on the SPP Governing Committee: 4 represent the KNU, 5 are local community representatives, and 2 represent civil society. In addition, the 18 elders from the Advisory Council and the SPP Charter (Article 52) formally empower village-based communities and *Kaw* (customary territories) to create and enforce their own rules for natural resource governance (Paul et al., 2023). However, the unit of analysis for this study mainly focused on the two co-existing governing institutions: the KNU and customary *Kaw* systems, which operate in the same territory and community.

Currently, there are 12 departments of the KNU operating in Kawthoolei (Karen State), spanning various levels, from central to community levels. Under the KNU, the Kawthoolei Forestry Department (KFD) and the Kawthoolei Agriculture Department (KAD) are primarily responsible for managing land and forest resources through their multi-tiered structures (South, 2018). Alongside KNU institutions, the customary *Kaw* system remains central to community-level governance of land and forests. *Kaw* governance is rooted in ancestral knowledge, rituals, and taboos, influenced by spiritual beliefs rather than a legal framework. Drawing on the Somaliland case, known as the "Crippled Hybridity," shows that the hybrid governance systems, such as the non-state (traditional) and modern state, no longer functioned well as the state system became more centralized, but lacked democratic practice and accountability. Although the traditional system remained visible, it lost legitimacy and autonomy. As such, the

elders were no longer trusted by the communities and the state, bypassing democratic norms. As a result, both sides of the governance systems were weakened (Henn et al., 2024). Similar to the context of SPP, land and forest resources are governed through the co-existence of governance structures: the KNU and customary *Kaw* systems. However, the understanding of how public authority is produced and results from the practices of the KNU and customary *Kaw* institutions, as well as how these institutions uphold legitimacy, is limited (Paul, 2018).

Hence, this thesis focuses explicitly on *P' Saw Lu* as a case study in the SPP, as it remains in a strong *Kaw* governance system, maintaining traditional practices. The thesis explores the roles of the KNU and customary *Kaw*, including the practices through the governance of land and forest that produce public authority in the Salween Peace Park through the application of the “public authority” concept. Furthermore, it examines the existing forms of legitimacy that the KNU and customary *Kaw* institutions uphold by analysing the relationship between local communities, including their perceptions and responses to the governing institutions in *P'Saw Lu* village in SPP.

Methodology

This thesis is part of an ongoing research project at the SPP, in which I was partially involved in data collection before enrolling in the MAIDS program at Chulalongkorn University². This research project has been implemented in the SPP in Mutraw District, Karen State, in collaboration with the University of Copenhagen, Chulalongkorn University, the Karen Environmental and Social Action Network (KESAN), and the Kawthoolei Forestry Department (KFD) of the Karen National Union (KNU). The Institutional Review Board (IRB) Approval for this research project has been completed. The research project covers five villages across all three townships of the Mutraw District. However, I chose *P' Saw Lu* village in the SPP as a case study for my thesis, where I was involved in the fieldwork of data collection. The collected data from this village includes two focus group discussions, four key informants, six in-depth interviews with villagers, participatory observation, and community mapping. This study employed a qualitative data analysis approach, specifically using the thematic coding method to transform the data into distinct categories and organize similar codes in various formats within Microsoft Word.

Results

The results from this study are based on two focus group discussions, four key informants, six mini-surveys, observation notes, and map descriptions in *P Saw Lu* village. The findings show that public authority in land and forest governance is shaped by a plural and negotiated system of public authority involving both the KNU and customary *Kaw* institutions. Public authority is co-produced through everyday interactions, with the KNU exercising formal

² State-like and Indigenous Karen Relations with Land and Forest Governance: A Case Study of the Salween Peace Park, Mutraw District, Kawthoolei, Burma. This research has been conducted by “Copenhagen University”

legal authority and *Kaw* leaders maintaining influence through spiritual and community legitimacy.

Discussion

Roles, Practices, and Public Authority of the KNU/Customary *Kaw*

The findings reveal that land and forest governance in the SPP, particularly in *P' Saw Lu* village, is shaped by a plural system of public authority involving both the KNU and customary *Kaw* institutions, reflecting Christian Lund's (2006) concept of "twilight institutions." The KNU operates as a state-like authority through bureaucratic institutions such as the KFD and KAD, which exercise public authority through land registration, taxation, resource access, and reinforcing the establishment of conservation. For instance, accessing timber regulated by the KFD requires villagers to obtain permission if they wish to extract more than 5 tons of timber, and they must pay a 250 baht fee for the permission letter. Moreover, villagers are required to register their paddy fields and orchards under the KAD to claim ownership rights. They are also required to contribute two large tins of rice husk per acre of registered paddy field and 200 baht per acre for orchards. Public authority at the community level is exercised by KNU-appointed village heads and area administrators, who implement and enforce formal rules and serve as mediators between the KNU and villagers. For example, if villagers need timber weighing less than 5 tons, they must inform the village head or area administrator and pay a 100 baht fee per stump. Additionally, they facilitate the fulfillment of the services requested by the KNU.

Alongside the KNU, customary *Kaw* leaders, especially the *Kaw Hko* (*Kaw's* master), exercise public authority through land-use decisions for upland farming, ritual performances for conservation, and promoting *Kaw* peace. Regarding land use for upland farming, villagers go through the leadership and guidance of *Kaw Hko*. For example, before planting rice seeds in an upland farm, villagers wait for *the right time, as indicated by Kaw Hko*, before they start. Regarding ritual performance, such as sacrifice for conservation and cleaning or making *Kaw* peaceful, *Kaw Hko* always plays a vital role in leading the event. Additionally, the elders and skilled diviners contribute to public authority by assisting *Kaw Hko* and fulfilling other roles. The elders are also involved in land use decisions for upland farming, assisting *Kaw Hko* in ritual performances, sharing traditional rules (oral), and addressing rule violations (e.g., premarital relationships, hunting in community-conserved forest areas). Additionally, skilled diviners play a crucial role in guiding land use through spiritual predictions for the villagers. Overall, these overlapping institutions reflect a plural governance system, where public authority is exercised and produced from both formal procedures and deeply rooted cultural-spiritual practices, aligning with Christian Lund's concept of "twilight institutions."

The Outcomes of Public Authority from the KNU/Customary *Kaw*

Lund (2006) argues that public authority is dynamic, constantly reshaping through interactions, cooperation, and tension between various actors who claim the right to govern or influence. Similarly, the results show that public authority in *P' Saw Lu* village within SPP reflects a dynamic, co-production through ongoing negotiations and cooperation between the

KNU and customary *Kaw* regarding land and forest governance. As such, public authority is co-constructed through shared decision-making involving actors such as *Kaw Hko*, village elders, KNU village heads, and officials from the KFD and KAD. For instance, timber extraction and land use often require approval from both KNU officials and *Kaw* leaders, reflecting overlapping jurisdiction and mutual recognition. Customary rituals and KNU formal policies often support one another, such as when KFD wildlife protections reinforce existing taboos, or when the KAD's land demarcation practices respect customary land-use rules. Even moral and social issues, such as premarital pregnancies, are jointly handled by *Kaw Hko* and village heads, exemplifying cooperation across institutional boundaries. Beyond the land and forest governance, public authority is also produced through contestation between the KNU and customary *Kaw* actors in the provision of public services.

As such, the 2008 road construction project through sacred *Kaw* lands highlights a clash between KNU's Christian leadership and customary animist beliefs. While villagers supported the project for its practical benefits, elders expressed concern over spiritual violations. The KNU initially participated in spirit offerings but later withdrew due to religious reasons, undermining customary authority. Elders ultimately resumed rituals after a series of accidents, reasserting *Kaw* authority. Another case from 2014, involving a proposed community hospital, revealed conflicting views among customary elders and a KNU-affiliated officer. While most supported the project, one elder opposed it, arguing it would encroach on upland farms. Despite efforts to reach consensus, the project was temporarily halted due to this opposition. However, another elder later allowed it to proceed, citing majority support, demonstrating that public authority is produced through negotiated and contested processes.

Legitimacy of the KNU/Customary *Kaw*

Based on Max Weber's (1998) three typologies of legitimate authority, the study of *P' Saw Lu* village indicated that the KNU's legitimacy is primarily legal-rational, derived from formal institutions, laws, and bureaucratic structures such as KAD, KFD, village head, and area administrator. Villagers perceive the KNU not just as an armed group, but as a legitimate government in the absence of the Myanmar state, particularly because its rules often align with local beliefs and customary norms. For example, the KFD's rules protecting particular species (i.e., tigers, gibbons, etc.) are rooted in community taboos. Compliance is not driven by coercion, but by a perception that the KNU's governance is just, culturally resonant, and beneficial for conflict resolution and resource protection. As such, all participants expressed that registering their paddy fields is beneficial because it helps them resolve disputes more effectively. Despite voluntary compliance, gaps exist between villagers' acceptance of KNU authority and their understanding of its rules and institutions, indicating that legitimacy here is more symbolic and normative than procedural. For example, most participants expressed that they are unaware of the KNU's rules and how the collected taxes are used, indicating that the KNU operates through a top-down approach. Notably, the KFD's rule prohibiting the cutting of teaks and ironwoods is rooted in a colonial legacy.

Simultaneously, traditional legitimacy is expressed through the customary *Kaw* system, where authority is rooted in ancestral beliefs, spiritual taboos, and hereditary leadership. Villagers follow traditional rules and taboos not because of formal enforcement but out of fear of spiritual consequences and a sense of moral obligation. In addition, the public authority and

legitimacy in the *Kaw* governance system are shifted by the influence of Christianity. Although Christian villagers continue to observe some customary practices, such as avoiding taboo lands, waiting for *Kaw Hko* to plant rice seeds, and participating in rituals, they increasingly do so for environmental or communal reasons rather than out of spiritual obligation. This observation reflects a shifting legitimacy, where animist-based authority is being reinterpreted through new religious values, particularly in the regulation of resource use, such as timber and wildlife.

Conclusion

In conclusion, the study from *P' Saw Lu* village in the SPP reveals that public authority is produced through “plural” structures shaped by overlapping KNU and customary *Kaw* institutions. In terms of land and forest resource governance, public authority is dynamic, emerging through ongoing negotiations and cooperation between the KNU and customary *Kaw*, while also involving contestation regarding the provision of public services. Moreover, the study illustrates that the legitimacy of the KNU and *Kaw* governance relies on voluntary compliance. The KNU’s legitimacy is based on “legal-rational” authority through its officials, KFD and KAD. In the same way, *Kaw* leaders, such as *Kaw Hko*, elders, and skilled diviners derived their authority from moral, spiritual, and community recognition. Especially *Kaw Hko*, his authority derives from heredity. Thus, the study shows that public authority in the SPP, notably *P' Saw Lu* village, aligns with Lund’s concept of “twilight institutions.” At the same time, legitimacy is related to Max Weber’s typology of “traditional” and “legal-rational” authority. The study further reveals the shift in public authority and legitimacy within the *Kaw* system, as well as the KNU’s adherence to a top-down approach rooted in colonial legacy.

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COMPARATIVE THERAVADA: BUDDHISM IN THAILAND AND MYANMAR AND ITS IMPACT ON LGBTQIA+ COMMUNITIES

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Abstract

Myanmar and Thailand are neighboring countries with a shared border and shared history. Although both countries have a majority Theravada Buddhist population, Buddhism is practiced in different ways in Myanmar and Thailand. This paper aims to answer two research questions: which factors lead to this difference in the practice of Buddhism in Myanmar and Thailand, and how do these outcomes affect the lives of LGBTQIA+ people in each country? To answer these questions, this paper examines the major turning points of Buddhism in each of the countries. They are Sangha Reforms, the legislation relating to the Sangha, and the structures of monasteries in each country. This paper analyzes various existing literature to create a comparison of these three turning points. Buddhism plays a significant role in the culture of Myanmar and Thailand, as well as in the day-to-day lives of their people. By comparing these two countries, the paper identifies how the differences lead to varied impacts in the lives of LGBTQIA+ Thai and Myanmar citizens.

Keywords: Buddhism, Comparative Analysis, Myanmar, Thailand, Sangha

Introduction

Thailand is one of Myanmar's neighboring countries and shares a 2400-kilometer-long border. As neighboring countries, they also share similar aspects of history and culture, and religion is one of the commonalities between the two countries. Theravada Buddhism is one of the largest religions in both countries. The number of Theravada Buddhists in Thailand and Myanmar is 92.5 percent and 88 percent of the population, respectively (US DOS, 2022b; US DOS, 2022a). Due to the massive number of Buddhists and the long history of Buddhism in each country, Buddhism has become a key part of the culture in Myanmar and Thailand (Ardiccaramsi & Yeshpal, 2024; Arunsutalangkarn, 2023). Regardless of the commonalities, Buddhism in each country is practiced differently, with its unique legislation and structure of the Buddhist monks. Differences in Buddhism across countries result in variations in people's ideologies and perspectives, including those related to gender diversity. The number of

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comparative studies on this aspect is limited. Most of the previous studies only focus on individual countries when it comes to the impact of Buddhism on LGBTQIA+ people or society as a whole. A comparative study on this issue also has positive aspects; it will be able to pinpoint where the changes begin, especially for two countries that are close to one another, such as Myanmar and Thailand, and how these differences impact the lives of LGBTQIA+ persons.

By examining these two issues, this paper will highlight the experiences of LGBTQIA+ people from Myanmar and Thailand from a religious perspective. This paper examines the existing literature, such as legal documents, scholarly articles, NGO reports, national surveys, and other types of documents, to address the two research questions: which factors lead to this difference in the practice of Buddhism in Myanmar and Thailand, and how do these outcomes affect the lives of LGBTQIA+ people in each country?

Findings

Arrival of Buddhism in Myanmar and Thailand

Buddhism did not originate in Myanmar or Thailand; it is a religion that was brought from various countries a few centuries ago. The arrival of Buddhism in Myanmar can be supported by the archeological evidence in parts of Myanmar: Rakhine, Thare Kettara (Pyay), and Suvannabhumi (Mon), where there is evidence of terracotta Buddha statues and stone tablets that can be dated back to the fifth and sixth centuries (Yeshpal, 2024). Theravada Buddhism was not the only Buddhism in Myanmar at that time. Meanwhile, Theravada Buddhism flourished in Suvannabhumi, and Mahayana Buddhism flourished in Thare Kettara, which was brought by India and Tibet through land routes (Ko Ko Naing, 2020). A widely accepted version of the arrival of Buddhism happened during the Bagan period. At the time, Mahayana Buddhism, combined with Tantric Buddhism and Hinduism, was practiced in Bagan. King Anawrahta brought the scriptures from Svannabhumi (Mon) and established Theravada Buddhism as the national religion (Ko Ko Naing, 2020). It led to Myanmar remaining a Theravada Buddhist country to this day.

The arrival of Buddhism in Thailand is simpler compared to Myanmar. There are three instances of Buddhism's arrival in Thailand. The first arrival of Buddhism in Thailand was through the Mon empire and King Asoka. The previous Mon Kingdom, Suvannabhumi, was located in Nakhon Pathom, which is now a part of Thailand. Due to the delegations of King Asoka, Theravada Buddhism was practiced in Suvannabhumi (Thai Buddhas, n.d.). The second instance was the invasion of Burma led by King Anawrahta, who occupied the northern parts of Thailand, including Chiang Mai and Chiang Rai (Kusalasaya, 2006). The last instance is the arrival of Mahayana Buddhism. Mahayana Buddhism arrived in the southern parts of Thailand from Java and in the northern parts of Thailand from China (Ven. Phra Rajpnyamedhi, 2006). These are three instances of Buddhism's arrival in Thailand.

The arrival of Buddhism in Myanmar and Thailand is important for two reasons. Although Theravada Buddhism has a strong influence in current Myanmar and Thailand, Mahayana Buddhism and other versions of Buddhism arrived earlier. Theravada Buddhism in

the two countries has similar starting points but has resulted in different practices. To understand how Theravada Buddhism evolved from a similar starting point, it is necessary to observe the development of Buddhism.

Evolution of Buddhism in Myanmar and Thailand

Since its arrival, Theravada Buddhism has played a significant role in Myanmar's history. Although Myanmar kings were sometimes portrayed as the protectors of Buddhism, not all kings had a positive relationship with Buddhist monks. King Narathu was concerned about the rebellion of the monks; therefore, he compelled the monks to leave the monastic order during the Bagan period (Ko Ko Naing, 2020). Myanmar, at the time, had a close relationship with Sri Lanka; Myanmar sent monks to learn Buddhist texts. However, this relationship with Sri Lanka led to a divide between Burmese Buddhism, which originated from Suvannabhumi during the Bagan period, and Sinhalese Buddhism, which was led by monks who returned from Sri Lanka. The rise and fall of corrupt monks can be seen throughout the late Bagan, Pinya, Inwa, and Taungoo periods of Myanmar. The fragmentation of the Sangha into smaller sects of monks and the large donations from kings are the reasons behind the rise and fall of corrupted monks. During the late Inwa period, King Thohanbwa massacred the Buddhist monks out of fear of rebellion (Ko Ko Naing, n.d.). Until the Kongbaung period, the people of Myanmar practiced Theravada Buddhism alongside elements of Hinduism and other rituals, such as divination. During the Kongbaung Period, Theravada Buddhism had substantial growth.

King Mindon hosted the fifth Buddhist Synod, the first Buddhist council in Myanmar. The Buddhist scriptures of Theravada Buddhism (Pali Canon) discussed in this Buddhist Synod were inscribed on stone tablets at Kuthodaw Pagoda in Mandalay (Wiles et al., 2021). During that time, Buddhism was primarily used by the king for merit-making, with the hope of escaping the dire political and economic situations in Myanmar amid the British invasion in the south (Mo Mo Thant, 2022). Buddhism faced a decline during the colonial era. The role of the Buddhist monastery as the primary educational institution was replaced by government schools under the British government (Turner, 2014). However, Buddhist monks continued to participate in the independence movement in Myanmar. A Buddhist monk named Sayardaw U Ottama was one of the most famous independence leaders (Tha, 2014). These highlight the significant ups and downs of Buddhism in Myanmar, highlighting the evolution of Buddhism within the country.

Similar to the Myanmar case, Theravada Buddhism has also developed within the different eras of Thailand. In the Sukhothai era, around 1257 A.D., Buddhism was imported from Sri Lanka with the support of the king. (Piyabhani, 2016). Buddhism thrived in the Sukhothai era, although annexation by the Ayutthaya in the late 15th and early 16th centuries created some obstacles. The kings of Ayutthaya were devout Buddhists; therefore, Buddhism flourished and new Buddhist literature was developed (The Buddhist World, n.d.). The invasion of Ayutthaya by Myanmar under the reign of King Bayinnaung led to the destruction of some of the Buddhist literature and structures. Under the Chakri Empire, the kings of Thailand were closely associated with Buddhism and encouraged the building of temples. The temples also played a role in educating young people, including young princes. Young princes

studying in the monasteries pushed a close relationship between Buddhism and monarchy (Srinok et al., n.d.). These events marked significant milestones in the evolution of Buddhism in Thailand.

The differences in Theravada Buddhism become apparent in the evolution of Buddhism. The evolution of Buddhism in Thailand was relatively smoother than that of Myanmar. Moreover, Buddhism became an integral part of Thailand in later periods. However, Buddhism in Myanmar faced threats and struggles alongside its political changes.

Comparison between the three turning points of Buddhism in Myanmar and Thailand

Three turning points have had a significant impact on Buddhism in both Myanmar and Thailand. They are the Sangha reforms, legislations related to Buddhist monks, and the structure of the Sangha.

Sangha reforms are significant events that shape the current state of the Sangha and Buddhism. There have been multiple attempts to reform the Sangha after the independence of Myanmar as early as 1961 under the U Nu government. However, most of these efforts were futile, including the All-Burma All-Sect Sangha Convention in 1965, which aimed to establish a fundamental law for the Sangha. In 1979, under the government of U Ne Win, a working group of the Sangha committee was formed, comprising 66 members from nine different sects. The Sangha Convention was held in 1980 to pass the draft constitution of the Sangha, which had been drafted by the working group (Bechert, 1989). The Sangha reform in Myanmar, which comprises a central Sangha organization, was modeled after the Thai Sangha. Sangha reforms in Thailand can be traced back to the rule of King Mongkut. This king implemented both doctrinal and institutional reforms within the Thai Sangha. In the doctrinal reforms, the role of Prince Vajirayana-varorasa, who later became the supreme patriarch of Thailand, was prominent. The doctrinal reforms are similar to those of Western ideology; Thai Buddhism was reinterpreted into a more logical version. The structural reforms of the Sangha reflect the administrative structure of the government, with a key person at the top. Regarding the success of the reforms, the doctrinal reforms are more successful than the structural reforms (Puntarigvivat, 2004).

There is only one law relating to the Sangha in Myanmar, named the legislation relating to the Sangha organization. It came into effect in 1990. There are three significant provisions of this law. This law established the Sangha organization as the sole governing body in Myanmar, recognizing only nine sects as official sects of monks in the country. It also suppressed anyone who was against the Sangha organization (Law Relating to the Sangha Organization, 1990). The existence of the Sangha organization is to exert control over the Sangha. An example of the government's control over the Sangha is evident during the Saffron Revolution of 2007. The Sangha organization issued multiple directives to all monks in Myanmar, instructing them not to participate in politics, refrain from indecent behavior, including visiting crowded markets with both men and women, and to comply with the government's laws (The New Light of Myanmar, 2007). The general rules and guidelines for Buddhist monks in Myanmar were established by the first Sangha convention in 1980. The role of the Sangha organization is to uphold those basic rules. In the case of Thailand, the general rules are more formal and are outlined in the Sangha Act of 1962. It contains eight chapters.

They are the supreme patriarch, the Sangha Supreme Council, which administers the Sangha, oversees punishment and renunciation of the monkhood, manages Buddhist monasteries and ecclesiastical property, and presides over miscellaneous matters (Sangha Act 1962). Although amendments were made to the Sangha Act, the administrative process of the Sangha was outlined within the legislation, and it also grants the Sangha Supreme Council the power to decide on the regulations and mandates of the Sangha.

Since Myanmar's Sangha reform is modeled after Thailand's system, the organizational structure of the monasteries is quite similar. The Sanghanayaka organization serves as the executive body of the Sangha, established at various levels, including state and divisional committees, township, village, and ward committees. The judicial body also comprises three distinct levels: township, state, and division levels, as well as the highest-level courts. Although the judicial body holds the power to investigate and discipline the monks, the ordinary monks have minimal dependence on the Sangha Mahanayaka, which serves as the central executive committee (Gil, 2008). Thailand's administrative structure can be divided into two levels: the central level and the local level. At the central level, the supreme patriarch is responsible for all affairs of the Sangha and has the power to govern the monk community. He was supported by the consultative council (Aphiwatamonkul, 2018). At the local level, the Sangha is overseen by the Sangha Supreme Council, which is divided into four levels: region, province, district, and sub-district. Moreover, these councils were under the ecclesiastical head appointed by the Sangha Supreme Council. The Sangha Supreme Council also serves as the legislature, possessing the authority to enact laws and impose punishments within the Sangha (Sangha Act 1962). It is one of the differences between the structure of the Sangha in Myanmar and Thailand. All the rules and regulations relating to the Sangha came from the Sangha meeting or convention rather than the Sangha organization.

LGBTQIA+ in the History of Myanmar and Thailand

The historical evidence related to LGBTQIA+ people in Myanmar is minimal. According to U Aung Myo Min, a prominent figure in the LGBTQIA+ rights movement in Myanmar, he mentioned that despite the importance of LGBTQIA+ people in Myanmar's history, they are not mentioned in the textbooks of Myanmar and remain voiceless (LGBT Rights Network et al., 2019). In Thailand's case, records of gender non-conforming people can be seen as early as the 14th century (UNDP, 2014). In Thai literature from the Ayutthaya period, lesbian relations between concubines are mentioned (*LGBT Rights in Thailand*, 2018; เรื่องรักย์ลิจิต, 2016). One of the reasons for the limited literature relating to LGBTQIA+ people in Myanmar and Thai literature is related to Buddhism. Until the colonization of Myanmar by the British and the Sangha reforms in Thailand, Buddhist monasteries played a primary role in educating young people (Arunsutalangkarn, 2023; Cheesman, 2003). They were taught through learning the scriptures and memorizing the Sutta. As the monks teaching the youths are celibate, themes relating to sexual orientation and gender identity are not common. This fact leads to the scarcity of literature related to LGBTQIA+ people in Myanmar and Thailand.

Discussion

The Impact of Difference in Buddhism on LGBTQIA+ People

Although Myanmar and Thailand are neighboring countries with a lot of similar aspects, the discrimination of LGBTQIA+ people in Myanmar and Thailand is different. In the case of Myanmar, discrimination toward the LGBTQIA+ community is prevalent in legal areas such as the existence of penal code 377, which criminalizes all non-vaginal sex; shadow laws, which target transgender people under the pretense of cross-dressing and disguise; and targeted law enforcement (LGBT Rights Network et al., 2019). In Myanmar's Buddhist society, LGBTQIA+ people, especially transwomen and gay men, are looked down upon by society because they are considered to want to be women, and women are considered of a lower status than men (Myanmar Responsible Business, 2017). In the case of Thailand, a 2019 UNDP report shows that 69 percent of non-LGBT people have a positive attitude toward LGBTQIA+ people (UNDP, 2019). In January 2024, Thailand became the first country in Southeast Asia to legalize same-sex marriage. This difference in discrimination, and acceptance or tolerance toward LGBTQIA+ people is also related to Buddhism.

Buddhism presents different perspectives on LGBTQIA+ individuals in Myanmar and Thailand. It is widely accepted in Myanmar that LGBTQIA+ individuals are the result of adultery from a previous life (Kaung Zaw Htet & Theo Maung, 2021). These kinds of ideas justified the ill treatment or discriminatory behaviors toward LGBTQIA+ people in Myanmar (Chua & Gilbert, 2015). However, in Thailand, it is believed that Buddhism reduces the discrimination toward LGBTQIA+ people (Srimuang & Pholphirul, 2023). It shows how the same Theravada leads to a different impact on LGBTQIA+ people in Myanmar and Thailand.

Theravada Buddhism in Myanmar and Thailand utilizes the same Pali canon, which includes the Anguttara Nikaya, specifically the Numbered Discourses 7.51, Yoking and Unyoking (*Samyogasutta, English Translation: Yoking and Unyoking (Āṅguttara Nikāya 7.51)*, n.d.). This sutta has been widely used as the reasoning behind homosexuality, with the link to the third precept (prohibition of sexual misconduct such as infidelity). However, this belief is not widely accepted in Thailand, unlike in Myanmar. This lower level of discrimination, based on the third precept in Thailand, is the result of doctrinal reforms initiated by King Mongkut and his successors. Due to his reforms, Thai Buddhism became more profound and modern (Puntarigivat, 2004). This development is one of the impacts of the difference in Theravada Buddhism on LGBTQIA+ people.

Throughout history, Buddhism in Myanmar has been used by the kings, as mentioned in the previous section. Therefore, when the British introduced repressive laws, such as Section 377 of the Penal Code, Buddhism played a supportive role through the interpretation of the third precept, although Buddhism does not have any direct scriptures relating to it. The Sangha organization is used to suppress the Sangha of Myanmar. The example can be seen in the directive issued during the Saffron Revolution, where the Sangha organization directed the entire Buddhist community of Myanmar to follow the government's laws. It also led Buddhist monks to create sermons and interpret scripture in accordance with the law, including Section 377 of the penal code. Due to the relation to religion, it became harder for the LGBTQIA+

community to abolish discriminatory laws such as Section 377. This reality is another impact of the differences between Theravada Buddhism and the LGBTQIA+ community.

Current discourse related to Buddhism and the LGBTQIA+ community is viewed through a positive lens, focusing solely on inclusion and equality (*Stances of Faiths on LGBTQ Issues*, n.d.). Although Buddhism's stance on LGBTQIA+ is softer than that of Abrahamic faiths, such as Christianity and Islam (Hammer, 2021), its impact on the LGBTQIA+ community should not be ignored. Therefore, further studies on this topic are needed.

Conclusion

Since Myanmar and Thailand are neighboring countries, there are similarities and differences between the Theravada Buddhism in the two countries. Similarities include the origin and spread of Buddhism, Sangha reforms, and the structure of the Sangha. The most significant differences can be seen in the evolution of Buddhism, the timeline of the reforms, and the legislation related to Buddhism and the Sangha. These similarities and differences are the factors that lead to the different practices of Buddhism in the two countries. Furthermore, for the LGBTQIA+ communities, the doctrinal reforms based on rationalism and logic reduce the discriminatory interpretations and ideologies in Thailand. Because of the nature of Buddhism in Myanmar, it makes it harder for the LGBTQIA+ community to abolish discriminatory laws.

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JUSTICE DENIED: THE RIGHT TO FAIR TRIAL AND POLITICAL PRISONERS IN MYANMAR AFTER THE 2021 MILITARY COUP

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Abstract

The right to a fair trial constitutes a fundamental principle within international human rights law, as established by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The 2008 Constitution of Myanmar ostensibly guarantees this right; however, the 2021 military coup has resulted in its systematic infringement. This thesis examines the utilization of Myanmar's judiciary by the military junta as a means to suppress political dissent, with particular emphasis on the experiences of political prisoners post-coup. This analysis explores the legal and institutional frameworks, including military tribunals, emergency laws, and constitutional provisions, that enable the infringement of due process rights. The study utilizes semi-structured interviews with former political prisoners and human rights lawyers, alongside an analysis of legal documents and human rights reports, to uncover extensive violations such as arbitrary arrests, inadequate legal representation, and secretive trials. The conceptual framework links military control to judicial behavior and its impact on political detainees, highlighting how repressive laws and influence tactics erode judicial independence. This study situates Myanmar within a broader comparative and theoretical framework of authoritarian judicial repression, drawing on insights from the cases of Egypt, Turkey, and Thailand. The judiciary in post-coup Myanmar operates not as an independent institution, but rather as a significant tool of authoritarian control. This thesis highlights the legal barriers to justice, contributing to discussions on the rule of law, constitutional abuse, and human rights protection in authoritarian regimes.

Keywords: Fair Trial / Political Prisoners / Myanmar / 2021 Military Coup / Judicial Suppression

Introduction

The right to a fair trial serves as a fundamental safeguard in both democratic and authoritarian contexts, recognized by international law as essential for protecting human

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dignity, ensuring legal equality, and upholding due process. In authoritarian regimes, legal systems are often manipulated to suppress dissent and legitimize political repression. In these contexts, courts support legal processes while serving as mechanisms of state control. While scholars have investigated the judiciary's role in consolidating authoritarian power in nations such as Egypt, Turkey, and Thailand (Hirschl, 2004; Moustafa, 2014; Esen & Gumuscu, 2021; Dressel, 2019), research on the impact of legal institutions in Myanmar, especially following the 2021 coup, on the deterioration of fair trial rights is still scarce. This study seeks to address the gap by examining the utilization of Myanmar's legal framework in systematically denying justice to political prisoners, thus contributing to broader discussions on judicial repression and human rights within authoritarian regimes.

Myanmar, officially known as the Republic of the Union of Myanmar, has faced a long history of political turmoil and military control. Since its independence from Britain in 1948, Myanmar has experienced multiple periods of military rule, interspersed with brief attempts at democratic governance. The most recent period of democratic rule began in 2011 with a nominal transition to civilian government, which lasted until the military coup of February 1, 2021. The 2021 coup, led by Senior-General Min Aung Hlaing, marked the military's return to direct control, overturning the results of the 2020 general election in which Aung San Suu Kyi's National League for Democracy (NLD) won a majority.

The military coup in Myanmar on February 1, 2021, signified a substantial decline in the nation's political and legal framework, leading to widespread human rights violations and the erosion of democratic processes. This detailed examination assesses the legal barriers to justice for political prisoners in Myanmar, highlighting key concerns, trends, and potential solutions or recommendations. The 2021 military coup in Myanmar represented an important shift in the nation's political framework, undoing progress toward democracy and paving the way for extensive human rights abuses. The coup, led by Senior-General Min Aung Hlaing, displaced the democratically elected administration of Aung San Suu Kyi and detained prominent political figures. Following the coup, thousands of persons, including political activists, journalists, and ethnic leaders, were apprehended and endured arbitrary arrests, torture, and unjust convictions. Political prisoners became a symbol of defiance against the military dictatorship, and their suffering revealed significant deficiencies in Myanmar's legal system.

The right to a fair trial is a fundamental principle of justice and a cornerstone of human rights law, enshrined in various international legal frameworks, including the Universal Declaration of Human Rights (Article 10) and the International Covenant on Civil and Political Rights (Article 14). Although Myanmar's legal framework theoretically guarantees fair trial rights, political prisoners face severe violations, particularly under the military-controlled State Administration Council (SAC). The primary objective of this study is to analyze the changes in legal proceedings for political prisoners following the coup, with a specific focus on the conduct of trials, judicial processes, and the denial of legal representation. This research will examine how military tribunals and civilian courts under junta control have systematically denied political prisoners the right to a fair trial and will contribute to discussions on legal repression in authoritarian regimes.

On February 1, 2021, Myanmar's military (Tatmadaw) staged a coup, detaining elected leaders and seizing power, effectively nullifying the results of the 2020 general election. The military's actions led to widespread protests and a brutal crackdown on dissent. Thousands of political activists, journalists, and ordinary citizens were detained under dubious legal grounds, often without due process.

Since the coup, the military-controlled State Administration Council (SAC) has subverted constitutional provisions meant to protect fair trial rights. Military tribunals, which lack independence, have tried civilians, violating the Constitution's guarantees of judicial independence and procedural fairness. Reports from human rights organizations, including Amnesty International and Human Rights Watch, highlight frequent instances where detainees were denied access to lawyers, subjected to prolonged pre-trial detention, and convicted in closed-door hearings lacking transparency.

Literature Review

This literature review synthesizes scholarship and reports on judicial manipulation in authoritarian regimes, focusing on theoretical frameworks, comparative case studies, and Myanmar's legal trajectory. It lays the groundwork for examining how Myanmar's judiciary became a tool for suppressing fair-trial rights after 2021.

a) Courts Under Authoritarian Rule: Comparative Lessons

Authoritarian regimes often retain court systems that simulate legality while enabling repression (Moustafa, 2014; Hirschl, 2004). In Egypt, post-2013 military courts prosecuted opposition leaders through mass trials lacking due process (Brown, 2017). In Turkey, following the 2016 failed coup, thousands of judges were purged and the judiciary instrumentalized to silence dissent (Esen & Gumuscu, 2021). In Thailand, after the 2014 military coup, courts dissolved opposition parties and disqualified anti-junta politicians (Dressel, 2019).

These cases illustrate how courts in authoritarian regimes function as enforcers of regime policy while maintaining a façade of legal legitimacy. Myanmar's post-coup judicial developments reflect similar patterns of consolidation and legal repression.

b) Theories of Judicial Control in Authoritarian Regimes

Competitive Authoritarianism

Levitsky & Way (2010) describe competitive authoritarian regimes as maintaining formal democratic institutions while manipulating them to block real political competition. In such systems, courts appear independent but serve as tools of the regime.

Praetorianism

Perlmutter (1981) defines praetorian regimes as those where the military dominates governance across all sectors, including the judiciary. Even during civilian transitions, militaries in such states shape legal institutions to maintain control.

Abusive Constitutionalism

Landau (2013) explains how authoritarian regimes manipulate constitutional procedures to entrench power while maintaining legal legitimacy. This manipulation includes passing amendments that erode checks and balances or institutionalize impunity for state actors.

These frameworks help explain how Myanmar's military sustains control through legal manipulation and institutional dominance.

c) Judicial Repression in Myanmar Post-2021 (Analytical Overview)

Since the 2021 military coup, Myanmar's judiciary has experienced intensified subordination to military authority. Human rights organizations, including Amnesty International (2022), Human Rights Watch (2021), and the UN Office of the High Commissioner for Human Rights (2023), have documented secret trials, denial of legal representation, and the use of overly broad laws (e.g., Penal Code Section 505A) to criminalize dissent. Scholars such as Cheesman (2015, 2017) and Cao (2019) emphasize that these patterns did not originate with the coup but represent a continuation and escalation of longstanding military influence over the judiciary.

d) Gaps in the Literature

While extensive reports and academic studies document judicial repression and fair-trial violations in Myanmar, few explicitly connect:

- **Specific constitutional clauses** (e.g., Articles 354, 410, 445),
- **Post-coup procedural changes**, and
- **Trial outcomes for political prisoners.**

This study addresses that gap by combining documentary legal analysis with qualitative interviews, aiming to show how legal structures and courtroom practices intersect to deny justice under military rule.

Conceptual Framework

This study is grounded in a conceptual framework that illustrates the relationship between military control and the systematic denial of justice for political prisoners in post-coup Myanmar. The framework outlines how the military junta's institutional and legal dominance reshapes the judicial system and leads to rights violations.

At the core of the framework is Military Control, which manifests through two major pathways: legal mechanisms and influence tactics.

Legal mechanisms include the use of military tribunals, repressive laws such as Penal Code Section 505A and the Counter-Terrorism Law, as well as the issuance of constitutional

amendments and emergency decrees by the State Administration Council (SAC). These legal tools provide a formal basis for suppressing dissent while undermining protections traditionally associated with the rule of law.

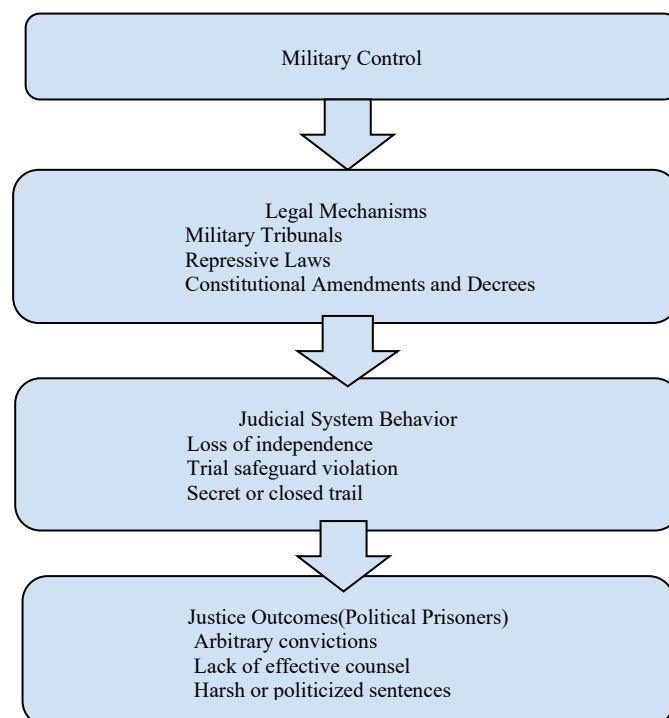
Simultaneously, influence tactics involve informal or coercive measures such as the appointment of loyalist judges, removal of independent legal professionals, intimidation of lawyers and judicial officials, and punitive actions against defense counsel. These actions contribute to an environment in which judicial actors operate under direct or indirect military pressure, thereby eliminating meaningful checks on executive power.

These two forms of control fundamentally distort the behavior of the judicial system. Courts under military rule exhibit a loss of independence, routinely violate trial safeguards (such as the right to counsel and public hearings), and often conduct secret or closed-door trials, particularly for political detainees.

As a result, the judicial process yields justice outcomes that are systematically biased against political prisoners. These outcomes include arbitrary convictions, inadequate legal representation, and harsh or politicized sentencing that prioritizes deterrence over justice.

Ultimately, the framework identifies the broader human rights impacts stemming from this breakdown in legal protections. These include widespread reports of torture, deaths in custody, and the chilling effect on political expression and dissent. These outcomes not only violate Myanmar's obligations under international human rights law but also entrench authoritarian rule.

By mapping these interlinked elements, the conceptual framework provides a lens through which this study will examine how the military's manipulation of legal and judicial institutions facilitates the denial of justice in Myanmar's post-coup context.



This framework positions judicial repression as a key mechanism of authoritarian control in Myanmar, linking legal manipulation to broader patterns of political oppression. By analyzing legal case studies, interviews, and human rights reports, this research will reveal how Myanmar's post-coup judiciary systematically denies justice to political prisoners.

Methodology

The research methodology is qualitative, utilizing semi-structured interviews to collect detailed data from former political prisoners and lawyers. These interviews will provide personal and professional insights into how Myanmar's legal system under military rule affects political prisoners. This qualitative approach will enable a deeper understanding of the lived experiences of individuals affected by these legal barriers.

Data Collection Methods

1. Semi-Structured Interviews

- Participants:
 - Former Political Prisoners: Individuals who have been detained for political reasons under the military junta post-2021. Their experiences will provide direct insight into the legal barriers they faced during their detention, trial, and imprisonment.
 - Human Rights Lawyers and Legal Experts: Lawyers who have worked with political prisoners or have expertise in Myanmar's legal system, particularly in human rights and constitutional law. Their professional perspective will help analyze the impact of the legal framework on political prisoners.
- Sampling Strategy:
 - Purposive Sampling will be used to select participants with direct knowledge and experience related to Myanmar's judiciary.
 - A minimum of 7 participants (a mix of former political prisoners and legal professionals) will be interviewed to ensure data saturation and diversity of perspectives.
- Interview Focus:
 - Experiences of political detainees regarding arrests, trials, and legal representation.
 - Lawyers' perspectives on judicial independence, procedural fairness, and military interference.

2. Legal and Document Analysis

- Primary Sources:
 - Trial Records & Court Judgments of political prisoners.(if possible)

- Myanmar's Legal Codes & Post-2021 Amendments to fair trial rights.
- Military Directives & Executive Orders Influencing Judicial Proceedings.
- Secondary Sources:
 - Reports from Human Rights Organizations (e.g., Amnesty International, Human Rights Watch, OHCHR).
 - Scholarly Articles & Policy Papers analyzing military control over the judiciary.
 - News articles and expert analysis from local and international media.

Data Analysis Methods

Thematic Analysis

- Interviews will be transcribed and coded to identify common themes, such as denial of legal representation, judicial bias, and procedural violations.
- Thematic patterns will be analyzed to compare personal narratives with legal provisions and international standards for fair trials.

Comparative Legal Analysis

- Myanmar's post-coup trials will be compared with pre-coup legal practices and international human rights norms.
- Legal analysis will focus on constitutional provisions vs. actual judicial conduct.

Contextual Analysis

- The findings will be situated within broader political and legal contexts using scholarly frameworks of authoritarian control and judicial manipulation.

Conclusion

The right to a fair trial is a cornerstone of both domestic and international legal frameworks. However, in post-coup Myanmar, this right has been systematically denied to political prisoners through the military junta's strategic manipulation of the judiciary. This paper has shown how the State Administration Council (SAC) utilizes military tribunals, repressive legislation, and constitutional loopholes to erode judicial independence and weaponize legal institutions against dissent. The conceptual framework reveals how legal mechanisms and influence tactics have reshaped judicial behavior, resulting in arbitrary convictions, closed-door proceedings, and the widespread denial of legal representation.

Through qualitative interviews and legal analysis, this research highlights how political prisoners are not merely subjected to procedural injustice but are also emblematic of a broader

authoritarian project to dismantle the rule of law. Myanmar's judiciary no longer functions as an impartial arbiter of justice but as a complicit agent of state repression. These patterns mirror judicial suppression in other authoritarian contexts, yet Myanmar's legal degradation is uniquely intensified by its entrenched military dominance and history of constitutional abuse.

Addressing these injustices requires not only international condemnation but also sustained advocacy for judicial reform, the release of political detainees, and accountability for legal actors complicit in rights violations. Ultimately, restoring fair trial rights in Myanmar is inextricably linked to the broader struggle for democratic governance and the protection of human dignity under authoritarian rule.

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A CRITICAL INVESTIGATION OF KHON KAEN SMART CITY URBAN DEVELOPMENT INITIATIVE AND PUBLIC TRANSPORTATION: A CASE OF THE LIGHT RAIL TRANSIT SYSTEM AND THE POTENTIAL IMPACT ON THE LAK MUEANG COMMUNITY, MUANG DISTRICT, KHON KAEN CITY MUNICIPALITY

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Abstract

This thesis examines the Khon Kaen Model (KKM), a provincial urban development project in northeastern Thailand, as a case study that illustrates how the centralized bureaucratic structure influences local governance and perpetuates asymmetric information sharing and public awareness. Framed around smart urbanism and public-private partnerships, the KKM—most notably the Light Rail Transit (LRT) project—has been promoted as a model for innovation and inclusive growth. However, this research finds that the circulation and framing of project-related information are unevenly distributed, reflecting deeper structural constraints and class-based alignment or interests. Through ethnographic research in Lak Mueang and documentary analysis of planning and promotional materials, the study demonstrates how urban poor residents navigate fragmented and ambiguous communication channels, in contrast to the middle- and upper-class residents of Khon Kaen, who are more likely to utilize such means of communication. Instead of allowing participants to access information equally, thereby increasing awareness and interest, these dynamics create symbolic inclusion without real engagement. This thesis suggests that this disconnection is not accidental, as it is socially produced and exacerbated by a centralized governance system that prioritizes vertical planning and economic stability over public deliberation and engagement. Actor mapping further uncovers how institutional roles and constraints influence both the structure and flow of information. By doing so, the study contributes to critical urban studies by highlighting how epistemic access and class position influence distinct perceptions of urban transformation. It highlights the need for more critical attention to how development is mediated not only through material infrastructures but also via the politics of information and its uneven audiences.

Keywords: Information asymmetry, Smart City Development, Khon Kaen Model, Thailand, Class and Infrastructure.

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Introduction

Over the past decade, Khon Kaen province has experienced what is widely characterized as rapid urban growth, drawing attention to its provincial capital, Khon Kaen Municipality. Historically, Khon Kaen's political economy was shaped by influential local patrons deeply embedded in Thai national politics during the 1990s. This patron-clientelist framework facilitated relatively stable resource allocation through provincial budget lobbying, contract construction, and targeted investments in sub-districts and municipal projects (Hewison & Maniemai, 2000). However, the Asian Financial Crisis of 1997 and ensuing political turmoil culminated in a stagnation of development that persisted until the 2014 coup d'état by the National Council for Peace and Order (NCPO) (Sirisak et al., 2024).

Within this period emerged ideas among the local political groups and developers concerning the continuation of Khon Kaen (municipal) development, culminating in the creating of the Khon Kaen Think Tank (KKTT), a local private development institute, to institutionalize the Khon Kaen Model (KKM)—a localized Smart City initiative aligned with neoliberal principles, or, in their term, a Public-Private Partnership. The KKM advocates for decreasing reliance on central government by encouraging local private sector investment and safeguarding provincial political and economic interests from external influences (McDonald, 2021). Central to their agenda is the Transit-Oriented Development (TOD) plan, led by the Light Rail Transit (LRT) system, envisioned to improve provincial mobility and attract investment across Khon Kaen. Supposing the construction of the LRT is completed, the service will be managed under Khon Kaen Transit System Company Limited (KKTS), Thailand's first municipal coalition enterprise (Laochankham et al., 2024, p. 321).

Despite its grand ambitions, the Khon Kaen Model (KKM) remains poorly understood by most residents, highlighting a significant disconnect between its technocratic vision and the lived realities of everyday urban life (Kamnuansilpa et al., 2020). The lack of tangible progress and consistent updates on its flagship project—the light rail transit (LRT) system—has only deepened public indifference and eroded initial interest in the initiative. While the project is still expected to be completed and put into service, the prolonged construction and testing period has created a temporal gap marked by uncertainty. This uncertainty is not merely technical but socially originated: it reflects a fundamental discrepancy in the development of imaginaries between planners and urban dwellers. Such a disconnection gives rise to a condition of imperfect information, rooted in the social relations differences between each class of Khon Kaen locals and the KKM planners.

The effects of the KKM are particularly favored in specific social classes. Middle- and upper-class residents, positioned to benefit from the LRT, often view it as a convenience and a vehicle for real estate speculation, even as it drives up living costs and exacerbates inequality. In contrast, urban poor communities, especially those near the proposed LRT corridor, such as Lak Mueang, respond with apprehension. Their concerns—rezoning, displacement, and reinvestment pressures—are shaped by both material vulnerability and social exclusion from planning processes.

Focusing on the urban poor is therefore crucial to understanding the structural contradictions within the KKM's planning and discourse. While the middle class often aligns

with technocratic planning ideals, the poor are frequently excluded from and disproportionately affected by displacement, loss of affordable housing, and limited access to infrastructure. Information is shared by public and private actors, who play a vital role in shaping how communities access and respond to development impacts as the project unfolds. Public communication thus becomes a key site for analyzing whose voices are included—or omitted—in the planning process.

The promotion of the LRT raises critical questions about how information is communicated and which social groups are meaningfully engaged in. Recognizing class relations is central to this study, as it reveals the disconnect between those producing planning narratives and those expected to act upon them. Therefore, this qualitative study highlights the role of social relations in shaping development outcomes, with a particular focus on the inclusivity of information and communication, a dimension often overlooked yet vital to equitable planning. Moreover, it builds on the findings of Kamnuansilpa et al. (2020) regarding public awareness of the Khon Kaen Model. Hereafter, it proceeds to examine the structural dynamics of how the urban poor community perceives, experiences, and responds to information regarding the development of the LRT and KKM overall.

The significance of this research lies in its contribution to understanding how structural constraints rooted in Thailand's centralized bureaucracy are reproduced in a local level despite the strategic maneuvers by local actors. This results in asymmetry in information processing for their respective urban projects.

Research Objectives

This study investigated how the asymmetry of information regarding the Khon Kaen Model (KKM), particularly the Light Rail Transit (LRT) project, is produced, circulated, and internalized by the urban poor community. By focusing on the disconnected interests of developers and residents, the research seeks to understand how class interests and social relationships shape the interpretation of information on urban development.

Research Methods

This study employs a critical ethnographic approach, grounded in dialectical materialism, to examine how centralized governance structures and class interests shape the circulation and reception of development information in Khon Kaen's Smart City initiative. Rather than treating the Khon Kaen Model (KKM) as a neutral or technocratic endeavor, the research frames it as a historically contingent expression of capitalist urbanism—one that reflects enduring power asymmetries between state actors, private developers, and marginalized urban communities.

Ethnography serves as the primary research method, enabling deep, situated engagement with everyday experiences in Lak Mueang, a working-class community directly adjacent to the proposed Light Rail Transit (LRT) corridor (Madison, 2020). Fieldwork investigates how residents perceive and navigate the informational landscape of the LRT—an

environment shaped more by rumor, hearsay, and curated media than by participatory planning. This environment contrasts with the informational privilege and alignment enjoyed by middle-class public and investor networks. A documentary analysis (Leavy, 2023) of promotional materials, planning texts, and smart city imagery complements field data, helping to place local narratives within broader institutional contexts.

Primary data were collected via semi-structured interviews with six residents of Lak Mueang, representing a diverse range of socioeconomic statuses and tenure arrangements. Participants were chosen through purposive and snowball sampling methods to ensure a comprehensive inclusion of perspectives, capturing nuanced insights from informal community leader, long term renters, and other underrepresented groups within the community and formal dialogue frameworks.

Taken together, this methodology offers a multi-scalar lens to understand how class-based interests, centralized planning logics, and symbolic participation intersect to produce information asymmetry—a key mechanism through which unequal urban futures are imagined and implemented.

Findings

The study found that information asymmetry in the Light Rail Transit (LRT) project is not just due to communication failures but results from how urban governance is structured and implemented under a centralized bureaucratic system. Fieldwork in the Lak Mueang community shows that access to project-related information is divided by class interests and capital. Unlike the middle- and upper class which possess material and social capital that assist them in assessing and understanding the information presented on policy brief and online media posts. The urban poor residents deal with a scattered mix of rumors, indirect updates, and informal guesses. This gap reveals how planning decisions and their communication are influenced by institutional logics, where local officials, private developers, and technocrats view participation more as symbolic alignment than genuine deliberation. As a result, instead of promoting inclusive development that might put pressure on the central government to pass specific decentralization bills, these practices create a disconnect between the 'public interest' and everyday urban experience—especially for communities outside the elite information network and those near the project sites.

Community Residents: Lived Experience and Information Disconnection

The Lak Mueang community is an urban poor neighborhood adjacent to the proposed LRT corridor. Within the Lak Mueang community, at least four distinct sets of social positions within the working class can be observed: (i) resident homeowners occupying their properties in the community, (ii) absentee landlords who lease their properties while residing elsewhere, (iii) tenants who living and renting within the community, and (iv) homeless individuals who have moved from the nearby park to settle beneath the elevated railway adjacent to the rental area of Lak Mueang. The fieldwork revealed that these different positions correspond with varying levels of access to and interpretation of information related to the Khon Kaen Model (KKM) and Light Rail Transit (LRT) project. The variation seems to reflect different material

circumstances and levels of stakes or interest in the development process. Homeowners expressed heightened concern regarding land rights, community preservation, and potential expropriation. Additionally, they demonstrated a more proactive approach in seeking information about the LRT and KKM progress, primarily through unofficial channels. It is noteworthy that they committed to maintaining this proactive engagement during the official dialogues; however, such efforts have not yielded effective results.

In contrast, renters and tenants generally tend to exhibit passive engagement, predominantly learning about the LRT and KKM mainly through social media and hearsay. Their housing status contributes to this, as it limits their connections and silences their voices during official dialogues at municipal-community meetings due to a lack of property ownership. Their primary concerns revolve around job stability and affordable housing. Conversely, homeless individuals show no interest or concern regarding these issues.

Consequently, regarding the information supplied by homeowners, renters, and tenants, the results of the interviews align with previous research conducted by Chamaratana et al. (2024) concerning reluctance of the urban poor community in Khon Kaen City Municipality to embrace the urban development fully, due to the lack of information about the KKM which would enhance the understanding of its benefits and potential impacts. Furthermore, the findings provide a more detailed elaboration on the outcomes presented by Kamnuansilpa et al. (2020), which highlight the inadequate awareness of information among rural and slum populations concerning the Khon Kaen Smart City initiatives, stemming from the disparity between the populations' social standing and their interests apropos the promoters' interest and intention.

Although this study did not extensively focus on homeless populations adjacent to Lak Mueang, their hesitance to engage with inquiries regarding urban development may corresponds with the findings of Wattananamkul et al. (2019) in Khon Kaen City Municipality where they underscore how structural results in both homelessness and a withdrawal from formal channels of information, or social interactions as a whole.

Planners and Technocrats: A Necessary Informational Gatekeeping?

This section critically analyzes how the Khon Kaen Model (KKM) and the proposed Light Rail Transit (LRT) system are represented in official planning documents, policy briefs, and promotional materials (Hirunwong et al., 2020; Digital Economy Promotion Agency [DEPA], n.d.; Khon Kaen City Development [KKTT] n.d.). These materials consistently portray the Light Rail Transit (LRT) as the sole solution to mitigating traffic congestion and promoting inclusive urban development, particularly in addressing poverty. However, this portrayal operates less as a neutral depiction of development and more as a discursive strategy that circumvents the underlying class interests. By prioritizing technocratic rationales and performance metrics, the planning narrative—the published information—diminishes the social implications of the project, particularly the unequal distribution of risk borne by the urban poor communities such as Lak Mueang. Furthermore, representing participation in these documents emphasizes inclusion while downplaying genuine engagement, making developmental decisions more managerial than political in nature. This trend reflects a broader

inclination within speculative urbanism to aestheticize transformation, diverting attention away from the structural inequalities that exist in Thai society.

These findings align with extensive research conducted in Thailand and the Global South concerning Smart City. For example, the study by Tan and Taeihagh (2020) observed that smart city initiatives often succeed in infrastructural and technological advancements but tend to fall short in engaging with diverse public groups, which is crucial for raising awareness and fostering social mobility and development. Similarly, research by Taweesaengsakulthai et al. (2019)—who are co-founders of the Khon Kaen Think Tank and academic advocates of the KKM—using comparative investigations in Phuket, reveals notable informational disparities related to the Smart City project across different socio-economic groups.

This pattern is similarly evident in Khon Kaen's Light Rail Transit (LRT) planning, where technocratic rationales tend to exceed the recognition of class dynamics. Additionally, studies in Chiang Mai's Wat Ket district have shown that the centralized zoning method often marginalized local input unless it was explicitly reoriented toward collaborative planning. Together, these reinforce the argument that Khon Kaen's planning framework reflects the broader reproduction of structural centralization across governance levels.

Municipal Officials: Mediating Between Centralization and Local Politics

Municipal and provincial officials occupy a constitutionally and structurally constrained role within the Khon Kaen Model (KKM) development framework. Although they are nominally considered local stakeholders, their substantive decision-making authority is limited by Thailand's centralized governance. Field interviews and documentary analysis suggest that critical decisions regarding transit route alignment, land use, and project framing are primarily made by central government agencies, such as the Digital Economy Promotion Agency (DEPA), in collaboration with provincial and regional authorities, as well as national ministries.

Rather than operating as autonomous decision-makers, local officials act as intermediaries tasked with incorporating the Khon Kaen Think Tank's agenda into provincial plans and managing community expectations during monthly meetings. Their role in communication primarily involves translating policy rather than shaping the Khon Kaen Model. They frequently lack the authority to negotiate significant changes with the local private sector, as their actions are limited by the central government's restrictions on the regional body.

This arrangement exemplifies what Illam Nam (2020) calls the "uneven state," where Thai government's capacity varies spatially robust and effective in core cities and primary provinces but diminished in peripheral or secondary cities. In this framework, provincial and municipal authorities are tasked with implementation but are often excluded from strategic planning processes. These dynamic highlights broader structural issues with a centralized system and underscore the limitations of democratic responsiveness in urban governance and overall development.

Private Sector Actors: Strategic Alignment and Discursive Influence

Private sector actors, particularly members of the Khon Kaen Think Tank (KKTT), have played a pivotal role in shaping the Khon Kaen (KKM) as a forward-looking, investment-

oriented initiative. While formally positioned as local stakeholders, KKTT figures often frame themselves as a bulwark against external control, branding their role as both locally rooted and nationally strategic. In practice, however, their capacity to influence the development process stems from their ability to align closely with central state agendas, particularly the digital economy policy framework promoted by Bangkok-based planners and agencies, such as the Digital Economy Promotion Agency (DEPA). This alignment dilutes their localist distinction and embeds them within the technocratic rationality of speculative urbanism.

Through consistent participation in policy forums, promotional campaigns, and planning charrettes, these actors have contributed to the development of the visual and discursive infrastructure of the Light Rail Transit (LRT) project, portraying it as a symbol of regional transformation and modernity. However, field data and document analysis indicate that this narrative is shaped in spaces and formats primarily accessible only to middle-class audiences with time, digital literacy, and institutional trust, for working-class communities such as Lak Mueang, information about the LRT circulates in fragmented ways—through rumors, informal networks, and selectively translated messages—creating epistemic asymmetry.

This condition reflects what might be called discursive brokerage: private developers act as intermediaries between market logic and state ambition, using technical language and future-oriented rhetoric to consolidate legitimacy while downplaying potential conflicts, such as displacement or class-specific exclusions. Their interventions maintain the appearance of bottom-up development, yet the actual mechanisms of public engagement remain curated and exclusionary. In this sense, the KKTT's role is not only to promote a project but to reproduce a model of development that privileges elite consensus while marginalizing dissenting or underserved perspectives.

Conclusion

This paper has examined how the Khon Kaen Model (KKM) and the proposed Light Rail Transit (LRT) systems exemplify the reproduction of information asymmetry in the context of provincial urban development in Thailand. Through ethnographic fieldwork in the Lak Mueang community and a critical analysis of official discourse and project-related documents, the research highlights how planning information is unequally produced, circulated, and internalized across different social positions, particularly along class lines. While the project is framed through the language of innovation, participation, and progress, the experience on the ground, or urban reality, reflects a structural disconnection between those who produce planning knowledge and those who are exposed and expected to live with its outcome or consequences.

The roles of planners, local officials, and private sector actors—often aligned with centralized governance and technocratic rationales—contribute to a form of urbanism where inclusion is symbolic rather than substantive. Information is not just a technical issue but a political terrain, shaped by institutional logics and mediated by class interests. This disjuncture

produces a condition where residents must navigate uncertainty through fragmented channels, revealing how participatory rhetoric can obscure deeper exclusions.

By situating these dynamics within broader literature on urban governance in the Global South, the findings call for a renewed engagement with the politics of information and participation. It suggests that achieving truly inclusive urban transformation requires more than decentralized infrastructure or digital platforms—it demands confronting the structural foundations that render publics legible while marginalizing others. In doing so, the paper contributes to a growing body of critical urban scholarship attentive to the uneven geographies of planning, especially in provincial or non-metropolitan contexts.

Recommendations: Towards a More Symmetrical Information

This study highlights the impact of centralized planning and class-based interests on the unequal distribution of information and participation in Khon Kaen's urban development. To effectively address these issues, several key recommendations are proposed. Firstly, participatory planning mechanisms must transcend mere symbolic gestures and narrow appeals to specific groups. Existing methods—such as surveys, curated community meetings, or online posts—are inadequate in bridging the material and epistemic disparities faced by working-class communities like Lak Mueang. Inclusive planning should commence earlier in the process, be accessible in multiple languages and formats, and create space for meaningful deliberation rather than solely seeking secure consent.

Second, the structural limitations placed on municipal officials must be reconsidered. Without genuine decision-making authority, their role is reduced to translation rather than representation. Decentralizing aspects of project design and implementation would allow local governments to negotiate and disseminate information concerning the Khon Kaen Model more effectively with both communities and local private developers.

Third, private sector actors involved in planning—particularly those linked to the Khon Kaen Think Tank and proponents of the Khon Kaen Model—should be held more publicly accountable and transparent. Their capacity to shape development discourse must be balanced with regulatory oversight to prevent the undue influence of vested interests. Additionally, increased awareness of the local population should facilitate more meaningful deliberation with the central government.

Finally, a class-sensitive planning framework is urgently needed—one that treats inequality not as a peripheral issue, but as a fundamental aspect of urban life. Instead of viewing the marginalized communities as passive recipients of development, future urban planning in Khon Kaen should actively involve them as co-creators of the city. This planning involves redistributing access to information, restructuring participatory processes, and acknowledging the diverse class interests that shape perceptions and experiences of development. Policy efforts must go beyond symbolic gestures to genuinely empower working-class residents, such as those in Lak Mueang, ensuring they have tangible influence rather than mere rhetorical inclusion. Additionally, local governments should be granted genuine decision-making authority to oppose top-down directives and better serve local needs. Only through these measures can secondary cities like Khon Kaen evolve from speculative investment frontiers

into truly inclusive civic spaces. By redefining planning as a political and social process—not merely a technical exercise—Khon Kaen can work toward its vision of becoming a city where everyone belongs.

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THE IMPACT OF ARBITRARY DETENTION AND TORTURE ON THE RELATIONSHIP OF WOMEN PROTESTERS WITH THEIR SOCIAL ENVIRONMENT: A CASE STUDY ON SPRING REVOLUTION OF MYANMAR

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Abstract

The 2022 Myanmar Spring Revolution was led by Generation Z, university students born between 1995 and 2010. In this revolution, women and minorities were at the forefront, shaping an anti-military, anti-authoritarian, anti-racist, and anti-sexist movement (Jordt et al., 2021). On 3 March 2021 alone, approximately 400 university students protested in Yangon's Tamwe district and were subsequently detained. Among them are students' union leaders and other student leaders (THE IRRRAWADDY, 2021). Sixty percent of the protesters during the Spring Revolution were composed of women, including university students and female garment workers (Khan, 2021). This study will explore the impact of arbitrary detention and torture on the relationship between university-educated women protestors and their social environment (family, friends and special someone) during the Spring Revolution in Myanmar (between 1 February 2021 and 1 February 2022) after they were released. The research population consists of five young university-educated women protestors from five universities who were arrested, tortured and released from detention during the mentioned time frame.

Keywords: women political prisoners, arbitrary detention, torture, Myanmar spring revolution, social relationship

Introduction

Women, belonging to all classes and ethnicities, were on the frontline during the spring revolution in Myanmar since the very first day. For the first time in Burmese history, women were able to unfurl their “Hta-Mein” (sarong) as flags and declared “Our Hta-Main! Our flag! Our victory!” The bravery of Myanmar women was acknowledged not only in Myanmar but also worldwide. An estimated 60 percent of the protesters in the revolution were women (Khan, 2021). The young female politician and activist Ei Thin Zar Maung, the current deputy minister of the National Unity Government (NUG), initiated the largest protest in Yangon, which was joined by female garment workers, on 6 February, five days after the coup (Aye, 2021). The

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first martyr of the revolution was a young woman named Mya Thwe Thwe Khaing (Ase, 2021). According to data from the Assistance Association for Political Prisoners (AAPP), the total number of detainees on 9 October 2021, was 7,119, comprising 1,381 women and 8 LGBT individuals (AAPP | Assistance Association for Political Prisoners, 2021; Institute for Strategy and Policy - Myanmar, 2021).

Among detainees, women and LGBT individuals experienced sexual harassment (Human Rights Watch, 2021a). In April, a photo of a terribly unrecognizable young woman's face appeared in the national early evening section of Myanmar Radio and Television (MRTV). The female detainees were accused of involvement in a series of bombings. One was sexually assaulted and tortured by military junta forces at an interrogation center in Yangon and denied access to medical treatment for her injuries. A 17-year-old former detainee who was released from the same facility revealed the injuries and sexual harassment (THE IRRRAWADDY, 2021a).

The term torture "means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." It does not include pain and suffering arising only from, inherent in or incidental to lawful sanctions" (OHCHR, 2021).

Although Myanmar has not ratified any of these international agreements, domestic laws still prohibit torture. "Hurt" and "grievous hurt" are outlawed in Articles 319 and 320 of Burma's Penal Code. The law forbids public servants from injuring anyone under Articles 330 and 331, which specifically forbid "hurt" and "grievous hurt" during an investigation. According to Article 166, any public servant who disobeys the law with the intent to cause harm to any person shall be punished with one year's imprisonment or with a fine or with both. Both the Prisoner Act and the Jail Manual include provisions regarding specific situations concerning the use of different punishments, which restrict prison authorities from harming detainees. These are contained in Articles 49 and 50 of the Prison Act and Articles 829, 33, 113, 815, 132, 114 of the Jail Manual. Despite all prohibitions, interrogators and prison authorities are still committing human rights violations by continuing to punish and torture prisoners recklessly (AAPP | Assistance Association for Political Prisoners (Burma), 2009)

"Detained at night, lifeless in the morning" is what has been happening in Myanmar. The junta arbitrarily detains pro-democracy protesters, activists and politicians after the military coup d'état. The military unlawfully took over the country by detaining the current leaders and MPs from the ruling party, including U Win Myint (the President) and Daw Aung San Su Kyi (the State Counselor). U Zaw Myat Lin, in charge of the Suu Vocational Institute in Shwe Pyi Thar Township of Yangon region and a National League for Democracy (NLD) member, died during interrogation by the Myanmar military. He was arrested on Monday night, his family was informed of his death on Tuesday afternoon, and his wife was asked to identify his body at Mingaladon military hospital by township police. His body was ruined, and his

family did not even recognize him. All of his skin was burned, and there was no tongue in his mouth anymore. He was alive and well when they arrested him (The Irrawaddy, 2021).

Myanmar women have always been at the forefront of every revolution, dating back to the era of the kings. Burmese women have been courageous since the Kingdom era, and there is historical evidence that women served the King alongside men, holding various positions, including those of mayor, village chief, warrior, and household head. Some female warriors also bravely fought alongside male warriors during the colonial era. During the colonial period, however, Burmese women were granted the right to vote but were hindered from being nominated as candidates in the Legislative Parliament. This nomination motivated the Burmese women to initiate a movement. The male MPs attempted to propose a statement to repeal the law that prevented women from voting and holding office as MPs. Three brave Burmese women attempted to launch a campaign in support of the male MPs' statement, gathering around 100 women. After that, the women protested by walking, holding Patheingyi umbrellas, to the Secretariat Office, where women were not allowed to enter (ရှင်မတောင် စာပေ, 2012).

This research will focus on the young, university-educated female political prisoners of 2021 who were just released. The study aims to document the impact of detention and torture on their social relations with their family, friends and loved ones. A female protester, for example, claimed during an interview that "my friends do not want me to post a picture with them after the military raided my house" (Apple, personal communication, 5 March 2022). She also said that some of her friends do not want people to know that they are close to them as well. According to other studies, most research can only start when the ex-political prisoners are in their mid-ages or above, after a lengthy prison journey. The study will look at their social relationships with their family, friends and loved ones before and after their imprisonment and torture.

Research Question

Thus, this research will answer the research question, "What are the impacts of arbitrary detention and torture on the women protesters' relationship with their social environment?"

Literature Review

"The loss of loved ones due to accident, disaster, war or criminal violence may bring about symptoms of persistent complex bereavement disorder (PCBD)" (Smid et al., 2015). "Torture survivors and refugees experience complex trauma, including sustained exposure to repeated or multiple traumatic incidents, often of an interpersonal nature, occurring in circumstances where escape is impossible (Mørkved, 2014). In the article on "Effects of Trauma-Focused Psychotherapy Upon War Refugees," it is mentioned that "Somatic symptoms are a common clinical presentation of distress among ethnic populations, particularly among traumatized refugees" (Kruse et al., 2009). Torture is a severe human-inflicted traumatic experience that can cause physical and psychological suffering to survivors.

Lakin et al.'s study (2021) focuses on 30 adult men who are former political prisoners aged between 24 and 72 years old. The uniqueness of this study is that it mainly focuses on men and their mental health after imprisonment. The analysis shows that the self-trap of toxic masculinity in their mind and being male must have righteousness. Honesty and morality are seen as core characteristics of masculinity by most respondents. "Men should serve as pillars in their community and family," stated many respondents. This statement also demonstrates that the belief in leadership is a fundamental aspect of masculinity. Most respondents consider men to have stronger minds than women, and they do not want to depend on others' help because they are men. These are the key toxic masculinities that are preventing males from getting help from therapists, according to that study (Lakin et al., 2021).

AAPP's study is a very long one that focuses on an extensive range of political prisoners of all genders and all ages who have experienced torture during interrogation. They focus on 120 prisoners, especially from the 8888 uprising period. It was documented well by categorizing every form of torture and detailing its systematic nature in prison and how the interrogation centers across Burma it was used as a tool to oppress the political detainees, and the long-term challenges of detainees. Moreover, it is beneficial that recommendations are also provided. Unfortunately, none of the recommendations from the report have been implemented by the government yet, and Myanmar is still facing the same situation in 2021 (AAPP/Assistance Association for Political Prisoners (Burma), 2009).

Goffman (1963) explores how individuals who deviate from societal norms experience social exclusion, identity reduction, and symbolic degradation. He introduces the concept of "spoiled identity" to describe how stigma transforms a person's entire social being, regardless of their actual behavior. His framework explains how society not only labels people as deviant but also organizes social interaction around that label, making reintegration a deeply challenging process. This theory is foundational for understanding how former prisoners, including women, are often marked and rejected by their communities after release (Goffman, 1963).

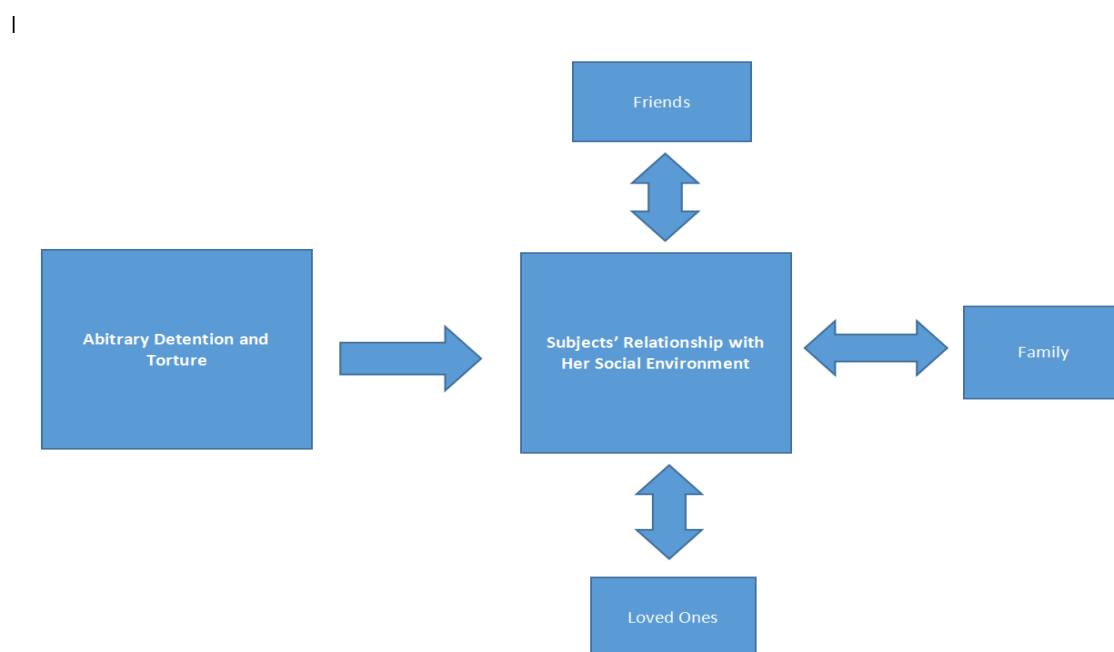
Dodge and Pogrebin examine the lived experiences of 54 formerly incarcerated women to uncover the emotional and relational tolls of reentry into society. Their qualitative study reveals that post-carcer life is marked not only by economic hardship but also by intense social stigma, internalized shame, and ruptured family ties. The authors show that women are frequently rejected by friends, partners, religious communities, and even family, not simply out of fear of association, but due to deep emotional discomfort and judgment. Their findings reinforce Goffman's (1963) theory of the spoiled identity concept of stigmatizing shame, illustrating how society's failure to support reintegration perpetuates isolation and hinders rehabilitation. The article calls for gender-sensitive policies that address emotional healing, familial restoration, and stigma reduction (Dodge & Pogrebin, 2001).

Conceptual Framework

Women activists in the Spring Revolution are being discriminated against and faced different kinds of treatment after imprisonment. According to AAPP, former female political

prisoners of the 888 Uprising in Myanmar are being blacklisted even by their own family members (AAPP, 2004).

This research will examine the impact of arbitrary arrest and torture on the subjects' relationship to their social environment. By social environment, this study refers to family, friends, and special loved ones. These concepts can be illustrated in this way:



Methodology

This qualitative research will use the case study method. To illustrate the impact of arbitrary detention and torture on women protesters' relationship with their social environment, it will spotlight five subjects -- five women protesters, one each from five universities where many women protesters came from. It will provide an in-depth account of these relationships.

The study will conduct semi-structured, one-on-one interviews with former detainees. As such, the researcher will prepare a questionnaire to be administered to the research subjects. The researcher will be flexible and ask follow-up questions as necessary. The interviews will be conducted informally, making it easier for the research subjects to share their views and experiences.

Key Observations from Cases

Thematic Area	Key Findings
Legal and Prison Conditions	Denied legal access, poor sanitation and health care, censored communication.
Emotional Disorientation	Guilt, overwhelm, and a changed worldview after release
Family and Social Judgment	Supportive mother; the community blamed her for her daughters' actions

Thematic Area	Key Findings
Friends and Activist Support	Core activist friends stayed; others faded due to fear or emotional distance.
Personal Boundaries and Protection	Avoided risky relationships; practiced emotional self-protection
Rejection of Traditional Femininity	Criticized for not fitting societal norms for women
Healing and Storytelling	Desires to create a safe space for women to share post-prison experiences

Conclusion

This research explored how arbitrary detention and torture changed the social relationships of women student protesters in Myanmar. It shows that prison is not just a physical space — its impact continues even after release. Many participants faced social rejection, emotional distance, and silent judgment. Their families mostly stayed by their side, but became more cautious and afraid. Some even advised them to stop speaking out for safety reasons. The hardest part was losing peer connections. Friends who were once close stopped reaching out to each other. Some participants were seen as troublemakers or "dirty," not because of what they did wrong, but because of how society views women who fight back. This fear and silence did not come only from the government. As Foucault explains, surveillance can make people control themselves and others. Goffman's idea of stigma also helps explain how people treat former prisoners as if they carry shame. These women also faced multiple layers of struggle — not just as political prisoners, but as young women challenging traditional gender norms — which aligns with what Crenshaw calls intersectionality.

Despite all these struggles, the participants demonstrated remarkable strength. They found new ways to live, continued their activism in various forms, and envisioned safe spaces where women like them could share their stories one day.

Recommendations

Based on the findings of this study, the following recommendations are proposed for different stakeholders:

- (1) Development of targeted psychological support programs for formerly detained women, using trauma-informed approaches that consider gender, political identity, and survivor's guilt.
- (2) Establishment of peer support networks or survivor circles where former detainees can share their stories in a safe, non-judgmental environment.
- (3) Prioritize the public visibility of formerly detained women as agents of resistance, not as victims, to counter stigma and reclaim narrative power.

(4) Creation of community reintegration campaigns that actively challenge post-prison discrimination, especially the gendered notion that women who have been imprisoned are morally tainted or socially deviant.

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SOCIOECONOMIC ENDURANCE DURING THE POST-COUP CONFLICT: A CASE STUDY OF A COMMUNITY IN MANDALAY REGION, CENTRAL MYANMAR

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Abstract

Myanmar's post-coup context has significantly affected the civilians, with the ongoing multiple crises in governance, livelihoods, and security matters. The crisis has been reshaping everyone's daily life in Myanmar. Focusing on one township in the Mandalay Region of central Myanmar, a place where both local resistance and military operations are strong, this research examines how residents continue to navigate their daily life struggles amid political instability and socioeconomic hardships. For many individuals in the township, migration is not a sole option due to many reasons, including financial difficulties, political constraints, family obligations, and the risks associated with fleeing. Applying a qualitative case study approach, this study aims to gain a deeper understanding of how those who remain have coped with these challenges and how they have developed adaptive strategies and coping mechanisms under this military regime. This research examines the role of social capital in maintaining resilience, drawing on the Community Resilience Framework (CRF). To focus on a localized analysis, the findings contribute to broader discussions on socioeconomic resilience in conflict-driven settings and offer valuable insights into how those residents persist in the face of systemic repression.

Keywords: Community resilience, socioeconomic hardship, post-coup adaptation, Myanmar

Introduction

Since its independence from the United Kingdom in 1948, Myanmar has been under military rule for over sixty years. After a brief period of multi-party democracy, General Nay Win staged a military coup in 1962, bringing the country into decades of direct and indirect military rule (Chambers & Cheesman, 2024). However, Myanmar began to liberalize its political approach under the Union Solidarity and Development Party (USDP) in 2011, transitioning from a military junta to a semi-civilian government (Maizland, 2022). The

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National League for Democracy (NLD) won the general elections with a landslide victory in 2015, marking the country's democratic transition.

Since then, Myanmar has exercised political and economic reforms, opening the country for foreign direct investments (FDIs) and multilateral trade liberalization (Campbell, 2023). Significant numbers of non-governmental organizations (NGOs) and civil society organizations (CSOs) have also emerged. Despite these political changes, the military maintained its significant power under the terms and conditions of the 2008 Constitution, including 25 percent of the seats in all legislative bodies and control over key ministries such as home affairs and defense (Thawngmung et al., 2023). To amend the Constitution, tensions between the ruling government and the military have escalated. Attempts to reduce the military's control in parliament failed due to the military's veto.

In the 2020 general elections, the NLD won another landslide victory, securing over 80% of the contested votes. However, the military's allegations of electoral fraud rejected the election results (Kipgen, 2021). Following the 2020 general elections, the military coup took control before the new parliament could convene on February 1, 2021. Therefore, Myanmar has been in its dark era since the end of a period of semi-civilian government, leading the country under direct military rule. The military, also known as Tatmadaw, arrested Daw Aung San Suu Kyi's government, including President U Win Myint and key members of the NLD. Accordingly, the Tatmadaw declared a one-year state of emergency, and the State Administration Council (SAC) was formed, chaired by General Min Aung Hlaing and his forces (Kapur, 2022).

The military coup has had devastating effects on civilians across Myanmar. To resist the military coup, non-violent resistance movements, including strikes, nationwide protests, and civil disobedience movements (CDMs), emerged (Kapur, 2022). Although we experienced the early weeks after the coup nationwide peaceful protests, most of the areas have been emptied of people as a consequence of military security forces who were burning buildings, houses, villages and land since March 2021 (Hedström et al., 2025). As conflict escalated and is getting worse, many Myanmar citizens faced difficult choices, including either joining armed forces or fleeing to border areas, neighboring countries, or seeking asylum abroad. However, a significant number of populations remain in the country, choosing to stay in their areas due to various reasons, such as family responsibilities, financial constraints, or uncertainty about migration options.

Thus, this study focuses on those who have been left behind—the residents who continue to navigate daily life in conflict-affected areas. This study chooses to explore central Myanmar, specifically Mandalay region, given that the military's response to the region's resistance strategies was severe, leading to mass arrests, forced disappearances, and economic disruptions. The existing research mainly highlights the political crisis, migration, and broad humanitarian impacts of the coup; however, there is a gap in understanding how the communities address socio-economic challenges in such an environment. Therefore, this research aims to fill this gap by examining how residents of “Anyar Township”² In the

² This research is based in **Anyar Township** (pseudonym), located in Myanmar's central Dry Zone. The real name of the township has been replaced to protect the safety and confidentiality of both participants and the researcher.

Mandalay region, Myanmar, develop and sustain socio-economic resilience amidst multiple crises. Moreover, it seeks to gain a better understanding of how coping strategies, the role of social networks in maintaining resilience, and how adaptive strategies are developed to maintain their livelihoods.

The primary research question guiding this study is: How do social networks influence the adaptive capacities of local communities in fostering socio-economic resilience?

Conceptual Framework

The Community Resilience Framework, as discussed by Norris et al. (2008), explores the adaptive capacities of communities to recover from crises. This framework defines community resilience not just as a return to pre-crisis stage but as an adaptive ability rooted in the collective capacity to recognize, endure, and respond in the face of adversity. According to Norris et al., communities' resilience stems from these capacities, which are categorized into four dimensions: Economic Development, Social Capital, Information and Communication, and Community Competence (Norris et al., 2008). Among these four dimensions, this paper primarily analyzes the social capital dimension to understand how residents in Anyar Township survive and adapt to multiple shocks through a structured lens. Social Capital, as defined in the Community Resilience Framework, encompasses the strength of networks, norms, trust, and relationships within and across communities that facilitate coordination and cooperation for mutual benefit, enabling communities to mobilize resources, share risks, and provide support (Norris et al., 2008). Therefore, social capital serves as a foundation in the functioning of communities and maintaining resilience.

Methodology

The community in this study is defined as the Burmese Buddhist residents of Anyar Township, Mandalay Region, in central Myanmar. The community encompasses low-, middle-, and high-income individuals from villages and urban/semi-urban communities, who are socially and economically interconnected in the conflict-driven context. This study employed a qualitative approach, utilizing four Key Informant Interviews (KIIs) and ten semi-structured interviews. Semi-structured participants were selected through purposive sampling to ensure a range of diversity in terms of income, age, and gender, including three low-income residents, four middle-income residents, and three high-income residents. In addition, four KIIs were conducted with individuals who possess in-depth knowledge of community dynamics, including small business owners, community leaders, and a social service provider familiar with both formal and informal support networks. To complete and contextualize the findings of this research, secondary data collection was also conducted through a desk-based method, involving the review of background data, including past research, to deepen the understanding of the study and strengthen the analysis of the conceptual framework employed in this thesis.

Although the actual location is known to the thesis committee, the pseudonym "Anyar" is consistently used throughout this paper to preserve anonymity while ethically maintaining contextual accuracy.

Analysis

In Anyar Township, the post-coup conditions have put pressure on social networks due to political instability, economic difficulties, and distrust. With the help of interviews with 10 residents and four key informants, this paper examines whether the social networks facilitate resilience and how they contribute to adaptive capacities. This section discusses three thematic subsections: navigation of social networks, informal supportive networks, and local-level collective efforts in Anyar Township.

Informal Supportive Networks: Families, Neighbors and Kinship

Supportive Networks, as a cornerstone of social capital within CRF, enable the residents in Anyar Township to cope with socio-economic challenges in the post-coup context. These supportive networks, including close-knit relationships with families, friends, and neighbors, as well as external help from organizations, sustain resilience through the provision of material and emotional support. Across all income levels, residents emphasized the importance of informal support systems, including families, neighbors, and relatives, as the first line of defense in times of need. Based on the interviews, low-income residents mainly rely on their neighbors, which serves as a bonding support mechanism, for small loans, food, and other forms of support to cope with difficulties.

Regarding the bonding support, a marker vendor (R1) explained occasional food or other cash assistance within the close-knit ties, citing:

“Our neighborhood has provided some help, and some of my son's acquaintances have also offered support. I am truly grateful for that.”

Besides, she further explained in accessing external aid, stating

“Because of what happened to my son (due to political reasons), some acquaintances have provided support before. Certain migrant workers organizations have given help—mostly from those abroad, like groups based in Korea.”

Consequently, a cheroot roller (R3) shared her experience of receiving support, citing,

“I have received donations from the monastery before. They gave me 2 kg of rice, a viss of oil, and 10 eggs.”

Unlike the low-income residents, middle-income ones also engaged in mutual support but with slightly more stable networks and leveraging diverse networks, including relatives living in other townships. Their mutual support was not just material, but also involved sharing news about opportunities and safety alerts. An interview with one participant (R4) shared:

“People from other areas, including relatives, have helped us before.”

Another (R7) noted:

“As for me, I have only received occasional help from friends now and then.”

She again mentioned:

“I have received financial support before as I am a CDM, but it has been a long time since I got any help.”

High-income residents reported that they do not rely on or rely less on neighborhood-based support, unlike low- and middle-income residents. Instead, they helped others who are in need.

A high-income resident from the village (R8) mentioned:

"As for me, I am the one who helps out. Whenever there are people in the village who are struggling, I give them whatever I can, as much as I have."

Another ward resident (R9) also explained:

"For us, since we are the ones giving, we do not receive much ourselves."

This situation suggests that the form of social capital shifts with income levels: from survival-based mutualism to self-contained or social contribution networks of protection.

Collective Efforts and Local-Level Initiatives

These localized responses include the establishment of informal networks in the township and collective efforts to assist those in need, providing essential services such as healthcare and education to residents when state-run services are disrupted (COAR, 2023; Haar et al., 2024; Thawngmung et al., 2023). The Mandalay region witnessed the emergence of community-based initiatives, such as "po yin hlu, loh yin yu," which offered food and other necessities, while also experiencing intense conflict in the region (Roberts, 2021). This conflict underscores the strong sense of community responsibility and a willingness to share resources in times of hardship, thereby shaping the essence of resilience and fostering social capital at the local level. Additionally, there are social structures that offer social and emotional support to vulnerable communities in Mandalay (HelpAge International, 2023). For instance, the near collapse of the healthcare system in Mandalay has led to an increase in reliance on community-based healthcare providers and informal networks for professional medical assistance (Haar et al., 2024).

Consequently, the power of digital networks, facilitated through social media platforms, connects individuals within the country to mobilize resources for a shared political objective, reflecting a common sense of shared responsibility (Tuseng et al., 2024). Even in conflict-affected settings, the role of social networks, such as village and neighborhood teams, is crucial in distributing services, particularly in response to natural disasters like floods or other social-related issues (Independent Research Network, 2022).

In Anyar Township, although collective efforts were limited, they were found to be effective, demonstrating the Township's adaptive capacities through collaborative action. KII, with a community leader, highlighted the community initiatives such as shared resource pooling as follows:

"The community members are facing economic difficulties and solving problems together, whether they have resources or not. They solve these challenges together as a group."

Another respondent who is working as a trader (R9) further explained the collective efforts that they have utilized while running business in the township, noting,

"We have to observe the political situation and act accordingly. We listen to the news, and we discuss and consult with other traders to stay active."

In Myanmar's social and cultural life, religious organizations, particularly Buddhist monasteries, hold a central place, serving as a significant role in assisting with shelter, food, and other essential items, and fostering solidarity among communities (Frydenlund & Wai, 2024; International Crisis Group, 2023). Similarly, Mandalay region, including Anyar Township, is a major Buddhist community, home to numerous monasteries, temples and a large population of Buddhists. Notably, the findings of the interviews also revealed the important role of religious institutions, especially the Sanga, in contributing their resources, networks, and capacities to support people confronted with hardships in the Township.

KII, with the community leader (Sanga), revealed his role as a Buddhist Monk at Metta Shwe Zin organization, who is carrying out activities in Anyar Township.

"I have been doing this for 11 years now. To date, a total of 47 orphans have been sent to school. Currently, there are 11 students (University's distance education) being supported with their education. Other forms of support and assistance are also continuing as usual — mainly helping people in difficult situations. My main goal is to ensure that all children, whose families cannot afford it, receive an education, so most of what I do is focused on education."

Furthermore, civil society organizations (CSOs), including social service provider groups, are dedicated to continuing their work under exceptionally challenging and even dangerous conditions (Pandita, 2021). Regarding the humanitarian and other conflict-related supports to the community, KII, with the social service provider, a chairman of the social rescue organization called 'A Phyu Yaung Lat Myar, meaning 'white hands,' based in Anyar, explained his organization's activities as follows:

Currently, our organization oversees all social rescue activities throughout the region, including providing oxygen machines, conducting emergency rescue operations, distributing water, and providing disaster relief during natural disasters. In this township, our organization plays a leading role in these efforts."

When state-run institutions fail to provide their citizens with necessities, residents often initiate drawing on their internal resources or existing networks to handle the most pressing issues. These methods include numerous options, with neighbors helping neighbors in times of hardship, religious institutions stepping in to provide social services and aid, and existing informal social services groups filling the immediate gaps in provision. These collective efforts play a crucial role in maintaining social cohesion at the localized level.

Navigating Social Networks

Given that the widespread military surveillance, political repression and socioeconomic struggles in the post-coup Anyar, this subsection analyzes how the residents respond to those conditions. Specifically, it examines whether and how social capital continues to function despite the challenges and how it influences residents' ability to maintain relationships and provide mutual support. While low-income residents mainly rely on bonding capital for basic survival, high-income groups reveal the strategic utilization of linking capital, leveraging

connections with both military forces and resistance groups to facilitate trade, mobility, and the continued operation of their businesses smoothly.

KII with a business owner described how he uses his networks, highlighting the conflict-related challenges while running a business, stating:

"I try to have good terms with both sides (both military security forces and resistance groups) for transporting goods, but sometimes checkpoint fees are required."

Another KII added a reflection of similar flexibility in the township:

"Amid the clashes between the military forces and resistance groups, we have to improvise. Since I am a social service provider, adapting between them is not too concerning for me."

These leveraged connections demonstrate how social navigation becomes a survival skill, with trust being redefined as strategic, situational, and transactional in the context of conflict.

Therefore, the findings revealed that residents illustrate their engagement in different forms of social capital despite political surveillance, social withdrawal, and economic pressure. The persistence of informal networks, strategic connections, and dedication to mutual support shape the crucial role of social capital, but it has transformed under given constraints. This transformation reflects the resilience and limits of the social network systems in conflict-driven settings.

Conclusion

To conclude, this paper has examined how the residents in Anyar Township have navigated the socioeconomic challenges brought on by the 2021 military coup in Myanmar. Local communities have adapted survival strategies despite economic difficulties, political collapse, social fragmentation, and the erosion of civic space. However, while they serve as resilience, these strategies are shaped by exposure to risk, unequal access to resources, and income inequality. Thus, resilience in Anyar does not simply mean stability or recovery in an enabled environment, but it is better understood as endurance under pressure.

Moreover, this study reflects the everyday turn in Development Studies, shifting towards how individuals and families manage the shocks through daily acts of negotiation rather than formal structures. The strategies of those who remain in Anyar Township offer a counterpoint to narratives that emphasize protest, mobility, or state reform. It asserts that development under repression is endurance, not about transformation.

Lastly, this study contributes to the literature arguing for a context-sensitive approach to resilience. Beyond theory, its significance lies in its empirical contribution. Studying resilience in Myanmar remains limited, especially at the township level, post-coup environment. Therefore, this study has revealed a case-specific, grounded understanding of how resilience persists as a complex and uneven struggle for survival under this authoritarian regime. This case study adds both a lesson and a warning: resilience is neither universal nor

endlessly sustainable, but it can persist under extreme constraints. It is sometimes helpful, sometimes exhausting, and always political in Anyar.

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FROM CONSCRIPTION TO COPING: ECONOMIC INSECURITY AND COPING STRATEGIES OF SKILLED MYANMAR MIGRANT STUDENTS IN BANGKOK

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Abstract

The 2024 conscription law imposed by Myanmar's military junta has escalated political repression and triggered a new wave of forced migration, especially among skilled youth like students, graduates, and professionals. This study focuses on the economic insecurities and coping strategies of Myanmar students who fled to Bangkok, residing with educational visas to avoid military service and hoping for their career continuations. Employing human security and social network theories with a mixed-methods approach (surveys and interviews), the research investigates how these migrants confront economic precarity. Despite gaining temporary legal status, they face high tuition fees, limited work rights, and rising living costs, driving severe housing and food insecurity and fueling psychological distress. Students primarily depend on bonding social capital, such as friends, family, and fellow migrants, for essential emotional, cultural, and financial support. However, awareness and uptake of formal support remain limited, leaving many vulnerable to exploitation by unregulated agents. Ultimately, this research underscores the broader implications of militarization on youth mobility and calls for targeted support policies in host countries like Thailand.

Keywords: Forced Migration, Economic Insecurity, Coping Strategies, Myanmar Student Migrants, Social Network Theory

Introduction

Myanmar's political landscape has long been shaped by entrenched military dominance, even during periods of nominal democratic transition. Although the National League for Democracy (NLD) won decisive electoral victories in 2015 and 2020, the military retained significant power under the 2008 Constitution, which guarantees it control over key ministries and 25 percent of parliamentary seats (King, 2022). On February 1, 2021, the military, led by Senior General Min Aung Hlaing, staged a coup, detaining civilian leaders and reclaiming full control over the state. The event triggered mass civil resistance, widespread protests, and violent crackdowns across the country (Steinberg, 2021)

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The conflict has escalated into a nationwide civil war. According to the Assistance Association for Political Prisoners (AAPP, 2025), over 6,200 civilians have been killed by the junta and affiliated forces (“Daily Briefing in Relation to the Military Coup,” 2025). In response to both civilian resistance and increasing military defections, the junta faces a declining force capacity, with troop numbers reportedly dropping from 150,000 in early 2021 to approximately 130,000 by the end of 2023 (Hein, 2024). In response to this crisis, the junta reactivated the mandatory People's Military Service Law on February 10, 2024. The law mandates compulsory military service for all men aged 18–35 and women aged 18–27, with penalties including imprisonment or forced service for those who evade it (The Irrawaddy, 2024). This conscription law has intensified fear among youth, leading to a new wave of politically driven migration. The UN Special Rapporteur, Tom Andrews, cautioned that the prospect of forcing young people to partake in the junta's reign of terror horrifies them, “the numbers fleeing across borders to escape conscription will surely skyrocket” (UN News, 2024).

Unlike previous migration trends that were often shaped by poverty or ethnic conflict, this current exodus includes urban, middle-class professionals and students from major cities like Yangon and Mandalay. Many of these individuals seek their safety in neighboring countries, particularly Thailand, with Bangkok emerging as a key destination due to its educational opportunities and relatively accessible student visa pathways. However, life in a new urban environment brings new immediate economic challenges. Students on ED visas are not legally permitted to work and must cope with high tuition fees, rising living costs, and informal labor conditions, often working under exploitative arrangements to survive.

This study explores the economic insecurities and coping strategies of Myanmar migrant students in Bangkok who fled the country due to the enforcement of the military conscription law. It addresses two central research questions:

1. What economic insecurities do Myanmar migrant students in Bangkok face after fleeing military conscription?
2. What coping strategies and support networks do these migrant students rely on in Bangkok?

By examining these questions through the lens of human security and social network theory, this research seeks to inquire about how authoritarian policies force young people into displacement and how they navigate economic vulnerability and resilience in an unfamiliar displacement.

Methodology

This study adopts a mixed-methods approach, combining quantitative surveys, qualitative in-depth interviews, and secondary data analysis to explore the economic challenges and coping strategies of Myanmar migrant students in Bangkok who fled due to the 2024 military conscription law. The mixed method enables a comprehensive understanding of both broader patterns and individual lived experiences.

Primary data collection included an online survey distributed through Myanmar student networks in Bangkok, resulting in 68 valid responses. The survey captured demographic data, migration motivations, economic challenges, and access to support systems. It was followed by nine semi-structured interviews with diverse student profiles from both short-term language and degree programs, aiming to gather more nuanced insights. Two key informant interviews with experts from a Myanmar think tank and a civil society group provided a broader socio-political context. Secondary data, including academic literature, policy documents, and NGO reports, was used to triangulate findings. Data were analyzed using descriptive statistics (for survey data) and thematic and narrative analysis (for interviews). This approach enhances the validity and richness of the research by integrating quantitative trends with qualitative depth and contextual evidence.

Theory and Conceptual Framework

This study adopts the Human Security framework, which shifts focus from state-centric to people-centric security, emphasizing "freedom from fear, freedom from want, and the freedom to live with dignity" (UNDP, 1994). For Myanmar students, the conscription law directly violates "freedom from fear," as it imposes state-sponsored violence and coercion, compelling their flight. Upon arrival in Thailand, they face new forms of insecurity, and the most immediate challenges can be regarded as financial and economic, abandoning their careers and stable lives.

The Economic Security component is central to this study. It defines economic insecurity as the persistent anxiety from unstable income, unpredictable employment, and inability to secure a reliable standard of living (Jiménez, 2021). For Myanmar migrants, their fear-driven displacement amplifies these vulnerabilities in Bangkok, where they encounter unstable job markets, lack legal work rights, and face high living costs without adequate institutional support.

To analyze coping mechanisms, the study uses Social Network Theory, which posits that individuals' social relationships shape their behaviors, resource access, and opportunities (Wasserman & Faust, 1994). For migrants, these networks (family, friends, community groups) are crucial for managing relocation challenges, providing emotional support, and practical assistance (Portes & Sensenbrenner, 1993). In the limited awareness of formal support, informal networks become critical survival mechanisms, especially for those with precarious legal status.

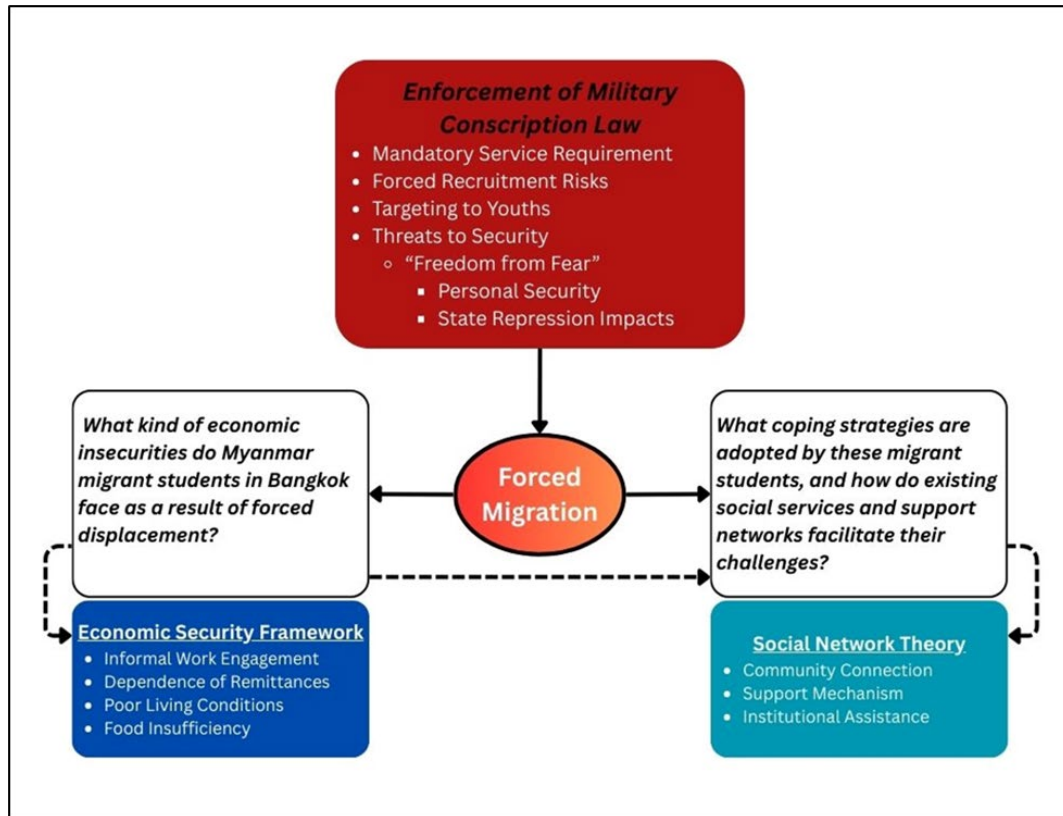


Figure 1: Practical Conceptual Framework

The Practical Conceptual Framework integrates these theories. It posits that "freedom from fear" and personal security drive the initial migration. In Bangkok, economic insecurity arises from informal employment, remittance dependence, poor living conditions, and food insufficiency. Social network theory explains how informal networks offer crucial emotional and practical aid, helping students adapt and cope with hardship. This holistic approach captures the multifaceted nature of their displacement, economic precarity, and resilience.

Findings and Analysis: Economic Insecurities Faced by Myanmar Migrant Students in Bangkok

(i) Reliance on Family Remittances and Unstable Income

Financial support from families in Myanmar serves as a critical lifeline for many students, with 64.7 percent of all survey respondents reporting it as their primary income source, a figure even higher among conscription-motivated migrants. This heavy reliance underscores the unprepared nature of their migration and limited income opportunities in Thailand. Families were often forced to sell assets to fund tuition and living expenses. Scholarship support, though the second most common source, was less accessible to conscription-motivated students (33.3 percent). Moreover, the unexpected termination of some scholarships profoundly impacted students' economic security, leading to increased anxiety and depression. This dependency on unstable sources highlights a critical lack of financial autonomy and resilience.

(ii) Legal Barriers to Employment

Over 86 percent of survey respondents are not engaged in paid work. Thai immigration law strictly prohibits formal employment for ED visa holders. Among conscription-motivated migrants, 60.4 percent were actively seeking but unable to find legal work. Interview data indicated significant difficulty in securing formal jobs matching their professional experience due to intense competition, complex visa sponsorship requirements, and employer hesitancy. Some students considered switching to "Pink Card" work permits, which, while legal, typically confine holders to low-skilled, low-paying jobs. This presents a difficult trade-off between maintaining legal residency, sustaining their livelihood, and sacrificing their professional aspirations.

(iii) Housing and Food Insecurity

High living costs in Bangkok necessitate stringent budgeting among students. Most reside in affordable condos outside the city center or shared accommodations (47.9 percent of conscription-motivated migrants in shared housing), reflecting deliberate strategies to minimize expenses. Interview accounts described challenges with high rents and instances of discrimination from landlords. Food insecurity is prevalent; 41 percent of conscription-motivated students reported worrying about having enough food "often" or "sometimes," and 47.9 percent reported skipping meals due to financial difficulties. In the interview section, students meticulously budget for food, with some limiting their daily spending to minimal amounts.

(iv) Income Insufficiency

Nearly half of all respondents (48.5 percent) and over half of conscription-motivated migrants (52.1 percent) reported their current income as "Barely sufficient" or "Not sufficient at all." This widespread inadequacy forces individuals to make severe choices, with some peers even returning to Myanmar despite the associated safety risks, which highlights the extreme financial pressure they face.

Analysis through Economic Security Framework

Through the lens of Human Security, particularly Economic Security, these findings reveal a profound violation of **"freedom from want."** Insufficient and unreliable financial sources, coupled with legal employment barriers, directly compromise their ability to secure basic needs. This situation structurally limits their capacity to live with autonomy and dignity. The resulting financial dependency also inflicts significant emotional and psychological strain, reinforcing the broader human insecurity paradigm. Students internalize guilt, anxiety, and distress, illustrating how political threats lead to economic insecurity, which in turn fuels emotional insecurity. Migration, for many, has thus become a survival mechanism that reproduces various forms of insecurity they initially sought to escape.

Findings and Analysis: Coping Strategies Employed by Myanmar Migrant Students in Bangkok

(i) Financial Conservation and Austerity

A primary coping strategy involves rigorous financial conservation and strict budgeting. Students minimize expenditure on non-essentials and often reduce spending on essentials, particularly food. Survey findings indicate that 39.7 percent of all respondents (and 47.9 percent of conscription-motivated migrants) reported skipping or reducing meals due to financial difficulties. Daily costs are minimized through strategies like walking long distances for transportation and opting for less expensive, often shared, accommodation outside central areas. Many students also limit social activities to conserve funds. While these individual austerity measures are crucial for financial survival, they can adversely affect mental well-being.

(ii) Role of Personal Social Networks

Students heavily rely on personal social networks for both practical and emotional assistance. Pre-existing connections in Bangkok significantly influenced their destination choice and provided crucial immediate support upon arrival. These "strong ties," primarily with friends from their home country (70.6 percent of respondents) and former colleagues (39.6 percent), offer vital aid such as help with housing, adapting to the new environment, navigating language barriers, and providing financial loans during remittance delays.

Beyond practical support, these networks are essential for emotional resilience and psychological well-being. "Emotional support (e.g., listening, encouragement)" is the most prevalent form of support received from social networks (76.5 percent overall, 77.1 percent for conscription-motivated youth). This data highlights the critical role of personal relationships in providing emotional connection and validation. Faced with constant financial stress, lost independence, homesickness, and isolation, students find that these networks help manage anxiety and depression, creating a feeling of security, belonging, and solidarity through shared experiences.

Limited Access to Formal Support Systems

Despite the critical role of informal networks, awareness and access to formal support systems (institutions, NGOs) remain significantly limited. A clear majority of survey respondents (63.2 percent overall and 68.8 percent among conscription-motivated migrants) were unaware of available social services. Actual access among those aware was remarkably low (only 12 percent). This limited engagement often pushes students to rely on unofficial agents for bureaucratic processes like visa extensions, exposing them to exploitation and increased financial burdens. Key informants highlighted the scarcity of targeted programs for urban migrant youth fleeing conscription, emphasizing a significant gap in formal provision. This systemic vulnerability perpetuates reliance on exploitative informal channels, contributing

to students' ongoing financial precarity. Students consistently express a desire for official help, including legal work options, financial aid, credible information, and mental health support.

Analysis through Social Network Theory

The coping strategies demonstrate a high degree of resilience, fundamentally sustained by bonding social capital, strong personal ties with family, friends from home, and fellow Myanmar students. These relationships are paramount for navigating immediate economic, legal, and emotional pressures, providing vital mutual aid and emotional support. While some bridging social capital emerges through broader peer and community networks, offering additional information and solidarity, these informal structures, though powerful for individual coping, inherently reveal the fragile nature of their situation. The study highlights the limits of bonding social capital when students lack access to linking social capital, institutional connections that offer comprehensive legal, educational, and long-term economic protections. The inadequate formal support for these young migrants may lead to long-term adverse scenarios, undermining various human security perspectives. Ultimately, informal supports are indispensable for immediate survival, but they cannot substitute for the comprehensive legal and structural protections required for the long-term well-being of these vulnerable youth migrants.

Conclusion

The plight of displaced Myanmar migrant students in Bangkok represents a critical, underexplored dimension of forced migration. Their experiences demonstrate how authoritarian policies, such as the military conscription law, directly trigger complex humanitarian and developmental challenges beyond the immediate threat of conflict. These skilled young individuals, who constitute a vital part of Myanmar's human capital for the future, are forced into premature displacement, disrupting established careers and educational trajectories.

Through the lens of the Human Security framework, particularly its Economic Security component, the findings reveal that these students are not merely experiencing temporary hardship but are embedded within a system that structurally limits their ability to live with autonomy, dignity, and stability. The "freedom from want," a cornerstone of human security, is profoundly compromised by their unreliable income sources, the high cost of urban living, and the significant legal barriers to formal employment. Their heavy reliance on family remittances not only highlights the unprepared nature of their displacement but also creates a deep sense of guilt and psychological burden, as their families in Myanmar are often struggling under deteriorating domestic conditions. The constant worry about securing necessities like food and adequate housing, coupled with the inability to return home safely, traps them in a cycle of prolonged precarity. This convergence of material deprivation and emotional exhaustion underscores the broader human insecurity that accompanies forced displacement, where students must constantly navigate both physical survival and profound self-doubt in an uncertain environment.

The study also underscores the crucial role of social networks in their coping strategies. The robust bonding social capital among friends, family, and fellow Myanmar migrants provides indispensable practical and emotional support, acting as a primary source against the harsh realities of displacement. These networks facilitate immediate survival by offering assistance with housing, job information, and crucial emotional support to combat loneliness and anxiety. However, the reliance on these informal ties cannot substitute for comprehensive legal and structural protections. The limited awareness and access to formal support systems mean students often fall prey to exploitative agents for vital processes like visa extensions, perpetuating their financial vulnerability. The study reveals a critical gap in institutional support for this new layer of urban migrant youth, who face unique challenges distinct from traditional labor migrants or well-resourced international students.

Ultimately, the situation of these displaced Myanmar migrant students aligns directly with global priorities under the United Nations Sustainable Development Goals (SDGs 4, 8, and 10), which emphasize quality education, decent work, and reduced inequalities for those affected by conflict and displacement. Addressing their multifaceted insecurities, economic instability, legal precarity, limited employment access, and emotional distress is not merely a humanitarian necessity but a strategic step toward building more resilient and inclusive societies. Empowering these students to survive, adapt, and meaningfully contribute during their displacement is paramount, especially given their expressed desire to return to Myanmar and contribute to its rebuilding once conditions allow. Their migration was driven by urgent safety concerns, not long-term relocation ambitions, reinforcing the need for rights-respecting support mechanisms that prioritize their dignity and future potential.

To support displaced Myanmar students fleeing conscription, host countries like Thailand should expand access to affordable education, work permits, and legal protection. International organizations and NGOs should increase outreach to migrant students, offering targeted services such as scholarships, legal aid, and mental health support. Strengthening collaboration between civil society, educational institutions, and UN agencies can improve coordination and responsiveness to students' needs. Long-term, policy efforts should also advocate for the protection of youth rights.

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CHALLENGING THE BOUNDARIES OF SECURITY: THE IMPACT OF (ANTI-) TERROR ACT OF 2020 TO HUMAN RIGHTS ADVOCACY WORKERS IN THE PHILIPPINES

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Abstract

In a state where human rights advocacy is increasingly terrorized and criminalized, the question arises: *Who stands up for victims of state-sanctioned violence?* Human rights advocates and workers are not lawbreakers, but defenders of justice and dignity, often vilified for opposing the repressive policies of regimes. The Anti-Terrorism Act (ATA) of 2020, framed to enhance national security, paradoxically perpetuates a climate of "white terror," instilling fear among activists and marginalized communities. This study explores how the Philippines' counterterrorism measures, particularly the ATA's vague definitions and broad police powers, raise serious concerns about potential abuse. Focusing on those charged under the law reveals how the government's disillusioned crusade for peace exacerbates risks for vulnerable individuals. Through narrative inquiry, using documented cases and interviews, the research illustrates how the terror act results in a chilling effect on dissent, affecting civil liberties, political participation, and socio-economic and psychological well-being among human rights advocacy workers. It argues that the ATA blurs the line between activism and terrorism, institutionalizing practices that shrink democratic space. Moreover, initial findings reveal that the real perpetrators of terror are those who wield the law as a weapon against dissent. Therefore, there is a pressing need to review the law's implementation with stronger judicial oversight and accountability, as well as recommendations for conflict transformation. Only through such measures can human rights defenders continue to safeguard rights and demand social justice in the Philippines without fear of persecution.

Keywords: Anti-Terror Act 2020/ human rights defenders/ Red-tagging/ Counterterrorism/ civil liberties

Introduction

Former Supreme Court Justice Antonio Carpio warned of the Anti-Terror Act's potential misuse, stating, *"The vague definition of terrorism could transform dissenters and critics into terrorists in the eyes of the government."* Similarly, Renato Reyes Jr., Secretary-

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General of Bayan, called the Supreme Court's partial ruling on the law a small but significant step, saying, *"Our main win from the SC ruling on the terror law is that activism is not terrorism. This ruling is a partial victory for petitioners as protests and advocacy are not acts of terror."* However, with dangerous provisions still intact, how long can activists and human rights workers survive in a climate where the line between advocacy and terror is blurred—and who decides where that line is drawn?

The Philippines' alignment with global counterterrorism efforts began with the passage of the Human Security Act of 2007 under President Gloria Macapagal-Arroyo (Whitaker, 2007). However, under Duterte, state rhetoric increasingly prioritizes security over rights, exemplified by his assertion—"Your concern is human rights, mine is human lives" (The New York Times, 2017)² which framed human rights defenders as enemies of the state. The "whole-of-nation" approach reinforced this, fostering a hostile environment for dissent (Espiritu, 2019). The ATA has drawn criticism from UN bodies and Amnesty International for vague provisions and misuse against political opponents and marginalized groups, highlighting its incompatibility with international standards such as the ICCPR, CAT, and the UN Declaration on Human Rights Defenders. The ASEAN Convention on Counter-Terrorism (2007) emphasizes addressing root causes and rejects linking terrorism to any group or ideology. Supporting this, Piazza (2008) links terrorism to political instability, while Mendoza et al. (2021) connect poverty and inequality to radicalization in the Philippines. However, current policies remain punitive rather than preventative, focusing on securitization without adequate socio-economic solutions (Valenzuela, 2025).

Historically, the Philippines reaffirmed its democratic values by repealing the Anti-Subversion Law in 1992, with President Ramos framing it as a sign of trust in democratic dialogue (RA 7636). Nevertheless, current counterterrorism laws blur lines between dissent and crime, risking unjust charges against human rights defenders (Karapatan, 2023; APCR, 2023). The 2024 Democracy Index labels the Philippines a "flawed democracy," reflecting this regression. Legally, the ATA violates criminal law through broad, ambiguous language that grants unchecked authority (Santos, 2021; Cantoral-Benavides Case, cited in Petition 17). The government's selective adherence to international norms weakens accountability (Santos, 2021), often treating obligations as advisory rather than binding, thereby undermining the effectiveness of international sanctions. This study addresses the underexplored impacts of the ATA beyond legal issues, focusing on civil, political, and psychological effects on human rights defenders. It examines how the law contravenes international human rights standards and explores the strategies employed by advocates charged under the ATA.

Research Question

This study examines the challenges faced by human rights defenders under the ATA, to provide policy review recommendations. It also aims to develop a theoretical framework that links counter-terrorism policies with governance and civil society (Renard, 2021). Using

² Villamor, F. (2018, July 23). *'Your concern is human rights, mine is human lives,' Duterte says in fiery speech*. The New York Times. <https://www.nytimes.com/2018/07/23/world/asia/philippines-duterte-speech-muslims.html>

narrative inquiry and empirical data, the study aims to answer the following research question: *How does the Anti-Terror Act 2020 in the Philippines violate international human rights standards, particularly in relation to the civil, political, and psychological well-being of human rights workers?*

Literature Review

This literature review sets the stage for a comprehensive examination of the interplay between the rise of the global war on terror, international law, regional adoption of anti-terror laws, democratic governance, and discussion on ATA's constitutionality, based on existing documents and petitions concerning oral arguments held by the Supreme Court.

The Global Architecture of Terrorism Law

The global fight against terrorism necessitates a multifaceted approach, with international legal frameworks and courts playing crucial roles in striking a balance between security and human rights (Dunlap, 2015; D'Cunha, 2021; Santos, 2021). In the Philippines, BAYAN et al.'s Petition 11 challenges Section 4 of the Anti-Terrorism Act (ATA) on legality grounds under international law, citing UN High Commissioner Bachelet's 2020 report criticizing vague definitions and ICCPR General Comment No. 35, which requires detention to be based on explicit threats with judicial oversight (Santos, 2021). The petition also references UN Security Council Resolutions 1373 (2001) and 1566 (2004), which mandate the criminalization of terrorism and combating its financing. The concept of "lawfare," which blends legal and military strategies, has become central to national security (Dunlap, 2015); however, its broader impact remains understudied (Whitaker, 2007). Civil and political rights are vital to democracy, yet counterterror narratives often overlook local contexts (Abarca, 2015; Jackson & Hall, 2006, 2016). Tensions between International Humanitarian Law (IHL) and counterterrorism law arise as IHL governs armed conflict while counterterrorism focuses on prevention and prosecution (Debarre, 2019; Castro, 2021). Bans on material support may conflate legitimate humanitarian or human rights work with terrorism, calling for clearer legal exemptions (Castro, 2021). These protected efforts must not be criminalized. Although the ICC promotes accountability, enforcement gaps persist (Santos, 2021). As D'Cunha (2021) notes, global cooperation must balance security with international human rights law.

Rise of the Global War on Terror in Southeast Asia

The global response to terrorism has shaped legislation in many developing countries, often influenced by Western, particularly U.S., security agendas (Whitaker, 2007). In the Philippines, the 2007 Human Security Act (HSA) raised concerns about civil liberties but was upheld by the Supreme Court despite challenges (Eadie, 2011; Whitaker, 2007). The 2020 Anti-Terrorism Act (ATA), passed amid pandemic lockdowns, followed global trends toward stricter counter-terrorism laws (APHR, 2023; Santos, 2021).

In Southeast Asia, regional insurgencies and governance challenges continue to influence national terrorism and peacebuilding policies. ASEAN states have been criticized for prioritizing security over rights, often conflating dissent with terrorism (Wicaksana, 2019). The ASEAN Convention on Counter-Terrorism (ACCT) emphasizes consensus-building and

information-sharing but lacks strong rights-based safeguards. As such, Indonesia's Law No. 5 (2018) targets terrorism financing with enhanced legal measures (Afriansyah et al., 2023). Malaysia's SOSMA (2012) permits extended detention without judicial oversight and was recently renewed, despite criticism for undermining fair trial rights and affecting even opposition politicians (Human Rights Watch, 2019; Othman et al., 2023). Singapore's Internal Security Act (ISA) and Terrorism Act permit preemptive action against broad threats, including subversion and racial violence (Singapore Ministry of Home Affairs, 2024). Myanmar's military government has expanded counter-terror laws, including the 1950 Emergency Provisions Act, criminalizing peaceful dissent with harsh penalties (Amnesty International, 2011). Vietnam uses counter-terrorism to suppress civil society, violating ICCPR and EU commitments (FIDH & VCHR, 2023). Reports highlight repression of free speech and media via vague terrorism laws (Reporters Without Borders, 2021; International Federation for Human Rights, 2022). Thailand's lese-majeste laws criminalize speech against the monarchy without requiring proof of falsehood (Bell, 2023; FIDH, 2009). In the Deep South, laws like the 2005 Emergency Decree and 2008 Internal Security Act allow warrantless arrests, prolonged detention, and military control over civilians (ICJ, 2005; Atilgan, 2008; Kyoto Review of Southeast Asia, 2020). Across Southeast Asia, governments employ vague terms such as "threat to peace" or "disturbance of tranquility" to suppress dissent, reflecting a systematic lawfare against legitimate civic action.

The Philippines' Anti-Terror Act of 2020 and its Constitutionality

D'Cunha (2021) highlights the tension between counterterrorism measures and civil liberties, noting that the Philippine Anti-Terrorism Act (ATA) weakens democracy by equating dissent and activism with terrorism (Amnesty International, 2021). Enacted in July 2020 during the COVID-19 pandemic, the ATA faced immediate opposition, with 37 petitions challenging its constitutionality filed before the Supreme Court (Dolo et al., 2021; Bolledo, 2024). Introduced by Senators Lacson and Marcos, the law alarmed critics who feared abuse in a rights-challenged government (Beltran, 2021). Despite criticism, the ATA grants broad powers, including warrantless arrests, prolonged detention, surveillance, and asset freezing, based on ATC declarations without judicial oversight (Bolledo, 2024).

The Supreme Court's selective engagement with international law weakens its influence on domestic rulings. While it struck down provisions criminalizing protests, many sections of the Anti-Terrorism Act (ATA) remain problematic due to their vague language and high potential for abuse (Amnesty International, 2021). A 2020 UP Law Center report highlighted the vagueness of Section 4's terrorism definition and the ambiguity of Sections 5–10's offenses as threats to free speech (Aguiling-Pangalangan et al., 2020). Section 16 permits surveillance; Section 29 allows warrantless detention for up to 24 days, thereby undermining due process (Santos, 2021). The ATC can designate individuals as terrorists, freeze assets, and authorize detention without judicial review. Unlike the repealed Human Security Act, the ATA removes safeguards, such as compensation for wrongful arrests. Aguiling-Pangalangan et al. (2020) warn that the law grants excessive executive power with minimal checks. In its constitutional review, the Court prioritized domestic legal standards over international norms, focusing on

vagueness and overbreadth (Santos, 2021). However, Santos also argues that the ATA should be viewed in light of broader constitutional jurisprudence.

Conceptual and Theoretical Framework

Following the unit of analysis, the conceptual framework of this research focuses on the weaponization of law and its impact on human rights advocacy workers, particularly those in charge of the ATA.

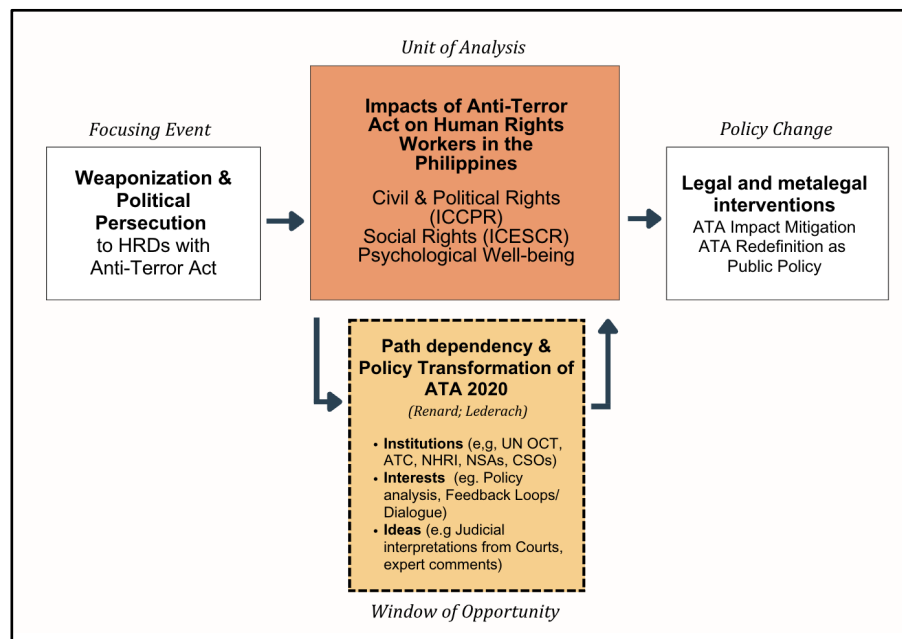


Figure 1. Conceptual Framework (Cruz, 2024)

As a special law, the ATA circumvents some foundational legal protections typically found in common law systems (Mendoza et al., 2021; Santos, 2021). The theo framework draws on Renard's (2021) insights on viewing CTM through public policy theory, highlighting how institutions, interests, and ideas shape counter-terrorism policies. Within this framework, the study examines how HRDs' lived experiences can inform and potentially guide policy reform.

Methodology

This research is a qualitative study. Prior to the data collection process, the researcher applied for and received a Certificate of Approval from the Institutional Review Board (IRB) of Mahidol University, ensuring that all ethical standards were reviewed and approved in accordance with institutional guidelines, ensuring confidentiality and preventing retraumatization.

Participants

The study involved 18 participants from the Philippines: 10 human rights defenders charged under the Anti-Terrorism Act (ATA) or related laws; 5 civil society or paralegal staff who assisted in those cases; and three legal experts involved in ATA litigation or advocacy.

Inclusion criteria required active human rights work, direct ATA case experience (for HRDs), or relevant legal/advocacy roles (for support staff and experts). Participants had to consent and have direct experience related to ATA; those without such experience were excluded to maintain relevance.

Data Collection

Purposive sampling was conducted from March to July 2025, selecting participants based on relevance and their willingness to participate in interviews via in-person, Google Meet, or phone, with informed consent. Interviews were audio- and video-recorded, securely stored, and will be destroyed three months after the study to protect confidentiality. The data collection applies Filipino Psychology principles (Pe-Pua & Protacio-Marcelino, 2000) to ensure culturally sensitive questions, interviewing and interpretations, incorporating local context and indigenous knowledge.

Data Analysis

This study employs thematic analysis on two main datasets. First, it examines the 2020 Supreme Court oral arguments on 37 petitions against the Anti-Terrorism Act (ATA) and the 2025 Commission on Human Rights (CHR) inquiry on red- and terror-tagging. Due to confidentiality, proceedings before the Ombudsman and the DOJ are excluded, as access is limited to lawyers and the immediate family of the accused. Content analysis (Elo & Kyngäs, 2008) identifies patterns in Supreme Court documents (G.R. Nos. 252578 et al.) and relevant complaints shared by participants. Second, thematic analysis is applied to the interviews through an immersive and reflective process. Using narrative inquiry (Clandinin & Connelly, 2000; Polkinghorne, 1995), the researcher interprets participants' stories to understand how they experience legal repression. The approach triangulates documentary research, legal analysis, and interviews.

Results and Discussion

This section addresses the research question by examining the impact of the ATA on human rights defenders (HRDs), drawing on the documented narratives of paralegals, civil society organization (CSO) members, and legal experts, in parallel with international norms and mechanisms.

Weaponization of Anti-Terror Law

Eighteen respondents, comprising human rights defenders, paralegals, and legal experts, unanimously viewed the Anti-Terrorism Act (ATA) as both abused and weaponized. They cited the law's vague language, particularly around terms like "terrorism" and "incitement," as enabling arbitrary enforcement to silence dissent. The ruling of declaring specific clauses constitutional, such as the broad definition of terrorism, has heightened concerns among human rights advocates, who fear increased persecution and further assaults on civil liberties (Reyes, 2021; Carpio, 2020). One legal expert noted that while the Anti-Subversion Law was repealed to protect political expression, the ATA, especially under

Duterte, has been used to brand activists as enemies of the state. Respondents traced the law's roots to a broader policy trend embedding counterinsurgency logic in civilian governance, from the 2012 Terrorism Financing Prevention Act to the 2018 Whole-of-Nation Approach. A 2023 Manila court ruling, which rejected labeling the Communist Party as a terrorist group, was seen as a rare check on state overreach. Overall, respondents emphasized that the ATA is not just prone to abuse; it is structurally designed to equate forms of dissent and activism with terrorism. The weaponization of legal tools suppresses dissent and shrinks civic space without addressing underlying issues like poverty and marginalization, risking deeper social divisions, rights violations and political persecution.

Selective Prosecution and Chilling Effect

Respondents emphasized that the Anti-Terrorism Act is selectively applied to target critics of the government, particularly human rights advocates, overlooking abuses by state-aligned actors. Civil society actors described how this systemic misuse, combined with judicial harassment, has produced a chilling effect: fear of arrest, surveillance, or being labeled a terrorist deters participation and disrupts advocacy. One respondent reflected, *"That is even a good manifestation of the impact of ATA, the emotional damage it causes activists, the fear it generates... I dwindled in my political participation because I feared being charged. These are the unspoken impacts of the Anti-Terror Law."* Paralegals (CS01, CS04, CS05) and legal experts (LE01, LE02, L303) noted that the ATA has curtailed freedom of association and normalized repression, resulting in a culture of silence and self-censorship.

Living Under Threat: Civil, Political, Socio-economic and Psychological Impacts of the ATA

Civil and Political Impacts

In relation to ICCPR, Petition 18 (Santos, 2021) and Bishop Pabillo et al. (YEAR) warned that peaceful assemblies could be criminalized under the ATA. Amnesty International (2017) similarly observed that counterterrorism laws globally shrink civic space under the guise of national security. Interviews with ten human rights advocates targeted under the Anti-Terrorism Act revealed consistent violations of civil and political rights, particularly the chilling effect on freedom of association, organization, and expression. Respondents, especially HA01, HA03, HA04, HA07, and HA09, reported self-censorship in personal and professional communications due to fears of surveillance. Respondents HA02 and HA05 suspected that their phones and movements were being monitored, leading to their withdrawal from public forums and online advocacy. As Respondent 6 noted, *"The line between being a critic and being labeled a terrorist has become terrifyingly thin."* Freedom of movement was also restricted, especially for HRDs in rural or conflict-affected areas. Respondents HA01, HA04, HA05, and HA08 cited travel surveillance, blacklisting, and checkpoint harassment, which hindered aid and legal support. Respondent HA03 endured months in sanctuary due to threats of warrantless arrest, describing the isolation and confinement as *"almost like a restriction on the right to life itself."* Legal scholars and members of civil society have also echoed these concerns. Respondents CS01, CS03 and CS05 affirmed that the ATA brings fear, suppresses expression and mobility, and reinforces a repressive climate with the worries that they will also possibly be wrongfully implicated in terror charges. LE01 and LE03 reiterated that Section 4's definition of terrorism should be amended as it risks authorities interpreting

acts that "disturb peace" as terrorism, deliberately worded to include even organized protests by activist groups.

Social, Cultural, and Economic Rights Impacts

The implementation of the ATA has also impacted the social, cultural, and economic rights of human rights workers, disrupting their livelihoods, damaging their reputations, and limiting their access to services. Several respondents (HA01, HA03, HA05, HA06, HA09) reported forced resignations or paused advocacy due to being terror-tagged, where one was forced to leave their domicile and another was abruptly forced to leave the country in an attempt to seek asylum. Respondents HA02 and HA08 experienced professional blacklisting and bank account monitoring. The impacts extended to emotional and social well-being; respondents HA04, HA06, and HA10 reported experiencing isolation and exclusion from political activities and decision-making spaces. Respondent HA04 was denied university enrollment, and another faced coercion from military personnel to collaborate in exchange for dropped charges, revealing legal threats as tools of intimidation. Despite these challenges, HRDs have adopted coping strategies. Respondents HA01, HA08 relied on peer and family support; others sought trauma counseling. Respondents HA05, HA06, HA09, and HA10 viewed continued activism as a form of resistance, although most described living with heightened vigilance, employing security measures, and reducing their visibility. These cumulative harms constitute violations of economic, social, and cultural rights under international human rights standards. On the other hand, CS03 also expressed concerns about seeking employment, given his past affiliation with and longstanding support for activities that have been labeled as terrorist.

Psychological well-being, burnout, trauma, and social isolation

All ten respondents described the psychological toll of the Anti-Terrorism Act (ATA), citing chronic distress, burnout, and emotional exhaustion stemming from surveillance, red-tagging, and fear of arrest. Many experienced social isolation due to the stigma of being labeled "terrorists" or "communist sympathizers." Respondents HA02, HA06, and HA08 reported persistent anxiety from targeted surveillance and disinformation. At the same time, Respondents HA02, HA03, HA07 and HA10 spoke of the emotional burden of being miscast as state enemies despite years of public service and civic work. Threats disrupted advocacy teams and weakened engagement (Respondents HA01, HA04, HA07, and HA10). Paralegals and civil society actors reported secondary trauma; one shared, *"The line between advocate and accused has become so blurred that they too have begun self-censoring and thinking of withdrawing from frontline work, as I might be charged too, like them."* With limited mental health resources, fragile peer support remains the primary coping mechanism. One respondent connected the trauma to generational repression, asking, *"How long will this government terror last?"* For her, the ATA is part of a more protracted struggle tied to land rights. In this context, the law fractures solidarity and weakens communities struggling for other basic rights that have to be enjoyed under the UDHR.

Conclusion and Recommendations

This study finds that the Anti-Terrorism Act (ATA) violates civil, political, socio-economic, and psychological rights by granting unchecked powers to the Anti-Terrorism Council (ATC) and enabling financial suppression of civil society. The law chills freedom of expression and organization, resulting in immense fear and self-censorship among individuals, even legal experts working on terrorism-related cases. Designations of groups, individuals, or organizations should be subject to judicial review, not just administrative and executive oversight. Beyond legal consequences, the ATA's emotional toll silences advocacy, causes withdrawal of human rights advocates, and treats activism itself as a threat. The discussion on how these lived experiences and documented impacts can inform conflict transformation among actors, and potentially redefine the Anti-Terrorism Law as a public policy tool for genuine peacebuilding, requires separate elaboration. While security is traditionally framed as protection from external threats, this study reveals a paradox: measures intended to safeguard the nation—like the Anti-Terrorism Act—are themselves sources of insecurity, perpetuating human rights violations and undermining the very freedoms they claim to protect. Continuing to use the Anti-Terrorism Act as a weapon against dissent would only expose the unresolved conflict, as well as the inability and lack of political will to address legitimate socio-economic demands through critical assessments of democratic governance through dialogue and negotiations.

Researcher's positionality

The researcher acknowledges that her prior affiliation with primary participants may influence the study. To mitigate this, she maintains reflexivity, seeks diverse perspectives, uses triangulation, and engages in peer debriefing. These strategies ensure that the research remains objective and accurately represents the voices of participants.

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LEGAL PROTECTION OF HIGHER EDUCATION ACCESSIBILITY AS HUMAN RIGHTS IN INDONESIA

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Abstract

Post-authoritarian Indonesia has seen a sharp increase in higher education tuition fees as neo-liberal adjustments have made higher education institutions (HEIs) dependent on external income sources. Consequently, student activists, who have perceived centrality to Indonesia's pro-democratic struggle, challenged such conditions by engaging in numerous human rights litigation efforts with limited success in promoting higher education accessibility. This paper presents how the language of human rights was able to secure neo-liberal measures that marketise higher education accessibility. By reviewing the development of tuition fees policy, I argue that, although higher education accessibility is recognised as a human right under the current legal regime, the government was able to continually alter policies that gradually reduced the allocation of state funding for subsidising tuition fees. This case study also demonstrates how neo-liberal legality thrives by appropriating human rights framework and exploiting an illiberal judiciary with limited ability to enforce constitutionalism.

Keywords: neo-liberalism, higher education, socio-legal, Indonesia

Introduction

Post-authoritarian Indonesia has experienced a dramatic rise in higher education tuition fees, which over a 28-year period (1992-2020), have skyrocketed by approximately 9900 per cent while the average income of Indonesians increased merely 266 per cent over the same period (Susilo, 2021). This change translated to price increases of about 1.3 percent for public higher education institutions (HEIs) and 6.96 per cent for private ones (Kompas, 2022). This surge is attributed to neo-liberal adjustments, which had intensified in Indonesia as part of the recovery strategy following the 1997-98 Asian financial crisis (Wiratraman, 2006). These adjustments redefined higher education as a tradable service, viewing that enhancing the financial autonomy and competitiveness of HEIs would strengthen the 'link and match' between students and labour market demands. As a result, governments imposed austerity measures on the sector, prompting it to seek alternative income sources by marketing accessibility (Cini et al., 2021).

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Student activists, who have a perceived centrality in the history of Indonesian pro-democracy politics (see Aspinall, 2012; Sastramidjaja, 2019), began challenging laws and policies enabling skyrocketing tuition fees through a series of human rights litigation efforts. Such efforts were facilitated by the judicial reforms enacted in Indonesia after Reformasi kickstarted, one of which was granting the authority of judicial review to the Constitutional Court and Supreme Court. This mechanism allows Indonesian citizens to request the court to abrogate laws and policies on the grounds of antinomy with the higher legal hierarchy, which ultimately culminates in the Constitution (Chalid, 2017). Using this mechanism, activists claimed that the marketisation of higher education accessibility constitutes a human rights violation and therefore argued that courts should abrogate the measures that facilitated it. As of 2025, a total of six requests have been launched by student activists to block the marketisation of higher education accessibility, all ending with limited success. Even when they did win the court case, their success in promoting higher education accessibility was limited.

This paper will focus on how the law managed to secure neo-liberal higher education reform despite Indonesia currently having greater legal protection for human rights. The concept of ‘neo-liberal legality,’ as proposed by Brabazon (2017), provides a relevant framework by viewing neo-liberalism as a juridical project aimed at reconstructing legal and institutional frameworks that facilitate capital accumulation. Using this framework to analyse the development of tuition fees policy in post-authoritarian Indonesia and the influence of judicial review requests on them, I aim to identify a specific form of law that is constitutive in securing marketisation. This specific form, as elaborated in this paper, manifests in how, while higher education accessibility is legally protected as a human right, its delegated regulations allow marketisation to continue with minimal constitutional oversight.

Judicial Review and Neo-Liberal Legality

Courts have become increasingly important forums for struggles over socio-economic rights in the developing world, especially amidst the extensive neo-liberalisation of public goods such as education and healthcare (Gauri & Brinks, 2008; Saffon, 2007; Rosser, 2015a). Legal mobilisation has a longstanding tradition in Indonesia’s pro-democracy movement, with litigation serving as a strategic tool to raise awareness about democratisation during the authoritarian New Order regime (Aspinall, 2005). One of the primary goals of judicial reform was to make the courts more receptive to human rights, moving away from the formalistic and corrupt practices that legitimised predatory capitalism in Indonesia (see Bedner & Vel, 2021; Kusumabrata, 2024).

To understand the efficacy of judicial review in enforcing human rights, it is crucial to examine its dualist model within the Indonesian judicial system. This model divides judicial review authority into two judicial bodies. The first is the Constitutional Court, which holds the authority for constitutional review, assessing the constitutionality of Law (*Undang-Undang*). The second is the Supreme Court, which holds the authority for legal review, assessing the conformity of implementing and local regulations within the established legal hierarchy. Chalid (2017) argues that dividing this authority is not only peculiar but also problematic, as it creates the potential for contradictory decisions between the Constitutional Court and the Supreme

Court. Moreover, this model leaves all subordinate regulations to *Undang-Undang*, which are issued by the executive branch and local governments, with virtually no constitutional oversight.

As a product of Reformasi, the Constitutional Court has been at the forefront of democratic advancement in Indonesia through its reputation of progressive constitutional interpretation in enforcing human rights (see Butt, 2015). However, previous research has shown mixed results regarding whether the court has genuinely advanced socio-economic rights amidst extensive neo-liberalisation. Arizona (2011) argued that the court had successes in developing legal reasoning that rejected the privatisation of natural resource management, asserting that such measures contradicted the constitution that guarantees economic democracy through state control. However, as Hendrianto (2016) had pointed out, the Constitutional Court's assertion of state control of the economy does not necessarily uphold socio-economic rights. This is because the court merely accentuated that managing socio-economic matters is the state's constitutional obligation, rather than comprehensively defining the nature and scope of socio-economic rights as fundamental rights. Koeswahyono et al. (2022) explicated the impact of this statist constitutionalism. Using the legal development of water resource management as a case study, they argued that the court's vague affirmation of the state's obligation to uphold human rights has been used to justify neo-liberal governance in socio-economic matters.

Although scant research exists on how the Supreme Court exercises their judicial review power on socio-economic matters, it can be argued that its practice is far more likely to perpetuate neo-liberal legality (see Brabazon, 2017) than to advance socio-economic rights. The Supreme Court has a long history of corruption and political intervention during pre-Reformasi days (see Pompe, 2005). Even though judicial reforms have improved the court's independence and accountability, the authoritarian legacy of corruption and formalism continues to hinder its ability to fulfil its main role as a court of cassation: ensuring legal certainty (Assegaf, 2019).

This is reflected in the findings of Butt and Parsons (2014), who argue that the Supreme Court's exercise of judicial review powers suffers from inadequate legal infrastructure, resulting in decisions that, in general, "lack [...] consistent, principled, and transparent judicial reasoning" (p. 71). Henceforth, it is unsurprising that the court is generally reluctant to recognise the importance of human rights and legal certainty in its review process, with upholding problematic regulations that discriminate against religious minorities (see Crouch, 2012) or contradict Constitutional Court decisions (see Butt & Lindsey, 2008: 256) reflects this tendency. Consequently, this superficial exercise of judicial review ultimately provides a manoeuvre for the Indonesian government to secure neo-liberal measures through delegated regulations (Koeswahyono et al., 2022: 41-42). Examining how judicial review is likely to legitimise neo-liberal legality is central to understanding how the marketisation of higher education accessibility can be secured through the language of human rights in its regulations.

Law 9/2009: Abrogated Because of Human Rights?

The onset of neo-liberal higher education reform in Indonesia began with Government Regulation (GR) 60/1999 and GR 61/1999, which increased the financial autonomy of seven

public HEIs by changing their status to ‘state legal entities’ (*Badan Hukum Milik Negara/BHMN*). This approach was adopted under the guidance of the World Bank, which regarded the higher education governance inherited from the New Order regime as irresponsible and lacking transparency due to the central government’s tight control over its affairs (Rosser, 2015b). The initial Government Regulation served as a trial run for implementing Law 9/2009 on Educational Legal Entities (*Badan Hukum Pendidikan/BHP*), which mandated that all public and private educational institutions operate as BHP, managing their financial affairs autonomously on a non-profit basis. The initial goal of this law was to improve the quality of educational institutions by promoting a form of governance that encourages competitiveness.

Student activists, alongside progressive non-governmental organisations (NGOs) representing parents of schoolchildren, opposed the BHP Law by challenging it through judicial review in the Constitutional Court. In their requests, they argued that its provisions for financial autonomy and the obligation for citizens to support the education system materially would result in commercialisation. Concomitant with human rights-based concerns, charitable foundations (*yayasan*) operating as private higher education providers also opposed the BHP Law, though for different reasons. They feared that if their private HEIs were required to be established as independent legal entities, they would lose operational control over these institutions and, consequently, the financial benefits associated with them.

At this point, I think it is relevant to briefly review the political settlements (see Khan, 2010) of higher education governance in post-authoritarian Indonesia. While pressures on states to adopt neo-liberalism in higher education governance are a global phenomenon, its templates are often “[...] transformed, excluded, and adapted in line with each country’s historical trajectories, cultural influences, and socio-political contexts” (Naidoo, 2011: 47-48). Rosser (2015b) followed this observation by arguing that the dominant factor mediating neo-liberal higher education reform in Indonesia is predatory forces that have been incubated since the New Order regime. Private education providers sometimes overlap with these forces, as market-driven reforms threaten the ‘spillover market’ they operate in for students unable to secure admission to their preferred public HEIs (Welch, 2006). Meanwhile, progressive elements aiming to democratise the higher education system are still generally excluded from policymaking, leaving the advancement of their agenda reliant on independent institutions such as the judiciary (Rosser, 2015b).

The court, through Decision No. 11-14-21-126 and 136/PUU-VII/2009, ruled in favour of the applicants by abrogating the entirety of Law 9/2009. However, it did not do so on the grounds that market-driven education reform contradicts the right to education. However, it did so by prioritising the concerns of private education providers, arguing that the law violated the right to legal certainty, as imposing a uniform legal status on a diverse educational system like Indonesia’s would disrupt the continuity of educational delivery. This decision exemplifies the signature statist constitutionalism that shapes the legal reasoning of the Constitutional Court (Hendrianto, 2016). Instead of comprehensively defining the nature and scope of human rights, the Court merely reinforced the state’s constitutional obligation to ensure their realisation.

Law 12/2012: Compromised Neo-Liberalism?

The decision pushed neo-liberal technocrats to water down their reform measures, which resulted in Law 12/2012 on Higher Education (HE Law). The law still encourages the financial autonomy of public HEIs, but the Minister of Education and Culture (MoEC) is provided with several options regarding the degree of autonomy implementation based on the readiness of the institutions. Additionally, to accommodate the interests of private providers, their charitable foundations are permitted to retain control over their HEIs, illustrating how domestic factors can mediate neo-liberal pressures.

The law also recognised that higher education accessibility is a human right, therefore the state Higher Education Funds (*Dana Pendidikan Tinggi*) must be allocated to subsidise students' tuition fees. Moreover, the financial autonomy granted to public HEIs must not be used for commercial purposes. Furthermore, the prescription of tuition fees by public HEIs must be based on the economic capability of students, their parents and/or guardians. An affirmative action provision also exists in the HE Law, requiring public HEIs to allocate a minimum of 20 per cent of total admissions to academically capable students from low-income economic backgrounds or disadvantaged regions.

It seems that the HE Law managed to comply with the Constitutional Court's decision without fully abandoning neo-liberal principles. When students returned to the court with three judicial review requests challenging the financial autonomy provisions in the law, the court rejected all of them, consistently arguing that reinstating autonomy from the BHP Law did not violate human rights. This is because the law still retains a significant authority for the government in regulating higher education governance and tuition fee affairs, therefore restricting the potential for marketisation of accessibility. This authority refers to the MoEC's ability to regulate the allocation of state funding for subsidising tuition fees.

Securing Marketisation through Delegated Regulation

The concept of neo-liberal legality argues that law should not be viewed as a mere superstructural tool for removing restrictions on capital accumulation. Rather, law is constitutive to the neo-liberal project as it actively shapes, models, and creates market order and social relations (Brabazon, 2017). Tzouvala (2017) noted that this legal form can manifest by exploiting the indeterminacy of law characteristic of Keynesian legalism to aggrandise executive power over the legislative branch. As previously mentioned, the Constitutional Court's statist constitutionalism approach to interpreting socio-economic rights places significant emphasis on the state's responsibility to uphold these rights, rather than on comprehensively defining their nature. Therefore, even though the HE Law recognises higher education accessibility as a human right and outlines the responsibility of the government to subsidise it, determining the extent of state subsidy was left to the government through ministerial regulations.

This indeterminate provisions on state subsidy is what allows the Indonesian government to continue marketisation of higher education accessibility. In implementing the HE Law, the government introduced a new scheme, the Single Tuition Fee (*Uang Kuliah Tunggal*, UKT), through Ministerial Regulation (MR) 55/2013. This regulation stipulates that

students only pay the portion of operational costs for their degree not covered by state subsidies and prohibits students from covering the full operational costs. Furthermore, this scheme was designed to discourage additional fees and special admission pathways that favour students from affluent backgrounds.

However, the MoEC, along with the Minister of Research and Technology during President Joko Widodo's first term, issued a series of chronological updates to MR 55/2013, revising it successively through MR 22/2015, MR 39/2016, MR 39/2017, MR 25/2020, and MR 2/2024. In each of these revisions, three aspects were consistently updated. First, the indicators that determine the UKT fees students must pay—each revision allowed for higher charges to students, while the portion subsidised by the state became increasingly unclear. The second aspect is the removal of provisions requiring tuition fees to be set according to students' economic capacity, which also eliminated the possibility of full tuition fee subsidies for economically disadvantaged students. This removal appeared only in the latest Ministerial Regulation. The third aspect is the return and legalisation of special admission fees for affluent students. Moreover, these additional fees are also imposed on non-undergraduate students such as graduate students and medical residents.

Borrowing from research conducted by the Free Education Alliance (*Aliansi Pendidikan Gratis*, APATIS) in 2024, this regulation successfully imposed gradual austerity measures on public HEIs. For instance, the ratio of state funding for institutions like the University of Diponegoro and the University of North Sumatra was only 29 per cent and 38 per cent in 2020, respectively. By 2022, these figures had dropped further to 26 per cent and 35 per cent. These figures illustrate how public HEIs have become reliant on tuition fees as their primary source of external funding (Dzulfikar, 2022), as neo-liberal adjustments mediated by predatory forces have hindered public HEIs from commercialising knowledge production (Rakhmani, 2019; Rosser, 2019).

Furthermore, by delegating marketisation measures to ministerial regulations, neo-liberalism has been able to flourish with minimal constitutional oversight. As previously mentioned, the judicial review of government regulations is conducted by the Supreme Court, which has been unable to deliver principled decisions due to inadequate legal infrastructure and persistent corrupt practices. This is apparent when student activists tried twice to request the Supreme Court to cancel these ministerial regulations. Through Decision No. 1 P/HUM/2019, the court upheld the legality of MR 39/2017, arguing that legalising special admission fees for affluent students does not violate the right to higher education accessibility. The court reasoned that this legalisation is merely part of the government's effort to ensure the legal certainty of such fees. Additionally, the legal mobilisation effort by APATIS was also rejected through Supreme Court Decision No. 37 P/HUM/2024. This rejection was based on a formalist argument that the applicants lacked the legal standing to request a judicial review, rendering the case null and void.

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BARRIERS TO MOBILITY: EXPLORING CHALLENGES IN ACCESSING HUMANITARIAN ASSISTANCE FOR THE ROHINGYA IDPS IN RAKHINE STATE

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Abstract

The Rohingya community in Myanmar, particularly in Rakhine State, faces severe human rights violations, exacerbated by the military coup of 2021 and the conflict between the State Administration Council (SAC) and the United League of Arakan/Arakan Army (ULA/AA). The study investigates the impact of restrictions imposed by the SAC and ULA/AA on the healthcare, livelihoods, and humanitarian assistance of Rohingya IDPs in Rakhine state. This research will explore how the restrictions on movements impact social and humanitarian assistance for IDPs and how they are forced to cope with the situation in conflict-affected settings in Rakhine State. Rohingya underpin discrimination under the military coup, and also explore how recent political developments in Rakhine State impact the safety, security, and protection of the Rohingya community. Both state and non-state entities have failed to safeguard the Rohingya, exacerbating their vulnerable situation amid armed conflict. This study will aim to highlight how the rights of Rohingya Muslims were violated and how inequalities and restrictions on movement led to human rights abuses under different governance systems within the Rohingya community in Rakhine State. This research provides an improved understanding of the humanitarian consequences of restricted movement in conflict-affected areas, demonstrating the importance of urgent international engagement to resolve the Rohingya crisis. The research investigation argues that both the SAC and the ULA/AA have failed to protect Rohingya rights in Rakhine State, contributing to their persecution. Furthermore, it aims to inform legislative initiatives that ensure accountability for human rights violations and expedite the delivery of humanitarian aid in Myanmar's Rakhine State.

Keywords: Military coup of 2021/Humanitarian Assistance/Restriction of Movement/Rohingya IDPs in Rakhine State

Introduction

Myanmar, located in Southeast Asia, has faced a decade of ethno-political issues since gaining independence from the British in 1948 (Kipgen, 2016). During the period of the civilian

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government (2010-2020), the long-repeated history of ethno-religious tensions and ethnic armed conflict in Myanmar became a threat, and society had a sense of insecurity and mistrust of each other. The momentum of the ultra-nationalist movement continues to grow. Communities have become more and more separated, and the government is being criticized internationally for remaining silent on discrimination against non-Buddhists, especially Muslims and the Rohingya community in Myanmar. Because of a long history of tension, Rohingya Muslims who have settled in Myanmar since the British colonial period are not considered or accepted as citizens under the 1982 Citizenship Law (Holliday, 2014). Since the military took over in 2021, the civil war between the Myanmar Military, known as the State Administration Council (SAC), and Ethnic Armed Organizations (EAOs) across the country has continued. In November 2024, tensions existed between the Myanmar Military and the Arakan Army (AA). While there are some moderate voices countering the Rohingya issues after the coup, those voices are being attacked by pro-military and Buddhist nationalist groups. Ultimately, the Rohingya in Myanmar face severe restrictions on their ability to voice their concerns and defend their rights. Post-coup, the Rakhine Buddhist armed group known as the United League of Arakan/Arakan Army (ULA/AA) set up its own administration and justice system in Rakhine State and announced an offensive war against the Myanmar military to liberate Rakhine State (Human Rights Watch, 2024). The military is blocking major roads and waterways, destroying nonmilitary supplies, imposing severe restrictions on aid workers, and shutting down telecommunications services.

Furthermore, Rohingya men and boys are being forcibly recruited by the ULA/AA, a rebel organization that is engaged in combat with the SAC, and both sides of the conflict are using the young people as human shields on the battlefield, according to Rohingya sources and rights organizations. Rohingya refugee leaders claim that Rohingya are kidnapping young people from their community in Bangladesh and selling or trafficking them to Myanmar's military for conscription. Due to the intense fighting in Rakhine State, thousands of Rohingya villagers were displaced due to widespread abuses, including arbitrary arrests, arson attacks, and forced displacement by the SAC and ULA/AA (Amnesty Myanmar, 2024). The Rohingya face severe restrictions on humanitarian assistance, healthcare, and livelihoods, exacerbating their vulnerability under Myanmar's military coup and parallel governance systems. Due to the limits imposed by the Myanmar military and ULA/AA, the Rohingya are facing challenges in accessing their livelihoods and basic services. In Rakhine, new bureaucratic restrictions and access limitations associated with the TA (Travel Authorization) process continue to hinder the delivery of humanitarian assistance (OCHA, 2021). The Rohingya communities are at risk due to inconsistent or insufficient aid delivery, due to these challenges. Based on the qualitative interviews with Rohingya in Rakhine State and those who escaped to Bangladesh, this research will highlight how ongoing human rights violations by the stakeholders impact the safety and security of Rohingya; how movement restrictions forced Rohingya to displace safer locations during intense fighting in their townships and how lack of the protection during this civil war between AA and SAC increased risk of Rohingya in access to basic services such as access to shelters, healthcare and foods when they have to or forced to displace during intense fighting. This research will argue that the protection of the Rohingya has become worse under the AA administration, and the rights of the Rohingya are caught in the middle of two armed groups.

Both the ULA/AA and the Myanmar military failed to protect the Rohingya in Rakhine State and even continued their persecution against the Rohingya community.

Research Objectives

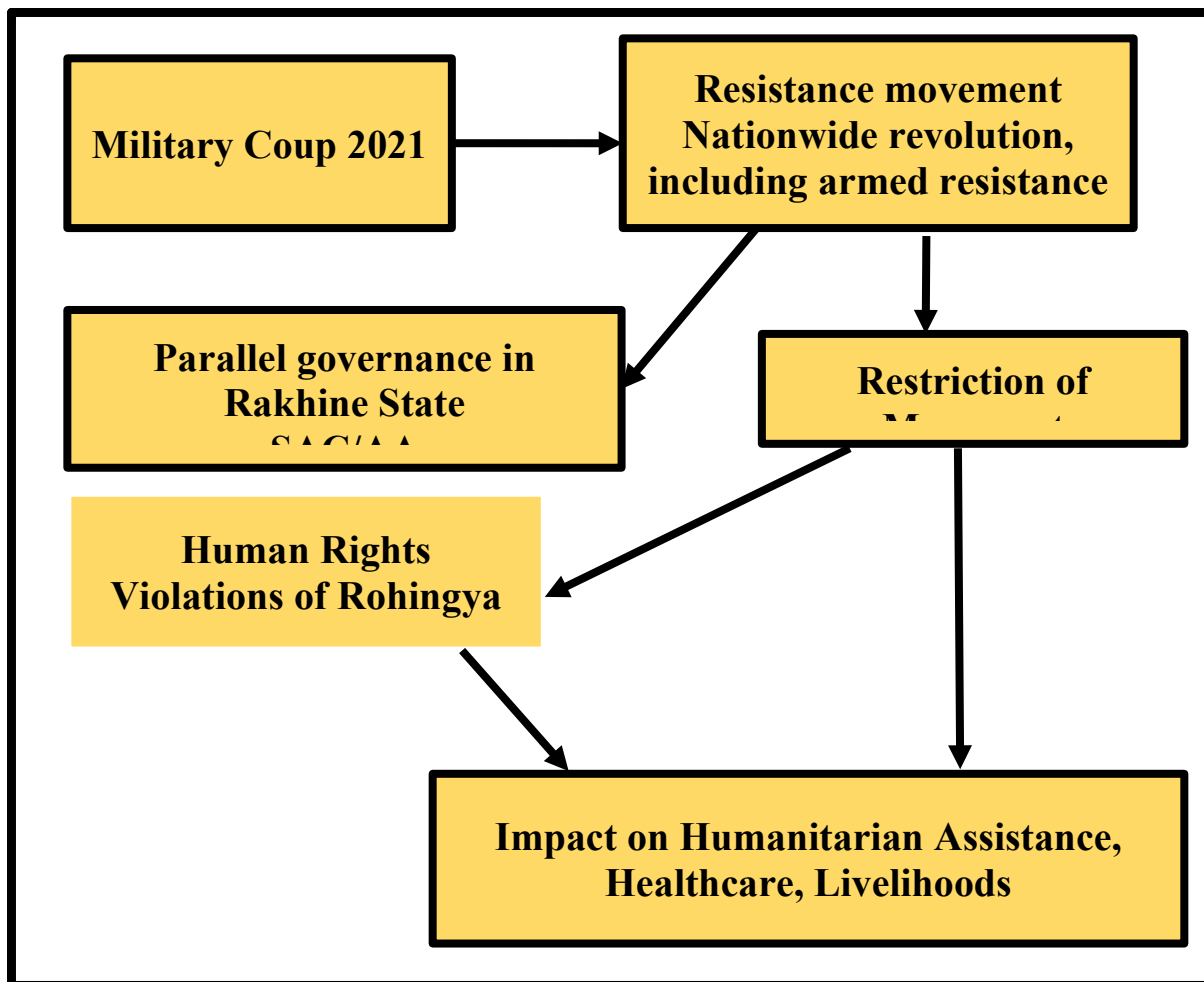
- 1) To understand how the restrictions on movements challenge humanitarian assistance among Rohingya IDPs in Rakhine State.
- 2) To identify the challenges faced by the Rohingya in post-coup Myanmar due to violations of their movements. To explore how they are forced to cope with the situation in conflict-affected settings in Rakhine State.

Methodology

This research uses a narrative approach and interviews to explore the experiences of the Rohingya under Myanmar's military coup and ongoing conflict. According to Creswell and Creswell (2018, p. 60), narrative research is ideal for conveying in-depth stories or personal life experiences of an individual within the context of a small group of individuals. The narrative approach focuses on telling the personal stories of the Rohingya to understand how movement restrictions and violence have affected their lives. By gathering these stories, the research highlights the human impact of these challenges, including access to healthcare, humanitarian assistance, and livelihoods. There will be ten interviewees, aged 18 years and above, male and female, who are originally IDPs from Rakhine State, Myanmar. Interviews are a key part of this study, conducted in Burmese with Rohingya participants who are still IDPs in Rakhine State. These interviews will be conducted securely using online platforms, enabling participants to share their experiences. By combining the narrative approach with insights gained from interviews, this research offers a detailed examination of the hardships faced by the Rohingya and their resilience.

Conceptual framework

The conceptual framework for this research focuses on understanding the challenge of movement restrictions imposed on the Rohingya in Rakhine State. This research will highlight key actors who are responsible for human rights violations, including SAC and ULA/AA, and tactics used against the Rohingya to violate their rights. The Rohingya people face human rights violations, including restricted access to humanitarian assistance, healthcare, and livelihoods, which are protected under international law. The study will examine the effects of restrictions, ongoing persecution, and protections under the current political system, particularly in Rakhine State.



Existing literature on movement restrictions and their impacts provides valuable insights, but also reveals significant gaps. For example, while many studies document the immediate humanitarian consequences of movement restrictions, few explore their long-term effects on livelihoods and health. Additionally, there is limited research on how movement restrictions interact with broader conflict dynamics, such as power struggles between state and non-state actors. The post-coup political landscape has led to the emergence of parallel governance systems, exacerbating the situation for Rohingya communities. Moreover, there is limited research on how international actors and policies influence the enforcement and mitigation of movement restrictions.

Literature Review

Rakhine State is situated on Myanmar's west coast and is one of the country's poorest areas. Its size is 14,200 square miles (Islam, 1999). In Rakhine, it is believed that 59.7% of the 3.8 million inhabitants are Buddhist, 35.6% are Muslim Rohingya, and the rest belong to various religious groups. The Rohingya Muslims did not come from a single race or ethnicity. They are a combination of ethnic groups, including Arabs, Moghuls, and Bengalis (Alam 2013). The Rohingya continue to experience many restrictions and human rights abuses in their nation as a result of being denied citizenship in Myanmar. Numerous oppressive practices are

being faced by them, including arbitrary taxation, land confiscation, the destruction of mosques, torture, extrajudicial executions, restrictions on their freedom of movement, forced relocation and destruction of their homes, forced labor on roads and in military camps, and financial restrictions on getting married. The Rohingya's situation worsened following the 2021 military coup in Myanmar, which intensified armed conflict and political instability. First, the restriction on the movement of the Rohingya in Myanmar has been one of the central aspects of their marginalization and persecution over the past several decades. In these places, the SAC or ULA/AA controls movement, making it difficult for people to access the resources they need, which leads to humanitarian crises and forces them to relocate. Checkpoints, curfews, and travel permits are commonly employed tools that exacerbate humanitarian crises and force displacement, further marginalizing the community. Most of the time, the restrictions are intended to prevent resistance groups from relocating or to limit their access to resources. This movement restriction, which prohibits Rohingya from accessing basic services, including access to healthcare, humanitarian assistance, and livelihoods, increases their marginalization and contributes to poverty and insecurity.

Second, movement restrictions are common in conflict zones worldwide. The imposition of movement restrictions raised critical questions about human rights and international law. According to the International Committee of the Red Cross (ICRC, 2020), restrictions that block humanitarian aid or target civilian populations are prohibited under international humanitarian law. Enforcing accountability in conflict settings often becomes uncertain, problematic, and challenging (Fortin, 2017). However, parties involved in the conflict committed serious violations and abuses of international human rights law, and violations of international humanitarian law, as well as women and girls were subjected to conflict-related sexual violence, for example, in the case of the Sudan conflict (Amnesty International, 2023). Impunity remained the primary concern in conflict-related and human rights violations. In the case of Sudan in 2023, the Sudanese authorities limited opportunities for those trying to flee the violence to the border area, even extorted, harassed, and threatened at the checkpoints the Sudanese people who sought safety (Amnesty International, 2023). As a result of the increased movement of conflict-affected Sudanese people were put at risk of returning to the dangers they were trying to escape, and the significant increase in the cost to seek safety. On the one hand, State authorities employ various strategies to restrict the movements of civilians, including issuing curfews, road blockages, and requiring permission in the name of public security (Brass, 2006; Aburas et al., 2024).

On the other hand, non-state actors, including armed groups, also use movement restrictions to consolidate territorial control over local populations (Bahiss et al., 2022). In addition, the informal economy, which often serves as a lifeline for conflict-affected populations, is also constrained by checkpoints and curfews (Gade, 2017), leading to food insecurity among civilians (IDMC, 2023). Moreover, movement restrictions severely hinder access to basic services, including food, healthcare, and education. In Yemen, road closures and blockades have led to acute food insecurity for millions of people, severely hindering their access to life-saving supplies in both North and South Yemen (OCHA, 2021 & 2024). Finally, restrictions also disrupt humanitarian aid distributions, forcing organizations to navigate ethical, logistical, bureaucratic, and security obstacles (Sowers & Weinthal, 2021; Keen, 2024;

Coppi, 2018). Coppi (2018) argues that an armed group controlled the area, and that the movement required permission from the local authorities. However, it was often unpredictable whether humanitarian agencies could move or pass checkpoints to assist internally displaced persons (IDPs). Cheesman (2017) argues that this law institutionalized discrimination and justified policies limiting the Rohingya's freedom of movement, effectively confining them to camps or restricted areas.

Moreover, the extreme human rights abuses faced by the Rohingya in Myanmar frame their situation as a system of apartheid, a crime against humanity under international law. Both SAC and the ULA/AA have restricted the movement of the Rohingya, creating a dire humanitarian situation. Additionally, the humanitarian crisis in the country is dire, with over 3.5 million people displaced and nearly 22 million in need of assistance. An estimated 1.3 million people have fled to seek safety, with 1 in 5 sea crossing attempts reported as dead or missing in 2025 (UN, 2025). As a result of these movement restrictions, Rohingya communities have been cut off from essential services and effectively confined to isolated areas, with checkpoints preventing travel between townships or out of Rakhine State. Many Rohingya have been forced to flee their homes due to violence or the threat of violence, but movement restrictions prevent them from seeking safety or accessing aid. The report also highlights the international community's failure to address these restrictions and broader human rights violations, calling for stronger measures to ensure that both the SAC and the ULA/AA are held accountable for their actions. The Rohingya communities have been hurt even more by more fighting, militarization, and power struggles between the SAC and the ULA/AA. Movement restrictions have resulted in starvation, unnecessary infections, and avoidable fatalities, according to recent studies (MSF, 2024), which offer concrete facts on the deteriorating humanitarian situation in Rakhine State. Nevertheless, these studies often fail to provide a thorough examination of how movement limitations interact with the broader dynamics of the struggle between the SAC and the ULA/AA. The findings aim to inform urgent interventions for the protection of Rohingya rights by international stakeholders and will highlight the need for immediate humanitarian efforts.

Conclusion

This research is significant as it highlights the challenges faced by the Rohingya community IDPs in the Rakhine state of Myanmar, particularly under the restrictions imposed by the SAC and the ULA/AA after the 2021 coup. It examines how these restrictions affect access to healthcare, livelihoods, and humanitarian aid, exacerbating their vulnerability and ongoing persecution. The establishment of checkpoints, curfews, and arbitrary travel authorizations has effectively restricted the Rohingya to isolated places, denying them essential amenities and forcing them to live in precarious and dangerous situations. The systematic restriction of their mobility sustains their marginalization and adds to a larger pattern of persecution, similar to conditions classified as apartheid and crimes against humanity under international law. The failure of both the SAC and the ULA/AA to ensure the protection of Rohingya rights demonstrates a deliberate disregard for international humanitarian standards.

By doing this, the research will provide an understanding of the situation of the Rohingya population after the military coup, their challenges, and their coping strategies under the barriers of mobility in post-coup. The study findings will show that movement limitations disproportionately affect the Rohingya, exacerbating their vulnerability and reinforcing cycles of severe human rights violations. The roles of the SAC and ULA/AA are anticipated to demonstrate neglect or complicity in perpetuating violations against the Rohingya. Furthermore, the research will reveal how overlapping governance systems contribute to the marginalization of the Rohingya, with heightened risks of taking unnecessary risks for their survival and a lack of protection during armed conflicts. The findings aim to inform urgent interventions for the protection of Rohingya rights by international stakeholders and will highlight the need for immediate humanitarian efforts.

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EXAMINING THE IMPACT OF EXCLUSION OF MIGRANT WORKERS FROM FREEDOM TO FORM LABOUR UNION IN THE THAI LABOUR LAW: A CASE STUDY OF DOCUMENTED MIGRANT WORKERS IN THE SEAFOOD INDUSTRY IN SONGKHLA PROVINCE

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Abstract

The fishing sector of Thailand, which heavily depends on migrant workers for workforce, has been strongly criticised by human rights groups for profiting from labour exploitation and human rights abuses. Labour unions are important agencies for amplifying workers' voices, achieving fair wages, and ensuring decent working conditions. Nonetheless, migrant workers' rights to freedom of association and collective bargaining are not recognised in Thailand, even though the country is a signatory to the International Convention on Civil and Political Rights. The 1975 Labour Relations Act in Thailand strictly prohibits migrant workers from establishing unions. The law only allows migrant workers to become members of labour unions registered by Thai nationals. However, the fishing sector in Thailand is predominantly dominated by migrant workers, with only a small number of Thai nationals present. Therefore, this research aims to examine the impact of excluding migrant workers from the right to form labour unions on wage and working conditions in the seafood sector, using Songkhla province as a case study. This research employs a qualitative research method, including semi-structured interviews and a thematic data analysis approach, to address the research question. The target interview groups include migrant workers in the fishing sector, trade union committee members, and experts in the field of migrant labour. This research hypothesises that the restrictions imposed by the 1975 Labour Relations Act, which prohibits migrant workers from forming a labour union, serving as board members, and participating in active roles, have a significant impact on migrant workers' ability to engage in collective bargaining agreements on fair wages and decent working conditions with employers.

Keywords: Labor Union, Migrant Workers, Fishing Industry, 1975 Labor Relations Act, Freedom of Association and Collective Bargaining

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Introduction

Thailand's seafood industry is a migrant-dominated sector with a notorious reputation for human rights abuses (United Nations Network on Migration, 2024). According to data, approximately 192,000 migrant workers are legally recruited in Thailand's fishing and seafood industry, and tens of thousands more are working in illegal situations in the industry (United Nations Network on Migration, 2024). Thailand has been in desperate need of labour since the introduction of trawl fishing in the 1960s (Ruangsuan, 2018). The industry extensively recruits migrant workers from neighbouring countries to perform this physically demanding and hazardous job, as the low-paid and precarious sector is unattractive to Thai workers (Ruangsuan, 2018).

Songkhla Province, located in the southern part of Thailand, is considered a strategic location for the fishing industry. Songkhla province has a large port where a large number of fishing vessels come and go daily, making it one of the world's busiest fishing ports. As of 2024, 437 commercial fishing vessels have been registered in Songkhla province (Ministry of Agriculture and Cooperatives, 2025). Moreover, the province has a high number of migrant workers. In 2024, a total of 49,897 migrant workers were registered in Songkhla Province, comprising 87 percent Burmese, 5.7 percent Cambodians, 3 percent Laotians, and 4 percent from other nationalities, making Burmese and Cambodians the two largest groups in the province (Ministry of Labour, 2024). In the fisheries sector, 8,118 migrant workers were employed in the province (Ministry of Agriculture and Cooperatives, 2025).

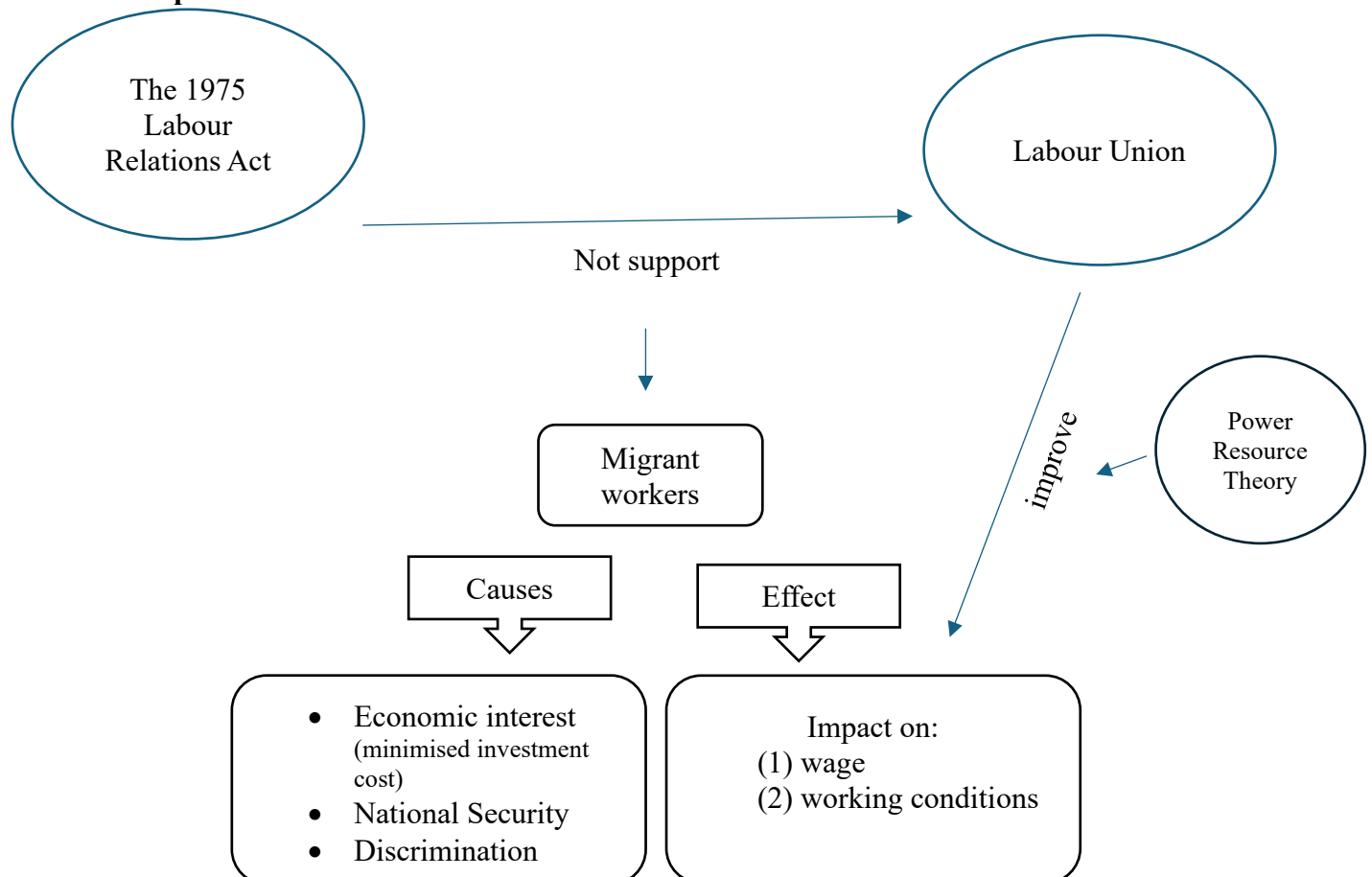
Unlike migrant workers in other sectors, those in the fishing industry are more likely to be exposed to labour rights violations because the work takes place onboard fishing vessels at sea, which makes it difficult for the government to monitor and regulate labour practices (Ruangsuan, 2018; Vandergeest & Marschke, 2020). There has been a condemnation by the international community that the 5.4 billion USD worth of the seafood industry of Thailand is making profits out of financial exploitation, forced labour, and abusive working conditions of migrant workers (United Nations Network on Migration, 2024).

To address the situation of human rights violations in the seafood industry of Thailand, the government has ratified the ILO Conventions on Work in Fishing, 2007 (No. 188), and the Protocol to the Forced Labour Convention, 1930 (No. 29). The ratification was followed by strong opposition by vessel owners, who complained that the ratification, specifically C188, imposed an unfair financial burden on employers (United Nations Network on Migration, 2024). Labour rights violations continue to be found despite the ratifications (Zin Thin & Siriwato, 2025).

Labour unions can play a crucial role in addressing the poor working conditions of workers. Trade unions provide a platform for workers to raise their voices and negotiate agreements with employers through their collective action (Marks & Olsen, 2015). The ILO (2023) endorsed the view that freedom of association and collective bargaining are a foundation for achieving fair wages and decent work for all workers, including migrant workers. It protects workers from discriminatory treatment and abusive working conditions. Marks and Olsen (2015) echoed that industries with strong trade union representation have lower levels of human rights abuses.

Nevertheless, labour unions have not been recognised as important agencies in improving the human rights situation in Thailand's seafood industry by the Thai government. Migrant workers in Thailand face restrictions on freedom of association and collective bargaining (FACB). Thailand is a party to the International Covenant on Civil and Political Rights (ICCPR). Article 22, paragraph 1 of ICCPR, specifically states that everyone has the right not only to "join" but also to "form" trade unions for the protection of their interests (OHCHR, 2024). The prohibition on migrant workers forming their unions violates Article 22, which concerns the right to freedom of association under the ICCPR (OHCHR, 2024). However, the 1975 Labour Relations Act of Thailand prohibits migrant workers from establishing trade unions, serving as union leaders, or becoming board members (Marks & Olsen, 2015; Vandergeest & Marschke, 2021). The Act only allows migrant workers to participate in labour unions registered by Thai nationals (Marks & Olsen, 2015). In reality, the fishing sector in Thailand is dominated by migrants (United Nations Network on Migration, 2024), with very few Thai workers due to low pay and harsh working conditions (Chantavanich, Laodumrongchai, & Stringer, 2016; United Nations Network on Migration, 2024). Hence, there is a lack of space and no Thai trade unions in the fishing industry for migrant workers to join (United Nations Network on Migration, 2024). Therefore, this study aims to examine the impact of excluding migrant workers from the freedom to form and organise labour unions in the fishing industry in terms of wages and working conditions in Songkhla Province, Thailand.

Conceptual Framework



There are two main concepts involved in this research: (1) the labour union and (2) the Thai labour protection law. A labour union is an organisation built up by workers that is independent of any employers, and its primary objective is to protect and advance labour rights through negotiation, collective bargaining with employers, or conducting strikes (Mark & Olsen, 2015). The second central concept is Thai labour law. The Labour Relations Act (1975) is a set of rules, regulations, and procedures prescribed by the legitimate government concerning the formation of unions and the conduct of union activities for employers and workers (Thai Contracts, 2024). The purpose of the law is to provide protection to both employees and employers and to ensure that labourers are not exploited and workers' rights are promoted (Allardycy & Partners Attorneys, 2024). If Thailand extended the right to form a trade union for migrant workers and allowed them to take a leadership role in the unions, it could help address wage exploitation and minimise abusive working conditions in the seafood sector. However, the 1975 Labour Relations Act prohibits migrant workers from forming a labour union in Thailand. The three interrelated factors are: economic interest, national security, and discrimination. From an economic standpoint, official unions give workers legitimate power to demand fair wages through a formal collective bargaining process (Teerakowitkajorn, 2023), which can raise labour costs and reduce employer profits. Additionally, migration governance in Thailand is primarily driven by national security considerations (Thailand Migration Reform, 2025), which reinforces restrictive measures on migrant organising (Duncan, 2022). Additionally, discriminatory attitudes, particularly the belief that migrant workers should not earn more than local workers (ILO & UN Women, 2021), further justify their exclusion from union protections.

Literature Review: Power Resource Theory

Power Resource Theory provides an analytical framework on how the role of workers, through mobilisation and collective action, can shape the dominant power of the employers (Bjarke & Jens, 2022). Korpi (1978), the developer of Power Resource Theory, defines power resources as "the properties of an actor that provide the ability to reward or punish another actor" (Bjarke & Jens, 2022, p. 3). In this regard, Korpi (1978) recognised asymmetrical power between workers and employers. He contended that employers own the means of production; thus, they have more power and resources over workers, granting them significant power in labour disputes (Bjarke & Jens, 2022; Campillo & Sola, 2024). According to Korpi (1978), "Through their potential and actual concentration, ease of mobilisation, ease of transformation and range of applicability, capital and control over the means of production are unique resources, which confer great power to a small fraction of the population" (Bjarke & Jens, 2022, p. 3). Thus, the structural advantage that employers have provides them with the ability to reward or punish workers.

On the other hand, workers in white-collar jobs with high skills and knowledge may possess some negotiation power over employers (Bjarke & Jens, 2022). Nonetheless, for the working class who sell their labour in exchange for wages, Korpi (1978) suggested that the only means of increasing their power resources to negotiate on more equal terms with employers is through the collective organisation of labour (Bjarke & Jens, 2022; Campillo & Sola, 2024). Power resource theory posits that collective organisation in the form of labour unions is an important power resource that the working class can leverage to counterbalance

the dominant power of employers, and it can also be used to shape public policies (Bjarke & Jens, 2022). Bjarke and Jens (2022) and Teerakowitkajorn (2023) have suggested that the collective organisation of labour can take diverse forms, and it may not necessarily be restricted only to unions. Teerakowitkajorn (2023) outlined how, in Thailand, where migrant workers are prohibited from registering with trade unions, they find ways to operate as a collective organisation through the formation of grassroots groups. However, Teerakowitkajorn (2023) acknowledged that the lack of legal recognition as a trade union creates an obstacle to compel employers to engage in negotiation. Trade unions possess the binding tool to bring employers to the negotiation table and enforce collective agreements (Teerakowitkajorn, 2023).

Current challenges in the fishing industry

The fishing industry of Thailand confronts two major and interlinked challenges widely discussed in the literature: exploitation of migrant workers and unreported and unregulated fishing (IUU) activities. Both Kadfak (2024) and Kirchner (2019) acknowledge that labour exploitation in the fishing industry in Thailand is a long-standing issue, perpetuated by limited capabilities for surveillance and insufficient detection of violations, given the offshore and often secretive nature of the work. Kadfak (2024) added that labour exploitation at sea has a connection with the migration process, such as the political situation in migrants' home countries, which compels them to sell their labour at sea. Similarly, both Sarapirom, Muensakda, and Sriwanna (2020) and Zin Thin and Siriwato (2025) noted that labour exploitation on fishing vessels is linked to their legal status. Sarapirom, Muensakda, and Sriwanna (2020) stated that undocumented migrant workers and underage individuals tend to end up working on board fishing vessels, where there is a high demand for labourers, and they cannot move anywhere for fear of arrest, which creates a vulnerable situation to be exploited. Zin Thin and Siriwato (2025) highlight that documented migrant workers are also exploited on board fishing vessels in the form of debt bondage arising from illegal, exorbitant documentation fees being charged to obtain legal status. Employers often withhold workers' identity documents to guarantee repayment of this debt, effectively preventing them from changing vessels until the debt is repaid.

Additionally, Illegal, Unreported and Unregulated (IUU) fishing has been widely recognised by scholars as a persistent and serious challenge within Thailand's fishing industry. Yuliantiningsih and Barkhuizen (2021) reported that IUU fishing activities are linked to market demand, and IUU fosters labour exploitation. They commented that inefficient monitoring and supervision of fishing activities by the states enable IUU fishing to continue. A study conducted by Rungsee and Yongvanit (2020) on the problem of commercial fishing in Ranong found that modern fishing technology, along with weak law enforcement, leads to exploitation of marine resources and IUU fishing. Rungsee and Yongvanit (2020) explained that overfishing for a long time with highly efficient fishing equipment without any serious laws to regulate fishing vessels has led to scarcity of marine resources, rendering fishing vessels unable to navigate further for the catch, and some commercial fishing vessels illegally enter the artisanal fishing area of the local community.

Recent concerns among civil society groups over Thailand's fishing industry are the regression of fisheries laws that aim to deregulate fishing vessels, which could ultimately lead to a resurgence of IUU fishing and labour exploitation that Thailand has been combating for a decade (Migrant Working Group, 2024). In 2023, backed by the fisheries association lobby group, a draft law for amending fisheries was proposed to parliament (United Nations Network on Migration, 2024). A civil society group working on human rights and the environment found that 18 articles of the drafted proposal appeared to be controversial and could undermine sustainable fishing and human rights. A key proposal, for instance, involved the relaxation of the regulation of commercial fishing vessels and leniency towards draconian penalties for IUU fishing vessels (United Nations Network on Migration, 2024). While 15 key proposals have been tentatively removed, three concerning articles remain in the draft (Migrant Working Group, 2024). In 2025, civil society groups submitted an open letter to parliament to reject the remaining proposed key amendments to the Fisheries Act B.E. 2558, which would undermine sustainable fishing and undermine labour rights (Network of Human Rights and Environmental Organisations in Thailand, 2025).

Methodology

This study employs a qualitative research approach to gain an in-depth understanding of the significance of freedom to form and join a trade union for migrant workers in the fishing sector, particularly in terms of wages and working conditions. The methodology employed in this paper involves desk-based research, which involves systematically reading academic journal articles on migrant workers and the Thai fishing industry, NGO reports, and UN reports, such as the 2024 Thailand Migration Report, to study the impact of legal restrictions on migrant workers' right to organise a labour union in Thailand.

Findings

The results, based on a comprehensive literature review, underscore two major issues: (1) power imbalance between migrant workers and employers and (2) the problem of persistent labour exploitation in the industry.

Power Asymmetries

The Thai fishing industry is characterised by significant power asymmetries between migrant workers and employers. Employers hold concentrated power through various means, including control over capital and the means of production, as well as legal recognition derived from the 1975 Labour Relations Act. These structural advantages enable employers to engage in exploitative practices with migrant workers and influence fisheries-related policies. For instance, the recently proposed draft rollback of fisheries reforms in Thailand is the result of extensive lobbying by the Fisheries Association, whose employers in Thailand formed (United Nations Network on Migration, 2024).

Migrant workers, on the other hand, are in a powerless situation. There are two factors associated with this, including a lack of institutional power and dependency on employers for legal status.

First, there is a lack of a formal trade union institution to represent migrant workers in the fishing industry, which counterbalances the dominant power of vessel owners and influences fisheries policies. Although migrant workers engage in grassroots organising to improve their working conditions, a lack of legal recognition diminishes their ability to engage in formal negotiated agreements with employers (Teerakowitkajorn, 2023).

Second, the dependency of migrant workers on employers for legal status further puts migrant workers in a vulnerable position and deepens the power imbalance. Undocumented migrant workers in the fishing sector rely on their employers to avoid arrest or being identified as undocumented migrant workers (Sarapirom, Muensakda, and Sriwanna, 2020). In the case of documented migrant workers, they must rely on their employers to pay exorbitant upfront documentation fees resulting from the periodic registration of migrant workers in Thailand (Zin Thin & Siriwato, 2025).

Persistent labour exploitation

Migrant workers in Thailand continue to experience labour exploitation in the Thai fishing industry regardless of their legal status. From the literature review, it can be noted that both legal migrant workers and irregular migrant workers are reported to face exploitation in the fishing industry of Thailand. For irregular migrant workers, fear of arrest and being deported are the critical vulnerabilities that employers can utilise to exploit workers (Sarapirom et al., 2020). In the case of documented migrant workers, the withholding of identity documents and debt is the two means that employers tend to use to control workers (Zin Thin & Siriwato, 2025).

Discussion

The effects of the exclusion of migrant workers from the freedom to form labour unions in terms of wages and working conditions in Thailand

The exclusion of migrant workers from the freedom to form unions has a profound impact on working conditions and wages, deepening the power imbalance between migrant workers and vessel owners. This imbalance undermines workers' ability to negotiate fair wages and influence policies that impact their interests, and it also allows for continued labour abuse.

First, the negotiation of fair wages requires structural power and a binding tool to ensure that workers can compel employers to adhere to the negotiated agreement. Structural power refers to the ability of workers to disrupt the production line through strikes (Bjarke & Jens, 2022). The lack of legal recognition for migrants to form a union in the fishing industry weakens the structural power of workers. For instance, workers in Thailand are at risk of being arrested, detained, or even deported if they initiate strike activities. The 1975 Labour Relations Act prohibits migrant workers from engaging in union activities, and Section 35 of the Act permits authorities to intervene if the union activity is deemed detrimental to national security (Thailaw.com, n.d.). Thus, it undermines migrant workers' ability to disrupt production to

pressure employers to engage in negotiation agreements and binds employers to stay committed to the agreement.

Secondly, the lack of formal representation of migrant workers in the fishing sector prevents them from influencing fisheries policies that affect their working conditions at sea. For employers, they have lobby groups, such as fisheries associations, to raise their concerns with the government and shape fisheries policies (United Nations Network on Migration, 2024); however, such privilege is lacking on the side of migrant workers.

Thirdly, the exclusion of migrant workers from legal rights to form a labour union exacerbates the power imbalance, thereby creating a gap for labour exploitation. Power resource theory helps to understand how those with power can dictate to the weak (Bjarke & Jens, 2022). In the Thai fishing industry, a significant power imbalance exists between employers and migrant workers. Employers in the fishing sector can consolidate their power resources from various sources, including control over means of production and the legal formation of associations. Power resource theory emphasises that the means for workers to achieve power equilibrium is through the collective action of workers in the form of a union (Bjarke & Jens, 2022). Nonetheless, migrant workers lack such power resources to counterbalance employers. They are prohibited from running an official labour union in Thailand (Duncan, 2022). Moreover, they have to rely on employers for their immigration status (Zin Thin & Siriwato, 2025). The two factors make migrant workers powerless and place them in a vulnerable situation for exploitation. As a result, migrant workers tend to keep silent or run away rather than speak out when they experience labour abuse (Khumya, 2018) due to their vulnerability derived from their immigration status and lack of institutional power to challenge the power of employers.

Conclusion

This study aimed to investigate the effect of legal restrictions on the freedom to form a labour union on the wages and working conditions of migrant workers. The study employed power resource theory to illustrate how workers can play a role in balancing the dominant power of employers to promote the interests of workers. This study found a power gap between vessel owners and migrant workers in the fishing industry. Legal restrictions on migrant workers in the fishing industry, which lead to union activities in Thailand, exacerbate the power imbalance. It reduces the power of workers to negotiate fair wages and influence fisheries policies, and it will continue to allow employers to engage in labour exploitation. Thailand, as a founding member of the ILO, should stand for the promotion and protection of workers' rights. The government should remove the legal restrictions imposed on migrant workers and allow them to form a labour union to promote their interests freely. Additionally, Thailand, as a founding member of the ILO, should also ratify Conventions 87 and 98 of the ILO on Freedom of Association and Collective Bargaining. Lastly, the Thai unions should also stand in solidarity with migrant workers and advocate for their right to form a union in Thailand.

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UNPACKING THE FACTORS SHAPING LONG-TERM MIGRATION OF KAREN MIGRANT WORKERS IN PATHUM THANI, THAILAND

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Abstract

This paper examines the experiences of long-term ethnic Karen migrant workers in the Talad Thai Market, Pathum Thani Province, Thailand. The study mainly aims to explore the factors that shape the long-term migration of Karen migrant workers. It employs qualitative methods, utilising semi-structured interviews with four Karen migrant workers, treating them as case studies. These four participants include two recent migrants who arrived after the 2021 Myanmar military coup and another two who have been working in Talad Thai Market for over a decade. The analysis of the study is drawn through the framework of Neoclassical Economic Theory, examining the push and pull factors between Myanmar and Thailand. The findings demonstrate that a single factor does not shape the long-term settlement of Karen migrant workers; rather, it is shaped by a combination of structural economic factors, social connections, personal attachments, legal documentation, and cross-border family obligations. This study contributes to understanding the factors that shape the long-term migration of Karen migrant workers in Pathum Thani Province, Thailand.

Keywords: Karen migrant workers, Long-term migration, social connections, Push and pull theory, Talad Thai Market.

Introduction

The socio-economic landscape of Southeast Asia has long been shaped by labour migration across the region. As one of the region's largest economies, Thailand has relied on migrant workers from neighboring countries to fill labor shortages in low-skilled sectors, such as agriculture, construction, factories, and domestic work (Chantavanich & Vungsiriphal, 2012). Among neighbouring countries, migrants from Myanmar contribute a significant portion of the labour force, drawn by economic opportunities and pushed by prolonged political conflicts (IOM, 2023).

Eventually, many Myanmar migrants have established long-term settlements and become long-term migrants in Thailand. According to the definition of the United Nations Department of Economic and Social Affairs (UNDESA), migrants who move to a different

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country for at least one year or twelve months are considered long-term migrants (UNDESA, 2012). Moreover, Myanmar migrants are ethnically diverse, and Karen migrants represent a significant group due to their direct border with Thailand.

Historically, Karen migrants settled in border provinces for safety and security. More recently, they have expanded into urban and peri-urban areas such as Pathum Thani, which now hosts one of the largest Karen migrant communities in Thailand (IOM, 2024). Pathum Thani province is an economically strategic location and home to Talad Thai Market, the largest agricultural wholesale market in the country. It offers significant employment opportunities for migrant workers. According to the annual reports of the IOM for 2023 and 2024, migrants from Kayin State comprise the largest portion among all Myanmar migrants in Pathum Thani province, with 28% in 2023 and 38% in 2024. Migration from Myanmar to Thailand has occurred in several waves, shaped by conflicts, economic transformation, and political crises. This paper focuses on the research's primary question.

Literature Review: The Migration Patterns of Karen Communities to Thailand

There is a long history of Karen people migrating to Thailand, and this is not a new phenomenon. The migration of Karen people to Thailand began soon after Myanmar gained independence from the British in 1948, followed by civil wars, particularly between the union government and ethnic groups, especially the Karen people. The civil wars intensified after the military took power and continued under successive military regimes in 1962 (Neiman et al., 2008). Over these periods, the military often attacked Karen communities, burned down the entire village and destroyed food supplies, especially during the dry season. As a result, many Karen people had to flee and live in the surrounding forest or locations as Internally Displaced People (IDPs). Moreover, large numbers of Kare people who lived near the border fled into Thailand to seek safety (KWO,2021). The early migration of Karen people to Thailand was mainly driven by forced displacement and conflicts.

The second significant wave of migration began in the 1980s, coinciding with Thailand's rapid industrialization and economic growth. During these periods, Thailand faced significant labour shortages in low-skilled sectors, including agriculture, fisheries, construction, and manufacturing. As a result, the Thai government began hiring migrant workers from neighbouring countries, especially Myanmar (Chantavanich & Vungsiriphisal, 2012). Another study claims that more than 50,000 documented Myanmar migrant workers were employed in Tak Province during this period, particularly in labor-intensive industries such as garment, agriculture, and construction (Niyomsilpa & Sunpuwan, 2014). In addition, Tak province of Thailand directly shares a long border with Kayin state of Myanmar, so a significant number of those migrant workers were likely to be Karen. Therefore, this wave of migration in the 1980s reflects a shift in migration from conflict-driven to economically driven, as migrants entering Thailand are not only refugees but also migrant workers.

Following the Myanmar military coup in February 2021, a new wave of migration occurred, marking the most recent surge in migration. This wave of migration began due to the widespread political crisis across the country. After the civil wars intensified in Myanmar,

many people have faced displacement, and the population of migrants has noticeably increased in Thailand. This wave has involved people from different backgrounds, including youth, professionals, and middle-class urban residents, which is not unlike earlier waves dominated by ethnic groups (Chongkittavorn, 2025). The International Organization for Migration (IOM) (2024) reported that Myanmar migrants tend to enter Thailand as long-term migrants after four years of the military coup, and the number increased by half in January and February 2024 compared to early 2023. Despite some people continuing to seek safety, many also migrated for work as Myanmar's economy rapidly collapsed (IOM, 2024). In addition, the IOM observed that people from Kayin State represent the highest number, making up 20% of those entering Thailand, and are primarily found in Tak, Pathum Thani, Kanchanaburi, and Nonthaburi provinces (IOM, 2024).

Theoretical Review: Neoclassical Economic Theory (Push and Pull)

Neoclassical economics is one of the earliest theoretical approaches to explain labor migration. It views migration as a result of geographic differences in labor markets between the country of origin and the destination (Craiova, 2018). Neoclassical theorists argue that wage differentials and employment opportunities are the primary drivers of international migration. Individuals migrate in search of better job opportunities and higher pay in other countries (Craiova, 2018). Many studies have described how these push and pull factors influence the migration of Myanmar workers to Thailand. For example, the political and economic instability in Myanmar has prompted its citizens to migrate to Thailand for safety and better living conditions (Chantavanich & Vungsiriphisal, 2012). A Myanmar researcher also stated that armed conflicts, a weak labour market, low employment opportunities, and widespread poverty have been consistent for decades (Myat, 2020).

The International Organization for Migration (IOM, 2023) identifies that political instability, armed conflict, consistent displacement, low economic opportunities, and limited access to basic services are key drivers for Myanmar migrants to move abroad. Moreover, one previous study also claimed that one-third of migrants have encountered traumatic experiences such as forced labor, unemployment, and severe poverty (Rukumnuaykit, 2009). The worsening effects of climate change and environmental degradation have also increased the vulnerability of communities that rely on natural resources (IOM, 2023).

On the other hand, pull factors also significantly contribute to the decision of Myanmar migrant workers to enter Thailand. During Thailand's early industrialization in the 1940s, labor shortages and economic growth attracted migrants from neighboring countries, including Myanmar (Chantavanich & Vungsiriphisal, 2012). Factors such as wage differentials, job availability, personal networks, and more stable social environments have made Thailand an attractive destination (Myat, 2020). In addition, higher wages are cited as one of the primary reasons why Myanmar migrant workers enter Thailand (Aung, 2021). Another study highlights that the development of an additional economy in Thailand contributes to providing employment opportunities for migrants as long as wage differentials persist (Rukumnuaykit, 2009). While a few Myanmar migrants from Shan State and Kayin State reported that the

primary reason for migration was due to displacement in their home state, most migrants claimed that the reason was economic (Griffiths & Ito, 2016).

Methodology

This study employed a qualitative method, specifically a case study approach, focusing on four in-depth, semi-structured interviews with long-term Karen migrant workers in Pathum Thani Province, Thailand. The case study included a total of four cases, with two migrants from the recent wave who arrived after the 2021 military coup, having resided in the country for 3 years individually. The other two migrants are those who have worked and stayed in Thailand for more than 10 years to gain a balanced experience.

Data collection is conducted at the Talad Thai Market, the largest agricultural wholesale market in Pathum Thani Province, where a significant population of Karen migrant workers resides. The study location offers a large number of Karen migrants who come from various regions of Myanmar, with a mix of migrants from both earlier waves and recent waves. Four participants are chosen purposively for semi-structured interviews, each representing a household to reflect family-driven motivations for migration and settlement.

Being a native speaker, sharing the same ethnicity and nationality, the researcher conducted interviews with Karen migrant workers in the Karen language. This fact fosters deeper trust and comfort between the researcher and participants, enabling them to provide richer data with greater confidence. Interviews took place in the participants' rooms at night, when they returned from work, allowing them to share their stories and experiences.

Data were analyzed using thematic analysis to categorize the factors contributing to the long-term settlement of Karen migrant workers in Talad Thai Market, Pathum Thani Province. The analysis is primarily drawn from the framework of Neoclassical Economic Theory, examining the push and pull factors that influence them to remain in Thailand for an extended period.

The demographic information of participants is described in the following table

Table 1: The demographic profile of Case Study participants

No	Age	Township	Marital Status	Legal Status	Years of Stay	Family members
K1 (Male)	27	Hpa-An	Single	Full documents	3 years	4 (2M + 2 F)
K2 (Male)	22	Hpa-An	Single	Full documents	3 years	3 (2M + 1F)
K3 (Male)	32	Hlaing Bwe	Married	Full documents	14 years	4 (1M + 3F)
K4 (Female)	35	Hlaing Bwe	Married	Full documents	17 years	6 (1M + 5F)

Findings

The findings present the factors that shape the long-term settlement of Karen migrant workers in Talad Thai Market, Pathum Thani province. They demonstrate that long-term settlement of Karen migrant workers is not shaped by a single factor but by a combination of economic, social, legal, and family obligation factors. Based on the data from four case studies, the findings are categorized into two themes: (1) Social Networks, Legal Access, and Job Security, and (2) Growing Family Needs and Barriers to Return.

Social Networks, Legal Access, and Job Security

The interviews revealed that the decisions of Karen migrant workers to stay in Pathum Thani, Thailand, in the long term are strongly influenced by the presence of social networks, access to legal documentation, and stable job opportunities.

A participant from case two revealed his experiences of how having social connections, such as relatives and friends, secured his migration and supported his livelihood strategies over time.

"When I first arrived in the market, I only stayed at my relatives' room for about one week while they were looking for jobs for me. After two years, when I wanted to change my workplace, my friends also shared the job information." (Case 2 participant, semi-structured interview, May 2025)

These insights highlight that social networks are not only significant in the early stages of migration and settlement, but also in the long term, by providing housing, facilitating job searches, reducing the risks of residence, and sharing job information, which secures their plans.

One participant shared the advantage of having access to legal documents at his residence and for employment security.

"When I first arrived here, I did not have any legal documents, and it was tough to get a job, and I was also afraid to go out as I could not speak in Thai. After I got all legal documents, I feel much better and confident to go to work and travel around the market" (Case 1 participant, semi-structured interview, May 2025).

These experiences demonstrate that having legal documentation is a crucial factor in providing employment security, ensuring safety, and promoting the mental well-being of Karen migrant workers. Moreover, as legal documents are extendable, they support their resident safety, encouraging their long-term settlement in Thailand.

The fourth case participant also shared how stable job opportunities influenced her long-term settlement in Pathum Thani, Thailand.

"We have four daughters in the village, and we need to send remittances monthly. So, we continued working here because there are no job opportunities for exact farming in the village. Unlike in the village, we have stable jobs here and can earn a daily income for our family" (Case 4 participant, semi-structured interview, May 2025).

This story highlights how job stability significantly secures the livelihoods of cross-border families, influencing Karen migrant workers to remain in Thailand.

Growing Family Needs and Barriers to Return

Growing family needs in Myanmar contribute as a critical factor that shapes the long-term settlement of Karen migrant workers in Pathum Thani, Thailand. Migrant workers are strongly connected to their families' responsibilities, and they regularly send remittances to support their families back home.

The participant from case 4 explained that, although she and her husband had lived in Thailand for over 10 years, they still need to continue sending money every month to support their four children, who are living with their grandparents. She said:

"Before the coup, we sent around 7000 baths monthly for our four daughters in the village, which was sufficient for them. However, living costs have increased rapidly following the political instability, and now we need to send them over THB 10,000 per month. So, despite working here for a long time, we cannot save money" (Case 4 participant, semi-structured interview, May 2025).

Moreover, a participant from case 3 also shared that he felt trapped by his family's growing needs and their dependence on him. He shared that:

"I work here alone. My wife and our two daughters remain in the village. My eldest daughter is currently attending high school. As they grow older, their needs also grow, including education fees. Sometimes, I also need to send remittances to my mother. So, I cannot stop working because all of them depend on me." (Case 3 participant, semi-structured interview, May 2025)

These personal stories highlight that their individual choices do not shape the long-term settlement of Karen migrant workers in Thailand. However, a response to their family pressures and ongoing political instability intensifies economic insecurity in Myanmar. Remittance obligations and the dependence of their families on them made return nearly impossible, pushing them to remain in Thailand for the long term.

Conclusion

This study explored the long-term settlement of Karen migrant workers in Talad Thai Market, Pathum Thani, through four case study interviews. The study emphasises that long-term settlement is motivated by a complex combination of factors, including access to social networks, legal documents, secure employment, and increasing transnational family obligations. These conditions are shaped not only by individual choices but also by structural forces that transcend national borders.

From the perspective of Neoclassical Economic Theory, particularly the push and pull framework, such movement and staying behind among Karen workers are rational responses to economic stimuli and constraints. Thailand offers effective pull factors, including employment security, competitive daily wages, legal work permits, and the presence of friendly ethnic networks. This security ensures that settlement is both economically viable and socially secure. Meanwhile, Myanmar's factors, including limited rural employment, increased living costs, political instability, and higher remittance requirements for dependents, deter return and reinforce prolonged migration.

Specifically, the decision to remain behind is not just driven by individual aspirations, but also by mounting family demands left behind, which heighten economic imperatives and emotional responsibilities. As reflected in the cases, migrants are discouraged from returning due to economic dependency and uncertainty back home, which renders return virtually impossible without compromising the well-being of their families.

In summary, permanent settlement among Karen migrant workers is a calculated response to unjust development and prolonged vulnerability in Myanmar, shaped by necessity and opportunity. The study highlights how economic rationale and domestic responsibilities intertwine in migrant decision-making, and how migration, far from ephemeral, may be a long-term survival strategy in the context of prolonged push and pull pressures.

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RIGHT TO REPRODUCTIVE HEALTHCARE SERVICES: EXPERIENCES OF FEMALE MYANMAR MIGRANT WORKERS IN SAMUT SAKHON, THAILAND

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Abstract

Thailand remains a significant destination for migrant workers from its neighboring countries, particularly Myanmar. Samut Sakhon province, a hub for the fishing and seafood processing industries, hosts a large population of Myanmar migrants who are crucial to its economy. Despite formal recognition of their contributions, female migrant workers encounter numerous obstacles in receiving needed services, especially reproductive healthcare. This study examines the structural, personal, and social factors influencing the reproductive healthcare and rights of female Myanmar migrants in Samut Sakhon, Thailand, as well as their coping mechanisms in response to these factors. Based on 12 semi-structured interviews, the study uses a thematic analysis shaped by the 4A framework (Availability, Accessibility, Acceptability, and Adaptability) and is examined through an intersectional lens. Documentation insecurity, language barriers, inflexible work schedules, financial limitations, and restricted access to reproductive health services are identified as common barriers. Intersections with legal status, educational level, and family responsibilities compound these challenges. Within these contexts, women often find solutions through informal sources, such as NGOs, private clinics, and peer support networks. The study concluded that reproductive healthcare access is not simply a question of service availability but of meaningful inclusion shaped by systemic inequities. Without addressing the intersecting disadvantages migrant women face, policies will continue to fall short of ensuring equitable access to care.

Keywords: Right to Reproductive Health, Migrant Women, Intersectionality, 4A Framework

Introduction

Thailand has transitioned from a sending to a receiving country and currently hosts around 2.5 million migrant workers with work permits, the majority of whom come from Myanmar (MWG, 2023). These workers, particularly those in low-skilled occupations such as fishing, construction, and manufacturing, make a significant contribution to the Thai economy

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(IOM, 2022). According to the Samut Sakhon Provincial Labour Office, Samut Sakhon, which is home to Thailand's largest seafood industry, registered over 316,000 legal migrant workers in March 2024, of whom more than 283,000 were from Myanmar. However, this number excludes undocumented workers whose status remains untracked.

Although historically male-dominated, migration is now increasingly feminized. Women from Myanmar, Cambodia, and Laos migrate to Thailand not only with family but also independently to improve their socio-economic status and gain autonomy (IOM, 2018). However, female migrants are frequently exposed to violence, mistreatment, and overlapping forms of discrimination based on gender, legal status, social class, profession, and more (ILO, 2020). They are disproportionately represented in the informal sector (e.g., domestic work, seafood processing), where they also earn less and may be more likely to become undocumented as a result of changes in migration policy (MAP Foundation, 2017). There are various dimensions of reproductive health concerns among the migrants, including stigma, shortage of information, and services that many migrant women experience. In Myanmar, reproductive health education is limited, and stigma around these issues persists (UNFPA, 2022).

In Thailand, legal documentation plays a significant role in determining access to healthcare. Migrants must be registered to qualify for state-provided insurance, such as the Social Security Scheme (SSS) or the Migrant Health Insurance Scheme (MHIS). Those without documentation face fears of arrest or deportation, deterring them from seeking care. While Thailand has ratified international treaties, such as the ICESCR, which guarantees the right to health, a gap remains between policy and practice for migrant populations.

This research explores the reproductive health experiences of female migrant workers from Myanmar in Samut Sakhon. Using the 4A framework—Accessibility, Availability, Acceptability, and Adaptability—alongside an intersectional lens, the study examines how legal, social, and personal factors intersect to influence access to healthcare. It seeks to uncover both the systemic and individual-level barriers migrant women face and highlight how their identities shape their experiences within the Thai healthcare system.

Research Questions

This research study aims to explore the experiences of female migrant workers from Myanmar in Samut Sakhon province in terms of their experiences in receiving reproductive health services in Samut Sakhon as well as examine the quality and adequacy of the reproductive health services, taking into account accessibility, availability, acceptability, and adaptability (4A Framework) and intersectionality. This research employs a case study approach, and the primary methods are considered qualitative as well. To understand this study, the main research questions are focused on the two main categories of the following issues:

1. How do structural, personal, and social factors shape access to and experiences

with reproductive health services and rights to health among female migrant workers from Myanmar in Samut Sakhon? To what extent can these be understood through the 4A framework and an intersectional lens?

2. How do female migrant workers from Myanmar navigate and respond to access to reproductive health services and rights to health in Samut Sakhon?

Methodology

Population and Sampling Strategy

The study focused on female migrant workers from Myanmar aged 18–49 years old, a range aligned with the World Health Organization's definition of reproductive age. The lower age limit was adjusted from 15 to 18 years to reflect ethical concerns regarding autonomy and consent. All participants were residing and working in Samut Sakhon at the time of the study and had lived in Thailand for at least six months.

Purposive sampling was used to identify participants with diverse migration backgrounds, occupations, legal statuses, and lengths of stay in Thailand. This sampling was supplemented by snowball sampling, where initial participants referred others from their social networks. Collaboration with a local NGO (LPN) also facilitated the sampling process. In total, twelve women were interviewed, including workers from seafood and garment factories, a shrimp retail shop, a furniture factory, a local school for migrant children, and a migrant-supporting NGO.

Research tool and Data collection

Primary data was collected through semi-structured, one-on-one interviews with female Myanmar migrant workers, focusing on reproductive health needs, access to services, and coping strategies. Conducted in Burmese with interpreter support, each interview lasted 45–70 minutes and took place at the LPN office and Thai language center during participants' off-work hours. Verbal informed consent was obtained, and all interviews were recorded, transcribed, and translated into the relevant language. Secondary data, including government policies, legal frameworks, academic articles, and NGO reports, was also collected to provide contextual insight and triangulate findings on systemic factors influencing healthcare access in Samut Sakhon.

Data analysis

This study used thematic analysis to explore how female migrant workers from Myanmar in Samut Sakhon access and experience reproductive healthcare. Twelve semi-structured interviews were transcribed, translated, and coded to identify recurring themes, including language barriers, lack of insurance, fear of arrest, and support from NGOs. These themes were organized under structural, personal, and social factors, aligning with the first research question. Interpretation was informed by the 4A framework – accessibility, availability, acceptability, and adaptability – about how key healthcare barriers were experienced by participants within the context of wider systemic conditions.

Intersectionality was employed to explore the role of legal status, gender, marital status, work type, and education in shaping the diversity of experiences. For the second research question, attention was paid to how participants overcame such barriers, and it was found that strategies such as informal supports, ngo help, private care, and self-medication were employed. Quotes were excerpted directly to maintain the richness and authenticity of participants' voices.

Participant Profiles

This study involved 12 female migrant workers from Myanmar, aged between 23 and 42, who were currently living and working in Samut Sakhon. All participants migrated to Thailand for work and

have resided in the country for periods ranging from less than a year to 21 years. Most of them originated from regions such as Yangon, Mon State, and Bago, with varied educational backgrounds.

Employment types among the participants included factory work, such as seafood processing, garment manufacturing, and furniture production. While one worked for a school for migrant children and the other as an NGO worker. Most, especially those working in factories, worked long hours with limited flexibility, often under challenging conditions that affected their ability to access healthcare. All participants had the necessary legal status and valid documentation to reside and work in Thailand. However, most of them reported migrating through an irregular channel when they first came to Thailand. Currently, all were enrolled in either the Social Security Scheme or the Migrant Health Insurance Scheme.

Marital status also varied. Some were married with children, either in Thailand or Myanmar, while others were single, despite a few reporting being in a relationship. These factors influenced their reproductive health needs and their ability to access services.

Language proficiency varied widely, with most speakers having little to no knowledge of the Thai language. While only one who had been in Thailand the longest speaks Thai fluently.

These profiles highlight the diversity within the migrant worker community and provide context for understanding how these women navigate reproductive health challenges in Samut Sakhon.

Findings

This section presents the key findings from twelve in-depth interviews with female migrant workers from Myanmar residing in Samut Sakhon. The analysis is structured around three main themes: structural, personal, and social factors that shape access to reproductive health services. It is interpreted through the 4A framework (Accessibility, Availability, Acceptability, Adaptability) and an intersectional lens.

Structural factors, including bureaucracy, hours of operation, a lack of documents,

and the absence of insurance, were identified as structural barriers. A majority of the participants had insurance through their employer, but some did not have coverage. This limitation restricted their access to reproductive health services and further increased their fear of being arrested, especially among those with irregular status. With clinics not offering services and the waiting time at hospitals being a long one, standard checkups did not include reproductive health care, leading some women to put off seeking help or go to expensive private options.

Personal factors included language barriers, lack of knowledge, and financial limitations. Respondents felt nervous when they were unable to communicate with Thai healthcare workers due to language barriers. Some relied on interpreters, while others bypassed care altogether. Low levels of knowledge about their health rights and services prevailed. Financial barriers such as lack of paid sick leave and out-of-pocket costs make healthcare unaffordable for many, especially since reproductive issues are not urgent.

Social factors included social influences (i.e., support from NGOs, peer networks, and family). Some respondents noted that local NGOs and informal networks provided advice and assistance, particularly in negotiating healthcare systems (e.g., friends and colleagues). Friends and colleagues were also instrumental in helping recommend patients to clinics or accompanying them as translators during visits.

Application of 4A and Intersectional Lens

This chapter applies the 4A framework (Accessibility, Availability, Acceptability, and Adaptability) alongside an intersectional lens to analyze the reproductive healthcare experiences of female migrant workers from Myanmar in Samut Sakhon.

Accessibility remains limited despite policies allowing migrant enrollment in the Social Security Scheme (SSS) or the Migrant Health Insurance Scheme (MHIS). Many women lack proper documentation or face bureaucratic delays, making them fearful of arrest and hesitant to seek care. Even insured migrants often do not complete enrollment due to misinformation or payment barriers. Informal workers are typically excluded and must resort to costly private clinics. Additionally, rigid factory work schedules and clinic hours overlap, forcing women to choose between income and health.

An overwhelmed public health infrastructure constrains availability. Though Samut Sakhon hosts several hospitals and clinics, long wait times, interpreter shortages, and a lack of migrant-focused reproductive services persist. Reproductive healthcare, including contraception counseling or gynecological exams, is often unavailable in local clinics, pushing women to private facilities at additional cost. Although some positive steps have been taken, such as bilingual signage and limited evening hours, these improvements are grant-dependent and not institutionalized.

Cultural taboos, gender norms, and communication barriers all influence the acceptability of certain behaviors. Women often feel shame or fear when discussing reproductive health with male or insensitive staff. Overcrowded clinics and rushed consultations worsen discomfort. While some staff accommodate by assigning female providers, this is not standard policy. NGOs, however, have implemented creative

methods, such as anonymous condom distribution, that better align with cultural sensitivities and increase service uptake.

Adaptability remains weak. Although community initiatives and hospital outreach exist, such as Burmese-language clinic days or migrant health forums, they are sporadic and rarely integrated into public health policy. A lack of sustainable funding and the exclusion of migrants from participatory governance limit systemic flexibility.

Using an **intersectional lens**, the findings reveal that access is influenced by various factors, including legal status, gender, socioeconomic position, language, education, and marital status. Undocumented women, single or with limited Thai, face the most significant barriers. Motherhood also influences care decisions. Many return to Myanmar to give birth due to lower costs and stronger support networks. In contrast, women with documentation, education, supportive employers, and some proficiency in Thai navigate the system more effectively.

Ultimately, reproductive health access is not uniform among migrant women. It is shaped by the intersection of multiple identities and conditions, requiring policies that recognize and respond to these diverse realities.

Coping Mechanisms and Community Responses

This section explores how female migrant workers from Myanmar navigate reproductive healthcare challenges through several coping strategies that are shaped by their intersecting identities. Factors such as legal status, language proficiency, education, economic condition, and family responsibilities all influence their ability and approach to seeking care. Women with legal documentation and some Thai language skills felt more confident accessing public hospitals. In contrast, undocumented or newly arrived women, especially those with limited social networks, tended to avoid public services, often relying on private clinics with Burmese-speaking staff or self-treatment.

Education also played a key role. One participant with a university degree and formal employment was able to access healthcare independently, despite having limited Thai language skills, highlighting how social position can enhance autonomy.

The terms of marital and motherhood status often further intersect with economic conditions, shaping migrants' decisions to seek care. For example, married women from low-income households often return to Myanmar for childbirth due to affordability and familial support. In contrast, single women reported greater isolation and hesitance to seek care due to stigma. Even under similar structural constraints, women's experiences varied. One undocumented woman delayed treatment due to fear, while another in a supportive community accessed care through NGO assistance. These examples demonstrate that access is not only about services being available, but also about the personal and social conditions that influence how women interact with the system.

Discussion

This study argues that access to reproductive healthcare among female migrant workers from Myanmar in Samut Sakhon is not merely a matter of service availability but is fundamentally shaped by how systems respond or fail to respond to the complex realities of migrant women's lives. While Thailand has formal policies that appear inclusive, their implementation lacks the adaptability, cultural sensitivity, and equity needed to make access meaningful for all. The 4A framework reveals that legal provisions alone do not guarantee access when services are delivered in ways that ignore the daily constraints and vulnerabilities of migrant women. In comparison, while Thai women, particularly those in low-income or rural settings, also experience barriers to reproductive healthcare, they are not outsiders to the system. Their ability to speak the language, understand institutional procedures, and feel a basic sense of belonging reduces the emotional and structural barriers that migrant women face daily.

The key point is that exclusion is not simply a matter of chance; it is built into the system. Migrant women are not just passive recipients waiting for care. They actively seek ways to navigate a system that often overlooks them. Their stories demonstrate that access to healthcare is influenced by a combination of overlapping factors, including their legal status, job conditions, ability to speak the language, marital status and family responsibilities. The assumption that one policy or intervention can serve all migrants equally is flawed. Intersectionality exposes how some women, particularly those who are undocumented, single, or isolated, face compounded disadvantages that standard healthcare systems are not so well equipped to address.

Moreover, coping mechanisms such as relying on NGOs, informal networks, or paying for private care reflect resilience, but they should not be mistaken for adequate solutions. These strategies often emerge not by choice, but as a means to cope with the gaps left by an unresponsive system. They are stopgap measures, not lasting solutions to deeper issues of inequality.

This study challenges the prevailing notion that services are universally accessible. It argues instead that proper access to reproductive healthcare must go beyond basic availability to embrace

responsiveness, cultural sensitivity, and a sense of dignity for those seeking care. Without centering the lived experiences of migrant women and addressing how intersecting forms of disadvantage operate, policy efforts will remain superficial. Health systems must move beyond coverage and toward inclusion that is informed, intentional, and intersectional.

Policy Recommendations and Implications for Future Research

This research highlights the importance of making reproductive healthcare more inclusive and responsive to the needs of migrant women. Although frameworks such as the Social Security Scheme and the Migrant Health Insurance Scheme are in place, their application in practice tends to vary. Further studies should explore how these policies are implemented in different regions and assess whether frontline health workers are

adequately trained and equipped to support migrant communities effectively.

Interpreter services and gender-sensitive care remain limited, often relying on the support of NGOs. Public health institutions should institutionalize interpreter roles and train their staff in cultural competence, or collaborate with partner institutions to achieve this goal. Further studies could examine how language support and respectful care influence health-seeking behavior.

Support from friends, peers, and local community members often helps migrant women navigate the healthcare system. However, not everyone has equal access to these networks. Future research may explore how peer support and community education can be formally integrated to provide more consistent assistance to those who need it most.

Finally, future research should include younger migrants, LGBTQ+ individuals, and refugees, and consider longitudinal approaches to better understand evolving healthcare access in response to personal and policy shifts.

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STRATEGIC RIGHTS FRAMING OF THE RIDEEMALIYADDA FARMERS MOVEMENT AGAINST THE BIBILE SUGARCANE PROJECT

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Abstract

This research examines the framing strategies employed by the Rideemaliyadda farmers' movement in their opposition to the Bibile Sugarcane project in Sri Lanka. Since 2006, the village community and other stakeholders have resisted the 65,000-hectare project, repeatedly halting its progress. In 2022, efforts to revive the project resurfaced through Gazelle Ventures and IMS Holdings, which became investors in the project. Over the past 16 years, the movement has evolved, strengthening itself as a collective and expanding its alliances. It now operates under the “Uva-welassa jana aitheen surakeeme peramuna”, a collective comprising diverse stakeholders, including Buddhist clergy, politicians, activists, civil society representatives, and local villagers. This paper explores how movement actors frame their rights and demands and analyzes the complexities of sustained rural resistance. It contributes to understanding the dynamics of land struggles, community mobilisation, and collective action in rural societies.

Keywords: Bibile Sugarcane project, Resistance, Farmers movement, Movement actors, rights framing

Introduction

In the currently dominant neoliberal economic model, a resource that is mainly utilized by developing and less industrialized countries is land, through encouraging foreign investments and investors and making land more and more available to them at the cost of victimizing rural and indigenous communities. Simultaneously, these economic activities have left 40 percent of the planet's land degraded. If this trend continues, another 11 percent of the world's land surface could be degraded by 2050, according to the U.N. Convention to Combat Desertification (UNCCD) (“Global Land Outlook,” n.d.). This pattern of land use is evident in countries across South America, Southeast Asia, Africa, and South Asia.

Nevertheless, resistance to the state's agenda has also existed in Sri Lanka; historically there have been many such resistance movements against various development agendas, for

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example, the Palwatta protests against the Palwatta sugar corporation in the late 1980s, the current movement by the community of Rajanganaya against the commercial aloe vera project, the resistance against the Uma Oya multipurpose development project, the movement against the Port City project in Colombo to name a few. For this paper, I will examine one of the more serious, long-term, diverse, and controversial resistance movements. The Rideemaliyadda farmers' movement has been one of the longest farmers' movements in Sri Lanka, especially against a commercial agriculture project.

The movement began in 2006 with the emergence of discussions in parliament regarding a proposed large-scale sugarcane project in the Uva Province of rural Sri Lanka. The project will span an area of approximately 65,000 hectares of land, encompassing environmentally protected lands, traditional paddy and chena cultivation areas, and land used by the indigenous Vedda community in Sri Lanka. The factory complex spans 149 hectares of land, with the remaining area allocated for sugarcane outgrower operations. The movement has spanned over 17 years while advancing in its strategies and actions, equipped with a collective called the "*Uva-welassa jana aitheen surakeeme peramuna*", a collective of various actors who have been and are active within the movement, ranging from Buddhist clergy, politicians, activists, civil society representatives, and villagers.

In Sri Lanka, there is a gap in knowledge about such resistance movements. Although throughout history, various struggles have utilized environmental, land, and livelihood rights to frame their movements, little to no studies have been conducted that apply a rights-based approach. It is this knowledge gap that I will address in this paper. In the following sections, I will present the realities of mobilizing such a movement and the rights-based framework that underpins it.

Methodology

A qualitative research method was employed in this study. Key-person interviews were conducted with key actors of the movement who have either been a part of the movement since its inception or currently play a key role. They represented a wide range of categories, including clergy, politicians, community activists, environmental activists, indigenous leaders, farmers, women, and Colombo-based activists. Therefore, the sampling method was purposive sampling.

Findings

On Framing Rights and Identity

Many social movements have utilized rights frames to achieve their goals, including the civil rights, women's rights, and gay rights movements. Rights frames are referred to as 'Master Frames' because they are broad in scope, flexible, and inclusive (Benford and Snow 2000). In the Rideemaliyadda resistance movement, which persisted for 17 years, a consistency is evident in the demands centered on halting the sugarcane project and securing recognized land rights. These demands are framed within broader rights frames, encompassing

environmental, social, and cultural concerns for the region. Interviews with movement members reveal a substantiated connection between their demands and the anticipated impacts on the environment, social life, and livelihoods. The impact is categorized into multiple aspects: environmental impact and environmental rights, land rights, and the right to livelihood, with corresponding social implications.

Environmental Impact and Environmental Rights

The sugarcane project will have significant environmental impacts, particularly on the vast expanse of land classified as 'Other State Forests' between Maduru Oya National Park and Gal Oya National Park. The 149 hectares that would be acquired for the factory complex include the Puwakpale reserve forest, which serves as an elephant corridor and habitat. Notably, it houses the country's largest natural assembly of spiny bamboo (*Bambusa bambos*), vital for groundwater retention.

The next impact due to the project is the emergence and escalation of the human-elephant conflict. The destruction of traditional pathways and a decline in food resources will force elephants into human settlements, posing significant risks to both humans and elephants. Farmers also reported that cultivating sugarcane, particularly in areas with declining food sources, would also attract elephants into cultivation lands, thereby aggravating the conflict.

The project's water requirements, as outlined in the Environmental Impact Assessment (EIA) and the project proposal, involve extensive groundwater extraction through numerous boreholes. With plans to construct one tube well every two acres, approximately 81,545 wells are envisioned. This over-extraction in the dry zone of Rideemaliyadda and the districts of Monaragala and Badulla could deplete groundwater levels, affecting springs and waterways, including significant ones such as Rambaken Oya, and even the territories of the Mahaweli River.

The loss of forest cover is deemed detrimental, not only for groundwater but also for the local climate. The community relies on abundant spring waterways and large trees for shade, which helps alleviate the region's heat. Residents, deeply connected to environmental preservation, emphasized their ancestors' efforts in protecting the land, fauna, and flora. They employ various measures such as preserving the elephant corridor, maintaining fire belts around cultivation lands, and avoiding the destruction of trees and vegetation around water springs to ensure a sustainable environment for future generations.

Impact on Livelihood and Right to Livelihood

Farmers in these lands have been practicing diverse crop agriculture for generations, cultivating a wide range of grains, vegetables, and fruits throughout the year. Through rainwater during the monsoons from September and during the dry season, that is, from April to August, they cultivate a portion of their land through water from the river and springs. The introduction of a sugarcane project, characterized by monocropping, poses a significant threat to this diversified agricultural system, which directly challenges their livelihood and right to livelihood. The traditional income cycle, based on diverse crops, occurs every 4 months, while sugarcane harvests and income gains take place every 11 months. This cycle disrupts the farmers' established lifestyle and spending patterns. Community members emphasized the

significance of receiving income every four months, highlighting its importance in managing household affairs such as house repairs and purchasing essential large items, and underscored how this periodicity also contributes to a reduction in overall income.

The shift to sugarcane cultivation also raises concerns about food security. The farmers are accustomed to relying on their lands for daily sustenance, growing a variety of crops for household use. The introduction of sugarcane poses a threat to their food sustainability, as they fear being unable to grow the crops they prefer, resulting in empty kitchens and dependency on external markets. “We cook what we cultivate; when we do not cultivate, we will not have anything to eat,” reported a female community member.

Additionally, the increased use of pesticides for sugarcane cultivation poses health risks, potentially leading to issues such as kidney disease through groundwater contamination. Previous experience with similar projects in Kanthale and Palwatte has demonstrated long-term consequences, including soil infertility resulting from monocropping.

Overall, the shift to sugarcane agriculture not only affects the farmers' income patterns but also raises environmental and health concerns, impacting their livelihoods and right to cultivate their lands as they see fit.

Social Impact

The introduction of the sugarcane project brought about significant social impacts for the farmers. A major threat is posed to the social fabric of these farming communities by taking away farmers' freedom to decide when to work, thereby impacting their ability to engage in social activities and maintain traditional connections with their neighbours. A farmer whom I interviewed said, “With the project, we will no longer be farmers but laborers and slaves in our land.” Currently, they exchange surplus crops among neighbors, which fosters social connections that would be disrupted by the sugarcane project. Such a disruption would not only increase reliance on the market economy but also diminish the current level of food sovereignty that the community enjoys.

Currently, both men and women cultivate with flexibility; however, the introduction of the plantation is poised to assign work predominantly to males, removing women's involvement in cultivation and their contribution to the household economy.

The indigenous Vedda community in Nilgala, whose identity is closely tied to the environment, faces specific threats to their cultural practices and traditional way of life due to the sugarcane plantation. The destruction of their environment implies a loss of both their culture and identity. A study done by Bethany Haalboom (2011) examines how indigenous people, specifically in Suriname, strategically use rights and identity frames in response to conservation and development events. The study reveals variations in frames across actors and events, demonstrating people's ability to creatively assert their collective identity and rights in encounters with such projects. The indigenous community challenges the logic and fairness of protected areas, emphasizing their capacity to protect the environment, asserting their land rights, and using language linked to indigenous identity to reject nature reserves and economic interests (Haalboom 2011). “The development that people want is not the development that politicians and rulers want,” said a provincial opposition politician.

Right to land

The inability to prove their ownership of the land through a document has been one of the most significant drawbacks of the struggle. However, the movement has understood that the right to land does not merely lie in a piece of paper and that there are many other ways to prove and assert ownership. The majority of farmers who cultivate these lands today have worked on them for more than 15 years, some for as long as 30 years, and their ancestors have cultivated these lands for multiple generations. This generational use of land solidifies their right to land. Furthermore, farmers have not farmed these lands for free; they have been paying Acreage tax to the divisional secretariat according to the extent of their land, which further confirms their right to these lands.

On Forms of Resistance

One key finding that emerged from the research was the various forms of resistance that the movement has employed over the past 17 years. The movement employed a variety of resistance tactics, ranging from collective actions, such as protests and mass rallies, to culturally specific practices, including the ordination of trees and almsgiving in Sinhala Buddhist culture. Resistance took both visible historical forms and everyday expressions of peasant resistance, encompassing both collective and individual efforts.

Collective actions of resistance. The movement engaged in modern-day forms of collective action of resistance. Their ^{first} large rally took place in 2007, drawing a crowd of 1,000 people. Since then, it has held protests in towns adjacent and distant. The largest rally in the movement's history took place in Bibile Town in 2022, with over 4,000 people gathering to protest against the project.

Throughout the 17 years, they have submitted four petitions to the government. In 2017, they signed two significant petitions. One was a blood petition, and the first signatures for the petition were collected at the forest land that would be acquired for the project. Simultaneously, they also signed a Sangha.² A petition was signed by 502 Buddhist monks against the project. Each time they went to Colombo to hand in these petitions, they did so in a traditional manner, taking the petitions in a "Doolawa," a traditional swing (a device used by kings and queens for travel), and wearing traditional attire. Further discussions with leaders of the movement said that this was in homage to the ancient Sinhalese kingdom and the heroic role the Uwa Welassa community played in battles against colonial powers.

Confrontational actions of resistance. Within the movement's history, you can also see more confrontational forms of resistance, which occurred in response to actions taken by foreign investors, government authorities, or local companies. These activities sometimes involved 500 or more people and sometimes just a few farmers. Some of these activities included removing signboards set up by the company and dismantling the fence it had built in 2022 overnight.

In 2017, the resistance movement thwarted the company's plan to have President Maithripala Sirisena lay the foundation for the factory on International Environmental Day.

² In Buddhism, the term "sangha" refers to the monastic communities comprising bhikkhus (monks) and bhikkhunis (nuns).

Upon learning of this, the movement announced a counteractivity, an extensive planting of trees at the proposed factory site on the same day. This strategic move compelled the company to cancel the inauguration, and the resistance movement proceeded to ordain over 50 trees and conduct alms-giving for Buddhist monks on the premises. When asked why such a tactic was used, the key actors highlighted the community's religious beliefs and innate connection to the temple, as well as the utmost respect given to Buddhist monks. By draping trees in an orange robe, they metaphorically endowed the trees with a sense of sacredness. This ceremony conveyed a message that the trees should be left untouched. The selection of specific trees for ordination focused on large and mature ones that are significant in maintaining groundwater levels or possess medicinal importance. This resistance tactic aimed to highlight the spiritual and practical value of the trees, emphasizing their importance to the community.

Each time the dozers attempted to destroy their land, they would quickly gather and collectively lie in front of the bulldozers, blocking their path and ultimately making them leave. Furthermore, severe forms of resistance, such as pelting rocks at the factory offices to the point where they had to close their offices and removing plant saplings from the nursery, also took place.

Day-to-day forms of resistance. James Scott in his book *Weapons of the Weak: Everyday Forms of Resistance* (1985) talks about covert forms of resistance that peasants use in their movement. While talking with these movement actors it was clear to me that these farmers mainly in their day to day life have adopted many silent forms of actions or made changes to show their resistance (Scott 1985). Farmers shifted to growing permanent crops, such as coconut and mango trees, to solidify their land tenure. They engaged in subtle communication with supportive villagers, sharing anecdotes like "let them do whatever they like; we are not leaving our land" to convey their steadfast resistance. The villagers also adopted a continuous presence on the land, staying 24/7 to prevent potential destruction by the company.

Other forms of resistance. The movement also utilized art and music to express its resistance. The movement distributed leaflets with resistance poems highlighting the adverse effects of the project and sang in public spaces and on buses. They also utilized street dramas, songs, movie screenings, plant distributions, and drawing competitions to convey their opposition in a creative manner.

Despite legal setbacks, the movement strategically used the appeal process to delay land acquisition, giving them time to plan and potentially dissuading foreign funders.

Numerous studies have demonstrated that presenting alternatives is a crucial component of resistance in rural social movements. It not only undermines the legitimacy of destructive projects but also challenges dominant ideologies and systems, while fostering autonomy and reclaiming power for the movement. In this case, the resistance offered concrete alternatives to the state, proposing more profitable projects and highlighting the suitability of crops like oranges, cinnamon, rubber, and coconuts, which, through their native knowledge, they knew would thrive in their soil and climate conditions.

Analysis and Conclusion

Resistance and framing rights within a resistance movement, especially when it is against a development project, are not merely geared towards getting people to join collective action, but also include awareness building, constructing a concrete argument, a strong set of demands, the reasoning behind those demands, and pointing out alternatives. The foundation of these demands, rationale, and alternatives is grounded in the rights framed by movement actors.

Upon analyzing the collected data, a recurring theme emphasized by activists, clergy, and politicians is the need to build awareness of rights that may not be directly connected to them. For instance, farmers and community individuals will readily defend and advocate for the right to land due to its direct link to their livelihoods. However, substantial groundwork is necessary to instill a comparable defense for other rights, such as environmental and archaeological rights. Raising awareness that these rights significantly impact their livelihoods is a fundamental lesson that movement actors need to impart initially, considering the often-overlooked interconnectedness between these rights.

Similar to many rural resistance movements, these communities are fighting for their livelihoods while also fighting for their land, in a struggle to sustain themselves and their families. At times, the struggle to keep the house running becomes more pressing than the struggle against the sugarcane project. In periods without imminent threat, such as eviction notices or bulldozers encroaching on their fields, farmers continue cultivation until the threat resurfaces. This is why, when you examine the timeline of the movement, there are visible periods of inactivity with prolonged downtimes, accompanied by minimal development.

Essentially, regardless of the level of threat the project poses, social parameters significantly impact people's engagement in the resistance. These social parameters are poverty, family size, the presence of dependent children still in school or relying on their parents, and the presence of elderly dependent on children. It is the responsibility of rights-based organizations and other movement actors to ensure that, within the rights-based approach, the livelihood structures of affected communities are secured and cared for, which in turn ensures the sustainability of the movement.

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WOMEN'S AUTONOMY: BEHIND WOMEN'S DECISION TO DIVORCE (CASE STUDY OF FIVE SURVIVORS OF DOMESTIC VIOLENCE IN NORTH ACEH)

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Abstract

Women have the freedom to determine the direction of their personal goals, including their relationships. The ability of women to make decisions about their own lives demonstrates their autonomy and independence. Women's interests and other interests are negotiated before divorce is declared. Women's experience of surviving domestic violence is one of the reasons for divorce. This research is a case study of 5 women survivors of domestic violence in North Aceh. This research uses some of the data findings gathered from the researcher's doctoral thesis. Giddens' structuration theory is utilized to analyze some factors that influence women's divorce and its consequences. This research aims to answer the question of how women's autonomy is behind the decision of women to divorce. The research findings indicate that kinship systems, customs, and religion influence the decision of 5 women from North Aceh to divorce.

Keywords: women, autonomy, divorce, domestic violence, North Aceh

Introduction

A woman has several options in her life as an agent. In some situations, women are limited in their options. Women's performance is shaped by gender concepts within social and cultural norms. Their personal life, including being single, getting married, starting a family, or divorcing, is covered here. Women frequently face stigma for acting in ways that deviate from these norms. Although divorce, or "fashk" as it is known in Acehese, is acceptable, it is condemned under Islamic law; Acehese women who follow Islamic teaching and tradition think it is acceptable. Some Acehese women cannot avoid divorce for various reasons, one of which is domestic violence. Women who decide to divorce bear the social and economic impacts. This paper aims to explore the autonomy of women in North Aceh behind their decision to divorce.

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Divorce decisions made by women are often not only based on their own interests, but also on the interests of the other person. Children become an important concern for women when deciding to divorce. Additionally, divorce provides legal and social status to women victims of domestic violence. Divorce creates social and economic spaces for women who actively participate in different spheres. These promote women's autonomy. However, it cannot be denied that divorce has a financial impact on women. Women's economic dependence on their former partners makes it difficult for them to support themselves and their children, especially during the early stages of divorce.

Background

Aceh is one of the regions known for its strong patriarchal culture towards men. However, throughout its history, Aceh has provided opportunities and positioned men and women as central agents in both the family and society (Siegel, 1969:138). Many Indonesian heroines, such as Tjut Nya Dien, Tjut Meutia, and Admiral Malahayati, were Acehnese women. Furthermore, there is a concept of *po reumah* (house owner) attributed to women (Hidayah, 2019; Srimulyani, 2010). It is a customary recognition that women are the managers in the family based on Acehnese tradition. However, in practice, Acehnese women still experience the impact of patriarchy practiced by men both in the family and in society—domestic violence and discrimination based on gender challenge Acehnese women. Abdullah (2001) stated that this occurs because of gender construction in the context of Aceh. According to Abdullah, gender and power will be reconstructed continuously. The patriarchy practiced by Acehnese men, who feel their position is threatened, will reproduce new power.

Divorce is one of the solutions for domestic violence. According to Islamic teaching, divorce is accepted; however, it is condemned. For some families, divorce is the best solution when there are no other solutions to resolve the domestic violence. There are two types of divorce in Islam, namely *thala'* divorce and *khulu* divorce. *Thala'* occurs when a man files for divorce against a woman. *Khulu* (in Acehnese called *Faskh*) occurs if the woman files for divorce. Both models are valid according to Islamic law.

Table Number of Divorces in Aceh Province as of February 2025

District/City	<i>Thalaq</i> (man files for divorce)	<i>Faskh</i> (woman files for divorce)
Simeulue	8	65
Aceh Singkil	24	89
Aceh Selatan (South Aceh)	37	171
Aceh Tenggara (Southeast Aceh)	49	232
Aceh Timur (East Aceh)	78	346
Aceh Tengah (Central Aceh)	113	322
Aceh Barat (West Aceh)	28	122
Aceh Besar	55	293
Pidie	87	311
Bireuen	107	356
Aceh Utara	152	625

District/City	<i>Thalaq</i> (man files for divorce)	<i>Faskh</i> (woman files for divorce)
(North Aceh)		
Aceh Barat Daya (Southwest Aceh)	17	115
Gayo Lues	16	79
Aceh Tamiang	54	339
Nagan Raya	45	148
Aceh Jaya	23	62
Bener Meriah	69	188
Pidie Jaya	30	120
Kota Banda Aceh	66	245
Kota Sabang	14	35
Kota Langsa	45	192
Kota Lhokseumawe	56	203
Kota Subulussalam	19	81
Aceh	1192	4739

Source: Central Statistics Bureau of Aceh province (2025)

Based on that table, the five districts with the highest divorce rates are North Aceh, East Aceh, Bireum, Pidie, and Aceh Tamiang. Based on that number, the rate of *faskh* (divorces filed by the wife) reached three times that of *talaq* (divorces filed by the husband). Meanwhile, in North Aceh, the rate of *faskh* became five, even almost six times that of *talaq* in the same year. The data above does not include unregistered divorces due to unregistered marriages (locally referred to as *cerai gampong*). The data above is interesting because, according to Hurgronje (2019), divorce was previously rare in Aceh.

This paper focuses on the divorce stories of five women survivors of domestic violence in North Aceh. This paper aims to examine the autonomy of Acehnese women related to their decision to divorce.

Methodology

This paper is part of my doctoral thesis research conducted in North Aceh Regency, Aceh Province. In my PhD research, I want to examine the pioneering work of women victims of conflict in supporting and advocating for women victims of violence. However, this paper does not intend to focus on the experiences of women as victims of conflict. Conflict often affects women's lives in the post-conflict period. This paper focuses on women's autonomy behind their decisions to divorce.

The researcher used an ethnographic method and a feminist approach in this study. The feminist approach allows the researcher to examine the issues of gender injustice. Injustice occurs in the kinship and family system (Moore, 1988). Meanwhile, ethnography enables researchers to explore the structural aspects encompassing women as research subjects in detail through thick description (Spradley, 1979, 2007). This research focuses on the stories of five

women living in North Aceh. They are survivors of domestic violence who have received support from the RPuK, a local NGO based in Aceh. The four women live in the same sub-district, while one woman lives in a different sub-district.

Here are the profiles of the informants:

No	Name	The last school attended	Age of ^{first} marriage
1	A1	Junior High School	Between 15 and 16 years old
2	A2	Junior High School	Between 15 and 16 years old
3	A3	Junior High School	Between 15 and 16 years old
4	A4	Junior High School	Over 18 years old
5	A5	Elementary School	Over 18 years old

Data were collected through fieldwork observations, in-depth interviews, and a literature study. The researchers observed and interviewed the informants between 2021 and 2022, 2024, and 2025. The researcher lived with two respondents in 2021 and 2022. For that reason, the researcher was able to observe their daily life. Luckily, from 2024 to May 2025, the researcher is allowed to join a WhatsApp group for domestic abuse survivors. Joining the WhatsApp group enables me to observe the dynamics of survivors of domestic violence.

Limitations

This research has limitations because the data was only collected from 5 women. Another limitation is the researcher's proficiency in the local language. Fortunately, some respondents were able to speak Indonesian well, although they had to use local dialects for some words.

Theoretical Framework

Giddens' structuration theory is applied to explain women's autonomy in the context of divorce. Giddens (2016) stated that a social system operates because there is an interaction between the agent and structures beyond the agent. Agents and structures are two components that cannot be separated from each other. Women as agents will respond to the structure related to the motivation of their actions. Meanwhile, the structure shapes or hinders the actions that women can take as agents. The structures that we want to examine further in this paper are the family structure and the social structure surrounding the woman.

Women's autonomy in deciding to divorce in this study is viewed from the perspective of feminist anthropology. Meyers (1987: 619) stated that personal autonomy occurs when conduct is morally permissible and not dictated by any technical rule, and when women are doing what they, as individuals, want to do. Furthermore, Meyer divides women's autonomy into three categories: personal autonomy, programmatic autonomy, and episodic autonomy. Although in principle, an individual has autonomy, the different upbringing of women compared to men causes issues with women's autonomy. Besides that issue, the concept of women's autonomy, according to Meyer, must accommodate traditional women.

Another scholar introduced the concept of relational autonomy (Christman, 2004; Saharso, 2003). Christman (2004: 143) defines relational autonomy as being a free, self-governing agent who is also socially constituted and who defines her basic value commitments in terms of interpersonal relations and mutual dependencies. Furthermore, Cristman (2004) acknowledges the role of power structures and social dynamics in shaping relational autonomy. According to Khader (2016: 125), the concept of relational autonomy is insufficient to fully understand women's autonomy, as changes in social structures and relationships are crucial for overcoming oppression. Khadeer criticises women's autonomy.

In addition, women's autonomy is influenced by their families. Women's autonomy must acknowledge the influence of their families and social relationships (Almog & Herbst-Debby, 2025; Mackenzie, 2019). This statement further reinforces that the issue of divorce is not merely a psychological matter. The divorce phenomenon involves a woman's autonomy, which can be explained from both sociological and anthropological aspects.

Previous research studies on women's autonomy

Decision-making by women, both in their personal and public lives, is closely linked to women's empowerment, as stated by Kabeer (2019). Previous researchers have studied the decisions to divorce made by women and their relation to women's autonomy.

Yan et al.(2023) conducted research on young couples in China. Based on that research, Yan and colleagues found that young couples decide to divorce for several reasons, one of which is the unwillingness to have children. Hierarchical family traditions in China have constructed Chinese children to obey their parents, and women are expected to maintain family harmony. Parents are allowed to intervene in their children's households.

In addition, Simonsson and Sandström (2011) researched the phenomenon of divorce in Sweden from a historical perspective. They found that social, cultural, political, and economic changes influence the divorce rate in Sweden. The researchers believe that individual autonomy and the decline of moral barriers increased in the twentieth century. Second, declining birth rates, increasing marriage ages, and changing marriage models have become the trend. Third, based on the feminist economists, people should consider the costs of marriage.

Findings

Domestic violence: One of the causes of divorce

The divorces that occurred among the four female respondents were caused by the domestic violence they experienced. Out of the five respondents, 2 of them asked *for faskh*. Meanwhile, three women were divorced because of *thalaq*.

Table the form of divorce among the respondents

No	Initial	Type of Divorce	
1	A1	Thalaq	
2	A2	Thalaq	
3	A3		<i>Faskh</i>
4	A4	Thalaq	
5	A5		<i>Faskh</i>

A1, A3, A4, and A5 experienced psychological and economic abuse. Meanwhile, A2 was divorced by her husband because he was already ill and wanted to return to his eldest wife's house.

The table shows that A1 and A2 divorced because they were given *thalaq*. Although they had been victims of domestic violence, both women did not want to get divorced. A1 even experienced domestic violence for a very long time and repeatedly, until she had three children. According to A1, she let her long hair down once she found her husband had betrayed her. She did not eat rice; instead, she ate salt for months. To heal A1's trauma, A1's parents took her to a *shaman*. A4 also has a story that is almost similar to A1's. It was not she who decided to get a divorce, but her husband who asked for a divorce. Meanwhile, in the cases of A5 and A3, although the status of being a widow gets a negative stigma, they have decided to get divorced.

The role of the family in deciding on divorce

In the context of divorce, the role of extended family, particularly parents and older siblings, is crucial. In the past, divorce rarely happened in the Aceh community (Hurgronje, 2019). It is therefore considered taboo for a woman to ask for a divorce. In A1's case, for example, although she experienced domestic abuse for a long time, she remained in her marriage until her ex-husband divorced her. A1's father said, "Alhamdulillah", once he knew her daughter's ex-husband had divorced her daughter. "Alhamdulillah" is a prayer of gratitude, an expression of gratitude and joy in the Muslim belief.

Meanwhile, in the case of A4, her older brother provided significant support to her, replacing her father, who had passed away. Her older brother is demanding accountability from A4's husband, who is considered to have committed domestic violence and abandoned his children and wife. In Islamic teachings, an older brother has obligations towards his mother and sister. An adult brother becomes a guardian in place of his father. Therefore, in A4's case, her brother is actively supporting her because their father has passed away.

In A3's case, the family also played an important role during the divorce period. However, post-divorce, A3 chose to rely on assistance from others as a support system because she felt her family had already helped her a lot.

"When I needed help, they came because, you see, I did not dare to ask my family. The family, if they could help, would do so, but I did not want to complain because from the very beginning of the marriage to the divorce, they were the ones who helped" (interview with A3, November 23, 2021).

The family of each respondent plays a crucial role during the divorce process and in the post-divorce period. Their support varies from psychological to housing, economic, and childcare support for the respondents.

The role of social services and customary institutions at the gampong

Social services provided by the state and civil society organizations at the gampong play a role when women decide to divorce. However, before the case is transferred to the social services, domestic violence will be resolved by the *gampong* (village) mechanism. Women who have household problems will seek help from their families. If the family cannot resolve the problem, they will ask for help from the village head (*Geuchik*), *imam dusun*, *imam gampong* (traditional leaders)

"Especially to the *imam*." So, Mr. *Imum*, we have done this and that, meaning we should not let his household fall apart, right? We intend to unite. Well, it is up to us. If we can endure, then we will stand our ground there. If it is really "ah, I cannot take it anymore, just let it go, can that be done?" Even though whoever it is, the point is we are the good ones. Let us not take it to the left or the right first. Let us just weigh it ourselves. Oh, if that is the case, Mr. Imam, I cannot take it anymore; it is better if I just let it go. Enough. If it gets worse, we have to report it. Do not act arbitrarily like this ... even though it is already the final divorce verse, we still go to the imam" (interview with A5, September 3, 2022).

If the gampong mechanism cannot resolve domestic violence, the issue can be brought to the Syariah Court. At this point, social service providers owned by the state and or civil society organizations play their roles. RPuK, an NGO based in Banda Aceh, assisted the women in filing their divorce case in the Syariah Court in the capital city of North Aceh Regency. Often RPuK works together with the P2TP2A (Service Providers owned by the local government.

The impact of divorce on the five respondents

Divorce causes social, psychological, and economic impacts on women in North Aceh. Women often face negative stigma from their community and sometimes from their extended family (Almog & Herbst-Debby, 2025). Another impact is social stigma. Women are taught to maintain family integrity through their obedience to their husbands. Becoming a widow in Aceh will be viewed with honour if they are widows because their husbands died, especially if they died in the war.

Meanwhile, women who become widows due to divorce, especially *faskh*, have a negative image in society. A1 and her children once experienced persecution by the village leaders because, as a single mother, she was seen as weak. Moreover, women transform their status from homemakers with no income to breadwinners for their families, especially their children. In Acehnese tradition, children go to their mothers after divorce, even though their mothers have no income. It is rare for children to be taken care of by their fathers after divorce.

Discussion

Customs and religion shape Acehnese women

Acehnese women are shaped by traditions from birth to adulthood regarding how they should behave (Hasan, 1977). In Aceh, certain traditions have been observed by families that give birth to daughters. Once the children grow, the boys will be sent to a *pesantren* (Islamic boarding school). When they reach adulthood, there are several prohibitions for adult women; for example, unmarried women are not allowed to visit the deceased's home. That tradition shapes the attitudes and behaviour patterns of Acehnese women, such as their adherence to traditions within the family and community.

Women and society also hold the opinion that women are not allowed to be leaders, except when the ones being led are women. Therefore, it is not surprising that, at the time this research was conducted, female leaders were scarce. The decision of women to become single parents is one form of their courage to take on roles and positions that are not 'common' in society.

Although tradition sometimes challenges the autonomy of Acehnese women, the Acehnese tradition, known as *prumah* (the owner of the house), has provided women with a high social status in the family and community (Hurgronje, 2019: 770). The concept of *prumah* provides women with greater autonomy over their lives when issues arise in their households. At least, the concern about the lack of housing after divorce can be minimised by the woman's position. However, women as homeowners can achieve full autonomy if they have genuine access to resources and space, not just superficial access, or in other words, if they are truly in a position of control over the resources.

Social capital supports the decision to divorce

Family and social services provided by the state and the CSO owned by the women are social capital that support women's decision to divorce. Family support arises from the kinship system prevalent in Aceh. Families in Aceh still adhere to traditional family structures, where the extended family has a significant influence on the life of the nuclear family (Rubianty & Sjafei, 2020). The extended family provides moral and economic support, including housing, caring, and protection to women who experience domestic violence.

When the family members or *gampong* mechanism can not resolve domestic violence, social services provided by the state and CSO become another capital owned by women. These social capitals work effectively in developing women's autonomy. Of course, every respondent has their phase of autonomy. Therefore, relational autonomy, as stated by Christman (2004), is relevant to explain women's autonomy in these research findings.

Gender Inequality in the Family Causes Divorce

The condition of women who are oppressed due to domestic violence, at a certain point, forces women to take measures of resistance. The resistance is not always in the form of open confrontation. The experience of resisting domestic violence teaches women that if they face the same oppression, the step they will take is to break that oppression. Divorce is one solution

to end the domestic violence experienced by women. Divorce is a social action taken by women as agents when they interact with an unjust gender system in the form of domestic violence.

The decision was also influenced by the changing times, as stated by Simonsson and Sadron (2011), who said that the 20th century marked the era of individual autonomy. The parenting style practiced by Acehnese families in the 70's and 80's towards the female respondents was influenced by the increasingly individualistic changes of the times, giving more space to women compared to the time when the female respondents were still children.

Conclusion

The decision of women to end their marriages through divorce is a form of women's autonomy. The autonomy of women is evident in their freedom to have desires, fulfill those desires, and their ability to choose, as well as to act on or realise those choices. The five Acehnese women involved in this research demonstrate that behind their decision to divorce lies their autonomy as women. Their autonomy comes before or after the divorce, depending on each woman.

Kinship systems, religious systems, customs, and gender issues shape the autonomy of women in divorce decisions among Acehnese women. The kinship system practiced in Acehnese extended families plays a significant role in shaping women's decisions, not only before divorce but also after divorce. Meanwhile, the experience of women facing oppression due to gender injustice, causing domestic violence from their husbands, is another factor influencing women's decisions to divorce.

In the context of Acehnese society, religion and customs are inextricably linked to the daily lives of Acehnese women. From a young age, women have been taught to be guardians of the household and the harmony of their families through upbringing. Therefore, it is not surprising that there is a negative stigma against a widow (not caused by the death of a woman's spouse) in society. The decision to divorce made by women proves that women dare to fight against the stigma.

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BLESSING AND CURSE OF THE ALCHEMY TURNING TRASH TO MONEY: THE STORY OF RECYCLING BUSINESS IN MINH KHAI VILLAGE

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Abstract

This research traces the historical evolution of Minh Khai village's recycling business, from its roots in manual activities to its current industrialised model with hundreds of workshops. Through fieldwork and interviews, this research examines how economic opportunities have influenced the community's engagement in recycling and how the local community responds to the benefits and risks associated with this business. This study highlights the complex duality of Minh Khai's recycling industry – on the one hand, it provides livelihood for thousands and contributes to circular economic efforts; on the other, it poses long-term sustainability challenges and exacerbates environmental injustice. Minh Khai stands as a powerful case study of the paradoxes embedded in grassroots economic development, where the alchemy of turning trash into money brings both prosperity and peril, contributing to broader discussions on informal recycling in the Global South.

Keywords: Local Innovation, Plastic Waste, Sustainability Challenges, Informal Recycling, Environmental Justice

Introduction

In North Vietnam, Hung Yen Province has long been renowned for its tradition of copper recycling that has been passed down for many generations and plays a crucial role in diversifying the people's livelihoods alongside traditional farming. Since the implementation of the *Đổi Mới* (Reform) policy and globalization, a new recycled material – plastic has been introduced, which has created a significant agrarian transformation for many rural villages. In this context, a village named Minh Khai has become a pioneer in plastic recycling, creating new opportunities for villagers and opening up a new direction for the development of the recycling trade in the area.

The significant economic benefits brought by plastic recycling are reflected in the rows of high-rise houses, concrete village roads, and the constant flow of plastic transport vehicles operating day and night. Beyond transforming the village's landscape, the rapid development

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of the recycling industry in Minh Khai has also drawn attention from the media. Numerous articles and reports have highlighted Minh Khai as one of Vietnam's largest plastic recycling villages, with an extensive network for collecting and processing plastic waste both domestically and internationally. The media has also emphasized the village's role in utilizing waste resources to improve income, often referring to it as the 'village of billionaires from trash' (Dan Tri, 2022; VietNamNet News, 2024; Vietnamnews, 2024).

The story of the 'alchemy' that transforms waste into 'gold' in Minh Khai village has not only captured media attention but has also sparked debates in academic circles. Some studies view the village as a potential model for a circular economy (Yen et al., 2024), while others highlight the negative environmental impacts of the recycling industry (Salhofer et al., 2021; Thapa et al., 2024), framing it as an example of environmental injustice and waste colonialism (Meur, 2024). The untold story here is how such a 'dirty' business like waste recycling was introduced and expanded in this village: which factors that drive villagers to engage in the recycling business, how they mobilize and utilize available resources, and the crucial role of community networks in building and sustaining Minh Khai's expansive plastic waste economy.

The shift in livelihoods in Minh Khai was not the result of a top-down economic plan but rather the outcome of individual and collective decisions by the local community in pursuit of better income opportunities. Throughout this transition, villagers actively sought market opportunities, equipped themselves with the necessary tools, and innovated techniques to maximize economic returns. The case of Minh Khai could be recognized as an example of local innovation, highlighting the agency of its people in seeking economic opportunities while raising an important question about the future of agricultural production amid the rapid expansion of the recycling industry. Therefore, this paper will examine the introduction and expansion of the plastic waste recycling industry in Minh Khai from the perspective of local innovation, assessing the role of local actors in navigating economic transitions.

Conceptual Framework: Local Innovation in Development

Innovation has been recognized as a crucial driver of development for at least a century. According to Spielman et al. (2009), the foundation of development lies in the ability of individuals, organizations, and societies to improve their capacities and performance. Local Innovation is considered a part of Innovation in Resource-Constrained Communities. Hoffecker (2018) defined Local Innovation as "the process and the product of developing and introducing into use new and improved ways of doing things compared to existing practices within a specific local context, which involve local people and resources in addressing challenges and opportunities present within that context".

As such, Local Innovation shares common characteristics with general innovation but has distinct features that make it unique in the specific context of a locality. First, local innovation refers to new ways of doing things created in a specific local context, addressing issues and opportunities that align with the needs of that community. While innovative in this context, it may not be considered innovative in other contexts. Second, the innovation process

occurs within a specific geographical location, involving people and resources from the local area who collaborate to solve problems or capitalize on local opportunities. Third, it is a form of spontaneous innovation that utilizes local resources.

Researchers and organizations studying Local Innovation emphasize that this innovation arises from the local people themselves, using their resources and initiative (PROLINNOVA, 2009). This innovation also ties into concepts of endogenous innovation and autonomous innovation, where innovation is developed from within the community without relying on external influences.

Methodology

This study employs a **qualitative approach** to gain an in-depth understanding of the experiences, perspectives, and meanings associated with the introduction and expansion of plastic recycling as an example of local innovation in Minh Khai village, Hung Yen, Vietnam.

The data were collected using two qualitative tools: Participant Observation and Key Informant Interviews (KII). Key informants are selected based on their role, experience, and expertise on the subject. The snowball sampling technique was used to select **18** key informants for interviews, as presented in the following table:

Table 1. List of key informants

Group	Code	Gender	Age	Date of Interview
Headman of the village	TT1	Male	40s	5 May 2025
	TT2	Male	50s	6 May 2025
	TT3	Male	50s	21 May 2025
Owners of recycling businesses	CX1	Male	30s	8 May 2025
	CX2	Male	30s	22 May 2025
	CX3	Male	40s	22 May 2025
Workers in the plastic recycling workshops	CN1	Female	40s	10 May 2025
	CN2	Female	30s	10 May 2025
	CN3	Female	80s	20 May 2025
	CN4	Female	40s	20 May 2025
	CN5	Male	20s	20 May 2025
	CN6	Female	60s	21 May 2025
	CN7	Female	40s	22 May 2025
	CN8	Female	50s	22 May 2025
	CN9	Female	70s	22 May 2025
	CN10	Female	80s	22 May 2025
Villagers	NL1	Female	40s	10 May 2025
	NL2	Male	60s	21 May 2025

Findings: The Ecosystem of Plastic Recycling in Minh Khai

Minh Khai's recycling business is a closed-loop recycling ecosystem, spanning from collection and sorting to preliminary processing, and the production of plastic granules and recycled plastic products. The formation and maintenance of the plastic recycling ecosystem is

a community-based one, in which local actors cooperate closely to ensure that the production value chain runs smoothly and efficiently: plastic waste from the city is brought into the village by an informal network of collectors, then sorted and sent to households that process it, to households that recycle and produce granules, and then to other households that specialize in finished plastic products.

Nearly everyone in the community is involved in the plastic recycling business in some form. Those who do not own workshops often participate in auxiliary services such as transporting materials in and out of the village, providing food for workers, renting housing to laborers, or offering entertainment services. These services cater not only to the migrant workforce but also to workshop owners, many of whom are not required to be physically present due to the highly specialized nature of the recycling process.

According to a report by the Vietnam Cleaner Production Centre (VNCPC, 2018), by 2018, around 870 households in Minh Khai (out of 1,000 households) were primarily involved in work related to plastic waste. Among them, about 260 households (approximately 30%) were engaged in collecting, sorting, and trading plastics; 452 households (approximately 52%) were involved in the plastic pelletizing process; 122 households (approximately 14%) were in the business of plastic sheets and other plastic products; and 35 households (approximately 4%) were involved in plastic grinding. Minh Khai village currently has a processing capacity of 550-600 tons per day of input materials, primarily waste plastics such as PE, PP, PVC, PS, HDPE, and LDPE. The source of this plastic waste originates from both domestic (10%) and international markets (90%), including countries such as China, South Korea, Australia, and European nations. Approximately 85-90% of the input materials are used for recycling plastic waste, 5-10% are other recycled materials, and about 3-5% are processed near the village at landfills and roadside areas.

On average, a household engaged in recycling can earn between VND 300 and 500 million per year (approximately USD 11,500–19,000). For hired laborers, machine operators typically earn VND 25–30 million per month (approximately USD 960–1,100), while manual workers involved in sorting plastic or carrying loads earn around VND 300,000 per day (approximately USD 11.5), with lunch provided. One owner revealed that he can earn VND 30 million a day (approximately USD 1,100), and he considers his workshop just a ‘household small business’.

Today, Minh Khai has built a reputation in the field of plastic recycling, but the village has become a focal point in the national debate on environmental management. Referring to Minh Khai as a mere "garbage dump" vastly underestimates the scale and pervasiveness of the waste present in the village. It is more accurately described as a mountain of garbage, with waste saturating every corner of the landscape. Plastic waste is not confined to factories; it spills out into public spaces, accumulating in front of homes, along village roads, in open fields, marketplaces, and even within cemeteries — land once reserved for the deceased now repurposed as storage for non-recyclable refuse.

Moreover, regardless of one's location in the village, the air is heavy with the stench of waste. There is the putrid odor of decaying organic matter trapped in plastic bags, the damp, musty smell of waterlogged plastics, and the acrid fumes emitted by plastic-melting operations.

The scents intensify near plastic sorting sites, where the mixture becomes overwhelming — a sensory marker of the environmental degradation that has become part of daily life in Minh Khai.

The state's intervention in what had long been an informally governed and locally driven economic sector has created a backlash response from the village. At various points, villagers in Minh Khai have demonstrated active resistance to outside criticism of their environmental practices. In response to growing media attention and scrutiny from authorities and environmental groups, residents have occasionally erected physical barriers at the village entrance to control who enters. Outsiders, especially journalists and media personnel, have been met with hostility, and in some cases, were chased away altogether.

This defensive stance reflects the community's deep economic dependence on the plastics recycling industry and a widespread perception that outside criticism poses a threat to their livelihoods. Many villagers feel misunderstood or unfairly targeted, viewing their work not only as a hard-won path out of poverty but also as a source of pride, somehow like a form of "martyrdom" for the world's environment. "My village is suffering from dirtiness while other places enjoy cleanliness", as TT3 said. From their perspective, they are performing the dirty, challenging work that wealthier societies avoid, taking on the burden of global waste in exchange for economic survival.

It is not that Minh Khai does not recognize the trade-offs they are making in pursuing the waste recycling industry; they do not hesitate to assert that plastic waste recycling is causing severe pollution, but for them, these trade-offs are necessary. Under pressure from environmental regulations, factory owners in Minh Khai have begun to pay attention to more sustainable plastic technologies; however, it is not easy to give up an industry with low investment capital and high profits in a direction with unclear output but requiring high investment capital.

Local innovation in Minh Khai is addressing poverty and economic pressure by transforming an agricultural village into a global hub for waste recycling.

The Economic Objective Behind the Minh Khai Village Transition

Innovation does not occur in a vacuum; rather, it often arises as a direct response to specific and urgent problems facing communities, from economic pressures (Hausman & Johnston, 2014) to institutional challenges (Živojinović et al., 2019) and environmental threats (Matos et al., 2022). Innovation, especially local innovation, is shaped by technical knowledge and research investment, but it is also tied to the specific context and dynamics of the community. In most cases, the primary driving force is the need to improve economic conditions, which stems from the desire to increase productivity, reduce costs, and exploit new market opportunities.

The case of Minh Khai village is an example that reflects the close relationship between local innovation and practical economic pressures.

After 1975, Vietnam faced a series of problems: the American economic blockade, the war with the Khmer Rouge in Cambodia, war with China, a series of bad harvests and finally inflation in the 1980s. At that time, agricultural production was not enough to meet the basic

consumption needs of the people. Vietnam had to import more than 1 million tons of food each year, and the poverty rate was nearly 70% (Nguyen, 2006). The deadlock of the subsidized economy was clearly evident in the agricultural sector, the pillar of the national economy at that time, characterized by low productivity, an inflexible distribution mechanism, and a lack of production motivation. Farmers, although being the key labor force, did not have full authority to decide on their output, nor did they have the motivation to invest or accumulate because they did not own the means of production. This situation caused their lives to fall into a state of 'self-sufficiency but still lacking food' (Kerkvliet, 2005).

Amid famine and a livelihood crisis in the 1980s, Minh Khai was a poor farming village with no special resources. The series of wars took away the men, the primary labor force, leaving the fields and agricultural production to the women. Faced with increasingly inadequate farming, the women of Minh Khai were forced to seek survival solutions beyond the traditional agricultural framework. With a long-standing cultural foundation that values the worth of discarded objects, they collected and sorted through trash to find salvageable items, which they sold for profit (Interview TT2, TT3, NL2).

The plastic waste recycling industry began in the 1970s (Schade et al., 2024), a period marked by the oil crisis, which led to high oil prices. Therefore, it is likely that recycled plastic is cheaper than virgin plastic. Plastic recycling gained significant momentum in the 1980s, in response to growing environmental concerns about plastic waste (Liesemer, 1992). Despite the overlapping timeline, it is challenging to find direct evidence that the inception of the plastic recycling industry in Minh Khai was closely tied to global waste recycling activities. However, the Chinese community in Ho Chi Minh City had its market outside of Vietnam. Thus, they were the main customers, playing a key role in starting and maintaining the plastic waste collection business in Minh Khai throughout the 1980s and 1990s (Interview TT1, TT2, TT3).

The period from the 1990s to the early 2000s was the time when the Vietnamese economy began to transition strongly to a market mechanism, with a series of policies to encourage the private sector, normalization of relations with the United States (1995), joining ASEAN, and regional and global economic integration. This context not only helped Minh Khai begin to access the global waste supply chain but also brought financial capital to invest in plastic granulation machinery.

The first foreign-invested industrial parks were built in Hung Yen province (such as Pho Noi A Industrial Park, established in 1998), along with the construction of National Highway 5 connecting Hanoi - Hai Phong, promoting the conversion of agricultural land of some households in Minh Khai. In that context, a villager, Mr. T, took advantage of the compensation for his agricultural land as an opportunity to change his livelihood. He decided to take it one step further than just collecting the waste; he bought used granulation machines and installed them in his house. The capital from compensation became a resource for investing in machinery, marking a significant shift from collecting and sorting plastic waste to recycling (Interviews TT1, TT2, TT3, CX3, NL1, NL2).

The ability to take advantage of this macro-movement can be considered an example of 'neo-endogenous development', emphasizing a flexible connection between external forces and the proactive capacity of local communities (Adamski & Gorlach, 2007). Instead of being

passively affected by land acquisition or industrialization policies, some households in Minh Khai proactively used the top-down forces as a launching pad for innovation.

More Than Material: How Minh Khai Utilises Their Resources

A core feature of local innovation is the mobilization and transformation of available resources into development advantages. Unlike high-tech innovation models, which depend on significant investments and formal R&D systems, local innovation often relies on local resources – including both physical resources (geographical location, infrastructure, available raw materials) and social resources (social networks, indigenous knowledge, labor traditions, community organizing experience) (Hoffecker, 2018).

In the case of Minh Khai, plastic waste, which is considered waste that needs to be disposed of elsewhere, has been ‘localized’ into a strategic material resource. Plastic waste is not a resource unique to Minh Khai. However, the community here has developed a system for collecting, sorting, and processing waste on a large scale and with a high level of specialization, converting waste materials into valuable raw materials. The ability to redefine and restructure the value of seemingly worthless resources into unique development advantages is a key characteristic of local innovation.

Spatial-regional advantages, in which geographic location plays a structuring role for both physical and social resources, are often considered fundamental to regional innovation (Azmi et al., 2023) and should be viewed in the same light for local innovation. Minh Khai is situated in a dynamic and closely connected economic region of Northern Vietnam, adjacent to Highway 5, which connects three central provinces in the North. It is approximately 25 km from Hanoi, 5 km from Bac Ninh, and more than 100 km from Hai Phong Port. This location allows Minh Khai to be sandwiched between three central development poles: the capital, Hanoi (a consumption and waste center), Bac Ninh (an electronics industrial production and logistics center), and Hai Phong (an import-export center via seaport).

The local folk saying "a rooster crows, three provinces can hear it" not only reflects the unique geographical features but also contains the advantage of regional resource rotation that Minh Khai has flexibly exploited. The initial workforce primarily came from Bac Ninh and neighboring villages in Hung Yen Province, where there is a tradition of short-term labor migration (Interviews TT1, TT2, TT3, CX1, CX2, CX3, NL1, NL2). Being close to Hanoi, Minh Khai easily collects household plastic waste, particularly disposable plastic, from large cities where fast-paced consumer lifestyles generate substantial amounts of plastic waste. In addition, the dense industrial park system in Bac Ninh, Hung Yen and Hanoi has become a stable and diverse source of input plastic scrap (Interview CX2, CX3, CN1, CN2). On the other hand, Highway 5 – the main traffic route connecting Hanoi with Hai Phong's seaport – not only facilitates the import of plastic waste (from discarded or re-exported containers) but also helps Minh Khai export plastic granules to international markets (Interview TT1, CX2, CX3).

Kinship networks and personal relationships play a central role in mobilizing and operating available social resources in Minh Khai. In the early stages of plastic recycling industry development in Minh Khai, the labor force primarily came from neighboring villages in Hung Yen and Bac Ninh provinces, mobilized through kinship, marriage, and village

relationships. Initially, the women in the village formed a waste collection network among themselves. Then, with access to technology, the households that owned the granulators hired labor from their neighbors. When the demand for labor increased along with the expansion of recycling business, workers came from neighboring provinces through inter-village marriage and kinship relationships: Many families in Minh Khai had marriage relationships with people in neighboring villages in Van Lam district and especially the border communes of Bac Ninh province, they invited/hired their relatives and friends (Interview TT1, TT2, TT3, CX2, CX3, NL1, NL2). Recruitment through such kinship networks not only reduces transaction costs but also increases trust and bonding between employers and workers, a factor that is especially important in the context of recycling workshops operating on an extended family model, with limited formal management mechanisms.

The Role of the Community in Sharing Innovation

Local innovation emphasizes the use of local knowledge, which does not exist in a fixed form and is transmitted one-way from top to bottom in a formal manner, but is often produced, transmitted and transformed through interactive and informal social networks: experiences passed down through generations within families, skills practiced within professional groups, knowledge orally shared within communities. In a context where localities often lack the financial resources and technical expertise to access advanced technologies, local knowledge-sharing networks become a crucial tool for innovation, helping to disseminate information about techniques, markets, and material sources.

In the plastic recycling industry in Minh Khai, one of the important links in the value chain is the collection of scrap from big cities like Hanoi, which women often undertake. Because they must travel from the village to the city and then cycle through residential areas to buy or collect plastic scrap, they often work in small groups, not only for safety reasons, but also to exchange information and learn from one another. Through daily interactions, they share about the places where they can buy ‘a lot’ (restaurants, grocery stores), the times when households often throw their trash outside (on New Year holiday or when the family moves house), or how to behave and talk to create sympathy and get free waste (Interview CN7, CN10, NL1). These strategies are not learned from books, but rather formed through practice and spread through the process of social learning.

The process of sharing recycling technology knowledge primarily occurs through direct production activities. When only a few households first participated in the plastic recycling industry, they often hired relatives (cousins) or neighbors to work in family workshops. During the labor process, the hired workers learned plastic formulas, how to determine the purity of recycled plastic, manual techniques to remove impurities from raw materials that have not been sorted adequately at the beginning, as well as information about input sources and plastic waste consumption markets. After a period, they accumulate sufficient experience and capital, and then separate to establish their workshops, thereby expanding the recycling network in the village (Interviews with TT1, TT2, TT3, CX2, CX3, and a group of workers).

This process shows the central role of ‘learning-by-doing’, which is very important in the local context. The development of Minh Khai’s recycling business is not based on top-down

technology transfer, but rather the result of horizontal knowledge accumulation within the community, stemming from kinship and neighborhood relationships.

Conclusion

While mainstream discourses on innovation often frame it as the outcome of advanced scientific research and technological progress, the growth of the plastic waste recycling industry in Minh Khai village is instead propelled by ‘soft forces’ – social relations, community traditions, family economic aspirations, and kinship networks. These socio-cultural dynamics, though critical, remain underexplored in the existing literature. In a place like Minh Khai, where the community has organized its entire way of life around plastic recycling for decades, returning to traditional farming is no longer a viable option. The environmental transformation – marked by altered landscapes and the presence of chemical by-products – has made such a shift nearly impossible. While wealthier households may invest in sending their children to study abroad in hopes of securing more stable and prestigious employment, this path is not accessible to all. For many, no alternative livelihood seems to match the profitability of plastic recycling.

In some respects, the residents of Minh Khai have become captives of their success. The very trade that has enabled them to accumulate property and wealth for future generations now binds them to the village, both economically and environmentally. The industry that sustains their livelihoods also endangers their health. As both architects and inheritors of Minh Khai’s dominant profession, the villagers collectively bear responsibility, not only for building this recycling economy but also for confronting its long-term consequences and seeking pathways toward restitution and sustainability.

However, this does not mean that those outside Minh Khai are free of responsibility. The rise of global consumerism, characterized by the relentless production and disposal of single-use plastics, plays a significant role in the emergence of recycling hubs like Minh Khai. By outsourcing the environmental costs of consumption to developing countries, wealthier societies effectively shift the burden of waste management onto communities that often lack the infrastructure to process it safely. Minh Khai’s existence is not an isolated phenomenon, but rather a direct consequence of a global system that prioritizes convenience over sustainability and delegates responsibility down the economic chain.

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THE IMPLICATIONS OF RARE EARTH EXTRACTION ON THE LIVELIHOODS OF PANGWA KACHIN VILLAGERS

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Abstract

While recent research has analyzed rare earth mining in Pangwa Town, Kachin State, Myanmar, focusing on geographically uneven development and the spatial effects of the green energy transition, further exploration is still needed of how Pangwa communities face human rights violations due to the impact of rare earth mining companies and abusive policies that fail to protect community property rights and livelihoods. This paper aims to examine the mechanisms underlying human rights violations associated with rare earth mining operations in Pangwa, Kachin State, Myanmar, with a focus on their impact on the livelihoods, land, and water rights of Kachin villagers. The research will examine how mining companies, in collaboration with armed groups and the Burmese military, contribute to these violations and their effects on the local community. This study employs a qualitative research approach using semi-structured interviews and narrative analysis. Mining companies, in collaboration with armed groups and the Burmese military, exploit natural resources without community consent, leading to displacement, loss of livelihoods, and environmental degradation. This research highlights the systematic human rights violations caused by rare earth mining operations in Pangwa, Kachin State. The findings highlight the failure of state policies to protect community rights, thereby allowing exploitative practices by mining companies and armed groups to persist.

Keywords: Rare earth mining, human rights violations, Kachin State, Pangwa, livelihoods, land rights, water rights, environmental degradation

Introduction

Pangwa village is a remote town in Kachin State, Myanmar, located near the border with Yunnan Province, China. This mountainous area, renowned for its scenic beauty and rich natural resources, has become a hotspot for the extraction of rare earth minerals. According to Awng (2022), since the 2010s, Pangwa has become a rare earth mineral hub with significant attraction for investors. Chinese companies exploit less stringent regulations in Myanmar, particularly in the frontier regions where they can profit from investment, even at high environmental and social costs, without being held accountable. As a result, communities are

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displaced, traditional livelihoods are disrupted, and environmental damage threatens long-term sustainability. The research aims to explore the implications of rare earth mining on the livelihoods of Pangwa villagers, as well as to understand the involvement of armed groups in human rights violations against Pangwa villagers through their behavior and actions. This research examines the implications of rare earth extraction, highlighting how it has led to systematic human rights violations. The collusion between political actors and their backed companies silences community voices, resulting in exclusion from decision-making processes and ultimately depriving individuals of their right to a livelihood and land. This research highlights the literature on the narrative by scholars in discussions by Meehan on green extractivism and post-conflict resource governance, as presented by Woods (2011) and Sadan (2015).

Research Questions

- i. How does the company violate the Pangwa villagers' access to land and water rights?
- ii. How do gaps in governance and deficiencies in legal frameworks contribute to the persistence of human rights violations against Pangwa villagers in Kachin State?

Research Objectives

- i. To analyze how rare earth mining companies and political actors violate land and water rights in Pangwa village.
- ii. To identify weaknesses in governance and legal frameworks that enable these violations to persist.

Literature Review

Natural Resources and Economic Growth in Myanmar

According to Dapice (2016), Myanmar cannot achieve meaningful development based on equality, despite being resource-rich, such as in Kachin State. However, these rich resources have been captured by elites, while the Kachin people continue to face conflict and underdevelopment. In contrast, resource-poor countries like Singapore and South Korea have achieved significant industrial improvement and are moving ahead in modern industrialization. Dapice also argues that distribution and inclusive governance are critical, and it is essential to ensure equitable distribution in order to achieve sustainable growth.

State-Building and Resource Exploitation

Htung (2018) highlights how the state has used development to entrench power, granting land concessions to cronies connected to the military and militia groups. As a consequence of massive resource extraction, the rate of displacement increased significantly, and local people were excluded from economic benefits. Along with resource extraction, Kachin State has experienced militarized expansion through development projects.

Ceasefire Capitalism and Militarized Development

Sadan (2015) and Woods (2011) describe "ceasefire capitalism," where peace agreements serve as tools for expanding military-business control. In Kachin, ceasefire deals

allowed the military and affiliated groups to monopolize resources. This monopoly created fragmented governance structures and entrenched inequalities.

Green Extractivism and Global Inequalities

Meehan (2025) argues that the transition to green energy by Global North countries has significant drawbacks, particularly for the Global South. This green transition imposes burdens on countries like Myanmar, where communities in Pangwa, Kachin State, are bearing the cost of rare earth mining for green development. The Pangwa communities are entangled in conflict and face systemic marginalization, effectively sacrificing their well-being for the environmental goals of the Global North.

Indigenous Rights and Environmental Justice

Gilbert (2017) and Bebbington and Williams (2008) highlight the challenges faced by indigenous communities worldwide due to the expansion of mining. These include land dispossession and water contamination, which have severely impacted their livelihoods. Although international law recognizes the land rights and self-determination of indigenous peoples, in reality, law enforcement remains ineffective, and both policy implementation and legal enforcement are weak.

Environmental Impacts of Mining

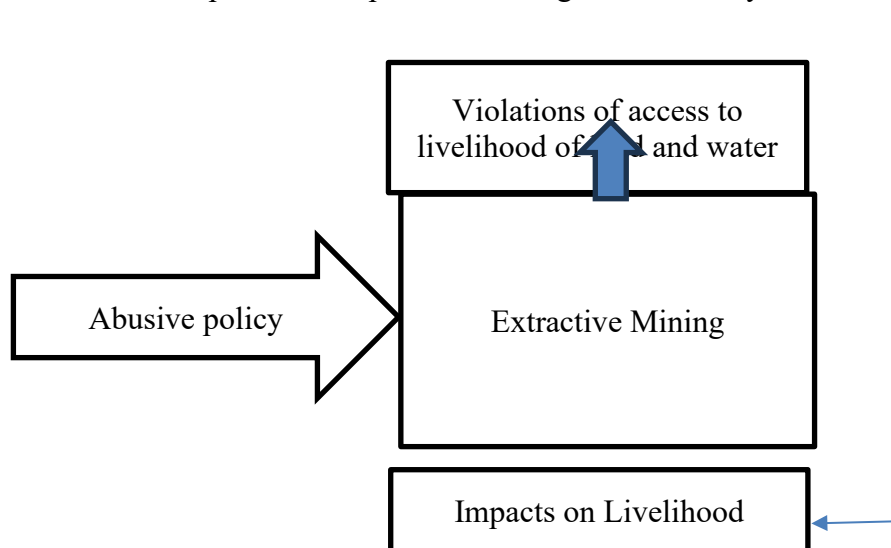
Mensah et al. (2015) and Wickham et al. (2013) describe the long-term environmental degradation caused by surface and mountaintop mining, including erosion, soil infertility, water pollution, and biodiversity loss. These theoretical insights are also applicable in the case of mining in the Pangwa region, where the impact is readily visible. Trees have been cut down, and the mountaintop surface has been cleared to dig holes for the extraction of rare earth minerals. A large amount of chemical substances used in the process have contaminated the river, resulting in polluted water. As a result, the flora and fauna have become extinct due to the presence of toxic elements in the water.

Conceptual Framework

Abusive policies, extractive mining, and restricted access to land and water resources are categories of harm that negatively impact the livelihoods of the Pangwa community in Kachin State, Myanmar. Abusive policies, including land confiscation, displacement, and military-backed resource control, prioritize foreign investments over community rights, depriving villagers of their farmland and water sources. Extractive mining, sporadic earth mining by Chinese companies and militia-affiliated groups, leads to severe environmental degradation, including deforestation, soil contamination, and water pollution, making agriculture unsustainable. Restricted access to land and water, enforced through militarization and government negligence, forces villagers to abandon their traditional livelihoods, exacerbating poverty, food insecurity, and social instability. The lack of government regulation and community participation in decision-making further worsens their vulnerability. These categories are interconnected and lead to systemic human rights violations in Pangwa village.

When the government and local authorities implement policies, they often favor business investors. These abusive policies create a pathway for mining companies, enabling them to operate without being held accountable for their actions and allowing them to remain with impunity and in disregard of the law. Conversely, due to this mining operation, the community is restricted from accessing essential resources, such as land and water, which are crucial for their livelihood. These abusive policies, extractive mining practices, and restricted access to resources undermine the survival of Pangwa villagers after losing their livelihood. Communities lack a venue to participate in decision-making processes regarding land and the loss of their right to livelihood, and are marginalized from accessing information.

Communities have been displaced without proper compensation, and land has been confiscated through coercion or bribery. These mining companies were backed by the military and its affiliated groups, like the militia. Communities are living under a militarized regime. Government authorities issue permits without proper consultation with communities and without compensation. This conceptual framework helps us understand how the implications of rare earth mining extraction negatively impact the environment and the Pangwa villagers, as well as how structural violence operates in this region, by highlighting how these interconnected factors systematically violate human rights, aiming to expose these injustices and advocate for policies that protect the Pangwa community's land, resources, and livelihoods.



Research Methodology and Methods

Design and Methodology

- Research Design: Qualitative Narrative Research
- Method: Semi-structured interviews focused on lived experiences
- Sampling Strategy: Purposive and snowball sampling

Sample Size and Participants

- Total Participants: 12

- Villagers from Pangwa: 8 individuals directly affected by rare-earth mining (e.g., livelihood disruption, environmental damage)
- CSO/NGO Representatives: 4 individuals working on human rights, environmental protection, and community resilience in Kachin State

This sample size ensures thematic saturation and practical feasibility in a conflict-affected region. Participant recruitment may be stopped earlier if saturation is reached.

Participant Selection and Ethics

- Participants will be identified through trusted local networks and gatekeepers.
- Participation is voluntary with informed consent.
- Safety, confidentiality, and ethical handling of sensitive information will be prioritized.

Data Collection

- Mode: Remote one-on-one interviews via Signal app (for security)
- Duration: 60–90 minutes per interview
- Coordination: Supported by local CSO contacts
- Location: Remote (no in-person travel due to safety concerns)

Tools and Instruments

1. Interview Guide:
 - Semi-structured and tailored for each group (e.g., villagers, CSO actors, youth, workers)
 - Focus areas: livelihood loss, environmental impacts, perceptions of state and corporate roles
2. Audio Recording (with consent):
 - Digital recording preferred
 - If not safe, detailed field notes will be used
3. Field Notes & Observation Logs:
 - Capture non-verbal cues, interview context, and researcher reflections

Data Processing and Analysis

- Transcription: Verbatim transcription of all interviews
- Translation: From Kachin or Burmese to English if needed
- Analysis Method:
 - Thematic analysis using open and axial coding
 - Focus on key patterns: livelihood disruption, governance issues, conflicting narratives

- Analysis of personal and collective themes

Validation and Triangulation

- Share preliminary findings with selected participants or experts for feedback
- Cross-check interview data with:
 - CSO reports
 - News articles and academic research
 - Government and international policy documents

Discussion

The findings from Pangwa align with the literature of “ceasefire capitalism” and “green extractivism.” This literature review and its findings help me understand that not only is the rare earth mining operation in Kachin State not alone in environmental mismanagement, but it is also seen as a systematic form of exploitation linked to the just transition of green energy and the militarized regime.

Recent work by Woods (2011) and Sadan (2015) describes that, in post-ceasefire Myanmar, development projects have often functioned as instruments of military expansion. The military, along with its affiliated militia groups, has primarily targeted resource-rich regions such as Kachin State. This involvement reflects a deliberate attempt to consolidate power under the guise of economic development. The case of Pangwa exemplifies this dynamic, where development is used as a façade to entrench authoritarian control. By facilitating land deals and protecting the interests of business actors—often at the expense of public welfare, safety, and security—the military seeks to extend its influence over ethnic Kachin territories and strategic borderlands under the pretext of national development.

Similarly, Meehan (2025) describes green extractivism as the process by which the environmental costs of the green energy transition are outsourced to the Global South. Pangwa, as a hub of rare earth mining, exemplifies a “sacrifice zone” where local communities bear the cost of global technological advancement. The environmental degradation and social dislocation reported by villagers highlight the injustices embedded in this global dynamic. While Meehan (2025) has conducted extensive research on the green energy transition and its adverse impacts on Pangwa communities, the focus is more on the environmental consequences and the burden placed on local populations—such as conflict and ecological harm—rather than on direct human rights violations. Therefore, a knowledge gap remains that requires further research on human rights violations, particularly concerning the right to livelihood affected by rare earth mineral extraction operations.

Hathaway (2020) provides an examination of the complicity of state institutions in perpetuating these injustices. The collusion between Myanmar's military regime and Chinese firms clearly illustrates how corporate interests are prioritized over the public good. Laws are often crafted to favor corporations, while enforcement of stricter regulations and the rule of law is neglected. This legal framework is designed to serve corporate interests, reflecting a

broader global trend. In the absence of strong Corporate Social Responsibility (CSR) frameworks and effective environmental oversight, corporate actors face little accountability for the harm they cause.

This case also aligns with Simpson's (2020) critique of Myanmar's resource governance. Even during the reform period (2011–2021), environmental policies were poorly implemented, and public participation was minimal. The military coup in 2021 further deteriorated this landscape, reviving authoritarian governance and undermining gains in transparency and accountability.

At a geopolitical level, Chinese demand for rare earths is a critical driver of exploitation in Myanmar. Chinese companies circumvent stricter environmental regulations at home by relocating their operations to politically unstable regions, such as Kachin State. This relocation reflects what Simpson (2020) observed in Latin America: transnational corporations exploiting weak governance environments to minimize costs and maximize profits.

In essence, the case of Pangwa highlights how intersecting forces—military power, foreign investment, weak governance, and global demand—combine to disenfranchise indigenous communities. It illustrates how local environmental injustices are embedded in global economic systems and political structures.

By drawing on Simpson's (2020) recent work, it becomes evident that holding Chinese companies, both illegal and domestic, and rare earth mining firms accountable for environmental harm and human rights violations remains a major challenge. The enforcement of the rule of law and sustainable development has weakened, with an increase in violations compared to previous years. People in Pangwa continue to live in a conflict zone, facing war, displacement, and the loss of land and property. The exploitation of rare earth minerals by foreign companies is expanding, driven by global demand for green transition technologies. Chinese demand for rare earth resources is a critical driver of this exploitation, which has led to intensified conflict due to competing economic interests, power struggles, and military expansion. The military and its affiliated militias are increasingly asserting control over the region, exacerbating the situation. From a geopolitical perspective, Pangwa's proximity to the Chinese border allows illegal Chinese companies to profit through partnerships with the military and local authorities. This fact mirrors similar dynamics in Latin America, where transnational corporations exploit weak governance environments to lower costs and maximize profits. Although Simpson (2020) focuses on Latin America, the dynamics observed in that region—such as corporate-state collusion, environmental degradation, and the marginalization of local communities—are reflected in Pangwa. This comparison underscores that the situation in Pangwa is not merely a local or isolated case, but part of a broader global pattern.

It highlights how environmental injustice and human rights abuses in resource-rich regions are embedded within transnational economic and political systems, where corporate interests and state power intersect to dispossess and disempower vulnerable populations. Thus, understanding the case of Pangwa requires a global lens that situates local suffering within wider structures of global inequality and green extractivism.

Conclusion and Recommendations

The rare earth mining reflects the violation of Pangwa villagers' rights to access land and clean water in Kachin State, Myanmar. Under the militarized regime, human rights violations caused significant harm to the environment, and this environmental adversity is linked to the violation of the right to livelihoods. These correlations deeply show the violation. The links between rare earth mining companies, which work alongside the militia and military, and have exploited the valuable natural resources, and Pangwa villagers have not benefited from these resources. Instead, they faced human rights violations such as restricted access to livelihood through disruption, which deepens the hardship of their survival and struggles with many difficulties, and causes serious harm socially, environmentally, and economically. This research reveals the connection between rare earth mining companies, armed groups, environmental impact, and restrictions on access to land and clean water. The critical points from the findings are exclusion from decision-making regarding their land and livelihood, and ignoring their voices and silencing Pangwa villagers attempting to find justice and remedy. Instead, they experience this without access to meaningful participation and no proper consultation or compensation. They were pushed off from their ancestral land. The loss of land and water has made it hard for families to survive.

The government's failure highlights its disregard for the rights and voices of Pangwa villagers, and it fails to act with policies that utilize effective laws and regulations, as well as weak policy implementation. The state supports business actors in mining operations and leans toward the companies. With the backing of militia and military forces, companies take over land through coercion or threats. This fact highlights the government's lack of responsibility in protecting its people and its weak enforcement of laws. Villagers persistently face serious threats to their livelihoods, access to livelihood, loss of land and property, and a destroyed environment, and encounter ignorance or silencing.

At a deeper level, this reflects a larger crisis of governance and accountability. Foreign and domestic companies are not held accountable for their actions and often disregard the law. They are unlikely to comply with the rule of law if there is no enforcement or proper implementation of policy. Without adequate monitoring mechanisms to ensure that mining operations adhere to legal procedures, violations are likely to continue unchecked. While the global shift toward green energy is seen as progress, the situation in Pangwa exposes a hidden cost. Communities like those in Pangwa, already poor and politically excluded, are paying the price for rare earth extraction that powers the clean energy industry. Without strong protections and fair systems in place, the move toward sustainability can repeat old colonial patterns of resource exploitation and increase global inequality. Actual green development must include justice and protection for communities affected by extraction.

To address these issues, the following recommendations are proposed:

1. Enforcing Land Rights and Free, Prior, and Informed Consent (FPIC): Recognizing Indigenous and Community Land Rights is Essential. Any development project should obtain genuine and voluntary consent from affected populations.

2. Strengthen Environmental Protection and Enforcement: Laws regulating mining practices must be revised to meet international standards and best practices. Government agencies should be equipped and empowered to monitor compliance and enforce penalties for violations of the law.
3. Increase International Oversight: International human rights bodies and environmental watchdogs should hold Chinese firms and Myanmar's military regime accountable for rights violations and ecological destruction.
4. Support Community-Led Restoration and Legal Empowerment: Local initiatives aimed at environmental rehabilitation, legal awareness, and sustainable livelihoods should be funded and supported.
5. Addressing the Global Dimensions of Green Extractivism: Policymakers in the Global North must ensure that their demand for rare earths does not perpetuate environmental injustice abroad. This suggestion includes implementing mandatory human rights due diligence for companies operating in conflict zones.

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FROM PROTECTION TO PRECARIETY: SOCIO-ECONOMIC EXCLUSION OF TRANSGENDER INDIVIDUALS IN PAKISTAN POST- FEDERAL SHARIAT COURT RULING

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Abstract

This paper examines the intersection of gender identity and class in shaping the socioeconomic exclusion of transgender individuals in Pakistan. Post Federal Shariat court judgment. While the 2018 Transgender Persons (Protection of Rights) Act initially provided legal recognition and protections, the Federal Shariat Court's 2023 ruling invalidated key provisions related to gender self-identification and inheritance rights. Due to limited direct empirical data on the ruling's immediate effects, this study employs a desk-based methodology, analyzing secondary economic and social indicators from national statistics, NGO reports, and human rights documents, including those from the Pakistan Bureau of Statistics of UNAIDS. Placing these indicators within a changing legal environment, the article makes the case that the decision likely exacerbates existing obstacles such as unemployment, limited access to healthcare and education, and poverty, especially for transgender people from low-income families. Using an interdisciplinary framework informed by intersectionality and socialist feminism, this research highlights the multiple layers of discrimination faced by transgender communities in Pakistan and shows how both gender identity and class contribute to their social and economic exclusion. It also explores how changes in the law have made things worse and affected their daily lives.

Keywords: Socio-economic exclusion, Gender identity, Class, Federal Shariat Court ruling

Introduction

In Pakistan, individuals who do not conform to the binary gender system and are assigned male at birth, historically referred to as *Khawaja Sira*, *Hijra*, *Zananas*, or *Khusras*, have long endured systemic discrimination, social rejection, and legal invisibility (Khan, 2023). Despite their significant presence in South Asian history and culture, the colonial legacy and rise of conservative ideologies have contributed to their marginalization in every sphere of life, including education, healthcare, employment, housing, and civil rights (Ramay, 2017).

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The struggle for legal recognition of transgender individuals in Pakistan formally began with a landmark Supreme Court ruling in 2009, following a petition by lawyer Dr. Aslam Khaki and activist Almas Bobby in response to a violent assault on transgender performers in Taxila (Nawaz, 2023). The Court acknowledged the rights of transgender persons under Articles 9, 14, 24(1), and 25 of Pakistan's Constitution, affirming their entitlement to safety, dignity, inheritance, and equality.

These legal developments culminated in the Transgender Persons (Protection of Rights) Act, 2018, a progressive piece of legislation that legally recognized gender self-identification and granted transgender individuals rights to education, employment, healthcare, inheritance, and protection from discrimination. However, the promise of the law's implementation faced enormous societal, bureaucratic, and ideological resistance. Discrimination remained rampant, with the majority of the transgender population estimated at over 500,000 by activists, though officially recorded as only 10,000 in the 2017 census, continuing to live in conditions of poverty, homelessness, illiteracy, and violence (Zeb, 2017).

Transgender individuals in Pakistan face dire exclusion across social indicators. The 2017 census revealed that 73.4percent of the transgender population lives in urban areas, yet they are largely relegated to informal economies such as begging, dancing, and sex work. The UNAIDS Gap Report (2014) found that 42percent of transgender sex workers lacked formal education and that HIV prevalence among them stood at 7.1percent. Trans people experience barriers to healthcare due to stigma, lack of specialized services, and fear of mistreatment (UNAIDS, 2014). Meanwhile, educational institutions remain hostile spaces, often forcing early dropouts due to harassment from peers and teachers alike. Without education and skills training, employment prospects become virtually nonexistent, reinforcing a cycle of poverty and survival-based labor.

In May 2023, this already fragile legal framework was further undermined by the Federal Shariat Court (FSC), which ruled that several key provisions of the 2018 Act, particularly those recognizing gender self-identification and equal inheritance rights, were “un-Islamic” and thus invalid under Pakistan's religious legal framework (Sharif, 2023). In its 2023 ruling, the Federal Shariat Court struck down Section 2(n) of the Transgender Persons (Protection of Rights) Act, 2018, which gave individuals the right to self-identify their gender; Section 3, which ensured recognition of that self-perceived gender; Section 4(2), which allowed gender changes on official documents without medical proof; and Section 7, which granted inheritance rights based on self-identified gender, declaring all these provisions un-Islamic (Riaz, 2023)

The ruling sparked widespread condemnation from civil society, trans activists, and human rights organizations. Amnesty International called it a “blow to the rights of already marginalized transgender and gender-diverse people (Mahmoor, 2023). Critics argued the FSC

overstepped its authority and violated constitutional protections under Articles 4, 9, and² 25, which uphold dignity, due process, and equality (Riaz, 2023).

It also contradicts Pakistan's international commitments under treaties like the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). The decision undermines years of legal progress and isolates Pakistan from global and even regional Islamic perspectives that support gender diversity, such as Iran's legal recognition of trans individuals based on religious fatwas (Zaharin, 2020).

This paper argues that the FSC ruling, by revoking critical legal protections, will deepen socioeconomic exclusion for transgender individuals, especially those from working-class backgrounds. Through a desk-based methodology, the study analyzes pre-ruling data and applies intersectional and socialist feminist theory to explore how the rollback not only erodes rights but also reinforces capitalist-patriarchal control by disciplining non-conforming bodies and restricting access to citizenship, labor, and property.

Conceptual Framework

The conceptual framework of this study, which is based on intersectionality and socialist feminism, emphasizes how experiences of exclusion and marginalization are shaped by the interaction of multiple identities, notably gender identity and socioeconomic class. Intersectionality helps study how transgender people endure compounded prejudice not only because of their gender but also because of class-based disparities. Socialist feminism adds a critique of structural and economic power relations, focusing on how capitalism and patriarchy co-create and maintain socioeconomic inequality. When combined, these frameworks provide direction for analyzing the economic, social, and legal obstacles made worse by the Federal Shariat Court's decision, bringing to light the many processes of oppression that transgender populations in Pakistan face.

Literature Review and Theoretical Framework

To assess the implications of the 2023 Federal Shariat Court (FSC) ruling, this paper adopts an interdisciplinary framework combining intersectionality and socialist feminism. These frameworks are critical in revealing how legal, economic, and gender systems interlock to sustain systemic exclusion.

Intersectionality, introduced by Crenshaw (1989), highlights how overlapping identities, such as gender, class, and religion, compound marginalization (Musubika, 2023). In the Pakistani context, transgender individuals face multifaceted discrimination not solely based on their gender identity but also due to entrenched class stratification, religious conservatism,

² Articles 4, 9, and (25) of the Constitution of Pakistan, which guarantee the right to dignity and due process (Article 4), the right to life and personal liberty (Article 9), and equality before the law and non-discrimination (Article 25).

and institutional neglect (Akram, 2023). While some individuals gain protection through social capital, the vast majority, including Khawaja Siras, trans women, and transmasculine individuals, are from lower-income or rural working-class sectors. These groups already experience barriers to education, healthcare, and legal aid.

This is evident in statistical data even before the ruling. Estimates suggest that 98–99 percent of Pakistan’s transgender community is illiterate (Mughal, 2018), and in specific regions like Larkana, 67.8 percent of the transgender population lacks formal education (Dayani, 2019). Even before the ruling, provinces had no institutionalized education policy for transgender individuals; only Sindh has recently drafted one. Economic exclusion forces many into informal, stigmatized work like sex work and ceremonial dancing. Healthcare disparities are similarly sharp, with high HIV/STI rates and a lack of access to formal services (World Health Organization, 2018).

The rollback of the 2018 Act removes legal tools transgender individuals used to access education, property, and identification, compounding existing vulnerabilities. Socialist feminism builds on this by asking why such exclusions persist. It locates the roots in capitalist and patriarchal state structures that regulate labor and citizenship through gendered and class-based hierarchies (Caldwell, 2017).

By aligning state policy with conservative religious ideology, the FSC ruling reasserts patriarchal authority over gender non-conforming bodies. It limits access to property and formal labor, further marginalizing queer labor and trans lives. As a political act, the ruling reinforces systems of control that exploit already vulnerable populations.

Data shows that transgender individuals face sexual violence, abuse within guru-led communities, and threats from both state and non-state actors, with studies indicating 82 percent reported childhood sexual abuse and more than 50 percent experienced coercion or physical harm (Samaa TV, 2017). Without legal protections, they are more exposed to impunity and institutional violence. The FSC ruling thus represents not just legal regression, but a consolidation of state power over marginalized bodies.

Together, intersectionality and socialist feminism clarify how gender identity and class are weaponized by the state, particularly under capitalist-patriarchal governance. This framework provides critical insight into why the rollback disproportionately affects working-class transgender individuals and intensifies their socioeconomic exclusion.

Methodology

This study employs a qualitative, theory-driven secondary research methodology to assess the projected socioeconomic impact of the 2023 Federal Shariat Court (FSC) ruling on transgender communities in Pakistan. Due to the absence of post-ruling empirical data, the analysis draws on pre-ruling statistics and qualitative reports to anticipate likely outcomes.

Quantitative data on literacy, health, employment, and housing were sourced from the Pakistan Bureau of Statistics, UNAIDS, and peer-reviewed studies. Qualitative data from legal

documents, NGO publications, and human rights reports were analyzed using critical legal and content analysis.

Guided by intersectional and socialist feminist theory, the study situates these indicators within the broader legal and political landscape to understand how the rollback of protections, particularly related to gender self-identification and inheritance, intensifies existing class- and gender-based inequalities, disproportionately affecting working-class transgender individuals.

Analysis and Findings

The secondary data analysis in this study demonstrates a profoundly ingrained pattern of socioeconomic discrimination encountered by Pakistan's transgender minority, especially those from working-class and underprivileged backgrounds, that precedes the 2023 Federal Shariat Court (FSC) verdict. Despite the 2018 Transgender Persons (Protection of Rights) Act's formal legal recognition and protections, for the majority of transgender persons, the real benefits of legislative reforms were limited by persistent structural injustices.

Quantitative indicators reveal significant inequalities. According to estimates, 98-99 percent of transgender people in Pakistan are uneducated (Mughal, 2018), and in specific places like Larkana, 67.8 percent of transgender people lack formal education (Dayani, 2019). This educational marginalization immediately limits access to official jobs and reinforces reliance on stigmatized informal sectors like sex work, ritual dancing, and begging. Despite regular social criticism, these jobs remain key sources of income in the absence of viable alternatives, revealing a structural exclusion from mainstream economic participation.

Healthcare outcomes further illustrate intersecting vulnerabilities. High rates of HIV, sexually transmitted infections (STIs), and substance abuse are reported within transgender communities, exacerbated by social ostracization and lack of accessible medical services (World Health Organization, 2018). For instance, studies indicate that 44.2 percent of transgender sex workers and 31 percent of non-sex workers report alcohol or drug use, with significant overlap between drug use and unsafe sexual practices (Dayani, 2019). These health issues are exacerbated by widespread violence; statistics show that 82 percent of transgender people experienced childhood sexual abuse, with more than half experiencing physical violence or coercion (Samaa TV, 2017). These data points demonstrate how economic disadvantage is deeply linked to structural and social violence.

The tables present pre-2023 data showing severe exclusion of transgender individuals in Pakistan, especially working-class trans women and hijra, despite the protections of the 2018 Act.

Table 1: Socioeconomic Indicators Prior to the FSC Ruling (Pre-2023)

Indicator	Statistic	Source
Illiteracy rate (national estimate)	98–99 percent	Mughal, 2018
Illiteracy rate in Larkana (Hijra population)	67.8 percent	Dayani, 2019

Indicator	Statistic	Source
Transgender individuals in urban areas	73.4 percent	2017 Census
HIV prevalence among transgender sex workers	7.1 percent	UNAIDS Gap Report, 2014
Trans sex workers lacking formal education	42 percent	UNAIDS Gap Report, 2014
Childhood sexual abuse	82 percent	Samaa T.V., 2019
Physical coercion or harm	Over 50 percent	Samaa T.V., 2019
Officially recorded transgender population (2017)	~10,000	2017 Census
Activist-estimated population	Over 500,000	Community Activists

These results show that legal recognition alone was not enough to eliminate the barriers based on gender and class that limited transgender people's socioeconomic mobility, even with the statutory safeguards put in place in 2018. It is indicative of persistent institutional neglect, as most provinces lacked comprehensive educational policies until Sindh's 2024 draft transgender education policy.

Transgender individuals continue to face enrollment barriers, discrimination, and social exclusion within education and employment systems. This gap between legal provisions and lived realities evidences the limitations of top-down reforms that do not address deeply rooted social prejudices and economic hierarchies.

The 2023 FSC ruling, by revoking critical rights to self-identification and inheritance, threatens to exacerbate these pre-existing marginalizations significantly. Through the lens of intersectionality, the removal of legal protections disproportionately harms those at the nexus of gender and class vulnerabilities, especially working-class trans women, Khawaja Siras, and rural transgender individuals. These communities are further excluded from formal job markets, housing, social welfare programs, and citizenship recognition in the absence of legal identification rights. This legal invisibility exacerbates poverty and limits access to crucial resources, cementing their position as "margins of the margins."

Applying a socialist feminist perspective further elucidates how the FSC ruling functions not merely as legal regression but as a political instrument that reinforces capitalist-patriarchal control (Caldwell, 2017). By aligning state policy with conservative religious ideology, the ruling reasserts patriarchal authority over bodies that transgress normative gender binaries, simultaneously delegitimizing non-normative labor forms, often the only means of survival available to transgender individuals. This legal consolidation of power reinforces economic precarity by limiting property rights, formal employment, and social mobility, perpetuating marginalized populations' systemic exploitation.

Furthermore, the FSC ruling increases institutional violence and impunity against transgender people. Transgender people are more exposed to abuse from family, communities,

and governmental actors when they lack legal remedies to fight discrimination or violence. The amalgamation of social stigma and legal invalidation fosters an environment where physical and psychological abuse can go unregulated, heightening health risks and jeopardizing human rights safeguards.

In summary, the data and theoretical analysis indicate that the FSC ruling does not occur in isolation but amplifies existing intersecting oppressions rooted in class, gender, and state power structures. By removing even the few prior protections, it furthers the socioeconomic marginalization of Pakistan's transgender community, which disproportionately affects the most disadvantaged members of society. This analysis highlights the critical need for comprehensive policy initiatives that address structural disparities rather than just formal legal acknowledgment.

Conclusion

This study assessed the likely socioeconomic consequences of the Federal Shariat Court's 2023 ruling by analyzing pre-existing data on transgender individuals in Pakistan. It demonstrated that even under the 2018 legal framework, most transgender people, especially from working-class and rural backgrounds, faced systemic exclusion from education, employment, healthcare, and legal protection. The ruling's revocation of key rights such as gender self-identification and inheritance is likely to intensify these existing inequalities.

Using an interdisciplinary framework of intersectionality and socialist feminism, this study argued that the FSC ruling is not merely a legal decision but a political act that reinforces capitalist-patriarchal power by disciplining non-conforming bodies and further marginalizing those already excluded. It reflects how the state uses religious moralism to maintain class and gender hierarchies.

In the absence of post-ruling data, this paper forms part of my broader thesis research and will serve as a foundation for further empirical investigation on the subject aimed at documenting lived experiences and pushing for inclusive, rights-based legal reforms in Pakistan.

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ESCAPING DOMESTIC VIOLENCE: ANALYZING THE OBSTACLES FACED BY FEMALE VICTIMS IN CAMBODIA

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Abstract

Domestic violence remains a widespread human rights violation in Cambodia. Many women are trapped in cycles of abuse despite legal protections such as the 2005 Law on the Prevention of Domestic Violence and the Protection of Victims. However, entrenched cultural norms, stigma, and family pressures often prevent survivors from seeking help. Women are frequently silenced within their families and discouraged from reporting abuse. Social expectations and shame, along with limited resources, make it extremely difficult to leave abusive environments. This study explores the lived experiences of Cambodian female survivors using secondary sources, including NGO reports, policy reviews, and testimonies. It focuses on how cultural beliefs and societal pressures obstruct survivors' ability to escape. These barriers often begin in the home and extend into public systems, including law enforcement. Gender roles and victim-blaming attitudes continue to normalize violence. By centering survivors' voices, this study reveals how institutional failure and cultural norms intersect to keep women trapped. Rather than emphasizing legal gaps alone, it highlights how survivors navigate a web of emotional, cultural, and systemic challenges. The findings aim to support culturally sensitive and survivor-centered solutions to address the root causes of domestic violence in Cambodia.

Keywords: Domestic violence, Cultural norms, Victim-blaming, Cycle of violence

Introduction

Domestic violence is a serious problem that affects women around the world. It is not merely a private or family matter but a grave violation of human rights (Gottardo, 2009; Morgaine, 2007). Over the decades, violence against women (VAW) has become a central focus of international advocacy (Morgaine, 2007, p. 117). In many cases, women are not safe even in their own homes, where they should feel protected (Kelly, 2024). In Cambodia, many women continue to face violence from their partners, even though the government passed the Law on the Prevention of Domestic Violence and the Protection of Victims in 2005. While the law exists, many survivors still do not receive the support or protection they need (Generis Global Legal Services, 2024). One primary reason is that Cambodian society still follows

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traditional gender roles. Many people believe that women should stay quiet, obey their husbands, and keep the family together—even when they are being abused. These ideas are strongly influenced by Chbab Srey, a traditional poem that teaches girls to be patient, respectful, and loyal wives (Anderson & Grace, 2018). Although it was removed from school curricula in 2007, its messages are still passed down through families. As a result, many women are blamed if a marriage fails and are discouraged from speaking out about violence (Vicheika, 2023). Family members and neighbors often pressure women to stay with their abusive partners. Instead of helping the victim, they may try to protect the abuser or worry about the family's reputation. At the same time, police and local authorities often do not treat domestic violence as a serious crime (LICHADO, 2017). They usually suggest that couples “make peace” instead of protecting the victim or holding the abuser accountable (Brickell, 2015). Many women feel discouraged from reporting abuse because they fear being judged, blamed, or ignored by the police and their community (Vicheika, 2023).

This paper focuses on one key question: What are the main social and institutional barriers that prevent Cambodian women from escaping domestic violence? To answer this, the paper uses two theories: the Cycle of Violence (Both et al., 2019), which explains why victims may stay in abusive relationships, and Symbolic Violence (Thapar-Björkert et al., 2016), which shows how cultural beliefs and power dynamics make women accept abuse as normal. By reviewing research studies, NGO reports, and human rights documents, this paper explores why many women in Cambodia remain trapped in violent situations, even when the law says they have the right to be protected.

Methodology

This research uses a desk-based approach. Data will be collected from:

- Cambodian legal frameworks and policies
- Reports by NGOs such as LICADHO and ADHOC
- Peer-reviewed journal articles
- Survivor from Published investigations

Theoretical Framework

To understand why many Cambodian women remain trapped in cycles of domestic violence despite existing legal protections, this paper draws on two key theoretical perspectives: the Cycle of Violence Theory (Both et al., 2019; Walker, 1979) and Bourdieu's concept of Symbolic Violence (Thapar-Björkert et al., 2016). These frameworks help explain not only the repetitive nature of abuse but also the deeper societal and cultural structures that normalize violence and silence survivors.

1. Cycle of Violence Originally conceptualized by Lenore Walker (1979), the Cycle of Violence theory describes domestic abuse as a recurring, three-phase pattern: tension-building, acute violence, and a reconciliation or "honeymoon" phase. The cyclical nature of abuse fosters psychological dependency, emotional confusion, and hope for change—making it difficult for

victims to leave. Both et al. (2019) and further develop this model, identifying eleven stages in the cycle, from manipulation and control to emotional bonding and relapse. Of particular relevance to the Cambodian context are Stage 10 (seeking help) and Stage 11 (relapse or reintegration). At these points, external support systems—such as police, legal institutions, and community leaders—play a critical role in either helping victims escape or reinforcing their entrapment. In Cambodia, survivors often encounter institutional responses that favor family unity over accountability, thereby encouraging victims to return to abusive environments.

2. Symbolic Violence Pierre Bourdieu's concept of symbolic violence explains how systems of domination become internalized through everyday practices and beliefs. Rather than relying on physical coercion alone, symbolic violence operates subtly, embedding inequality and obedience into cultural norms and language. Thapar-Björkert et al. (2016) argue that in patriarchal societies, symbolic violence convinces women that abuse is part of their role, making them more likely to tolerate mistreatment and less likely to seek help. In Cambodia, symbolic violence is embedded in cultural codes like Chbab Srey, which idealizes female silence, endurance, and deference to men. These values shape not only women's self-perceptions but also the expectations of families, communities, and law enforcement. Survivors often blame themselves, justify the abuse, or remain silent to preserve family honor. In institutions, too, may adopt these norms, reinforcing the idea that domestic violence is a private matter rather than a public crime. Together, these frameworks illuminate the psychological and social mechanisms that sustain domestic violence in Cambodia. The cycle of abuse traps women emotionally and economically, while symbolic violence ensures their silence and discourages resistance. These intersecting forces will guide the analysis of the findings that follow.

Findings

The study found that Cambodian women face a range of overlapping barriers that prevent them from escaping domestic violence. These barriers encompass social, emotional, cultural, and institutional aspects. They often work together to trap victims in abusive relationships. The findings presented here reflect the real-life challenges documented in NGO reports, survivor testimonies, and academic studies. They also reflect the patterns described in the Cycle of Violence and the deeper cultural norms explained by Symbolic Violence.

Cultural Norms Make Abuse Seem Normal

One key finding is that traditional beliefs and social norms make domestic violence appear normal or even acceptable. Rooted in ideals of family harmony and reconciliation, they normalize abuse and discourage reporting or seeking legal recourse (Brickell, 2015a). This fact reflects Bourdieu's concept of Symbolic Violence, where unequal gender roles become so normalized that both men and women stop questioning them (Thapar-Björkert et al., 2016). In Cambodia, cultural messages from Chbab Srey continue to shape women's behavior and self-image. Girls are taught to be soft-spoken, respectful, and forgiving (Salvá, 2016a). Even though Chbab Srey was removed from schools in 2007, many women still hear these ideas from their parents or elders (Salvá, 2016). This study found that women often internalize these roles and

blame themselves for the violence. Like many other Cambodian women, one survivor suffered domestic violence for years without telling her extended family or friends or seeking assistance.

The shame of exposing marital problems to outsiders often compels many women to keep silent. Moreover, Cambodian culture promotes a sense of female inferiority, which leads women experiencing domestic violence to blame themselves for their partner's violence (LICHADO, 2007). These beliefs are not natural—they are taught through culture, religion, and social expectations. The focus on group unity and adherence to social norms is well recognized in Asia (Stephen, 2024). As a result, people may choose to maintain family harmony instead of addressing violence (Stephen, 2024). Symbolic violence helps explain why many Cambodian women accept suffering in abusive relationships. Symbolic violence significantly constrains Cambodian women's agency in responding to domestic abuse. As Brickell (2016) illustrates, while the 2005 Law on the Prevention of Domestic Violence purports to protect victims, its emphasis on preserving "harmony within the household" reflects a normative framework that prioritizes family unity over individual rights. Local authorities often encourage reconciliation (*samroh samruol*) even in cases of physical violence, thereby pressuring women to remain in abusive relationships. This institutionalized preference for harmony exemplifies symbolic violence, wherein women internalize dominant cultural norms and shape their perceptions of what is acceptable, ultimately limiting their capacity to make autonomous decisions about leaving or staying (Brickell, 2016). Social norms, such as the *Chbab Srey*, reinforce the idea that men hold authority over women by encouraging female submissiveness and acceptance of domestic violence (Stephen, 2024). This code of conduct instructs women to serve their husbands and prioritize their roles as mothers and daughters, suggesting that a woman's identity is tied to her relationship with men. Such messages limit women's autonomy and reinforce male dominance within both the family and society (Sainte-Rose, 2023). In Cambodia, husbands are commonly regarded as the "head of the household," a role that legitimizes their authority over wives. Eng et al. (2009) found that men may use violence to reinforce this authority, particularly when women attempt to assert themselves through discussion. In a context where silence and obedience are culturally expected of women, frequent communication between spouses can be perceived as defiance. As a result, violence becomes a means of reasserting male dominance. This dynamic is reinforced by traditional codes such as *Chbab Srey*, which prescribe female submissiveness and discourage women from challenging male authority (Brickell, 2015a). In Cambodia, nearly half of both men and women believe women should remain silent about domestic violence to preserve family harmony (Soksreinith, 2015). This belief creates a dangerous environment where victims believe they must endure abuse in silence to be seen as loyal and respectful wives. Survivors are not just physically harmed; they are socially conditioned to accept that harm.

1. Survivors Feel Trapped Emotionally and Socially

Many survivors experience repeated violence in a cycle that makes it hard to leave. After each violent incident, there may be a "honeymoon phase," where the abuser apologizes or promises to change. This fact creates false hope, which delays action. According to the Cycle of Violence model (Walker, 1979; Both et al., 2019), this cycle keeps survivors emotionally

confused, afraid, and dependent on their abuser. This pattern is clearly reflected in the case of one survivor, Srey Mom. Her husband began by emotionally harming her through infidelity and verbal attacks. Over time, his violence escalated to physical assaults using a bamboo stick, a knife, and eventually an axe. After each violent episode came a calm period, which is a common feature in abusive relationships, giving the illusion that things might improve. Despite the danger, she remained silent for years. It was only when her daughter was attacked that she finally sought help (LICHADO, 2007). This study found that even when women consider leaving, family and community pressures quickly step in to stop them (LICHADO, 2007). In many Cambodian families, women are expected to stay quiet, sacrifice their happiness, and keep the family together at all costs. These expectations are rooted in traditional gender norms such as the *Chbab Srey*, which teaches women to be "quiet and polite," to "serve their husbands and bow to their desires," and to avoid exposing family problems to outsiders (Salvá, 2016a). According to Suyheang et al. (2020), survivors are often told things like "be patient" or "he is still sick." Many women reported feeling ashamed to seek help for domestic violence due to fear of gossip and judgment from their communities. In a study on Cambodia's mediation system, Suyheang et al. (2020) noted that shame often discouraged women from continuing to report abuse. One woman shared:

"Even though we reported it to the police, it is still the same, no change at all... I will not go there again because I went there twice already. I am ashamed" (Suyheang et al., 2020, p. 41).

These social messages create emotional confusion and guilt, reinforcing the cycle of violence by making the victim question her right to escape. Even when women are aware of their rights, the fear of being rejected or shamed by relatives becomes a strong emotional barrier. As a result, they choose silence and endurance—not because they accept the violence, but because they feel they have no social permission to leave.

2. Police and Local Authorities Do Not Protect Survivors

Despite the existence of the 2005 Law on the Prevention of Domestic Violence and the Protection of Victims, this study found that police and local authorities often fail to take domestic violence seriously. Survivors who report abuse are frequently met with inaction, judgment, or pressure to reconcile. According to Brickell (2015), police officers and commune chiefs tend to view domestic violence as a private matter, not a crime. A report by LICADHO (2017) reviewed 237 closed domestic violence cases and found that in over 40 percent of cases, survivors remained with their abusive partners. This outcome was often the result of pressure from local authorities to reconcile rather than pursue legal proceedings. Notably, only around 20 percent of the cases led to criminal charges, indicating a systemic failure to treat domestic violence as a serious legal matter. Seng Reasey, director of SILAKA, also noted that police often discourage formal complaints and instead suggest "solving the problem at home" (Vicheika, 2023). The case of Srey Mom, discussed earlier, also reflects this lack of institutional support. Despite enduring escalating violence, she delayed seeking help—partly because she, like many survivors, believed that authorities would not intervene. Her story shows how a lack of trust in public institutions can keep women trapped in abusive homes, even when the danger becomes life-threatening (LICHADO, 2007). This institutional behavior

reflects not only legal weakness, but also the influence of patriarchal norms inside public systems. Survivors who seek help from authorities are often met with judgment and blame rather than protection. During reconciliation, authorities often insert their personal opinions, which are filled with gender stereotypes and victim-blaming attitudes (LICADHO, 2023). Instead of providing legal protection or accountability, officials frequently advise both parties as though they are equally responsible for the violence.

In many cases, couples are sent home with a written agreement promising to change their behavior—an approach that minimizes the severity of abuse and reinforces the notion that women share the blame. One survivor, Sothy, recounted that when she sought help from her village chief, he told her: *"All we can say is that it is your karma. In this life, you always suffer."* (LICADHO, 2023). This response reflects a deeply rooted cultural belief that women are destined to endure suffering, rather than deserving of protection.

This kind of response makes women afraid to seek help again and further isolates them. It also reflects the symbolic violence at play within institutions—when the justice system mirrors societal norms, it becomes part of the problem rather than part of the solution.

Conclusion

This study highlights the many connected barriers that stop Cambodian women from escaping domestic violence, even though there are laws meant to protect them. By looking at survivors' stories and how institutions respond, and using the Cycle of Violence and Symbolic Violence theories, it is clear that women are trapped in a web of emotional, cultural, and structural challenges. Emotional dependence, caused by repeated abuse, keeps survivors caught between hope and fear. Cultural expectations, influenced by traditions like *Chbab Srey*, create feelings of guilt, silence, and obedience, making women believe that suffering abuse is part of being a "good wife." At the same time, institutions often blame victims, fail to enforce laws correctly, and show little support, which prevents survivors from finding justice and safety. Economic dependence and limited access to help services also make it harder for women to leave abusive situations for good. These findings show that solving domestic violence in Cambodia requires a broad, culturally aware approach that challenges patriarchal beliefs, supports survivors to become economically independent, and holds institutions accountable. Programs that focus on survivors should be developed in collaboration with communities to accurately reflect their real-life experiences. Only by breaking down the cultural and structural barriers that allow abuse to continue can Cambodian women gain proper protection and freedom.

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FACTOR INFLUENCING YOUTH PARTICIPATION IN HUMAN RIGHTS ADVOCACY: A CASE STUDY OF YOUTH ACTIVISTS IN THAILAND

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Abstract

Youth participation refers to the genuine influence and roles of young people in institutions and decision-making processes that affect their lives, as well as their efforts to initiate change. It also involves recognising youth as resources, rights-holders, and citizens with a responsibility to contribute to their communities. Youth participation is vital, not only for promoting social development, justice and inclusivity, but also for upholding human rights. Drawing on global literature, this article explores key factors influencing youth participation, including knowledge, engagement with social media and social networks, socio-economic status, trust levels, adultism, and the conceptualisation of youth participation. These factors are organised within the framework of Bandura's Social Cognitive Theory. The case of the youth-led political movement in Thailand is examined through this lens, demonstrating that despite differences in national contexts, many of the factors influencing youth participation are commonly shared across countries. This finding can be one of the key considerations in enhancing the promotion of youth participation.

Keywords: Youth Participation, Political Movement, Influencing Factors, Thailand, Human Rights

Introduction

Youth participation has been defined in various ways. However, at its core, it refers to the involvement, influence, and active roles of youth in institutions and decision-making processes that affect their lives. It is characterised by the recognition of youth as resources, rights-holders, and citizens with responsibilities toward their communities (Corney et al., 2021; Checkoway & Gutiérrez, 2006). Youth participation serves as a form of human rights promotion, protection and fulfillment, and is also recognised as a mechanism to promote social and human development.

Recently, the significance of youth participation has gained increasing recognition from the United Nations (UN) and governments worldwide. It is expected to continue growing, accompanied by policies and campaigns that aim to enhance the promotion of youth participation (McMellon & Tisdall, 2020; Checkoway & Gutiérrez, 2006).

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In Thailand, youth-led political movements have been the most prominent form of youth participation. The most recent and widely studied movement was the 2020 movement opposing the junta government, driven by issues such as mismanagement, restrictions on freedom of expression, and deepening social inequality.

To effectively promote youth participation, it is essential to understand the factors that motivate or hinder it. Literature suggests that education, social media engagement, trust level and socio-economic status are key intrinsic factors influencing youth participation (Anamwathana & Thanapornsangsuth, 2023; Htet et al., 2022; Corney et al., 2021; McMellon & Tisdall, 2020; Goswami, 2015). Meanwhile, adultism and the conceptualisation of youth participation are frequently cited as extrinsic factors.

Drawing on Bandura's Social Cognitive Theory, this review proposes a theoretical framework to understand the motivations and barriers to youth participation. These factors operate in reciprocal interaction, forming a triadic relationship. The case of the 2020 youth-led political movement in Thailand is examined through this lens. It demonstrates that youth participation in Thailand aligns with this framework, suggesting that, despite contextual differences, the factors influencing youth participation tend to be consistent across countries.

Definition of Youth Participation

Youth participation has been defined in various ways depending on the context. For example, UNICEF describes it as a process in which adolescent girls and boys form and express their views, influencing matters that concern them directly and indirectly (Lansdown, 2018). In contrast, focusing on everyday life, Kellett defines participation as "being actively involved in something." Drawing on literature from the social sciences, youth participation can also be understood as the process of involving and engaging young people in institutions and decisions that affect them (Corney et al., 2021; Kellett, 2009; Checkoway & Gutiérrez, 2006).

Integrating insights from these perspectives, youth participation can be characterised by how young people are perceived as resources, rights-holders, and citizens with both the right and responsibility to engage with and contribute to their communities. It encompasses their genuine influence and roles in institutions and decisions, as well as their efforts to initiate change (Checkoway & Gutiérrez, 2006).

Importance of Youth Participation

Youth participation is a means of upholding human rights as well as a form of human rights promotion, protection, and fulfillment. The right to participate is enshrined in several international human rights treaties and declarations. For instance, the Universal Declaration of Human Rights (UDHR) outlines the right to take part in the cultural life of the community. The International Covenant on Civil and Political Rights (ICCPR) affirms the right to participate in political life, including the conduct of public affairs, voting in elections, and accessing public services on an equal basis (United Nations, 1966). Similarly, the Convention on the Rights of Persons with Disabilities (CRPD) recognises the right to participate in political and public life

(United Nations, 2006), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) protects the right to participate in decision-making processes (United Nations, 2007). Moreover, the right to participation is closely linked to other rights, such as freedom of expression and freedom of religion or belief (FoRB), as outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) (United Nations, 1966).

Recently, youth participation has gained increasing global recognition. This trend is expected to continue, as the United Nations and many governments have introduced policies and campaigns to support it (McMellon & Tisdall, 2020; Checkoway & Gutiérrez, 2006). For example, the adoption of United Nations Security Council Resolution 2250 in 2015, titled *Maintenance of International Peace and Security*, highlights the role of youth in peace and security and calls for greater youth representation and participation. Additionally, the Global Coalition on Youth, Peace and Security (GCYPS) serves as a platform for shaping policies and practices related to youth involvement in peace and security efforts (United Nations Regional Centre for Preventive Diplomacy for Central Asia, 2020).

Youth participation is also recognised as a key strategy to empower young people, enhance youth work practices, promote social development and advance human rights (Corney et al., 2021; Checkoway, 2011). Research has linked youth participation to improved personal and societal outcomes, contributing to broader social change (Rowland et al., 2024; Cahill & Dadvand, 2018). It is also an opportunity to promote social justice and inclusivity (Rowland et al., 2024).

Youth Participation Through the Lens of Bandura's Cognitive Theory

Bandura's Social Cognitive Theory, developed by Albert Bandura, posits that people's social behaviors are shaped by the reciprocal interaction of personal characteristics and environmental factors, resulting in what is known as triadic reciprocal causation (Nabavi & Bijandi, 2012). Drawing on the concept of this theory and global literature, this review proposes a theoretical framework to explain youth participation. This explanation suggests that participation may be influenced by intrinsic factors, such as knowledge and education, engagement with social media and social networks, socio-economic status, and levels of trust, as well as extrinsic factors, including adultism and the conceptualization of youth participation (Figure 1). This framework is then used to examine youth participation in the context of Thailand, drawing on relevant literature and recent developments. Given that the most prominent youth-led movements in Thailand have been politically driven, existing research on Thai youth tends to focus on political participation. Accordingly, this review primarily discusses youth political participation in the Thai context.

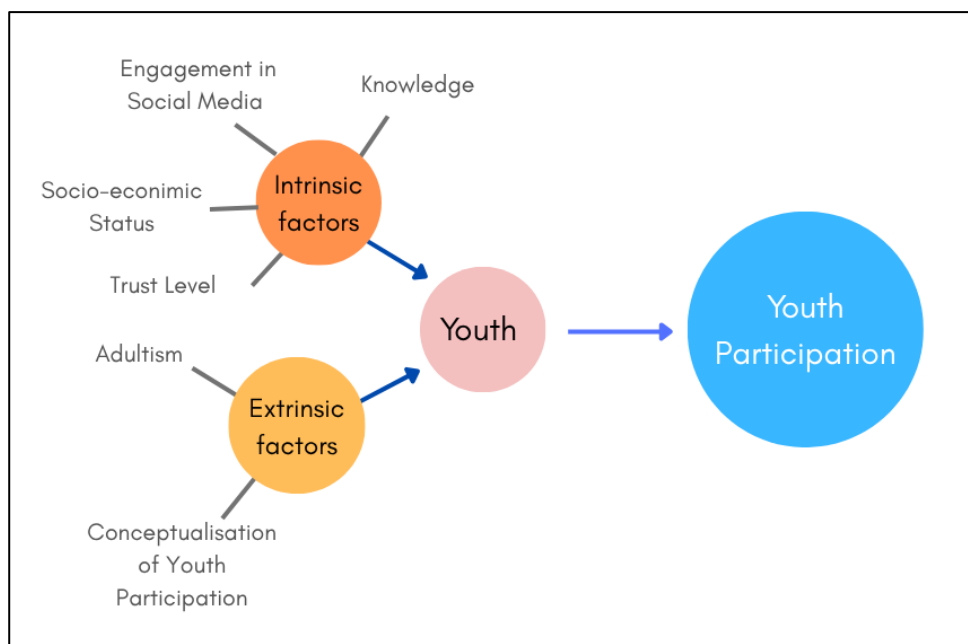


Figure 1 Theoretical framework illustrating factors influencing youth participation, based on Bandura's Social Cognitive Theory.

Youth Participation: Thailand Context

Intrinsic Factor

Knowledge and Education.

According to the literature, education and knowledge are among the key factors influencing youth participation, as they are essential for young people to recognise their right to participate and for youth workers to support them effectively (Corney et al., 2021). In the context of political participation in particular, political knowledge enhances the ability to connect with individuals or groups who share similar interests in public issues (Delli Carpini & Keeter, 1996). In contrast, a lack of adequate knowledge can result in youth being unaware of their participatory rights, leading to lower levels of engagement. This lack of knowledge was highlighted in a review of youth participation articles published in the *International Journal of Children's Rights* from 1993 to 2019 (McMellon & Tisdall, 2020).

Similarly, a study by Goswami, part of the transnational MYPLACE research project involving approximately 17,000 young people across 14 European countries, identified political knowledge as one of the key socio-demographic factors influencing political and civic participation. The study found that young people with higher levels of political knowledge were significantly more likely to participate (Goswami, 2015). This finding aligns with earlier studies that also found a positive association between political participation and political knowledge among youth (Andersen et al., 2001).

In the context of Thailand, data from the National Statistical Office in 2008 indicated that 88.6 percent of Thai youth aged 18 - 24 were enrolled in education beyond the high school

level (National Statistical Office of Thailand, 2008). Additionally, changes in education policy since 1987 have contributed to a shift in the political ideology of Thai youth, from a focus on nationalism to an emphasis on global citizenship and expressive rights (Chittanont, 2024). These findings suggest that education and knowledge likely play a significant role in motivating Thai youth to engage in political movements, reflecting trends observed in other contexts.

However, data also indicate that disparities in access to education and grievances regarding Thailand's conservative and unaccountable education system have served as key drivers, rather than barriers, to youth political participation (Lertchoosakul, 2021). These motivations may also be indirectly shaped by youth exposure to political, economic, and social issues through social media.

Social media and social networking.

Social media and social networks not only provide access to diverse sources of information but also serve as important platforms for discussion, engagement, and the exploration of different perspectives and movements, particularly among young people. According to the literature, social media and social networks are among the key factors influencing youth participation. For instance, Goswami found that greater diversity in an individual's social network was associated with higher levels of political participation among youth in 14 European countries (2015). Similarly, Htet et al. identified social media and social factors as key influences on youth activists who engaged at varying levels in their communities (Htet et al., 2022). Additionally, social networks can facilitate political participation among certain racial and ethnic groups by helping to overcome barriers such as limited access to resources (Leighley & Matsubayashi, 2009).

In Thailand, social media has become an integral part of daily life, particularly over the past decade, and plays a crucial role in communication and informal political education. Youth, in particular, represent the demographic with the highest level of social media engagement. Platforms such as Facebook, X (formerly Twitter) and Instagram expose them to diverse viewpoints, shaping their political identities and ideologies (Tapsell, 2020). These platforms also foster political participation by creating environments for sharing, debating and mobilising, thus increasing political awareness (Tapsell, 2020). Recent studies have shown that social media use among Thai youth is associated with increased political awareness (Sonsena, 2024), which often translates into political activism (Loader & Mercea, 2011).

During the youth-led political movement in 2020-2021, social media, particularly X (formerly Twitter), played a central role in amplifying shared grievances against the junta government, disseminating information, organizing protests, and sustaining the movement's momentum. Hashtags were used to spread news and mobilise supporters, contributing to the rise of a large-scale youth movement (Sonsena, 2024). The role of social media in this context highlights how digital platforms can amplify political messages and foster a sense of solidarity among young people. However, the political power of social media also brings risks. They can be manipulated to spread misinformation, and their algorithmic structure often creates echo chambers that limit exposure to opposing viewpoints (Sunstein, 2018).

Socio-economic status.

Socio-economic status is closely linked to access to education, social media, information and other resources. It thus indirectly influences awareness, motivation, and the sense of ownership over issues that drive youth participation. As noted by McMellon and Tisdall, differences in socio-economic background were identified as a common challenge in youth participation studies from 1993 to 2019. These disparities lead to varying levels of involvement and unequal access to resources, resulting in inequitable participation among youth. Similarly, a study involving youth from 14 European countries found that household income was one of the key factors influencing political participation (Goswami, 2015).

However, poor socio-economic conditions and social disparities can also serve as powerful motivators for youth-led movements. A study conducted with 691 high school students in Thailand examined why the 2020 political movement against the junta government was important to them. The findings revealed that prolonged economic hardship was one of the primary driving factors behind their participation, reflecting a strong demand for more equitable resource distribution. Notably, 11 percent of participants specifically identified inequality as one of the main issues (Thanapornsanguth & Anamwathana, 2022).

Likewise, Lertchoosakul (2021), in a study involving 150 high school and 150 university students, found that grievances toward a repressive, authoritarian, and unaccountable conservative education system, seen as a symbol of broader inequality, were a key motivation for their involvement in the 2020 anti-government protests. In a more recent study, Anamwathana and Thanapornsanguth also identified socio-economic hardship as one of the main factors motivating youth-led activism, alongside dissatisfaction with government mismanagement and the suppression of freedom of expression (2023).

These case studies from Thailand demonstrate that poor socio-economic conditions and social disparities can act as both barriers and catalysts to youth participation, depending on the context and the youth's perception of injustice.

Trust level.

In the context of youth participation, trust is often examined in terms of trust in politicians, political parties or parliamentary institutions. It can function either proportionally or inversely with regard to youth participation. For example, a study of youth from 14 European countries found that higher levels of political trust were associated with higher levels of political participation (Goswami, 2015). In contrast, a case study in Thailand reported that government mismanagement and political scandals, indicators of low political trust, were among the key factors motivating high school students to engage in political activism against the government (Anamwathana & Thanapornsanguth, 2023).

Extrinsic Factors

Adultism.

Youth workers have faced numerous challenges in promoting youth participation, ranging from internal and external factors that cause demographic, practical, and conceptual

challenges (McMellon & Tisdall, 2020; Corney et al., 2019; Checkoway, 2011; Checkoway & Gutiérrez, 2006). Adultism can be considered the most substantial practical challenge, as mentioned in research studies from time to time (McMellon & Tisdall, 2020). According to the analysis of 56 youth-participation articles in the *International Journal of Children's Rights* from 1993 to 2019, all the articles mentioned the same challenges about adult system that poorly support youth participation, the belief that adults need to protect youths rather than support their participations and how adults do not want to share power with youths sometimes (McMellon & Tisdall, 2020).

Adultism has also been a prolonged challenge to youth participation in Thailand. To combat this system, youth workers must deal not only with the long-standing beliefs and practices based on the view that adults are superior and more worthy than children, but also with social attitudes, structures, and norms that facilitate the implementation of that principle. The challenge also includes the persistent and prolonged consequences of adultism, such as the view of young people that stops them from recognising themselves as rights-holders or members of the community, so it can be found that sometimes youths do not take the offered opportunities to participate (Corney et al., 2021; Sher, 2012).

Conceptualization of Youth Participation.

Literature suggests that one of the biggest challenges to promoting impactful youth participation is how youth participation is defined and interpreted differently in various contexts (McMellon & Tisdall, 2020; Corney et al., 2019; Checkoway, 2011; Checkoway & Gutiérrez, 2006). For example, Checkoway and Gutiérrez mentioned that youth participation is often framed as "to care about youth" rather than "to empower youth" (2006), which is a significant distinction that can mislead practices of youth empowerment and engagement. As expressed by Walther and the co-workers, it is not very easy, since the meaning of youth participation can be varied from going to school to engaging in the decision-making process in institutions (Walther et al, 2019).

To date, various efforts have been made to conceptualise youth participation through the development of theoretical models aimed at explaining and classifying it. However, no single model has yet proven ideal or universally applicable across all contexts. One of the most cited models is Hart's Ladder of Participation. The model uses a rung of the ladder to depict hierarchy of participation, where the three bottom rungs are "manipulation", "decoration" and "tokenism", all labelled as non-participation, meanwhile, the top five rungs are as participation, including "assigned but in-formed", "consulted and informed", "adult-initiated, shared decisions with children", "child-initiated and directed" and "child-initiated, shared decisions with adults" (Hart, 1992). Nevertheless, there have been questions regarding the limitations of the model's linear structure and how it disregards the context of each participatory action. Some researchers have also expressed the concern that it may not be possible to reach the highest rung (Cahill & Dadvand, 2018). Hart later declared that the model was developed primarily for stimulating dialogue rather than participation. Nevertheless, this model has been widely used and has become fundamental for the development of many other youth participation models (Cahill & Dadvand, 2018).

Throughout the decade, various models of youth participation have been developed, reflecting the growing recognition of youth participation and empowerment. For example, Wong and the co-workers developed the Typology of Youth Participation and Empowerment (TYPE) pyramid from the youth-adult partnership research. It consists of the degree of participation and the potential for youth development associated with each participation (Wong et al., 2010). Meanwhile, Andersson established the Pedagogical Political Participation Model (3P-M), which focuses on the dynamic of the influences that lead to participation. However, the effective use of the model may be limited only to the context of the first P "politics" (Andersson, 2017). In 2018, Cahill and Dadvand addressed how previous models were proposed based on hierarchical structures that do not align with the socio-cultural context where participation usually occurs. They proposed the new one, focusing on the purpose, positioning, perspective, power relations, protection, place and process (Cahill & Dadvand, 2018). Nevertheless, these proposed models each have their advantages and limitations, making them not universally applicable. It is therefore important to choose a model that aligns well with the specific context (Cahill & Dadvand, 2018).

Research Gap Regarding Youth Participation in Thailand

Due to the recent youth-led movement against the government in 2020, the majority of existing studies have focused on youth participation in political movements. As a result, a noticeable gap exists in the literature regarding youth participation in other areas within the Thai context, such as cultural life or the exercise of freedom of religion or belief (FoRB). To enhance youth participation more broadly, it may be necessary to conceptualise it specifically within the Thai context and to explore how it can be understood and explained using the theoretical models previously discussed.

Conclusion

Youth participation is a form of social behaviour that can be explained through Bandura's Social Cognitive Theory. Despite differences in national contexts, the literature suggests that many factors influencing youth participation are shared across countries and can be understood within Bandura's framework, as illustrated by the case of youth activism in Thailand.

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ETHNIC INCLUSION AND CONSTITUTIONAL REFORM AS INSTRUMENTS OF PEACEBUILDING IN POST-COUP MYANMAR

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Abstract

Myanmar's 2021 coup has deepened a fragile political landscape and disturbed established efforts toward democratic transition and peace. Notably, constitutional reform can serve as a pathway to peacebuilding and ethnic inclusion in societies polarized by deep divisions. The 2008 constitution of Myanmar has been publicly criticized for being undemocratic. Anecdotal evidence suggests that amending the constitution is not only a democratic measure but also a crucial step in paving the way for federal state building, which is essential for achieving sustainable peace in the country's inter-ethnic politics. In 2019, the National League for Democracy (NLD) led the official push for constitutional amendments. While major ethnic-based parties and civil society expressed interest, a heated debate emerged regarding the inclusivity of its process, procedures, and content. Following the 2021 military coup, the National Unity Consultative Council (NUCC) released the Federal Democracy Charter I and II, which acknowledges the struggles of ethnic groups for identity and advocates for a long-term federal democratic solution. Therefore, this study examines pre-coup constitutional amendment efforts led by the previous NLD government and the Federal Democratic Charter introduced by NUCC after the coup. Drawing on a comparative analysis of the inclusivity, content, and political legitimacy of these processes, this study explores how these initiatives address the rights and political recognition of ethnic minorities. This study argues that ethnic inclusivity in constitutional design is crucial for ensuring democratic legitimacy and long-term peacebuilding in post-coup Myanmar.

Keywords: Myanmar, constitutional reform, ethnic inclusivity, peacebuilding, democratic transition, post-coup

Introduction

Myanmar's Democratic Journey

Myanmar's path to democracy has been a complex and often tumultuous one. It gained independence in 1948 but was plunged into military rule in 1962. Decades of authoritarianism

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followed, marked by economic stagnation, human rights abuses, and isolation from the international community (Human Rights Watch, 2019). The 1988 pro-democracy uprising ignited a spark of hope, but the military brutally suppressed it. Despite this, the National League for Democracy (NLD), led by Aung San Suu Kyi, emerged as a symbol of resistance. The NLD's landslide victory in the 1990 elections solidified its status as a legitimate opposition force, although it was annulled by the military (William, 2015).

There was a gradual shift as the military began to open up the political space in the early 2000s. However, the 2008 constitution, drafted under military control, enshrined the military's power and limited democratic reforms. The 2010 elections marked a transition to civilian rule, but the military retained significant control over the government. The following sections set the stage for understanding the challenges and complexities of Myanmar's democratic journey. They provide a foundation for the subsequent analysis, which delves deeper into specific periods and issues (International Crisis Group, 2011).

The 2008 Constitution: A Foundation of Inequality

The 2008 constitution, which was drafted under military auspices, is a cornerstone of Myanmar's political struggle. It enshrines the military's dominance, granting it a quarter of parliamentary seats and control over key ministries. Such a power imbalance tilts the playing field in favor of the military, limiting civilian oversight and accountability (Crouch, 2024; International IDEA, 2022). Also, the constitution marginalized ethnic minorities by concentrating power at the central government level and restricting self-governance. Critics argue that the process was designed not only to protect the military's position but was also top-down and non-participatory (Harding, 2015; Crouch, 2024). This process laid the groundwork for continued conflict and instability in the border regions. The constitution also included provisions that curtailed freedom of expression and assembly, hindering the development of a vibrant civil society (Human Rights Watch, 2019).

Limited Reforms Under the NLD

The NLD's victory in the 2015 elections marked a significant milestone for Myanmar. Aung San Suu Kyi's leadership brought hope for a more democratic future. However, the constraints imposed by the 2008 Constitution severely limited the NLD's ability to implement substantive reforms. Despite facing numerous challenges, the NLD initiated reforms, including easing censorship and improving economic conditions. However, progress on addressing deep-rooted issues, including ethnic conflict and the military's political dominance, remained slow. The NLD's efforts to amend the constitution were met with resistance, highlighting the military's continued grip on power (International Crisis Group, 2021; Crouch, 2015; Harding, 2015).

Methodology

This study employs a desktop review methodology to examine the impact of constitutional reform efforts before and after the 2021 military coup on pathways to ethnic inclusivity and peacebuilding in Myanmar. It emphasizes two key political initiatives: the 2019 constitutional amendment effort led by the National League for Democracy (NLD) and the Federal Democracy Charter I and II introduced by the National Unity Consultative Council

(NUCC) after the coup. The desktop review involves systematically collecting and analyzing current literature, policy papers and political statements to explore the inclusivity, legitimacy, and peacebuilding potential of each process.

The study relied on a comprehensive collection of previously published materials. These materials included authoritative texts such as official documents, parliamentary records, statements from ethnic political parties, and constitutional texts. To frame political developments, the study analyzes reports by prominent international and local research bodies, such as the Transnational Institute (TNI), International IDEA, the International Crisis Group, and Myanmar-based think tank organizations. Supplementary viewpoints were gathered from media articles, civil society literature, and speeches delivered by ethnic and pro-democracy stakeholders. Burmese language materials were translated into English, with careful attention to consistent terminology to preserve their original meaning and political context (International IDEA, 2022; NUCC, 2021; Wansai, 2018).

A qualitative content analysis framework was applied to the data, which were then thematically coded to identify patterns in ethnic representation, political legitimacy, federal aspirations, and conflict resolution. Comparisons are made between the NLD-led pre-coup constitutional process and the NUCC's post-coup framework. Drawing on comparative constitutional and peacebuilding literatures, the analysis assesses Myanmar's constitutional trajectory in the context of international norms and principles of inclusive governance, synthesizing the findings to contextualize its constitutional development within broader discussions on peace in ethnically divided societies.

Military Dominance: A Persistent Obstacle

This fact emphasizes the military's enduring influence on Myanmar's political and economic landscape.

The military's shadow looms large over the NLD government. Despite the transition to civilian rule, the military retained significant control over key security and economic sectors. One central institutional mechanism that ensures this dominance is the 25% quota of military-appointed seats in parliament. Such constitutional provision effectively granted the military veto power over any proposed constitutional amendments, making fundamental democratic reforms impossible without its consent. In addition to political leverage, the Myanmar military's deep-rooted economic interests, stemming from its ownership of sprawling conglomerates such as Myanmar Economic Holdings Limited and Myanmar Economic Corporation, grant it significant influence over the nation's economy. Such entrenched concentration of power undermines the principles of democratic governance and poses an obstacle to Myanmar's development challenges (Crouch, 2024; International Crisis Group, 2021).

The 2021 Coup: A Setback for Democracy

The 2021 military coup was a devastating blow to Myanmar's democratic progress. The removal of the elected government and the following crackdown on dissent plunged Myanmar into a severe crisis. The coup reversed years of political and economic reforms, causing widespread human rights violations and a major humanitarian emergency. The junta's

intervention exposed the structural vulnerability of the country's democratic transition and underscored the pressing need for a comprehensive political system. The coup galvanized opposition and resistance, but it also created immense challenges for the country's future (International Crisis Group, 2021; Jaipragas, 2021).

The Federal Democracy Charter: A Vision for the Future

The FDC plays as a potential pathway to a more just and democratic Myanmar. The Federal Democracy Charter (FDC) emerged in response to the military coup and outlines a vision for a federal Myanmar based on democracy, equality, and self-determination. The FDC calls for a power-sharing arrangement between the Union government and ethnic minority states, aiming to address the root causes of conflict. Key principles of the FDC include federalism, self-determination, human rights, and good governance. The Charter aims to foster a more inclusive and equitable society by acknowledging the rights of ethnic minorities and promoting the decentralization of power.

Challenges and Opportunities-Federal Democracy Charter I and II

Part I of the Federal Democracy Charter (FDC) outlines the overall vision for the Federal Democracy Union. In contrast, Part II addresses the specifics of establishing an Interim National Unity Government (NUG). Regarding the Democratic Values of FDC Part I, it mentions federalism, self-determination, and minority rights.

- **Federalism:** Distributes power among member states, potentially empowering ethnic minorities concentrated in specific regions.
- **Self-Determination:** Guarantees the right for ethnic minorities to have a say in their affairs within the Union.
- **Minority Rights:** Explicitly protects the fundamental rights of ethnic, racial, and religious minorities.

However, there are also some challenges associated with the democratic values of FDC Part I.

- **Implementation Challenges:** Turning FDC's goals into reality may prove difficult. Negotiations and power struggles could marginalize some groups.
- **Uncertain Autonomy:** The precise level of autonomy for member states is unclear. This autonomy could lead to disputes about minority power.
- **Representation Details:** Lacks specific provisions for seat allocation or power-sharing mechanisms for ethnicities, raising concerns that ethnic inclusion and minorities might be underrepresented.

FDC Part II also addresses its democratic values, highlighting strengths and limitations.

Among its advantages, it mentions better representation, incorporates adequate checks and balances, and provides for greater accountability.

- **Representation:** The document establishes committees representing various groups, including elected parliamentarians, ethnic armed organizations (EAO/EROs), and civil

society organizations (CSOs). This grouping could provide a platform for broader participation in decision-making during the interim period.

- **Checks and Balances:** The creation of separate legislative and executive branches within the NUG could establish a system of checks and balances, preventing excessive concentration of power.
- **Accountability:** The NUG is accountable to the Committee Representing Pyidaungsu Hluttaw (the committee representing Union-level parliaments), potentially promoting transparency and responsiveness to the people's will (NUCC, 2021).

Challenges Facing the National Unity Government (NUG)

- **Unelected Leadership:** The President, Vice Presidents, and Prime Minister of the NUG are appointed by the Committee Representing the Pyidaungsu Hluttaw, rather than being directly elected by the people. This method raises concerns about democratic legitimacy.
- **Temporary Structure:** The NUG functions as an interim body with no clearly defined timeframe. A prolonged interim period could raise questions about the long-term path towards a fully democratic government.
- **Power Dynamics:** The balance of power between the NUG and the Committee Representing Pyidaungsu Hluttaw needs clarification. An overly powerful committee could limit the NUG's ability to function effectively.

The National Unity Government (NUG) faces significant structural and operational challenges. A primary concern is NUG's unelected leadership, with key officials appointed by the CRPH rather than being directly elected, which raises questions about its democratic legitimacy. The NUG's temporary structure is another point of contention; as an interim body with no defined end-date, its prolonged existence could create uncertainty regarding Myanmar's long-term democratic transition. Finally, the power dynamics between the NUG and the CRPH require clarification. An imbalance where the CRPH holds too much sway could limit the NUG's effective governance and operational autonomy.

Realizing the vision

Implementing the vision outlined in the FDC will be a complex and challenging process. The military's continued resistance, ethnic tensions, and economic hardship pose significant obstacles. There are 12 units in the federal constitution (draft) by NUG/NUCC, which was composed last year. However, the draft has not yet been publicly announced. Despite these challenges, the FDC represents opportunities for building a more united and prosperous Myanmar. International support, including diplomatic engagement, humanitarian aid, and targeted sanctions, can play a crucial role in creating a conducive environment for peacebuilding and reconciliation. Civil society organizations and ethnic armed groups will be essential partners in the transition to a federal democratic system (Jaipragas, 2021).

Conclusion

In terms of forging a new path towards inclusive democracy, Myanmar's current situation now stands at a crossroads. The journey toward a just, inclusive, and democratic

future is fraught with challenges, but it is also filled with hope. The Federal Democracy Charter offers a blueprint for rebuilding the nation on the principles of equality, self-determination, and human rights. Achieving this vision will require the concerted efforts of the people of Myanmar, civil society, and the international community. Reconciliation, justice, and economic recovery must be pursued in tandem with political reform. By embracing inclusivity and dialogue, Myanmar can overcome its past and build a brighter future for all its citizens (NUCC, 2021; Bellamy & Drummond, 2011).

It is closely linked to the issues of ethnic inclusion and constitutional reform. Ethnic inclusion and constitutional reform play vital roles in achieving sustainable peace and political stability in Myanmar's post-coup era. This study's comparative analysis of the previous government's pre-coup constitutional amendment efforts and the NUCC's post-coup Federal Democracy Charter highlights the limitations and potential of both initiatives in addressing the grievances or complaints of ethnic minorities. On the one hand, although the NLD-led process under the previous government acknowledged the need for reform, it was limited by both procedural and ethnic inclusivity, failed to decentralize power significantly, and was constrained by the military's veto power. On the other hand, the Federal Democracy Charter represents a more comprehensive and ambitious effort to reimagine the country as a federal union. It recognizes a commitment to plurality and human rights, proposes mechanisms to share power, and acknowledges ethnic self-determination.

However, the interim nature of the Charter, the lack of elected leadership, and the low level of public participation in its drafting raise questions about its validity and effectiveness. Significant barriers to its implementation also exist, such as ongoing armed conflict, institutional fragmentation, and the military's deeply entrenched power. In the absence of widespread political agreement and a convincing transitional roadmap, even well-intentioned frameworks could risk escalating divisiveness or polarization.

Therefore, Myanmar's constitutional reform must address the underlying causes of conflict: historical exclusion, concentration of power, and denial of ethnic rights, rather than merely crafting new laws. In addition to inclusive constitutional design, a legitimate political process supported by public confidence, assurances of protections for minorities, and meaningful participation of ethnic groups in decision-making are all necessary for sustainable peace. Technical support for federal design, pressure for a negotiated settlement, and more inclusive dialogue should be the top priorities of international assistance. Without such concerted efforts, constitutional reform risks becoming yet another elite-driven initiative disconnected from Myanmar's diverse population.

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TEA AND TEARS: A CRITICAL ANALYSIS OF HUMAN RIGHTS VIOLATIONS IN THE BANGLADESHI TEA INDUSTRY

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Abstract

The current tea garden workers of Bangladesh are the descendants of the first-generation Indian migrants who were brought to this country by British colonizers more than 160 years ago. During the span of all these years, several studies have found the Bangladeshi tea industry to be historically associated with severe human rights violations against the workers, making them one of the most exploited and marginalized communities in South Asia. Moreover, despite having a contribution to the national revenue and a growing demand on the local and international level alike, the growth of this industry has become somewhat stagnant. The sector seems to be less researched and less invested in compared to sectors like ready-made garments, showing a tendency of government negligence towards it. This proposed research aims to critically analyze the current human rights challenges within the industry and determine if the Bangladeshi government's approach to the sector is also contributing to the perpetuation of all the human rights violations and slow growth. Moreover, the systemic factors contributing to the government's stance on this sector will also be explored. Using a phenomenological research approach, the proposed research will use perspectives from the workers, owners, union leaders, activists, policy makers, and government officials. Through focus group discussion, key informant and semi-structured interviews, the nuances of the issues will be understood, and the systemic factors playing behind will be uncovered.

Keywords: Bangladeshi Tea Industry/Bangladesh/Human Rights Violations/Marginalized/Labor Exploitation/Government Negligence.

Introduction

The tea industry of Bangladesh exported a total of 2.40 million kg of tea up to November 2024, making it the highest amount of tea exported since 2017 (Bangladesh Tea Board, n.d.). Tea as a crop stands as the second largest compared to all the other cash crops² grown to sell for profit on the land (Nousheen, 2022). According to the Bangladesh Tea Board (BTB), a new record was set in 2023 with the production of 102.9 million kilograms of tea

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² Cash Crops: Crops that are mainly grown for selling and making a profit.

throughout the country, making it the highest yield in the last 170 years (Barua, 2024). Tea, as the second cash crop from Bangladesh, is now contributing to 1 percent of the national GDP. Simultaneously, this sector constitutes 1.89 percent of the total global production too (LightCastle Analytical Wing, 2022). The economic contributions of the tea industry to national revenue stand in stark contrast to the chronic neglect of the fundamental rights of its labor force. Moreover, this labor exploitation also hampers the profitability of the industry.

Despite the revenue drawn by this sector, the tea garden workers' community in Bangladesh is known to be one of the most deprived, exploited, and marginalized communities in South Asia (Idris, 2018). Several studies (Ahmmed & Hossain, 2016; Chowdhury & Ahsan, 2021; Chowdhury et al., 2018; Gain, 2009; Gain et al., 2016; Begum et al., 2022; Idris, 2018; Rahaman et al., 2021; Ullah et al., 2014; Roy et al., 2018) have explored deplorable living and working conditions along with a long history of severe human rights violations in the tea industry of Bangladesh. This paper aims to critically analyze the existing human rights challenges in the tea gardens of Bangladesh, focusing on the socio-economic, political, and systemic issues contributing to them. Moreover, the current living and working conditions for the workers of the tea gardens in Bangladesh will also be examined to see if they meet the basic International Labor Organization (ILO) standard or not.

Tea was brought to the Indian subcontinent by the British rulers in an attempt to break China's monopoly over the global tea trade in the 18th century (Sen, 2004). First cultivation began in Assam. The industry emerged in Bangladesh with cultivation beginning beside the Chittagong Club by European traders in 1840 (Gain, 2009). In 1854, Malnichhara, the very first tea garden in Bangladesh, was established in Sylhet, and it started producing tea commercially in 1857 (Gain, 2009). At that time, the British government used to source indigenous tea garden workers from famine-stricken areas of India, mostly from Odisha, Meghalaya, Assam, West Bengal, Bihar, Uttar Pradesh, Madras, or Madhya Pradesh (Idris, 2018). Thus, the tea garden workers in Bangladesh are bona fide citizens³ (Gain et al., 2016) who were brought to this country over 160 years ago by the British colonizers.

The tea garden workers migrated from India to Bangladesh in hopes of bettering their lives but were instead forced into lives of slavery by the British lords. Most of them have indigenous ancestral roots, which adds even more to their vulnerability. The current tea garden workers in Bangladesh are the descendants of those first-generation Indian migrants. And they still are administered the same way that the British overlords, Sahibs, or Zamindars used to do. As a result, their fates have not differed much from their ancestors even after these 160 years.

Literature Review

The human rights conditions of the tea estates of Bangladesh have piqued many researchers' attention and have been a subject of scrutiny for their socio-economic and humane context. These studies showed that the plights of the tea garden workers could never lessen because of the poor wage structure (Gain, 2021a; Begum et al., 2022), deplorable living

³ Bona fide Citizens: Citizens who are physically residing and are domiciled in a foreign country for an uninterrupted period.

conditions (Hassan, 2014), lack of access to education and healthcare facilities (Chowdhury & Ahsan, 2021), social exclusion (Hossain, 2021), marginalization (Saqi et al., 2014), and political indifference (Idris, 2018).

Tea garden workers in Bangladesh receive extremely low wages, which are far below the living wage. In August 2022, during the reign of the former Prime Minister Sheikh Hasina, the minimum daily wage of the tea garden workers was determined as 170 Taka (Gain, 2024) for plucking 25 kilograms of tea leaves from the plantations per day (Reza, 2024). The wage does not cover even the basic needs of the tea garden workers, such as food or education (Begum et al., 2022).

The poor working conditions at the tea garden, along with long hours of work, lack of supporting equipment, daycare, and basic hygiene facilities, worsen the situation even more. According to a study conducted by Chowdhury and Ahsan (2021), 60 out of 100 tea garden workers struggle to manage meals three times a day. Moreover, they have to rely on foods like dry tea leaves, dry pieces of bread, and chili rice, which barely cover daily nutrient needs for maintaining health (Rahaman et al., 2021).

The owners are to provide them with housing. But in reality, these accommodations are nothing but mere mud huts lacking proper ventilation, bedding, electricity, or access to clean water (Chowdhury & Ahsan, 2021). Also, according to the same study (Chowdhury & Ahsan, 2021), an estimated 600,000 tea garden laborers and their family members use open spaces for toilet purposes, and only 67 percent of the workers think they have adequate access to clean drinking water. They have to rely on water from natural sources like canals and ponds in dry seasons (Ullah et al., 2014).

These problems, like inadequate sanitation, lack of medical care, proper food, access to clean water, or exposure to harmful pesticides and chemicals, are responsible for severe health risks among workers. Many even suffer from chronic illnesses, but there is limited access to healthcare services. Also, a study revealed that about 82 percent of tea garden workers have a BMI lower than 18.5 (Idris, 2018). The industry has a serious shortage of doctors, nurses, and proper medical facilities too (Rahaman et al. 2021).

Female tea garden workers face severe challenges in accessing reproductive health services. Their well-being is seriously impacted by the lack of proper medical facilities, prenatal care, and healthcare education. Serious and terminal illnesses like cervical cancer, tuberculosis, and sexual diseases are very common among female tea garden workers (Gain, 2021b). Specialist doctors are rare to be found, and the doctors there even rely on natural medicines for treatment (Chowdhury & Ahsan, 2021). Even mortality rates during childbirth are very high due to a lack of trained midwives (Chowdhury & Ahsan, 2021), and 52 percent of the tea workers have natural births at home without proper medical facilities (Chowdhury et al., 2018).

The children at the tea garden face severe barriers in terms of accessing education. Poverty, lack of infrastructure, and the long hours worked by their parents are some of the contributing factors behind them.

Tea garden workers in Bangladesh are one of the most marginalized communities in South Asia (Idris, 2018). Though they are now bona fide citizens of the country and are protected from any kind of discrimination by the state as citizens according to Article 27 of the constitution, they face regular discrimination based on their ethnicity, gender, religion, and class. These workers actually belong to Dalit and Indigenous backgrounds (The Flavour Bangladeshi Tea Hides Tales of Slavery, 2023), coming from India.

Moreover, the workers are also discriminated against in terms of their religion. In Bangladesh, 91.04 percent of the total population is constituted by Muslims (Bangladesh Bureau of Statistics, 2022). The tea garden workers in Bangladesh are generally Hindu. Before the Durga Puja of 2024, which is the biggest festival of the Hindu community, tea garden workers received no salary for several months and were forced to survive eating only rice and salt (Deshwara, 2024). The celebration of puja could bring no joy to them.

Studies also found discrimination in terms of the right to form trade unions and engage in collective bargaining. Tea workers in Bangladesh are represented by a single trade union named the Bangladesh Cha Sramik Union (BCSU). It advocates for approximately 138,366 workers (Chowdhury & Ahsan, 2021). However, significant barriers hinder the formation of unions and also reduce the effectiveness of the existing ones.

Bangladesh has ratified most of the key ILO conventions, except those related to setting a minimum wage (Nousheen, 2022) in terms of international labor standards. Bangladesh's reluctance to take on international commitments suggests a lack of effort to protect the rights of vulnerable groups like tea workers. Ratified on October 5, 1998, and September 6, 2000, respectively (Office of the United Nations High Commissioner for Human Rights, n.d.), the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) also create binding commitments for the Bangladeshi government to respect, protect, and fulfill human as well as labor rights.

From this literature review, it's evident that the scenario of the tea garden in Bangladesh does not comply with ILO standards. Moreover, several of the rights illustrated in the ICESCR and ICCPR are also violated.

The previously existing literature does not really address the angle of the Bangladesh government's attitude toward the tea industry. We have seen the same government prioritize RMG or EPZ sectors, but the efforts are insufficient to improve the current situation in terms of the tea sector. The demand is increasing day by day in both domestic and global contexts, but still, the Bangladeshi government is not taking enough steps to improve the current condition and productivity. This research aims to fill that gap and find out the underlying factors behind this attitude.

Conceptual & Theoretical Framework

The diagram below aims to illustrate the connection between the concepts and how they are contributing to the current situation of tea garden workers in Bangladesh.

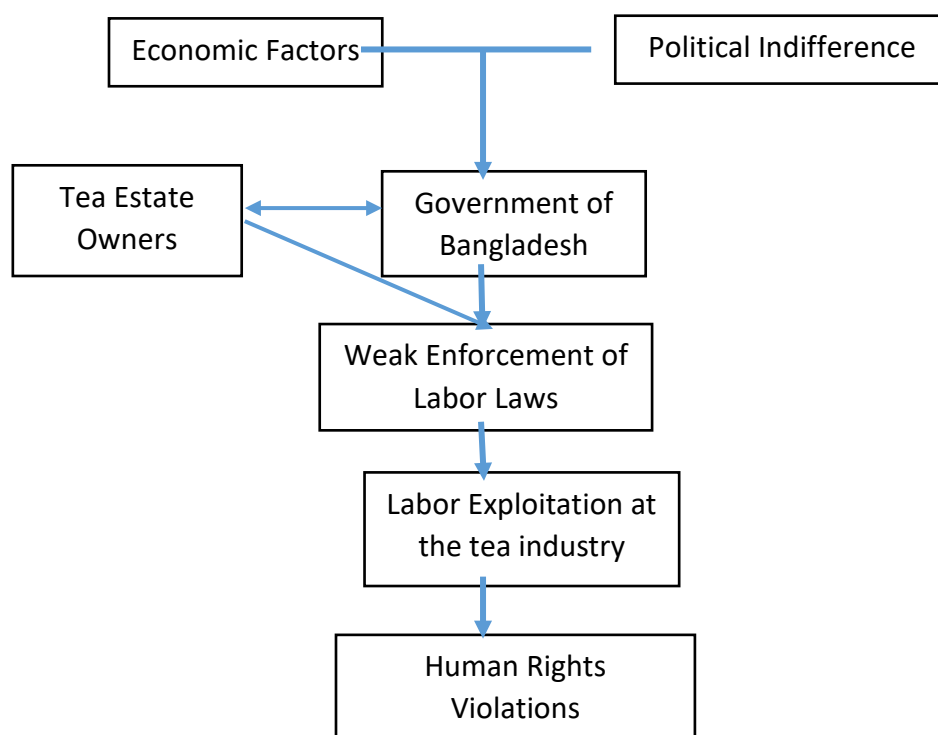


Figure-1: Conceptual Framework of the Research

In this paper, post-colonialism refers to the Western colonial influence and legacy, which is still evident in many of the previously colonized countries of the world. Labor exploitation means taking unfair advantage of the employees by the employers for their profit. Political indifference indicates the lack of attention paid to a certain area of society by the political parties if that area fails to aid in their own gains. And lastly, human rights violation refers to the violation of inalienable human rights as illustrated by internationally recognized standards.

The Constitution of Bangladesh, laws, judiciary procedures, and bureaucracy are very much rooted in the British colonial legacy even today. As a result, the laws are archaic, full of loopholes, and are not suitable for the modern era. This facilitates the weak enforcement of labor laws even more. Moreover, there has been a historical culture of political indifference to the rights and well-being of the tea garden workers by the political parties in the country. Their rights have never been included in any of the political manifestos ever. Right before the 2008 election, the Awami League was the only political party to mention a particular right of the tea estate laborers in their manifesto (Idris, 2018). Though they did nothing mentionable when they came into power. This culture of political indifference (Idris, 2018), post-colonial legal structure (Islam, 2023), loopholes, and poor enforcement of laws (Nousheen, 2022) facilitated all kinds of labor exploitation in Bangladesh. On top of that, the tea garden owners maintain mutually beneficial relationships with the government. The government's patronization and weak enforcement of labor laws make them strong enough to escape any consequences for their labor exploitation. Also, post-colonialism has affected our societal and economic values as well, making us more exploitative and authoritative snobs, who are less humane. The migrant tea garden workers could never amalgamate with the Bangladeshis, as they could never be

accepted by us. Social exclusion and marginalization even worsened the situation, leading to severe human rights violations.

The theory that will help understand the phenomenon is:

- **Political Economy Theory:** The 'Political Economy Theory' helps explain the relationship between politics, economics, and society. It shows how political and economic interests can neglect or harm certain groups, like tea garden workers. For example, there is little investment in the tea industry because political decisions often focus on sectors that benefit the elites or political allies, leaving the tea industry underdeveloped. Human rights violations become a perpetuating phenomenon then. Baran (1957) and Therborn (2004) examine how political and economic factors contribute to labor exploitation. According to Ness (2020), political and economic structures often prioritize profits over the well-being of workers. It ultimately leads to poor working conditions and low wages. We can find a similar issue in the tea industry of Bangladesh. Also, Lerche and Caraway (2009) discuss how coercion and forced labor in the private sector are used to exploit workers. Weak labor laws and limited government intervention allow employers even more to take advantage of the workers. And that's how the status quo of exploitation is maintained.

Methodology

A phenomenological research approach will be used for this study. A strong connection has always been present between ILO conventions and human rights. Complying with ILO standards has become somewhat synonymous to complying with human rights, especially the rights that speak of civil, political or economic rights. By securing fundamental labor rights, ILO conventions have played an undeniable role in upholding human rights globally. Thus, along with the human rights standards, this paper wants to consider the ILO standards too to see if the Bangladeshi tea industry meets the basic labor rights demands. The conventions which will be taken into consideration for analyzing the current living and working standard are:

- Forced Labor Convention (ILO Convention 29)
- Freedom of Association and Protection of the Right to Organize Convention (ILO Convention 87)
- Right to Organize and Collective Bargaining Convention (ILO Convention 98)
- Minimum Wage Fixing Convention (ILO Convention 131)
- Occupational Safety and Health Convention (ILO Convention 155)
- Worst Forms of Child Labor Convention (ILO Convention 182)

In order to understand government's attitude toward the tea industry, following tools will be used:

- Interviews with government officials, policymakers, and labor activists to understand policy gaps.

- Review of relevant government documents, labor laws, or industry policies to identify neglect and insufficient enforcement.
- Perspectives from tea workers and union leaders on how governmental actions (or inactions) impact their rights.

Anticipated Findings

Based on the reviewed literature and the conceptual framework grounded in political economy, this study anticipates to find some of these phenomena described below:

1. Violations of Human Rights and ILO Conventions:

From the literature review, it is evident that the tea workers are trapped in exploitative working conditions. Their wages are very low, keeping them in cycles of debt that resemble forced labor. Living and working conditions in tea estates are also very poor. Thus, the most anticipated finding of this research would be the concerning human rights violations in the tea estates.

2. Reduced Productivity and Export:

Global tea production now exceeds USD 17 billion annually, working as a main source of export revenue for low-income and developing countries around the world (Food and Agriculture Organization, 2022). Research predicts that global tea production will grow at an annual rate of 5.7 percent from 2021 to 2026 (Caro, 2020; Mordor Intelligence, 2023) to keep up with rising demand. Tea consumption per person has increased by 2.5 percent globally over the last decade, causing worldwide tea production and exports to grow significantly. But the situation seems to be different in the context of Bangladesh. Tea consumption rate is increasing but tea exports are decreasing steadily. There is a clear negative relationship between the two. For many years, tea exports have been a major source of foreign income for Bangladesh. However, as people's incomes increased in the country, tea became a regular part of their daily habits and life. This caused domestic demand for tea to rise sharply, but the productivity did not increase over the years. In 2021, Bangladesh produced a record 96,500 tons of tea, but it still wasn't enough to fully meet local demand (LightCastle Analytical Wing, 2022). As a result, there was little left for export.

Thus, reduced productivity and export in this sector is much anticipated as well.

3. Government's Negligence:

The overall crop production in Bangladesh has seen dramatic fluctuations historically. The yearly growth rates of jute, sugarcane, fish and shrimp, leather, and tea exports are much lower than the overall export growth rate of 16.31 percent (Islam & Haque, 2018). In contrast, the growth rates of RMG and EPZ exports are higher than the overall rate.

Between 1990 and 2016, EPZ exports grew at an average of 23.8 percent per year (Islam & Haque, 2018). The slower growth of jute, fish and shrimp, leather, and tea has not kept up with the rapid growth of RMG and EPZ exports (Islam & Haque, 2018).

This proves that there is a clear evidence of government's negligence towards this sector. Otherwise this sector would also have flourished like the other ones. Thus, finding government's negligence to be a reason behind the downfall is also anticipated.

4. **Post-colonial legacy:** It is also anticipated that the post-colonial legacy would be considered to be a big factor behind the loopholes in the system, faults in the administrative structure and the perpetuation of the exploitation.

Conclusion

Despite ratification of several international covenants, the tea industry in Bangladesh continues to suffer from gross violations regarding labor rights. It thus indicates the huge gaps between such international standards and their implementation at the national level with examples drawn in terms of unfair wages, unsafe work conditions, and lack of access to healthcare, education, and other basic services for tea workers. Even though Bangladesh commits to international covenants ensuring decent labor rights, systemic neglect makes it clear that much more needs to be done to ensure these foundational rights are, at least, protected. The integration of the voices of tea workers with stakeholders is intended to reveal systemic issues and policy vacuums in a clear way. The results from this research will enhance academic debate while also communicating the need for better labor practices and rights within the tea industry.

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ENHANCING RESILIENCE THROUGH PUBLIC POLICY: LESSONS FROM DISASTER LOGISTICS IN THE POST-2011 TOHOKU EARTHQUAKE IN SENDAI CITY

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Abstract

In recent years, resilience has become a central theme in global disaster policy, yet its practical implementation often remains unclear. This study examines how Sendai City has employed resilience-based public policy in disaster logistics following the 2011 Tohoku Earthquake. It focuses on how supplies are delivered to people in the final stage, known as "last-mile delivery." The research employs interviews with government workers and experts, as well as reviews of relevant policy documents. Three main findings were found. First, cooperation between different groups and levels of government has improved. Second, the term "resilience" is often used, but its meaning remains unclear in policies, which makes it challenging to apply in real-life situations. Third, collaboration between local and national governments remains challenging due to unclear roles and responsibilities. This paper demonstrates that, although progress has been made, unclear policies and weak cooperation hinder the full implementation of resilience ideas. The case of Sendai offers important lessons on how to translate the concept of resilience into practical disaster logistics actions.

Keywords: Resilience, Public Policy, Disaster Logistics

Introduction

Over the past two decades, the concept of resilience has become a central focus of global disaster policy. Organizations such as the United Nations Office for Disaster Risk Reduction (UNDRR), the World Bank, and APEC, as well as countries like the United States

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and Australia, have integrated resilience into their disaster risk management frameworks (Shimizu, 2012). However, resilience often remains more aspirational than operational, lacking shared understanding or practical guidance (Balboni et al., 2011; Shimizu, 2012). Even in Japan, a leader in disaster preparedness, questions persist: “How could Japan have been more resilient?” and “How can resilience be meaningfully embedded in public policy?” (Shimizu, 2012). This ambiguity is especially evident in disaster logistics, which has drawn increasing attention since the 2004 Indian Ocean tsunami (Van Wassenhove, 2006). The timely delivery of relief supplies—especially to the “last mile”—is critical but often hindered by coordination failures, unclear leadership, and fragmented systems (Holguín-Veras et al., 2007; Roy et al., 2012). Local governments often face significant challenges because they must act swiftly during disasters, despite frequently lacking sufficient personnel or resources (Fukumoto et al., 2012; Shibuya, 2019). Many experts now recognize the importance of logistics in disasters, but few studies have examined how the concept of resilience is applied in real logistics plans. The Tohoku Earthquake demonstrated the challenges that can arise.

In Sendai City and across Miyagi Prefecture, logistical disruptions were not only technical failures but also reflections of broader governance and policy weaknesses (MLIT, 2011; Nishiwaki et al., 2007; Shimizu & Clark, 2011). Although public-private partnerships existed, coordination gaps and unclear roles hindered effective response, highlighting the need for resilience to be embedded into policy frameworks. This study examines Sendai City—one of the areas most severely affected by the 2011 disaster and a globally recognized hub for resilience initiatives—as a case to explore how resilience is integrated into disaster logistics governance. It addresses two research questions:

To what extent has resilience-based public policy for disaster logistics been adopted in policy and practice in Sendai City since the 2011 Tohoku Earthquake?

What are the implications for the resilience of social systems in Sendai City?

Through a qualitative analysis of policy documents and expert interviews, this study explores how resilience is translated into practice and identifies structural conditions necessary for building more resilient social systems through disaster logistics.

Conceptual Framework

This study is grounded in the resilience framework developed by Professor Mika

Shimizu, which emphasizes the interdependent relationship among three core elements: resilience-based public policy, community resilience, and physical resilience. According to Shimizu (2012), a truly resilient society cannot be sustained without maintaining a dynamic balance among these three components. Resilience-based public policy provides the institutional foundation that enables communities and infrastructure systems to adapt and recover from disruptions. Community resilience reflects the capacity of people and social systems to respond collectively to shocks, while physical resilience refers to the robustness and adaptability of critical infrastructure and built environments. In Shimizu's framework, these elements are not isolated; instead, they function in a mutually reinforcing manner. Public policy plays a central role in supporting and connecting both community and physical resilience in disaster management strategies. In the absence of coherent policy design and implementation, efforts to build resilience at the community or infrastructure level may lack direction, resources, or institutional support, making them unsustainable. Building upon this foundation, the concept of Disaster Logistics Resilience is introduced as an analytical lens.

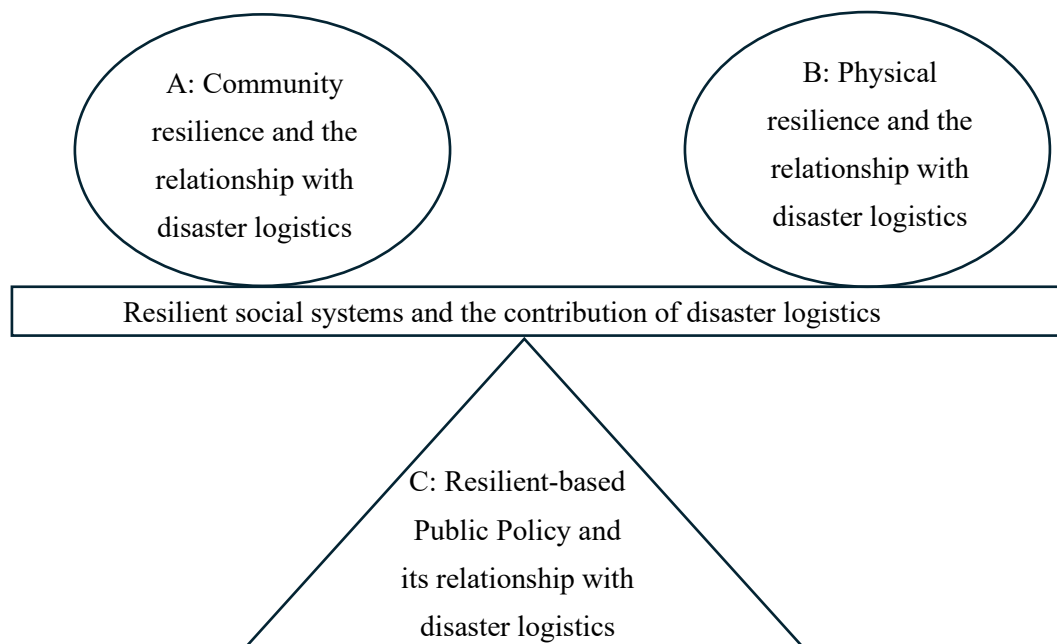
By integrating disaster logistics—particularly the governance of last-mile delivery and the coordination of multi-stakeholder responses—into Shimizu's conceptual framework, this study positions disaster logistics not merely as a technical function, but as a critical entry point for rethinking what it means to build a resilient society.

Concept of Disaster Logistics Resilience

Disaster Logistics Resilience refers to the capacity of logistics systems to support and enhance resilience across institutional, social, and physical dimensions during and after a disaster. Building on Shimizu's (2012) resilience framework, which highlights the interdependent relationships among resilience-based public policy, community resilience, and physical resilience, this concept positions logistics as a critical integrative mechanism. Rather than treating logistics as a purely technical or operational domain, Disaster Logistics Resilience emphasizes its strategic role in enabling policy implementation, supporting community-level responses, and sustaining the functionality of critical infrastructure during crises.

In particular, this concept highlights the governance of last-mile delivery and the coordination of diverse stakeholders, including public agencies, private sector entities, and civil society organizations. When disaster logistics are embedded within a resilience-based policy framework, they can help bridge gaps between planning and practice, enabling more effective

distribution of relief supplies. As such, Disaster Logistics Resilience serves not only as a practical function but also as an analytical lens through which the operationalization of resilience in disaster settings can be understood and improved.



Concept of Disaster Logistics Resilience (adapted from Shimizu, 2012)

Methodology

This study employs a qualitative research design to investigate the implementation of resilience-based public policy in disaster logistics. Primary data were collected through semi-structured interviews with six key informants, including government officials from the Tohoku District Transport Bureau of the Ministry of Land, Infrastructure, Transport and Tourism (MLIT), Miyagi Prefecture, and Sendai City Hall, as well as academic experts specializing in resilience and disaster logistics. The interviews were conducted online between May and November 2024, using non-probability and snowball sampling techniques to identify relevant participants. Secondary data were obtained from a wide range of sources, including policy documents, academic literature, official government reports, and media coverage. All data were analyzed using content analysis, with a focus on identifying recurring themes and patterns. This approach enabled the study to examine the gap between policy intentions and on-the-ground implementation, and to identify key challenges related to coordination, conceptual clarity, and operationalizing resilience in disaster logistics. The details of the interviewees are provided in

Table 1 below.

Table 1: The list of interviewees

No	Date	Position	Sector
1	18-Aug-24	Academic at Ryutsu Keizai University	Academic
2	1-Sep-24	Academic at Tokyo University of Marine Science and Technology	Academic
3	10-Oct-24	Senior official at Tohoku District Transport Bureau of The Ministry of Land, Infrastructure, Transportation	Government
4	20-Nov-24	Representative at Sendai City, Fire Department Disaster Prevention Planning Division	Government
5	21-Nov-24	Senior official at Miyagi Prefecture General Affairs Department, Crisis Management Division.	Government
6	30-Nov-24	Academic at Tohoku University	Academic

Findings and Discussion

Since the 2011 Tohoku Earthquake, the adoption of resilience-based public policies for disaster logistics in Sendai City has reflected a gradual but significant institutional transformation. This section synthesizes qualitative data derived from in-depth interviews with policymakers, municipal officials, and academic experts. The findings suggest that the concept of resilience has been embedded into disaster logistics policies through key policy frameworks such as the Miyagi Prefecture Model and the updated disaster management plan of Sendai City. These frameworks underscore the importance of proactive logistical readiness, including increased stockpiling of relief goods, pre-disaster agreements with logistics providers, and decentralized last-mile distribution hubs. One official from Miyagi Prefecture explained this shift as follows:

"To enhance disaster response capacity, we increased the budget related to disaster logistics. For example, we requested funds from the central government to develop stockpile bases and strengthen emergency transport systems. We also collaborate with private logistics companies and supply chain actors, as well as academic experts, to improve institutional design and

policy decisions across multiple domains.”

(Interview 5, November 21,
2024)

Another municipal planner emphasized operational adjustments:

"We began regularly reviewing stockpile locations and started holding public hearings to understand what is needed in emergencies. The reviews now account for not only earthquakes but also floods and landslides. We did not have such systems before the earthquake."

(Interview 4, November 20, 2024)

These examples demonstrate that resilience-based public policies have begun to influence disaster logistics practices. For instance, infrastructure investment, intersectoral policy dialogues, and institutional redesign reflect intentional efforts to link financial, operational, and decision-making capacities across governmental and non-governmental actors—core elements of the Institutions component of resilience. Such cross-level coordination reflects efforts to embed structural components of resilience within policy implementation. Moreover, the revision of stockpiling systems to incorporate community input and anticipate diverse disaster scenarios exemplifies how a more inclusive and comprehensive view of disaster risks—another resilience component—is being embedded into public policy. These changes mark a shift from purely technical solutions to policies that aim to enhance the resilience of entire social systems. However, despite these advancements, the interviews also revealed conceptual ambiguities surrounding the concept of resilience. Several respondents described the term as abstract or as a "buzzword," noting a lack of clarity in its operational application:

“Resilience is frequently mentioned, but in practice, its meaning remains vague and varies depending on who interprets it.” (Interview 2, September 1, 2024)

“The term ‘resilience’ is in vogue, but when asked how it is measured or institutionalized, people tend to hesitate.” (Interview 1, August 18, 2024)

These observations are consistent with the existing literature, which suggests that resilience remains undertheorized in Japanese disaster public policy (Shimizu, 2015). Therefore, while significant strides have been made in adopting resilience-based approaches, challenges remain in translating these abstract principles into coherent and measurable policy practice. The findings and their linkage to key components of resilience are summarized in

Table 2, illustrating how these elements have been reflected in Sendai's disaster logistics policies and practices.

Table 2 Linkages Between Findings and Resilience Framework Components

Framework Component	Key findings	Explanation
Time Scale	- Developed transportation networks and seismically retrofitted stockpile warehouses to ensure continuity during crises - Implemented the push-type support system to accelerate emergency response without delay	Demonstrates efforts to integrate short-term emergency response with long-term infrastructure planning and recovery strategy.
Institutions	- Secured funding from the central government to enhance stockpile bases and emergency transport systems - Collaborated with logistics companies and academic experts to improve institutional design and decision-making - Regularly reviewed stockpile locations and held public hearings to reflect local needs in policy	Institutional design linking financial, operational, and decision-making functions across central-local governments, private sector, and civil society—forming multi-level, cross-sectoral institutional resilience.
Expertise	- Engaged academic experts and logistics professionals in planning and coordination - Identified the term 'resilience' as under-defined, limiting its practical application	While expert knowledge is mobilized, the ambiguous definition of resilience constrains interdisciplinary and cross-sectoral implementation.
Disaster Risks	- Revised stockpiling strategies to address not only earthquakes but also floods and landslides - Co-developed community-based evacuation plans reflecting diverse disaster scenarios	Reflects a broadened and inclusive understanding of disaster risks through technical adaptation and community-based planning.

Framework Component	Key findings	Explanation
Policy Formation Process	- Integrated local input into disaster planning through regular public hearings - Revised city-level disaster plans incorporating community proposals	Indicates a shift from top-down policy-making toward more participatory and adaptive policy formation practices.
Disaster Management Process	- Emphasized the importance of seamless coordination with prefectural and national authorities - Identified persistent challenges in defining roles and responsibilities during emergencies	Effective disaster response depends on intergovernmental coordination; however, governance gaps and unclear authority structures remain significant barriers.
Knowledge Production Process	- Applied lessons from past disasters to infrastructure upgrades - Institutionalized regular review of stockpiling and incorporated community feedback	Demonstrates efforts to translate practical experience into policy; however, mechanisms for sustaining institutionalized knowledge remain underdeveloped.

The above table presented in this study maps empirical findings onto the components of Shimizu's resilience framework, drawing specifically on two analytical perspectives: the linkage lens and the process lens. The linkage lens highlights how critical elements such as time scale, institutions, expertise, and disaster risks are interconnected across multiple actors and functions. For example, findings related to the integration of short-, mid-, and long-term disaster planning reflect the linkage across temporal scales. At the same time, the collaboration between government agencies, logistics providers, and academic experts demonstrates institutional and interdisciplinary linkages that are essential for effective disaster logistics governance.

Meanwhile, the process lens provides insight into how resilience is cultivated through ongoing and adaptive policy-making, disaster management, and knowledge generation. Empirical findings categorized under the policy formation process—such as the incorporation of local feedback into disaster plans—correspond to the "Analysis, Evaluation, Planning, and

Implementation through Renewal" cycle. Similarly, efforts to revise stockpiling strategies based on past experiences align with the knowledge production process, which emphasizes the integration of data, experience, and lessons learned into actionable policies. By utilizing both lenses, the table offers a comprehensive view of how disaster logistics functions not only as a structural linkage mechanism but also as a dynamic and iterative process that enables resilience-building across governance levels and time horizons.

Implications for Social System Resilience in Sendai City

The integration of resilience-based public policy in Sendai City has contributed to strengthening the city's disaster response capabilities. From the perspective of the resilience-enhancement framework outlined in this study, improvements are evident in linkages—such as time scale, Institutions, Expertise—and in processes including policy formulation, disaster management, and knowledge production. The interview data suggest three interrelated implications for social system resilience.

First, improving stakeholder engagement. Since the Tohoku Earthquake, stakeholder engagement in disaster logistics has significantly improved. As one official from Miyagi Prefecture noted,

“The number of disaster agreements between the prefecture and private organizations increased from 95 before the disaster to 280 today.” (Interview 5, 21 Nov 2024)

Regular meetings and public dialogues among government agencies, private sector actors, and academic institutions have contributed to the development of more inclusive policies. This collaborative approach has enhanced the management of emergency stockpiles, led to more formalized agreements with private companies, and promoted greater community involvement in disaster preparedness and response. These developments underscore the evolving role of public policy in promoting resilience through effective stakeholder coordination.

Second, a lack of shared understanding of “resilience” among practitioners.

Despite the increasing use of the term "resilience" in disaster policy discourse, a consistent and operational understanding remains elusive. One academic expert commented,

"Resilience is vaguely defined in practice, and in some cases, the term feels like an excuse—it is as if failure in the early stages of a disaster can be forgiven, as long as recovery eventually happens." (Interview 6, 30 Nov 2024)

This ambiguity hinders the development of coherent policies and the alignment of priorities across institutions. Third, coordination challenges between local and central governments. Although frameworks for coordination between central and local governments have been strengthened since 2011, interview evidence suggests that ongoing structural challenges persist. A scholar emphasized,

"Some local governments remain cautious toward external support or central government involvement. In a decentralized system, it is unclear who should take initiative during the early response phase, which delays decisions and actions" (Interview 6, 30 Nov 2024).

This unclear situation highlights how decentralization and ambiguous leadership roles complicate timely information sharing and effective logistics coordination. Despite institutional progress in cities like Sendai, seamless multilevel governance remains a work in progress.

Conclusion

This study has explored the extent to which resilience-based public policy for disaster logistics has been adopted in both policy and practice in Sendai City since the 2011 Tohoku Earthquake. In doing so, it has examined how such policies have shaped last-mile distribution by state and non-state actors, and investigated how resilience-based approaches have facilitated linkages between disaster logistics, community resilience, and physical resilience. The findings reveal three critical challenges and insights for advancing resilience-based public policy in disaster logistics. First, there remains a fundamental lack of shared understanding of

"resilience" among policy practitioners. Although the concept of resilience has gained international prominence, being integrated into frameworks by entities such as the UNDRR, APEC, and national governments, it often remains a conceptual ideal rather than an operational framework. Interviews conducted in this study confirm that while "resilience" is referenced in documents such as the Sendai Framework, its practical definition and implementation remain ambiguous among government officials.

In many cases, the term is rarely used in local policy dialogues, and when it is, it tends to lack clarity and consistency. As Shimizu (2015) notes, resilience does not exist as a fully established theory, but rather as a concept developed across fragmented disciplinary boundaries. Therefore, building a resilient society requires more than referencing the term in official documents—it necessitates a commonly held understanding among stakeholders and the embedding of resilience into policy design and implementation.

In this light, resilience must be regarded not merely as an outcome, but as an evolving and participatory process. Second, stakeholder engagement has emerged as a vital pillar in fostering resilience in disaster logistics. Since the 2011 earthquake, there has been a notable increase in multi-stakeholder collaboration in Sendai and across Miyagi Prefecture. Public-private partnerships have been institutionalized through expanded disaster agreements, and regular dialogues now include voices from civil society, private logistics companies, and local governments. These developments have enhanced the capacity to manage emergency supplies and community-based preparedness. Applying the resilience framework developed in this study, this evolution aligns with both the "Linkage" and "Process" elements of resilience, particularly through inclusive policy formation and institutional expertise. However, these gains remain dependent on the continuity of political will and institutional memory, highlighting the need for resilient engagement mechanisms that transcend individual actors or temporary initiatives. Third, coordination between local and central governments continues to pose structural and operational challenges. Despite policy improvements such as the central government's "push-type" support system, the foundational structure of Japan's disaster governance—where municipalities bear primary responsibility—limits the efficiency of vertical coordination. Interviewees described how decentralization, combined with jurisdictional overlaps and unclear leadership roles, often delays or complicates response efforts. While Sendai City and Miyagi Prefecture have taken steps toward integrated planning, achieving seamless cooperation across municipal, prefectural, and national levels remains elusive. Effective resilience-based policy must therefore strengthen intergovernmental coordination through

more explicit role allocation, enhanced communication channels, and improved pre-disaster planning mechanisms.

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UNREGULATED RECRUITMENT PRACTICES AMONG CAMBODIAN LAW FIRM INTERNS IN PHNOM PENH: EXPLORING THE NEED FOR LEGAL RECOGNITION, PROTECTIONS, AND ETHICAL STANDARDS IN THE LEGAL PROFESSION

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Abstract

Cambodia's labor law, enacted in 1997, forms the basis of labor rights in the country; however, there is no clear legislation specifically protecting interns working in a law firm in Cambodia. Without clear regulations, the rights to fair pay, working hours, and social protections remain unanswered. The absence of clear rules may result in interns lacking legal protections, leading to labor exploitation through romanticizing practical experience, rather than quality work. ILO conventions and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) legally and socially set international labor standards for fair labor practices, promoting decent work and adequate living conditions. However, Cambodia's labor law, adopted in 1997, does not explicitly define the legal status of internships, particularly within the legal profession. This study critically examines the Cambodian Labor Law of 1997 in relation to international labor standards. It evaluates the laws' alignment with key frameworks, such as the ILO Conventions and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The research employs a doctrinal legal methodology, focusing on non-standard employment and legal gaps to elaborate on its findings. The analysis extends to a comparative case study of France, identifying legal distinctions and assessing areas where Cambodia's labor regulations may require reform.

Keywords:

I. Introduction

Initially, the concept of an internship is traced back to the apprenticeship model in ancient Egyptian and Babylonian societies, wherein apprentices worked under the guidance of an employer or master craftsman. This method allowed apprentices to acquire essential skills and experience within their trades (Zopiatis et al., 2021). In modern contexts, an internship is a work-based learning method that enables students or candidates lacking real-world work experience to transition from academia to professional environments. Simply put, it is designed

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to prepare them for the labor market. Ethically, internship programs aim to equip students with the necessary hard and soft skills, as well as enhance professional connections that are advantageous for their career trajectories (Majka, 2024; Stewart et al., 2018).

In various countries, internships have become an integral part of the educational framework, enhancing students' employability after graduation. By offering a pragmatic complement to theoretical academic learning, internships prepare students for successful integration into the labor market (Zopiatis et al., 2021; Svacina, n.d.; SETA – Sacramento Works for Youth, n.d.; Stewart et al., 2018). In Cambodia, internships provide students with the opportunity to gain practical work experience, effectively bridging the gap between theoretical knowledge and its application in professional settings (Phyrom et al., 2020; Anand, 2018). However, some internship organizations may not provide or offer any compensation or remuneration to interns, as there is no legal requirement under Labor Law 1997 (BNG Legal, 2010; Phyrom et al., 2020).

Despite the benefits of internships, it is crucial to recognize the need for legal protections for interns. Although the Cambodian Labor Law of 1997 offers legal recognition and protection for apprenticeships, the law does not explicitly cover interns, resulting in a significant legislative gap or lacuna. The lack of definition leaves interns vulnerable and without clear rights or safeguards, as highlighted by Cambodianess (2021). The absence of such protections has profound implications, allowing issues such as sexual harassment, discrimination, compensation, and overtime violations to persist within internship frameworks (Anjum, 2020; Svacina, n.d.). Additionally, employers have significantly taken advantage of their interns in specific sectors, particularly finance, banking, the arts, and entertainment (Svacina, n.d.). Consequently, these challenges underscore the critical need for reforms to establish stronger legal safeguards for individuals entering the workforce.

1.1. Research Questions

RQ 1: What is the status of an intern under the 1997 Cambodian Labor Law?

RQ 2: To what extent does the Cambodian Labor Law of 1997 provide legal protection for interns regarding remuneration, social security rights, and working hours?

1.2. Research Methodology

The author uses the doctrinal legal research methodology to seek an answer to the research question. Doctrinal legal research is a legal research focusing on the doctrines, legal rules, and legislation that have been used in many legal research papers. The study examines major labor law provisions, including the International Covenant on Civil and Political Rights, the International Labor Organization Conventions, United Nations Guiding Principles on Business and Human Rights, Cambodian Labor Law (1997), and National Security Laws.

1.3. Research Significance

This research serves as a critical foundation for scholars, researchers, policymakers, lawmakers, and other stakeholders to conduct further empirical studies on the issues faced by Cambodian law firm interns.

II. Conceptual Framework

2.1. Legal Gap (Legal Lacuna) in the Labor Law and Related Provisions

Cambodia's labor law does not meet the current demand for labor requirements, such as law interns in law firms. According to Phallack (2012) and Kanharith (2007), the labor law that Cambodia is using today is the version of 1997, and there has only been one amendment in 2002 concerning night work of the workers and the social security law. Interestingly, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) (2023) notes that legislation and legal instruments can significantly impact human rights and people's livelihoods. Law also reflects societal, political, economic, and other priorities. The 1997 Labor Law only emphasizes the recognition of apprenticeship in Article 7, as it pertains to individuals employed by employers or artisans to teach through an apprenticeship contract. The apprentice, under the apprenticeship contract, is required to perform work for the employer. Under the Labor Law 1997 provisions, there is no mention of the definition of an intern, internship contract, internship duration, responsibilities of interns and employers, social security, working hours, or leaves.

Additionally, even international law encourages states to develop a legal framework to meet the current global development needs. Following the end of the Second World War, the United Nations established a human rights framework known as the International Covenant on Economic, Social, and Cultural Rights (ICESCR). They transformed social rights within the ILO framework, including the right to work, the right to social security, determination of employment hours, occupational safety, minimum wage, and other essential labor rights, into substantive rules, making them enforceable under the ICESCR framework (Monica, 2021). When Cambodia ratified the ILO and ICESCR frameworks, it integrated the rights and standards under these provisions into its local legislation, specifically the Labor Law, Social Security Law, and other relevant legislation. To relate to the argument, current technical and AI development has shifted employment from physical to manual labor; more importantly, some jobs have been replaced by AI, while new jobs emerge, such as freelancers resulting from digitalization and AI (Eam et al., 2022).

III. Literature Review

3.1. Understanding Internships in Cambodia

The existing literature presents a variety of definitions, ranging from short-term arrangements to temporary jobs within a specific legal entity. Under the framework of labor law, three elements define employees: work performed, under the direction of a supervisor or employer, and in exchange for remuneration (BNG Legal, 2010). However, the core definition consistently emphasizes gaining experience, based on the purpose of the internship. Additionally, the Ministry of Labor and Vocational Training (MLVT) introduced a new aspect to the definition of internship, specifically the requirement for supervision, as interns must have their work overseen (Phyrom et al., 2020). A study illustrates that the internship program in Cambodia is a form of collaboration between the government and private enterprises to boost human resources before entering the labor market, and it is also a cooperation between

universities and corporations to provide a place for students to be exposed to the real working environment (Phyrom et al., 2024).

Phyrom et al. (2020) and Andrew et al. (2018) also identify three types of internships that the ILO defines: educational, open market, and active labor market internships (ALMP). The academic internship is a program that the university often requires as an elective course. Additionally, students can participate in the internship by writing a thesis or completing an internship as part of their graduation requirements (Veung, 2024). An open market internship is a program offered by organizations, companies, or institutions to provide first-time work experience to candidates seeking first-time job experience. Finally, there is an active labor internship program, which is newly integrated into the labor market. It is an internship program in which the government offers support to students to acquire skills and enhance their competencies. It is also a way for the government to reduce the country's unemployment rate (Phyrom et al., 2020).

Furthermore, according to Phyrom et al., internships can also be classified as part-time and full-time. Practically, the full-time internship program requires interns to work 40 hours per week. Once hired, the intern or student does not need to participate in classroom activities. Meanwhile, part-time internships enable students to participate in academic activities alongside an internship program. Still, it is not a top-tiered internship program, as it does not offer many benefits to students during the internship, according to Phyrom et al. (2020). Lastly, Phyrom et al. (2020) and Andrew et al. (2018) also discuss the other forms of internship, including paid and unpaid internships. According to the literature, the unpaid internship program is usually associated with a non-profit organization. In contrast, the paid internship program is more likely to be affiliated with a profit organization, such as a profit company or firm.

3.2. Legal Frameworks on Labor

3.2.1. Cambodian Labor Law (1997)

The labor law of the Kingdom of Cambodia is the fundamental legal rule governing the relationship between employers and employees. Primarily, its sources include many instruments, including the constitution, labor law, royal decree, government regulations (Prakas, circular, and notice), proclamation, ILO conventions, decisions, agreements (employment and collective bargaining), and employers' internal regulations (Peng & Phallack, 2012; International Labor Organization, 2020). According to Peng & Phallack (2012), the Cambodian Labor Law of 1997 underwent only two phases of amendment, in 2002 and 2007, to the Social Security Law, in response to current economic demands (Peng & Phallack, 2012). According to Phallack and Peng (2012), Cambodia's labor law addresses a broad range of issues, including enterprise establishment, apprenticeships, employment contracts, collective bargaining, working conditions, occupational health and safety, worker recruitment and placement, trade unions, labor dispute resolution, strikes, lockouts, labor administration, and the role of the Labor Advisory Committee.

However, labor law is silent on the topic of interns. Based on Phyrom et al. (2020) and Phal Niseiy (2021), there are conflicting ideas regarding the internship status and the firm's responsibilities due to the lack of legal clarity in the 1997 Labor Law. The first argument is

that there is no clear cut between interns and apprentices under the labor provision, leading to various interpretations. Another argument claims that an internship is not a legal obligation, but rather a form of voluntary work, because labor provisions do not recognize interns (Pyrom et al., 2020). Interestingly, one of the most problematic issues in Cambodian statutory stems from ministerial decisions made through decrees and sub-decrees rather than comprehensive statutory law. The overdependence on executive instruments has created significant legal gaps, as specific issues remain unaddressed in formal legislation. Consequently, critical decision-making often falls to ministerial-level officials, a process that lacks transparency and is vulnerable to manipulation or corruption by individual decision-makers (Dolores, 1993). For instance, according to Article 56 of the Labor Law (1997), the determination of occupation and types of work for the teenage apprentice is under the authority of the Ministry of Labor's proclamation.

3.2.2. Social Security Law and Interns

Cambodia has 2 set of social security legal framework, including the Law on Social Security Schemes for the Persons Defined by the Provisions of Labor Law (2002), and the new Law on Social Security Schemes (2019) According to Article 2 of the Law on Social Security Schemes for the Persons defined by the Provisions of Labor Law (2002), only persons specified under the labor law and provisions are entitled to social security. In 2019, Cambodia adopted another legal framework known as the Law on Social Security Schemes; however, these two legal frameworks only provide social security to persons under the labor law framework. Under the labor law frameworks (1997), the current regime only recognizes workers (regular and casual), domestic household employees, laborers, artisans, and apprentices.

3.3. International Laws

3.3.1. ICESCR Article 7

Cambodia ratified the ICESCR in 1992, and following ratification, the Cambodian labor law framework was amended in 2002 to incorporate the Social Security framework (*Ratification Status for Cambodia*, n.d.; Peng & Phallack, 2012). The ICESCR is the only binding human rights treaty that impacts the ILO conventions and instruments, leading to the development of labor provisions in Cambodia, which target blue-collar workers in the garment industry (Kanharith, 2017; Peng & Phallack, 2012).

ICESCR (1966) initially stipulates that everyone shall enjoy the right to just and favorable working conditions as stated in Article 7. Legally, the provision includes the rights to remuneration, fair wages (free from gender discrimination), decent living conditions, a safe working environment, equality in promotion, and regular working hours (including leisure time, paid leave, and public holidays). Based on General Comment No. 23 (GC No. 23) of the ICESCR, everyone has the right to just and favorable working conditions without distinction.

More importantly, GC No. 23 (2006) also strongly emphasizes the rights to leisure time, paid public holidays, daily working hours, night work, overtime, occupational injuries, and social insurance, which are subject to being regulated by state laws. Under Article 9 of the

ICESCR, states are obligated to provide social protection, meaning that social security is a right for everyone.

Although the ICESCR and its General Comment aim to establish just and favorable working conditions for workers, they acknowledge in General Comment No. 23 (2006) that they have their weaknesses, particularly regarding unpaid workers, unpaid internships, and other labor rights issues.

3.3.2. ILO Conventions

3.3.2.1. Equal Remuneration Convention, 1951 (No. 100)

In 1951, the International Labor Organization established an equal remuneration framework to ensure every worker receives equal remuneration. According to Article 1 of the convention, minimum remuneration encompasses the minimum wage and other emoluments, both in cash and in kind, that arise between the employer and employee as a result of the employment. According to Article 2, the ILO has outlined a pathway for states to regulate and determine remuneration through the following means: legislation and laws, a legal threshold to establish minimum wage standards, collective agreements between employers and workers, and a combination of these methods.

3.3.2.2. Social Security (Minimum Standards) Convention, 1952 (No. 102)

As of 1952, the ILO established the Social Security (Minimum Standards) Convention, 1952 (No. 102), which places a strong emphasis on states' fulfillment to ensure that social security rights are protected. This convention provides legal protection to ensure that workers are entitled to social security benefits. The substantive provision focuses on many underlying benefits in the labor rights, including medical care (Articles 7-12), sickness benefits (Articles 13-18), and employment injury benefits (Articles 31-38).

IV. Findings

4.1. Absence of a Legal Definition of Intern in the Labor Law

In 2020, the Cambodia Development Institute published a paper analyzing internships in 14 private firms in Cambodia. The working paper defines an internship as a method that helps students transition from school to the workforce, often referred to as work-based learning (Phyrom et al., 2020; Stewart et al., 2018). The paper notes that there is no official definition of internship in Cambodia, and the lack of a clear definition for “internship” or “intern” stems from the similarities between internships, apprenticeships, and volunteering (Phyrom et al. 2020). Nevertheless, a recent study elaborates on the differences between "apprenticeship" and "internship," as apprenticeship is a form of work-based training legislated under the law. The apprentice receives wages under the national provision, i.e., Labor Law 1997 (Articles 51-64), Notification 06/97, Declaration 004/00, Instruction 003/01, and Notification 042/15 of MLVT (Phyrom et al., 2022). However, a recent study shows that an internship is more likely to be used in a private company than an apprenticeship. Interestingly, most private companies and enterprises in this study typically have an internship program rather than an apprenticeship (Phyrom et al., 2024). Although interns are not intended to replace entry-level jobs, the

company also benefits from the interns through the provision of cheap labor and minimal to no payment allowances (Phyrom et al., 2020; BNG Legal, 2010).

4.2. Rights Overlooked

4.2.1. Rights to Just and Favorable Working Conditions

4.2.1.1. Right Remuneration

Under Article 7 of the ICESCR (2006), remuneration is one of the significant elements of the right to just and favorable working conditions. Apparently, General Comment No. 23 emphasizes that remuneration under Article 7 is more than just paid work. Still, it includes other expenses, such as allowances in kind or cash, including grants, health insurance, housing and food allowances, and on-site affordable childcare. However, there appears to be an unclear distinction between whether it applies to interns, as GC 23 only elaborates on the coverage of workers.

However, applying and interpreting the ICESCR framework depends on the country, as different labor standards apply. According to BNG Legal (2010) and Stewart et al. (2018), the reason behind employing unremunerated interns is that they are likely to become employees and are entitled to all the benefits as permanent staff. Based on a study of 14 firms in Cambodia, a minority of them offer payment to interns, typically ranging from USD 50 to slightly above USD 100 per month, while some firms do not provide monetary incentives to their interns (Phyrom et al., 2020). A study reveals that the internship program, without proper wage regulation, places interns in a vulnerable position, characterized by long working hours, excessive workload, and unpaid work (Mishra & Samanta, 2024). In contrast, a remunerated or paid internship yields more competent human resources (Phyrom et al., 2020).

4.2.1.2. Rights to Social Security

The ICESCR and ILO Convention include the right to social security as one of the core labor rights. General Comment No. 23 emphasizes that everyone is entitled to the right to social security. Still, when legal recognition is absent, the intern is not entitled to social security rights, i.e., social insurance. With a lack of minimum wages, interns cannot afford personal insurance (Peiyun & Xiao, 2021). Under Cambodian social security regimes, neither the 2002 Law on Security Schemes for Persons Defined by the Provisions of the Labor Law nor the 2019 Law on Social Security Schemes explicitly covers interns, as they are not defined under the provisions of the Labor Law.

4.2.1.3. Internship Duration and Working Hours

Cambodia's Labor Law (1997) does not explicitly recognize "intern"; it only covers "apprentice" in the text. However, the prevalence of apprenticeships is less widespread than internships when it comes to work-based learning (Veung, 2024). Phyrom et al. (2020) highlight that internships range from 1 to 6 months. Still, due to the non-existence of an internship in the 1997 Labor Law, there is no precise regulation to determine the duration of an internship.

Besides the internship duration, interns do not have regulated working hours. In this case, the ICESCR, ILO Conventions, and the Cambodian Labor Law of 1997 primarily focus

on working hours for workers. Legally speaking, employment (Article 67) and apprenticeship (Article 53) durations and working hours must be specified in a written contract. Unfortunately, the lack of recognition of interns' contracts poses a significant risk of interns being overworked for an extended period (Peiyun & Xiao, 2021).

V. Conclusion

In Cambodia, an internship is a form of work-based training that enables individuals to gain practical experience in a specific field of work. However, the legal recognition and definition of "interns" under the 1997 Labor Law remains unclear due to the legal reasoning used to differentiate between interns and employees. The exclusion of interns from the Labor Law overlooks several key issues related to the labor rights of interns in a law firm, including the right to remuneration, working hours and duration, and access to social security.

This study will open a gateway for interested stakeholders, including scholars, legal practitioners, policy and lawmakers, as well as labor rights advocates to do further research on the topic of unregulated internship in law firms to understand what are the issues that they have faced during their tenure, and how to improve the legal protection for them so that their rights are not infringed or violated due to the legal lacuna.

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IMPACTS OF MOVEMENT RESTRICTIONS ON IDPS IN THE RAKHINE STATE OF MYANMAR

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Abstract

The plight of internally displaced persons (IDPs) in Myanmar, particularly the Rohingya community in Rakhine state, highlights the severe challenges they face. Despite being vulnerable regardless of race or ethnicity, they endure compounded persecution from both the government and local Rakhine communities. The government of Myanmar denied their citizenship, which underlines the exclusion of the Rohingya community from membership and in some instances, the government implements discriminatory laws and policies when it comes to the Rohingya. Rohingyas are arbitrarily deprived of their liberty and freedom of movement, which impacts their social-economic life in camps, notably health care, livelihoods, education, and all the IDPs mainly depend on humanitarian aid from international organizations. Desperate to escape these conditions, Rohingya are pushed into the hands of traffickers and smugglers, risking further exploitation and abuse. The Myanmar government's reluctance to address the situation perpetuates this cycle of abuse, with Rohingya unable to return home or integrate into society. Until meaningful action is taken to address the root causes of their displacement and restore their fundamental rights, Rohingya IDPs will continue to suffer at the hands of a system that denies them their humanity. This study examines the impact of restrictions on freedom of movement on the everyday lives of Rohingya IDPs in the Rakhine state of Myanmar. It also analyzes how denial of citizenship and lack of documentation on Rohingya IDPs make it challenging to access basic rights, including employment, health care, and education. In this study, the researcher interviewed 25 displaced Rohingya (above 18 years old) through an appropriate online platform from two IDP camps in Sittwe Township of Rakhine. The researcher employed a qualitative method with a thematic data analysis approach, conducting interviews with a diverse range of participants. The analysis showed that restrictions have been affecting the basic rights of Rohingya IDPs, facing numerous challenges to their survival with an uncertain future for the new generation. The participants provided their recommendations based on their lived experiences.

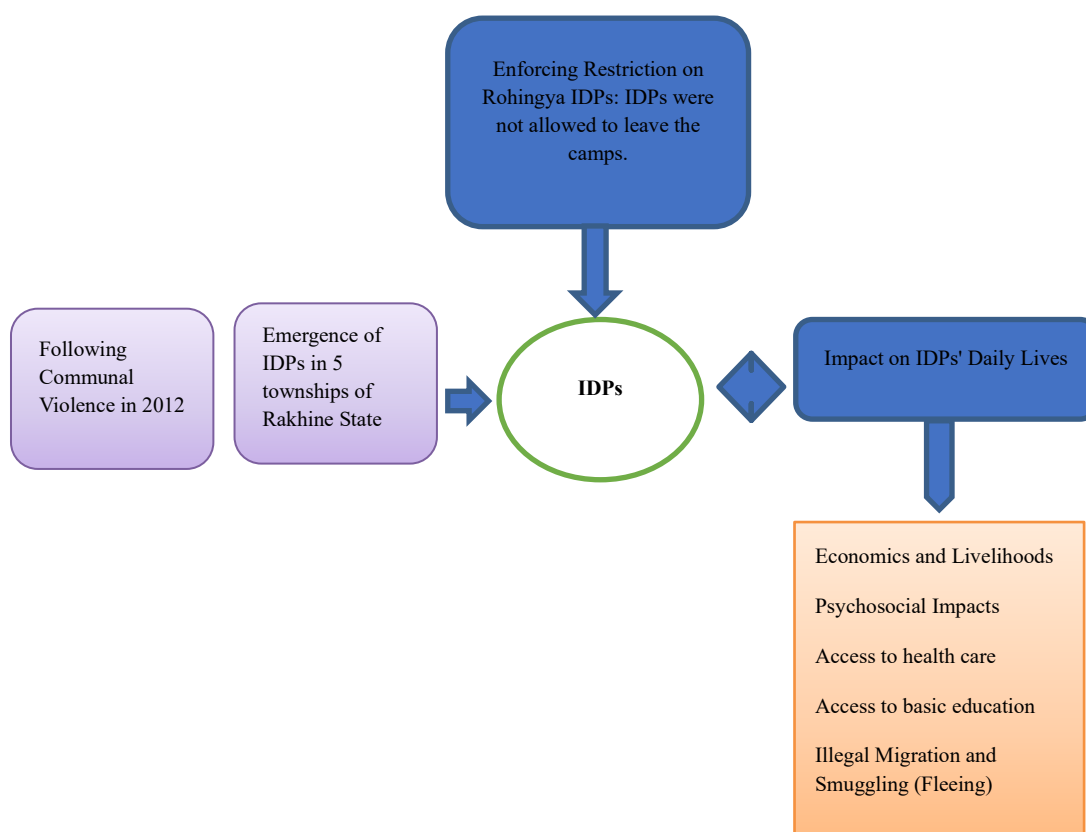
Keywords: Rohingya, Restriction, Freedom of Movement, IDP camps

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Introduction

Myanmar has been facing waves of internal displacement due to the conflicts between the ethnic armed organizations, communal violence, and natural disasters for decades. Internally displaced people are always vulnerable regardless of race, ethnicity, or gender, but the severity of vulnerabilities is different from one community to another. The Rohingya IDPs are facing double persecution in the Rakhine state; one from the government and the other from the local Rakhine community. The state security policies and practices when it comes to the Rohingya issue have remained obstacles in providing humanitarian aid to Rohingya IDPs. For example, in providing health care services, it is challenging to coordinate with government health care states, as the majority of government staff do not want to work for Rohingya IDPs (Debarre, 2019). The Rohingya IDPs are strictly restricted in their freedom of movement in various confined camps, which some scholars call an "Open-Air Prison." There are no jobs or educational opportunities in the camps for the Rohingya generations. There is no future for these Rohingya generations in the camps, and people are trying to flee from the camps. Thus, Rohingyas have to choose the illegal routes to travel from one place to another with the support of the traffickers and smugglers. This research is about the impacts of movement restrictions on the daily lives of Rohingya IDPs by the state security forces in the Rakhine State of Myanmar. Moreover, it provides, based on the participants' experiences, some insights and recommendations for the government of Myanmar and international rights-based organizations. Furthermore, the research presents how restrictions severely affect IDPs in accessing health care, education and employment, facing daily struggles for their survival.

Conceptual Framework



This study will focus on the impacts on the daily lives of IDPs due to restrictions on the freedom of movement of Rohingya IDPs in the Rakhine state of Myanmar. Following communal violence between Rakhine and majority Buddhists, many people have been displaced from their original places, where the majority are Rohingyas. From that time, the government of Myanmar imposed severe restrictions on the Rohingyas. The government of Myanmar enforced police checkpoints around the Rohingyas. Restrictions on the freedom of movement of IDPs severely impact the daily lives of IDPs. The IDPs are facing various challenges, such as in Economics and Livelihoods, Psychosocial, Access to health care, Access to basic education, leading to mass Illegal Migration and Smuggling (Fleeing). There are no livelihood and job opportunities in the camps, and those who are caught attempting to flee have been punished severely by the police.

Research Methodology

In this research, a qualitative methodology, specifically a narrative form with thematic data analysis, is employed to explore participants' experiences in their daily lives due to movement restrictions. As research tools for interviewing participants, the researcher used semi-structured questionnaires for some participants and Key Informant Interviews (KII) for others. A significant number of participants (approximately 25, including 13 males and 12 females), aged 18 years or older, were interviewed from two IDP camps (Ohn Taw Gyi (North) and Say Tha Mar Gyi) in Sittwe Township, Rakhine State. This study is designed as a narrative based on the experiences of the participants, some of whom have lived experiences in the context of IDPs in Rakhine and the impact of movement restrictions on their daily lives.

Literature Review

There are numerous studies on refugee camps and migration, but the scope of these studies varies significantly. Internally displaced camps are somewhat different from refugee camps. Internally displaced people face more challenges in accessing humanitarian aid and securing livelihoods. The respective government restricts the freedom of people and their rights. For example, the treatment of displaced refugees in Kenya denies the liberty of the people. It has featured the mandatory encampment and regular threat of expulsion, securitization, and militarized police occupation field (Brankamp, 2022). The governments or high-power stakeholders denied fundamental freedom, including freedom of movement. The government's motivation to camp a particular group with a specific cultural, racial, or religious background is not only to exclude them from national society but also to restrict their access to services available to them. Restricting the freedom of movement of people denies them other social and cultural rights, making it difficult for them to survive inside the camps. In some countries, governments still restrict freedom of mobility even after the abolition of camps. Some governments implement laws that lead to apartheid conditions or genocide against a particular group. Although camps provide a protective environment for people living in protracted conditions of insecure legal status, economic marginality, and

persecution, many of their rights are denied, suspended, or rejected in the process of states claiming an extension of power (Sigona, 2015). In most European countries, camps were developed in response to racial discourse (Kreichauf, 2018).

Individuals and communities must always play a central role in their protection. Many people in most conflict areas have no access to international protections (Horst & Nur, 2016). According to Cindy Horst and Anab Ibrahim Nur (2016), mobility plays a central role in the self-protection strategy. In the case of IDPs in Somalia, freedom of movement plays the most important role in the survival of IDPs (Horst & Nur, 2016). Another study in Iraq also shows that the government-imposed restrictions on the freedom of movement of IDPs are based on their identity. It is also found that the government strictly restricted the IDPs of Iraq and denied access to safe havens based on their religions, ethnicity, and their locations of origin (Hassin & Al-Juboori, 2016). For example, IDPs of Anbar origin, men are separated from their families at checkpoints, and only women and children are allowed to go to the administrative division of the country.

On the other hand, those residing in ISIS-occupied territories are restricted in their movement, and those who are caught attempting to flee have been punished severely (Hassin & Al-Juboori, 2016). Sunni Arabs and Turkmen IDPs also faced severe restrictions on their movement in Kurdish Regional Governance territory, while Christians can leave and enter the region without obstacles. The police at the checkpoints ask for the documents if they want to go outside the territory, which is difficult for the IDPs to present (Hassin & Al-Juboori, 2016). The situation of movement restrictions of Rohingya IDPs is also similar to that of IDPs in Iraq. However, the root cause of the displacement is different. Iraq's IDPs are displaced due to the war between armed groups, while the displacement of Rohingyas happened due to communal violence between the majority Buddhists, Rakhine and the Rohingya minority. In interviews conducted in Iraq, respondents reported that they were unable to access adequate healthcare, sanitation, humanitarian aid, or education due to movement restrictions. Most IDPs faced financial challenges in meeting their basic needs (Hassin & Al-Juboori, 2016).

A study on internally displaced people in Borno, Nigeria, showed how restrictions on the freedom of movement are imposed based on gender and social perceptions of women. The freedom of movement of internally displaced women (IDWs) has been controlled by the military or the Civilian Joint Task Force (CJTF) in Borno, Nigeria. However, IDPs face more restrictions on their movement as women are considered weak and incapable of fleeing in the face of danger (Agbonifo, 2020). According to Amnesty International (2018), only women who are close friends with the village head or those who are girlfriends with ICTFs can pass the exit in the camps. The military sometimes coerces IDPs, especially those whose husbands or guardians were killed in the conflict or held in detention, to barter sex for food, assistance, and an exit pass (Amnesty, 2018). This situation can be considered an organized and calculated attempt to block access to food and other kinds of livelihood and educational opportunities for the survival of IDPs, thus increasing vulnerability.

Similarly, the population movement of IDPs was controlled by the government of Iraq in Baghdad and the Kurdish regional government in Erbil (Shanks, 2019). According to

Human Rights Watch's World Report (2016), the government imposed various checkpoints to reinforce the system of entry requirements. Freedom of movement was disproportionately affected for Sunni Muslims of Arab descent, which is closely linked to ethnic identity and place of origin (Human Rights Watch, 2016). Arab IDPs have had their freedom of movement strictly controlled by the Kurdish authorities in the Kurdish Region of Iraq (Shanks, 2019) more than Yezidis, Christians, and those with Kurdish identity. Such identity-driven policies are used on Rohingya IDPs in the Rakhine state, where the IDPs from other ethnic minorities can enjoy their freedom of movement and other basic rights.

Findings

1. Economic and Livelihood Impacts

The right to freedom of movement of IDPs plays an important role in accessing economic and livelihood activities, especially in times of armed conflict and where frequent communal violence occurs. However, the livelihood of Rohingya IDPs is complex and influenced by several factors, including social, economic and cultural practices. Due to restrictions imposed on Rohingya IDPs, access to economic and livelihood opportunities is very limited and challenging. The restrictions limit the ability of IDPs to engage in economic activities, such as farming, fishing, and small-scale trade, which are crucial for their livelihoods. As a result, many IDPs are forced to rely on humanitarian aid for their basic needs, further straining the resources of aid organizations and prolonging the cycle of dependency. Moreover, movement restrictions further hinder the ability to engage with formal employment opportunities and markets outside of the camps. This restriction emphasizes the disruptive impact of security measures on economic opportunities for individuals in camps and the need to provide more vocational training and resources for Rohingya IDPs from NGOs and INGOs in the Rakhine.

2. Psychosocial Impacts

Restrictions on the freedom of movement of IDPs impact not only mental health but also broader social issues, including family separation, community fragmentation, marginalization and loss of identity and cultures. According to an in-depth interview with an IDP woman, it is found that restrictions on movement have weakened the traditional family bond, which disrupts the family's ability to function as a cohesive unit, leading to a breakdown of the support system and disrupting family economic structures. The inability to socialize during rituals like Eid al-Fitr and Jumma Prayer further weakened community solidarity and social support networks, which are crucial for community resilience. When I visited the camps, I also found that most of the IDP women and young people seem to have fears about their future, uncertainty, and access to basic needs. Prolonged displacement and movement restrictions can lead to long-term mental health issues such as depression and anxiety. This suffering brings a deep sense of hopelessness and despair among IDPs due to the lack of prospects for improvement or positive change in their situation, feelings of futility and a lack of motivation to strive for better conditions.

3. Access to Basic Health Care

Rohingya IDPs face numerous challenges in accessing basic healthcare due to movement restrictions. Lack of documentation and insufficient resources further exacerbate these challenges, leading to health consequences, exacerbating existing health issues, and causing new health problems. During my visit to the camps, I found it quite difficult for IDPs to get access to health care due to several challenges such as geographical barriers and limited transportation, resource constraints, lack of specialized services and discrimination, etc. It also found that there are no healthcare facilities inside the IDP camps in Rakhine state. IDPs have been living in overcrowded and under-resourced conditions for more than a decade. These conditions create significant barriers to accessing healthcare for Rohingya IDPs. The government strictly restricts the provision of any healthcare services without their consent. The dependence on external organizations, such as MSF and other NGOs, indicates a gap in sustainable and locally managed healthcare services. In addition, it is also found that the restriction of health care workers from entering the camps exacerbates the healthcare crisis inside the camps, which not only limits immediate medical care but also prevents the establishment of any ongoing health programs or interventions that could benefit the IDP population.

4. Access to Education

The issue of access to education for Internally Displaced Persons (IDPs) is a critical one, as education is a fundamental right and a crucial element for development and social integration. Movement restrictions can significantly hinder access to education for IDPs. The various impacts of these restrictions on educational access for Rohingya IDPs in Rakhine state. It is found that restriction on freedom of movement limits the ability of IDPs to travel to schools or other educational facilities. Rohingya IDP children are unable to attend nearby schools because they are restricted from leaving their camps, mainly because all the government schools are located outside the camp boundaries. This issue highlights the need for more educational facilities within camps that can offer a comparable level of education. It also found that most parents are reluctant to send their children to school due to concerns about their safety and security, despite their fears. According to interviews with IDPs, this fear, rooted in experiences or perceptions of abuse by security forces or local youths, contributes to the reluctance or inability to pursue further education. This reluctance reflects a gap in educational continuity for IDP children when they move beyond primary education, indicating the broader issue of safety and the impact it has on educational access and opportunities. This gap not only limits their educational attainment but also their future opportunities for economic and social advancement, perpetuating a cycle of poverty and dependency among IDP communities.

5. Illegal Migration and Smuggling

Restrictions on freedom of movement lead to illegal migration and smuggling of Rohingya IDPs, affecting their physical safety, mental health, economic stability, and social integration. These restrictions often push IDPs towards dangerous and illegal pathways to seek better opportunities and safety. This pressure creates a high demand for illegal migration services. Smuggling networks exploit this demand by charging exorbitant fees, often leading IDPs into debt and further exploitation. IDPs, especially women and children, are at high risk

of being trafficked for forced labor, sexual exploitation, and other forms of abuse during illegal migration attempts. This exploitation indicates movement restriction became a critical push factor for illegal migration, taking dangerous journey, traveling through hazardous terrain, which poses significant risks to their health and safety. According to the local IDPs, most of the IDPs are arrested on their way to the destination country, while some are lost at sea due to bad weather. Among them, the majority of Rohingya are arrested in Myanmar, while some are arrested in Thailand and Malaysia, face detention and deportation, and are sometimes sent back to dangerous environments.

Conclusion

The restriction on freedom of movement for Rohingya IDPs has far-reaching and devastating consequences across all aspects of their lives. Economically, these restrictions hinder their meaningful participation in livelihoods and employment, leading to chronic poverty and over-reliance on humanitarian aid, while the loss of mobility fractures family bonds and cultural identity, fostering mental health issues inside the camps. Difficulty in accessing basic health care and education further worsens the vulnerability of Rohingya IDPs, denying them the opportunity to improve their well-being and breaking the cycle of marginalization as well. In addition, these harsh conditions and the lack of opportunities become a push factor for illegal migration and smuggling, exposing them to exploitation, abuse and even death. The current situation for Rohingya IDPs in Rakhine State reflects a dire humanitarian crisis that cannot be resolved without addressing the root cause of movement restrictions. Sustainable solutions should be found in lifting movement restrictions, providing basic services and opportunities for Rohingya IDPs, and involving government and international actors.

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COMPARISON OF FACTORS INFLUENCING HEALTH ACCESSIBILITY AMONG OLDER POPULATION BETWEEN THAILAND AND MALAYSIA: STRUCTURAL NEXUS

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Abstract

A well-functioning healthcare system is crucial for meeting the complex health needs of an aging population. Older adults often face barriers, including financial constraints, limited mobility, a lack of transportation, and geographical disparities in healthcare infrastructure. In response, many nations have implemented various policies aimed at identifying and addressing these barriers to healthcare accessibility. Structural barriers, in particular, affect infrastructure, public transportation, and the healthcare system, hindering accessibility. This study examines the factors influencing healthcare accessibility, with a focus on structural aspects, for the elderly population in Thailand and Malaysia. By analyzing factors that promote healthcare service accessibility and examining healthcare infrastructure, this research aims to provide insights into effective strategies to reduce healthcare access disparities in both countries. The study involved a review of 29 articles for both countries. The findings revealed that Thailand and Malaysia share common factors, such as long wait times to see doctors and a shortage of medical professionals. However, differences were found in the health service systems, which impact the quality of healthcare. In response, both countries are developing policies to address these issues. Thailand emphasizes community collaboration, while Malaysia focuses on developing initiatives and technologies such as telemedicine and e-data.

Keywords: Health Services, Structural barriers, Thailand, Malaysia

Introduction

Ensuring that older adults can reasonably and efficiently access healthcare is becoming increasingly important, especially in countries where the population is rapidly aging. In many cases, seniors face multiple obstacles, including limited financial resources, mobility issues, transportation challenges, and a distance from healthcare facilities. Among these are structural

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issues such as a shortage of local clinics, inadequate public transportation, and inefficiencies within the health system, which can exacerbate an already challenging situation.

This research focuses on Thailand and Malaysia, two neighboring nations with similar economic profiles and aging populations. While both governments have made progress in expanding healthcare coverage, gaps remain, particularly for elderly individuals in remote or underserved areas. This study aims to investigate how structural factors influence access to care and to identify practical strategies for improvement. By reviewing existing literature and secondary data, the research compares the current state of healthcare infrastructure in both countries and discusses ways to better support their elderly populations.

Literature Review: Conceptual Framework of the Health Care Access Barriers (HCAB) Model – Structural Barriers

The Health Care Access Barriers (HCAB) Model provides a framework for identifying, categorizing, and measuring health care accessibility. This model classifies barriers into three main categories: financial, structural, and cognitive. Financial barriers refer to the cost of care and health insurance status, structural barriers encompass institutional and organizational limitations, and cognitive barriers involve knowledge and communication challenges (Carrillo et al., 2011).

This study highlighted structural barriers in Thailand and Malaysia, using these barriers as indicators to assess the quality of health service accessibility in both countries. The availability and organization of healthcare systems define structural barriers. These barriers can impede access to healthcare in several ways, including inadequate transportation and facility accessibility, insufficient promotion of health services, prolonged waiting times, and a shortage of multidisciplinary healthcare professionals.

Methodology

1. Scope of work

This research aims to compare the factors influencing health accessibility for the older population in Thailand and Malaysia, with a focus on structural aspects. Consequently, a targeted literature review was conducted, emphasizing the structure of health services, healthcare systems, and other policies that facilitate access to healthcare for older adults in both countries.

2. Data collection procedure

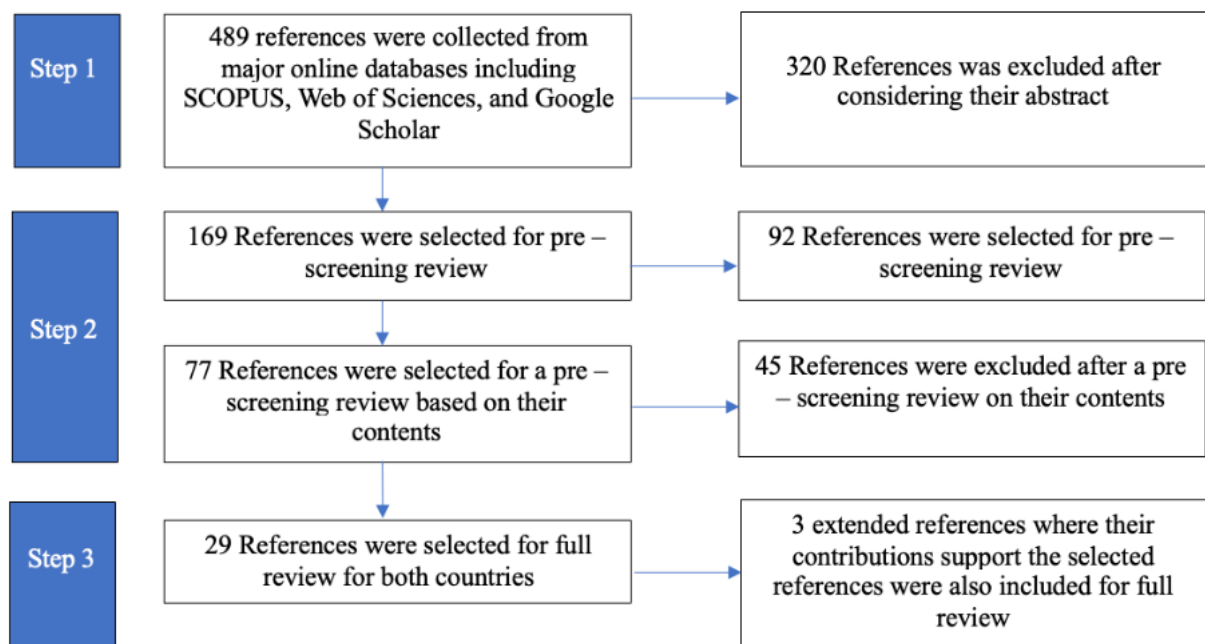
Data were collected from major online databases, including Scopus, Web of Science, and Google Scholar, covering the period from 2010 to 2025. The selected references were peer-reviewed and underwent a three-step selection process:

Step 1: Identifying the Area of Interest: This step involved identifying documents aligned with the study's objectives. Relevant documents were gathered by searching for general keywords, and their abstracts were reviewed to determine their suitability.

Step 2: Refining the Scope to Thematic Areas: In this step, the selected articles were further narrowed down based on their relevance to the study's thematic areas, which include the structure of health services, healthcare systems, and policies that promote healthcare access for older adults in both Thailand and Malaysia.

Step 3: Expanding Relevant References: The references selected in Step 2 were reviewed in greater depth, and additional references were examined to ensure they supported the thematic areas. A summary of the selection process for Thailand's and Malaysia's health system services is shown in Figure 1.

Figure 1



3. Selected studies of a review of the literature

In the final stage, when the contributions to the thematic area of the research project were considered, 29 references were selected for full review for Thailand and Malaysia after removing some duplicate pieces of work.

Table 1

	Thailand	Malaysia
transportation and mobility support	Netithanakul (2015); Meemon and Paek C. (2019); Srisatidnarakul and Bunthumporn (2020); Jensantilkul (2022); Glinskaya. Et al., (2021); Jirathananuwat (2023);	Shah. Et al., (2021); Tang. Et al., (2022); Rosnu. et al., (2022); Mohd Fazli. et al., (2024); Zailani, et al (2013); Hamid Ab J. et al (2023)
Multidisciplinary professionals and workforce capacity	Kowitt. Et al., (2015); Arora. Et al., (2017); Siripanumas. Et al., (2022); Noree. Et al., (2023); Paigaiya. et al., (2019); Wiwanitkit V (2010)	Abdullah. et al., (2024); Wahab. et al., (2023); Khamisa. et al. (2015); He jingwei A. and Tang F.Y. V. (2020); Hassan (2015); Tan Pin M. et al (2018)
Appropriate and comprehensiveness of system to promote health services	Jirathananuwat (2023); Jensantilkul (2022); Meemon and Paek C. (2019); Rittirong. Et al., (2014) Kowitt. Et al., (2015); Srisatidnarakul and Bunthumporn (2020);	Abdullah. et al., (2024); Rosnu. et al., (2022); Hassan (2015); Hassan (2022); Phua J. et al. (2020); Manap A. et al., (2024); Manca P. (2015)

Key Findings

1. Transportation and mobility support play critical roles in determining outcomes of structural health accessibility

In Thailand, elderly individuals often face significant challenges when trying to access healthcare. Traveling to hospitals can be expensive and time-consuming, particularly for individuals residing in rural areas. Many communities are located far from medical centers, and public transportation is limited or unreliable. For seniors who require assistance with daily tasks, the shortage of caregivers adds another layer of complexity. Recognizing this, the Thai government has collaborated with community organizations to introduce emergency health vans and transportation services designed to support low-income elderly individuals. For those who are dependent and unable to care for themselves, Thailand launched a home care volunteer program in 2003 under the Ministry of Social Development and Human Security. This initiative brings basic healthcare and emotional support directly into people's homes.

Malaysia faces many of the same challenges, particularly in remote and rural regions. Older adults often struggle with long distances to hospitals, high travel costs, and limited access to health services, which are mainly concentrated in cities. Furthermore, Malaysia's public transportation systems are not always accessible to elderly users. Many buses and trains lack proper seating, low platforms, or features that accommodate physical or cognitive limitations,

making them uncomfortable or even unsafe for older passengers. To improve access, Malaysia has been turning to technology. Telemedicine is being promoted as a solution, particularly for individuals who struggle to travel due to health or mobility issues. While this digital approach holds promise, some rural areas still lack the necessary internet infrastructure and digital literacy to utilize it fully.

Comparison between practices in Thailand and Malaysia shows that both countries share common daily struggles. These include long distances to care centers, limited transportation options, financial hardship, and the increasing demand for caregivers, particularly in rural areas. Thailand's efforts have leaned more toward community-based support, including elderly-specific transportation, and a legal foundation for elderly welfare through the Elderly Act of 2003. On the other hand, Malaysia has invested in digital healthcare innovations, such as telemedicine, although implementation remains uneven in areas with low connectivity. Despite taking different approaches, both countries continue working toward the same goal: making healthcare more accessible and inclusive for their aging populations. A summary of the findings is shown in Table 2.

Table 2

Thailand	Mitigation in Thailand	Malaysia	Mitigation in Malaysia
Expenses for travelling to medical centers (Srisatidnarakul and Bunthumporn, 2020; Netithanakul, 2017; Jentsantikul, 2022)	- Discount on public transportation for senior citizens (Act on the Elderly B.E. 2546 (2003)) - Free transportation for travelling to medical centers providing by community organizations Srisatidnarakul and Bunthumporn (2020),	Inadequacies of medical center (Hamid Ab J. et al, 2023)	- Telemedicine (Zailani, et al,2013)
Distance from medical centers (Glinskaya, et al, 2021; National Statistical Office Thailand, 2023)	- Village Health Volunteers (VHVs) - Telemedicine for remote area	limitations in public transportation systems (Tang, et al.,2022; Fazli, et al.,2024; Rosnu, et al.,2022)	Telemedicine (Zailani, et al, 2013)
Lack of caregiver to facilitate to older people with limitations (Srisatidnarakul and Bunthumporn, 2020; Meemon N., 2019)	- Village Health Volunteers (VHVs) - volunteer home-based care by community, government, and non – government agencies Glinskaya E. et al (2021),		

2. Multidisciplinary professionals and workforce capacity have been indirectly significantly affecting the structure of health care services and the efficiency of these services.

Thailand's healthcare system faces a persistent shortage of medical personnel, particularly in rural areas, resulting in excessive workloads, burnout, prolonged waiting times, and an unequal distribution of healthcare providers. This shortage affects both healthcare workers and patients, forcing some patients to travel long distances for care. The two main reasons for this imbalance are the Ministry of Public Health's allocation system for newly

graduated doctors and a high turnover rate, particularly driven by stressful workloads in district hospitals. To combat these issues, Thailand employs several strategies, including the Village Health Volunteer (VHV) program, which links communities to healthcare services and reduces staff burdens, a mandatory three-year rural service for new medical graduates, and special recruitment programs. Despite these efforts, regional disparities and maldistribution of doctors remain significant challenges.

Malaysia faces workforce challenges, including a shortage of specialists, particularly in geriatric care, and high stress levels among medical staff. The shortage of geriatricians is acute, due to limited exposure to geriatrics during training and insufficient financial incentives. To address this, Malaysia launched the Elderly Health Services Action Plan 2023–2030, aiming to increase the number of specialists and expand geriatric training and scholarships. Additionally, work-related stress, particularly among nurses, leads to burnout and health problems, prompting Malaysia's Ministry of Health to implement mental health support services like psychological first aid and Mental Health and Psychosocial Support Services (MHPSS) to assist healthcare staff.

Both countries face significant challenges in their healthcare workforces, which impact service efficiency and accessibility, particularly for vulnerable groups such as older adults and rural populations. Thailand's focus lies in addressing geographical disparities and retaining doctors in rural areas through community-based and mandatory service programs. At the same time, Malaysia concentrates on expanding specialized geriatric care and supporting the mental well-being of healthcare workers. Both acknowledge the need for continued efforts to address persistent workforce shortages and stress-related issues, and to enhance healthcare quality and access. A summary of the findings is shown in Table 3.

Table 3

Thailand	Mitigation in Thailand	Malaysia	Mitigation in Malaysia
the shortage of medical personnel (Pagaiya, et al.,2019; Noree, et al. ,2023; Sripanumas, et al., 2022)	- Village Health Volunteers (VHVs) (Kowitt et al.,2015) - The Collaborative Project to Increase Production of Rural Doctors (CPIRD) (Arora et al., 2017) - One District One Doctor (ODOD) (Arora et al., 2017)	the shortage of specialists in the geriatric field (Hassan H., 2015; He jingwei A. and Tang F.Y. V., 2020; Abdullah. et al., 2024; Tan, et al., 2018)	- Filling vacancies for geriatric specialists, among other measures. - Promoting geriatric subspecialty studies and offer more scholarships for training. (National Plan to address this issue: the Health Ministry (MOH) Elderly Health Services Action Plan 2023–2030.)
		stress among medical staff (Wahab A.,2023; Khamisa et al., 2015)	- Psychological first aid - The MOH's Mental Health and Psychosocial Support Services (MHPSS)

3. An appropriate and comprehensive system to promote health services will promote accessibility of healthcare services among older people who have physical limitations.

Thailand's healthcare system for older adults faces significant challenges, particularly in rural areas, where shortages of medical staff and long distances to medical centers result in prolonged waiting times and limited access to timely care. These issues primarily affect older individuals with mobility limitations and can lead to reduced patient satisfaction and decreased healthcare utilization. To address these barriers, Thailand has promoted the use of telemedicine since the onset of the COVID-19 pandemic. Additionally, the country relies heavily on Village Health Volunteers (VHVs), who provide grassroots-level healthcare support, connect communities to formal health services, and help ease the patient load in hospitals.

Malaysia faces similar healthcare access challenges, exacerbated by a shortage of healthcare professionals and a critical shortage of hospital beds, particularly in intensive care units. This shortage contributes to long waiting times and limits the capacity to deliver timely treatment. To improve healthcare management and accessibility, Malaysia has implemented digital health strategies, including telemedicine services, the Malaysia Health Data Warehouse (myHDW) for centralized collection of health data, and Electronic Medical Records (EMRs) to facilitate better information sharing among healthcare providers. These initiatives aim to enhance efficiency and improve patient outcomes despite ongoing resource constraints.

Both Thailand and Malaysia struggle with long waiting times and workforce shortages that hinder access to healthcare for their aging populations. Thailand's approach focuses more on reducing geographical disparities by strengthening community-based care through Village Health Volunteers, ensuring that rural populations receive essential services. In contrast, Malaysia emphasizes strengthening healthcare infrastructure and administrative efficiency via digital technologies and data systems, which supports improved management and delivery of care. A summary of the findings is shown in Table 4.

Table 4

Thailand	Mitigation in Thailand	Malaysia	Mitigation in Malaysia
prolonged waiting times to see doctors Meemon N., 2019; Jirathananuwat (2022)	- Village Health Volunteers (VHVs) (Kowitt et al.,2015) - Telemedicine (National Health Security Office, 2020) - Mobile help (National Health Security Office, 2020)	prolonged wait times to see doctors Hassan H. (2015)	- The Malaysia Health Data Warehouse (myHDW) (Manap. et al., 2024) - Electronic Medical Records (EMR). (Manca P., 2015)
		a shortage of hospital beds (Phua. et al,2020; Hassan Y, 2022)	- The Malaysia Health Data Warehouse (myHDW) (Manap. et al., 2024) - Electronic Medical Records (EMR). (Manca P., 2015)

Conclusion

Structural factors within a healthcare system, such as workforce distribution, infrastructure availability, and access to transportation, have a direct impact on the healthcare experience of older adults. This comparative study reveals that while Thailand and Malaysia share common challenges, including staff shortages and transportation issues, their approaches to addressing these challenges differ significantly. Thailand tends to emphasize community engagement through local volunteer programs, while Malaysia focuses on integrating technology and centralized health information systems. These differences reflect not only policy preferences but also varying capacities and readiness for reform. Future efforts should be context-specific, building on each country's existing strengths to ensure equitable access to healthcare for the ageing population.

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HEALTH SYSTEM RESILIENCE IN KARENNI/KAYAH STATE: EXPLORING THE ROLE OF LOCAL INTERIM HEALTH SERVICES

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Abstract

This thesis examines health system resilience in Karenni (Kayah) State, Myanmar, with a focus on how local interim health services sustain care amid conflict in a fragile, transitional governance context. Using the Health System Resilience (HSR) framework and interviews with doctors, midwives, and a Karenni IEC representative, the study finds that the system exhibits absorptive, adaptive, and transformative capacities, driven by committed individuals and grassroots groups. The health system operates within a liminal space where informal peer networks and emerging formal governance coexist, negotiating authority and coordination. Health workers lead, advocate, and govern care under insecure conditions, supported by substantial social capital, including trust, community recognition, and external partnerships. Decentralized professionalism enables frontline actors to combine care and governance, improvising new structures in the face of institutional gaps. While resilience is evident, long-term sustainability hinges on striking a balance between autonomy and coordination, informality and formalization, and flexibility and institutional development.

Keywords: Health System Resilience, Karenni State, Local Interim Health Services, Myanmar.

Introduction

Following the military coup in Myanmar in 2021, the healthcare system in Karenni (Kayah) State experienced a dramatic collapse as state-supported services broke down almost immediately, mainly due to targeted arrests and violence against health workers. In response, decentralized, community-based health initiatives emerged swiftly to fill the gap. Many health workers who joined the Civil Disobedience Movement (CDM) relocated to ethnic areas, such as Karenni, where they began establishing alternative healthcare structures (Biesty et al., 2021; D'Apice, 2023; Haar et al., 2024; Witter et al., 2017).

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This paper examines how local health services implement the Health System Resilience (HSR) framework by managing shocks, adapting to ongoing conflict, and initiating changes to healthcare governance in Karenni.

Conceptual Framework: Health System Resilience (HSR) in Fragile and Conflict-Affected Settings (FCAS)

Kruk et al. (2017) describe health system resilience as the ability to prepare for, respond to, and recover from crisis. In FCAS, Truppa et al. (2024) observe that most health systems rely heavily on absorptive and adaptive strategies, while deeper, transformative changes are less common.

Absorptive capacity refers to the ability of health systems to continue delivering essential services during sudden shocks by using existing resources. Adaptive capacity involves learning from experiences and adjusting practices to cope with ongoing challenges. Transformative capacity goes beyond that. It is about more profound structural changes, such as creating new norms and leadership structures to address future risks.

The HSR framework provides a critical lens for understanding how health providers function under long-term crises and institutional instability. It is especially relevant to this study because it helps examine how interim health actors in Karenni State develop practical strategies and local innovations intersect with emerging governance.

Research Question

Given the framework of Health System Resilience, the primary research question guiding this study is:

How do emerging local health services in Karenni State address local primary healthcare needs, adapt to evolving challenges posed by conflict, and ensure the continuity and effectiveness of services?

Methodology

This qualitative research is based on six semi-structured interviews with health workers in Karenni State. Participants included surgeons from Luke and O1 Hospitals, midwives from the Karenni Midwives Society (KMS) and Clinic-A, and one representative from the Interim Executive Council (IEC). They were purposively selected, with the help of gatekeepers and through snowball sampling, due to their direct involvement in local healthcare provision. The data were analyzed thematically using the HSR framework, which shapes the entire research process from developing research questions to collecting and analyzing the data.

Findings and Discussion

Systemic Disruption and the Catalytic Role of Absorptive Resilience

The establishment of interim health services was not merely an ad hoc humanitarian response; it was a deliberate and ethically grounded reconstruction of care, motivated by both professional responsibility and political resistance.

A founding doctor at Luke Hospital explained that his primary motivation was to use his medical expertise to contribute to a meaningful cause, one of the many efforts to help build a future federal nation. The urgent need for medical services also played a key role in the rapid development and expansion of these healthcare networks.

This immediate and determined response to the collapse of formal systems, which is focused on maintaining essential healthcare despite extreme challenges, exemplifies absorptive resilience in practice. Guided by strong professional ethics and firm opposition to the military regime, CDM health workers leveraged their expertise to mitigate harm amid the crisis.

Adaptive Evolution: Decentralized Innovation and Expanding Capacities

Moving beyond the initial phase of immediately coping with the crisis, the Karenni health system began to adapt and grow more flexibly. Services have expanded and become more diverse, all within a decentralized structure that relies heavily on local knowledge and strong community trust. These showcase key traits of resilient systems.

Established in 2022, Luke Hospital operates predominantly with volunteers who receive only modest honorariums. Despite facing severe resource constraints, it maintains an unwavering commitment to providing care to all individuals, including the junta's soldiers, thereby reflecting a firm adherence to fundamental medical ethics. Over a remarkably short period, it has grown from 40 to 80 members, now encompassing specialists across various medical fields, and offering comprehensive services that are strikingly comparable to those previously provided by public hospitals in Loikaw. This significant growth signifies a clear and impactful leap in adaptation.

Founded in 2021, O1 Hospital evolved from a simple village clinic into a more comprehensively equipped medical facility. Initially constrained to performing minor surgeries, it has substantially enhanced its capabilities by acquiring a laboratory, ultrasound machines, and X-ray machines, thereby significantly reducing the need for external referrals and enhancing on-site patient care. Both O1 and Luke Hospitals have proactively adapted their service portfolios to encompass a broad spectrum of general medical and surgical needs, including crucial maternal and child healthcare.

Organized in 2021, KMS emerged organically as a collective of CDM nurses and midwives who began providing personalized care in remote rural villages and areas for internally displaced persons (IDPs). Their efforts merged into an organized group of 20 midwives, formally establishing KMS in 2022, and rapidly expanding to over 155 members operating across 30 independent clinics within just two years. KMS now serves as a vital coordinating body, managing operations, leading training initiatives, engaging with donors and peer networks, and sharing essential resources and data. They offer a comprehensive range of

services, including essential nutritional support, health education, and comprehensive reproductive health services.

Also founded by CDM midwives, Clinic-A rapidly evolved into a central hub that coordinates seven community clinics placed strategically to provide the best coverage for conflict-affected and IDP populations. It explicitly prioritizes vulnerable groups such as mothers, children, and IDPs. It provides outpatient care, maternal and child health (MCH) services, nutrition programs, and family planning. All care and medication are provided free of charge to those who cannot afford to pay. Critical to its sustainability is robust coordination with partner organizations such as Karenni Nurse Association (KNA), KMS, and various CSOs and NGOs.

These interim health services started small and responded with improvised solutions. They quickly and effectively filled a significant healthcare gap, delivering essential care to highly vulnerable populations. Their proactive and highly responsive adaptation to escalating needs, as well as their pervasive reliance on volunteerism and strategic mobilization of local networks, highlight their extreme flexibility and remarkable resourcefulness under severe operational constraints. The growing trust garnered from local communities further validates the accessibility and inherent legitimacy of these localized, bottom-up solutions.

The Emergence of a Local Governance Body: Steps Towards Transformative Resilience

The formal establishment of the Health Department within the Karenni Interim Executive Council (IEC) in 2024 represents a truly significant leap towards transformative resilience. This development introduces a crucial layer of coordination and nascent governance to the otherwise decentralized health network. The IEC now directly oversees three affiliated general public hospitals that collectively provide primary healthcare, vaccination services, trauma care, and treatment for prevalent diseases such as tuberculosis, HIV, and malaria.

The IEC actively supports its affiliated hospitals by providing incentives, honorariums for staff, essential medicines, and various forms of in-kind assistance. While O1 Hospital is formally affiliated, it essentially maintains operational independence, whereas Luke Hospital primarily engages in informal communication with the IEC. The IEC's health department's strategic objectives include comprehensive planning, equitable distribution of resources, and the standardization of medical protocols. These efforts aim to improve quality and fairness in healthcare across the state. Importantly, they address the widespread fragmentation that is widely recognized as a significant barrier to the resilience of strong health systems in FACS.

The IEC's initiatives demonstrate a deliberate shift toward transformative action that extends beyond immediate crisis response. Their goal is to foster a more structured and sustainable health system. This pragmatic governance model strikes a balance between centralized coordination and local providers, playing a key role in adapting to an evolving system. The profound transformation witnessed in healthcare provision within Karenni State thus offers invaluable empirical insights into the operationalization of HSR in conditions of violent systemic disruption. Local healthcare professionals have not merely reacted; they have actively created new systems with care and creativity, showing strong adaptability. Their actions are profoundly political, constituting not only vital healthcare provision but also a direct

act of resistance against the military regime and a tangible manifestation of broader aspirations for a future federal democratic Myanmar.

Operational Strategies for Service Continuity Under Threat, Limitations, and Challenges

Interim health services operate under conditions of extreme volatility, constantly contending with airstrikes, numerous military checkpoints, mass displacement, and chronic resource shortages.

Mobile Outreach: An Adaptive Strategy for Access and Safety

Mobile healthcare services are specifically designed to overcome geographic isolation and security risks in conflict-affected areas. Both OI and Luke Hospitals regularly deploy mobile teams to reach remote locations, ensuring continued service delivery and patient access to care.

These mobile efforts not only provide essential health services but also serve as important entry points for sustained community engagement. Clinic-A also conducts mobile outreach, focusing on internally displaced person camps and schools, where it delivers health education while coordinating closely with local community leaders to ensure safe access and build trust. KMS similarly emphasizes close coordination with community leaders to foster trust that enables repeated visits.

Mobile outreach is significant for individuals who cannot afford healthcare or medication, and it plays a critical role in identifying undiagnosed chronic illnesses and cases of malnourished children. In high-risk areas, mobile services represent a discreet yet crucial method of delivering care and disseminating health information, especially for individuals who would otherwise struggle to access traditional health services. During emergencies like flooding, mobile units quickly step in, working alongside humanitarian groups to support rapid response efforts, including the distribution of emergency supplies, while also ensuring continued access to healthcare.

Emergency Care and Patient Referrals

When interim facilities lack the necessary equipment for advanced medical procedures, patient referral emerges as a critical adaptive strategy. Severe cases, especially those necessitating emergency surgeries or highly specialized treatment, are frequently transferred to facilities located in border areas. These transfers are logistically challenging and fraught with significant security risks, particularly due to the presence of military checkpoints. Patients and those accompanying them often face arbitrary stops, delays, and even abuse and violence. To navigate these challenges, local providers have developed a practical strategy. They coordinate with Ethnic Armed Organizations (EAOs) for support and carefully plan out the safest routes. This reliance on informal networks and the deep embeddedness of healthcare within the local socio-political context reflects a robust adaptive resilience rooted in coordination, trust, and local knowledge.

Workforce Flexibility

Health workers serve as dedicated volunteers, demonstrating remarkable flexibility in task allocation and professional roles. This flexibility directly responds to severe human

resource shortages. Multitasking roles remain prevalent, with individuals frequently assuming multiple responsibilities. For example, one specialist may perform surgeries, assist with deliveries, and provide general treatment. In remote areas, basic health workers with limited formal training often play a central role in delivering services. Their presence reflects a pragmatic and adaptive approach within an under-resourced system.

This shift in responsibilities requires health workers to broaden their skill sets and handle a wide range of medical conditions, often without access to formal education or training. Although the volunteer-based model allows for operational flexibility, it also exposes the underlying fragility and precarity of the interim health workforce. This situation continues to pose a significant barrier to achieving long-term transformation in the health system.

Strengthening Information Flow and Data Sharing Practices

Effective communication and comprehensive data sharing form the foundation for operationalizing health system resilience in fragile and conflict-affected settings. In Karenni, local actors have created a decentralized and highly adaptive ecosystem of data practices that compensate for the widespread absence of formal, centralized structures. Health services primarily rely on verbal coordination and informal digital communication through social media platforms and partner networks to quickly disseminate vital information about services and resources. KMS carefully collects detailed, population-specific data to support service planning, particularly for internally displaced persons, and performs accountability-focused data collection for donors alongside thorough program impact assessment. The IEC has launched plans to establish a centralized health database, aiming to enhance strategic planning, facilitate more effective donor communication, and strengthen public health preparedness. This initiative represents a deliberate move beyond absorptive and adaptive strategies toward deeper transformative resilience. This decentralized system has demonstrated high effectiveness in immediate crisis response, as local actors rely on peer-to-peer epidemiological reports and real-time coordination during outbreaks or natural disasters.

Coordination and Collaboration in Karenni State's Health System as a Hybrid Model of Resilience

Coordination and collaboration practices within Karenni State's health system exemplify a nuanced and evolving model of HSR within a fragmented and transitional governance environment, characteristic of a "liminal" space. This hybrid coordination model, seamlessly blending informal peer networks with emerging formal structures like the IEC, is vital for sustaining healthcare amidst ongoing conflict and pervasive resource constraints.

Before and alongside the IEC's emergence, coordination relied heavily on robust informal networks rooted in mutual trust, geographic proximity, and operational necessity. These networks facilitate patient referrals, medicine sharing, emergency transportation, and program collaboration, underscoring the vital role of social capital in enhancing resilience. While overlapping service areas may cause duplication, they also improve access and act as a buffer against security risks. Frontline actors have developed peer governance mechanisms, such as joint planning meetings and institutionalizing professional associations, including the Doctors' Society of Karenni, the Karenni Midwives Society, and the Karenni Nurse

Association, to enhance knowledge sharing, resource equity, and trust-building, particularly with ethnic armed organizations (EAOs). These efforts contribute to transformative resilience by reshaping system structures and legitimacy from the ground up.

Affiliation with the IEC brings tangible benefits, including improved access to supplies, enhanced legitimacy, and greater public visibility. However, uneven resource distribution, limited capacity, funding instability, and geographic insecurity challenge the IEC's ability to enforce standards consistently, coordinate effectively, and drive system-wide transformation. Despite these challenges, governance resilience is sustained less by formal institutions and more by shared political commitment, transparency, and trust, maintained through everyday negotiation, compromise, and innovation in the face of conflict.

Conclusion

The Karenni experience presents a compelling case study of health system resilience (HSR) operationalized within an inherently liminal and fragile context, demonstrating significant adaptive and transformative capacities that extend beyond mere survival.

Driven primarily by grassroots initiatives and strong local agency, Karenni's health system exemplifies how communities and frontline workers can independently build viable alternative healthcare systems in the absence of traditional state infrastructure. This alternative system reflects both adaptive responses and emerging transformative potential. The coexistence of dynamic informal networks alongside emerging formal structures such as the IEC and professional associations like KMS forms a pragmatic hybrid governance model. This model strikes a balance between flexibility and rapid crisis responsiveness, with a gradual shift toward greater coordination and institutionalization, a characteristic of transformative resilience in a liminal state.

Healthcare provision here is deeply intertwined with political resistance and aspirations for self-governance. This normative cohesion, rooted in political commitment and moral responsibility, acts as a powerful informal force that sustains the system, elevating healthcare from a technical service to an act of transformative political resistance. Innovative strategies, including extensive mobile outreach and complex inter-facility referrals, often crossing borders with EAO support, demonstrate essential adaptive responses to maintain continuity in the face of ongoing threats.

In summary, Karenni's health system resilience has evolved from an immediate absorptive capacity to an expanded infrastructure, advanced clinical capabilities, and the strategic development of nascent governance bodies. Local actors have not merely survived; they have actively innovated and constructed new systems based on deep local knowledge, community trust, and commitment to both health and political goals. This bottom-up, flexible, and coordinated approach challenges the assumption that fragile settings rely solely on absorptive strategies, presenting a compelling example of resilience building from the ground up.

Despite these achievements, the system remains fragile, facing resource constraints, security risks, and challenges in fully institutionalizing coordination and data management

across a dispersed network. To realize the full potential of transformative resilience, ongoing investment in capacity building, trust cultivation, and inclusive, transparent coordination will be essential as Karenni navigates this extended and precarious liminal transition.

Recommendations for Future Research

Conducting comparative studies across different states and regions in Myanmar (e.g., Chin, Sagaing, or Kachin) would provide invaluable insights. Such comparisons could identify shared patterns and distinct trajectories in how resilience is practiced, revealing how unique local political dynamics, geographical specificities, or historical institutional legacies shape the evolution of interim health systems.

Further empirical and theoretical investigation is needed into the profound intersection between resilience and resistance. As this study strongly suggests, resilience in Karenni State is not merely about technical survival; it represents a profound moral and political assertion of self-governance. More work can explore how the act of care provision itself becomes a potent form of resistance, thereby fundamentally reframing the meaning of resilience within authoritarian and conflict-affected contexts.

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CYBER HARASSMENT ON FACEBOOK AS A DIGITAL RIGHTS VIOLATION: IMPACTS ON CAMBODIAN YOUTHS

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Abstract

The convenience of the social media platform goes beyond its expediency. Entertaining and connecting people globally through pictures, chat rooms, and audio or video calls can lead to cyber harassment on these platforms. It interfered with individuals' digital rights, particularly those of young people. On Facebook, the most popular social media platform in Cambodia, it is seen that youth are the most targeted age for online harassment. People who experienced cyber harassment were found to be targeted for particular reasons, including their views, opinions, or expressions on the internet, as well as their gender, gender expression, or appearance. Awareness of safe internet use in Cambodian society is lacking due to a lack of digital literacy; the legal framework is also missing laws to identify details of online crimes, further risking people in a digital environment. Moreover, societal normalization, using freedom of expression as a free pass for online hate, defamation, and discrimination, results in digital rights violations among youths. This paper examines factors contributing to cyber harassment as a form of digital rights violation in Cambodia. It uncovers the responses to cyber harassment issues in the absence of cybercrime and the impact on youths' digital rights resulting from these inadequate practices. Its method is desk research, involving the collection of secondary data from international standards, reports from national and international NGOs, research reports, and papers, to analyze the contributing factors and digital rights violations affecting Cambodian youths.

Keywords: Digital rights, Cyber Harassment, Social Media, Cambodian Youths, Legal Framework, Digital Literacy

Introduction

The increasing use of digital and new technologies disturbs individuals' daily lives with cyber risks, such as cybercrime and data protection issues in Cambodia, which lead to online harm, including cyber harassment ("Science," 2022; Stevens et al., 2020). Although using the internet in the digital age is convenient and comfortable, it has also increased the issue.

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Cambodia lacks a Cybercrime Law to combat cybercriminals as it is still in the drafting stage and has concerned experts over inconsistency with international human rights standards (HRW, 2020). In the meantime, Cambodia covers the basic definition of cyber harassment under the Criminal Code of Cambodia (2009) and the Law on Telecommunications (2015), including defamation and public insult. Without legal protection, holding perpetrators accountable for their crimes is distinctly impossible.

The increasing use of the internet is a contributing factor to online harassment, but it is not the primary cause of cyber harassment. Society, including local authorities, often dismisses online abuse as a minor internet interaction (Garald & Phoung, 2021). A study found that people who experienced online harassment were targeted for particular reasons. The most common groups targeted by their views or opinions on the internet are those related to gender or gender expression, which come in second, followed by skin color or appearance in third place. Next in order are political affiliation, sexual orientation, race or ethnicity, religion, and disability (LICADHO, 2021). For instance, sexual harassment online cases mostly happen to women; even with self-protection by blocking the accounts of attackers and reporting the case to Facebook, women still receive all kinds of abuse online (Heinrich Böll Stiftung, 2018). Moreover, Facebook is the most widely used social media platform in Cambodia, with youth aged 18 to 34 being the largest users as of March 2025 (NapoleonCat, 2024; Statista, 2024), making them a target of digital rights violations, including cyber harassment.

Research Problem

The lack of adequate legal protections due to the absence of a cybercrime law and a lack of definition to address cyber harassment in Cambodia puts citizens at risk of cyber abuses. It highlights the legal framework's insufficiency in accommodating victims' needs and holding perpetrators accountable, thereby compromising their safety in vulnerable positions and infringing upon their digital rights.

The limited comprehensive legislation could lead to misconceptions of related rights when accessing the internet, with other factors contributing to the continuous occurrence of cyber harassment. For instance, social normalizing of online abuse can be a part of social and cultural norms. Moreover, with the shortage of definitions to outline cyber harassment, it is unknown how limited citizens' digital literacy and societal awareness regarding the issue are.

Therefore, this paper will examine the contributing factors to cyber harassment as a form of digital rights violation in Cambodia. The research will also attempt to uncover the impact on youths' digital rights resulting from these inadequate practices.

Research Concept

In Cambodia, cyber harassment is frequently reported to occur on Facebook platforms (Garald & Phoung, 2021), as it is the most popular social media platform, with youths aged 18 to 34 being the largest group using the platform. Hence, focusing the study on the cyber abuse of youths on Facebook would highlight the primary concern surrounding its occurrence.

The digital literacy of Cambodian people regarding cyber harassment and internet safety is a concern due to the absence of a cybercrime law, which means that youths access the internet and social media without an official definition of what constitutes cyber harassment.

It impacts the digital rights of Cambodian youths who are active on the internet, particularly on platforms like Facebook. Moreover, the normalization and dismissal of online abuse, such as using freedom of speech as a free pass to online hate speech, which often occurs from social and cultural norms, continue to endanger youths in the digital environment. Due to the absence of specific protection, people's education regarding cyber threats is also limited.

Research Methodology

The paper employs qualitative methods, utilizing secondary data for data collection and documentation, to answer the research questions and seek findings. It conducts desk research on international standards, as well as reports from national and international NGOs, research reports, and academic papers. Lastly, analyze the contributing factors, cyber harassment threats, and digital rights violations associated with these crimes to present the key findings and recommendations.

Literature Review

According to the UN, the force of global connectivity means that 79 percent of 15-24-year-olds are active on the internet, which exposes them not only to socializing and communicating but also to the possible risks of online exploitation. The risks include cyberbullying, hate speech, disinformation, sexual exploitation, and abuse. Hence, the rights of young people and children should be protected. In their best interests, States are to take accountability for implementing legislation that protects youth from harmful content. Furthermore, the youth should be safe from “*child trafficking, gender-based violence, cyber-aggression, cyber-attacks, and information warfare*” (United Nations, n.d.).

Cyber Harassment

Generally, cyber harassment refers to the use of digital platforms, such as social media, online games, and messaging platforms, to threaten or shame targeted groups (Sati, 2023). It also includes intentionally or unintentionally "using offensive words, sexual jokes, or inappropriate criticizing, blaming comments, or attacking individuals on social media," including pornography or sexual exploitation ("The Current," n.d.). Abuse across online platforms has become an issue in the digital age, facilitated by exceptional communication and connectivity, contributing to acts of cyber harassment. The various forms of cyber harassment include online sexual harassment, cyberstalking, trolling, cyberbullying, and hate speech (Ahmed, 2024; Skebaite, 2024).

Sexual violence can happen in person, online, or through other technology, and it can emerge from visual images, photos, or videos, verbal, texts, or vocal notes; talking about sex, etc., and cybersex; interpersonal sexual interactions from technology (Franceschi et al., 2024). Cyberstalking is the repeated behavior that “*directly or indirectly communicates a threat or creates fear in the victim,*” in which the victims “*feel technical privacy invasions and may not know the identity of the cyberstalker*” (Walsh et al., 2024). Cyberbullying is not far off from traditional bullying. It is an act of manipulating, exploiting, harassing, repeating threats, embarrassing, or humiliating, causing psychological and emotional harm to individuals online, physical harm in some cases, by using technology (Geraldine et al., 2024). Hate speech causes

mental and physical health problems for internet users through acts of communication in speech, writing, or behavior that uses discriminatory language to attack a targeted person or group based on “*religion, ethnicity, nationality, race, color, descent, gender, or other identity factor*” (Abdurahman et al., 2024). Online trolling is a form of aggressive behavior that provokes disputes or harms others by offensive, provocative, or hateful comments on the internet (Huang et al., 2025).

Cyber Harassment on Social Media in Cambodia

Cambodian law does not have a specific, single definition of cyber harassment as a distinct offense because Cambodia only has a draft cybercrime law, which has already sparked controversy due to its contradiction with human rights standards (Gerry & Moore, 2015; Heinrich Böll Stiftung, 2018; HRW, 2020). However, various laws and regulations cover behaviours that could be classified as cyber harassment. Criminal Code of Cambodia Article 305 provides 'Public defamation' as any allegation or slanderous charge that undermines the honor or reputation of a person or an institution, constitutes defamation. Similarly, outrageous expressions, any contempt or invective, even if not affecting slanderous charges, shall be considered an "Insult" under Article 307 of the Code. Moreover, Article 437 criminalizes defamation, insult, or threats against the king, with penalties of a maximum of five years' imprisonment and fines.

In addition to the Criminal Code, the Press Law 1995 also restricts the publication of information that harms someone's honor or dignity. Furthermore, the Law on Telecommunications also addresses threats to commit a crime or felony, as well as threats to destroy others' property, according to Articles 93 and 95, respectively, and if such threats are committed repeatedly through telecommunications.

In Cambodia, cyber harassment is frequently reported to occur on Facebook platforms (Garald & Phoung, 2021; LICADHO, 2021; Cambodia ICT Camp, 2024). In a survey by the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) of more than 700 people, 38+ percent of respondents have experienced online harassment, and 20 percent of female respondents have experienced sexual harassment online. This context includes “*unsolicited sexual message, photograph, video, or request*”, as well as hacking, discrimination, and embarrassment for women aged 18 to 24 years and LGBT+ people (LICADHO, 2021). Through the survey, the respondents reported what made them targets for online harassment: 23 percent because of their views or opinions, 19 percent because of their gender or gender expression, and 18 percent because of their skin color or appearance (LICADHO, 2021).

Facebook remains the most popular social media platform globally, with the second-largest age group being 18 to 24, comprising 21.5 percent of users (Zote, 2024). It is the target of online abuse in Cambodia (Garald & Phoung, 2021), primarily due to its status as the most popular social media platform, with over 11 million users as of early 2024 (Kemp, 2024).

Digital Rights Protection and Youth Rights in the Digital Age

People have the same fundamental human rights both online and offline (Media Defence, 2020; Pangrazio & Green, 2021). They can access, use, create, and publish digital

content under digital rights related to freedom of expression² and the right to privacy³ In a digital environment (Media Defence, 2020).

According to the ASEAN Youth Development Index (YDI), the youth age range is between 15 and 35 (ASEAN YDI, 2022). Digital engagement is increasing with the widespread availability of smartphones and affordable internet; in 2017, there were approximately 6.3 million Cambodian Facebook users, with 2.1 million being 18-24 years old (Heinrich Böll Stiftung, 2018). As of March 2025, Cambodians aged 25-34 were the largest Facebook users, followed by those aged 18-24 as the second largest (NapoleonCat, 2025).

The intersection of children's and young people's rights and their experiences in the digital environment reshapes their childhood and affects their communication and engagement with rights. Young people's development and empowerment require them to be active in the digital world and express themselves online. However, it comes with some potential risks that they do not fully understand. The lack of understanding when sharing personal information on social media may result in a violation of their rights (Livingstone & Third, 2017).

The term "digital rights" refers to the access and use of technologies by individuals. It is a public field that needs protection or enforcement from shared norms or laws when threatened (Pangrazio & Green, 2021).

Analysis and Findings

Cambodia is experiencing rapid digitalization, yet a substantial portion of the population struggles with digital illiteracy, making individuals vulnerable to cyber risks, including online fraud, misinformation, and harassment. A report from the ASEAN Foundation indicated that over 67 percent of the population has internet access, but only 30 percent of Cambodians possess basic digital literacy skills (Seoung & Tang, 2024). These statistics highlight a significant gap between internet access and the ability to use it safely and effectively.

With a majority of citizens active on the Internet, people need to learn that their rights to digital are protected by International Human Rights standards, especially under "Freedom of Expression" Article 19 of ICCPR. Cambodia also protects individual liberties within the country with Article 41 of the Cambodian Constitution. It states, "Khmer citizens shall have the freedom to express their personal opinions, the freedom of the press, of publication and of assembly," although this guarantee is not absolute and is subject to limitations. Nevertheless, the Constitutional guarantee of freedom of expression is possibly in vain without a regulation regarding cybercrime that sufficiently addresses its term, open to public interpretation for its ill actions. The Article mentioned has not addressed the limitation of freedom of expression regarding cyber harassment because no specific law has been implemented for cybercrime. Cambodia is currently in the drafting stage of the Law on Cybercrime, which is seen as potentially restricting *"legitimate acts of expression and communication..."* that may be

² Article 19 of UDHR and ICCPR; and Article 10 of ECHR.

³ Article 12 of UDHR; Article 17 of ICCPR; Article 8 of ECHR; and Article 16 of CRC.

ineffective in combating cybercrime (Gerry & Moore, 2015). Despite being in the draft, citizens and digital rights experts raised concerns because some leaked versions contradicted human rights (Kelliher & Sun, 2024).

Freedom of expression has often been misinterpreted, leading to the blaming of victims of hate speech and defamation on social media, rather than protecting them, as the ICCPR intended (Castano-Pulgarín et al., 2021). The norm of victim blaming is one of the main reasons that silences women from addressing their assault experiences in Cambodia, as well as devaluing humanity, minimizing the crime, and not holding the perpetrator accountable for the crime committed ("The Infectious," 2020). For instance, Cambodian authorities regularly regard online harassment as minor and dismissive, suggesting mediation rather than court proceedings when a complaint is filed (Garald & Phoung, 2021). This mediation has led to confusion and an absence of actual knowledge regarding cyber harassment for youth who happen to be on social media often and are at risk of facing abuse. Normalizing or dismissing online abuse as a social and cultural norm could encourage the act of harassment.

Online harassment can be committed by strangers, acquaintances, and friends (Heinrich Böll Stiftung, 2018). It frequently targets individuals based on their gender or appearance, which impacts the right to non-discrimination.⁴ Moreover, all human beings have the right to be free from violence, mentally, emotionally, or physically.⁵ Although the internet is helpful in the proper context, it effortlessly puts people in a vulnerable state, simultaneously subjecting them to cyber harassment and digital rights violations, particularly youth.

In addition to victim blaming and societal normalization, Cambodia's legal framework lacks a comprehensive cybercrime law that defines online crimes and threats, addresses cyber risks, and effectively criminalizes such actions, thereby ensuring the protection of its citizens. While having existing regulations covering cyber harassment in several different laws, it is inadequate to combat online crimes that happen on social media, where youths are major users facing digital risks daily, without a guarantee of repercussions for the harasser.

Conclusion and Recommendations

Cyber harassment has been reported and discussed in Cambodia, both offline and online. Over the years, to identify and address the issue, domestic and international organizations have found several harassed victims, their gender and age, why they were targeted, and which platform the perpetrator reached them (Heinrich Böll Stiftung, 2018; LICADHO, 2021; ASEAN YDI, 2022). However, cyber harassment continues to occur due to the absence of effective enforcement and protection of the law, a lack of digital literacy, and social normalization.

The deficiency of a sufficient legal framework, combined with the digital illiteracy of the people, has led them to misinterpret the rights intended for protection as an excuse for wrongdoings, including harassment and the violation of other people's rights on the internet. It

⁴ Article 2 of UDHR; Article 26 of ICCPR; Article 1 of ICERD; Article 1 of CEDAW; and Article 5 of CRPD.

⁵ Article 5 of UDHR; Article 7 of ICCPR; and Article 19 of CRC.

often goes unnoticed by the authorities because online harassment is normalized as a social interaction on social media between youths in the digital age. Eventually, there is a further risk of a safe digital environment as Facebook has taken over Cambodia's social media landscape, becoming a platform that is frequently used for monitoring and harassment, such as sexual harassment, discrimination, threats, and other harassment forms of harassment. Hence, those involuntarily support the impact of digital rights problems on youths, who knowingly and unknowingly face harassment on the internet.

The issues of youth digital rights on social media continue to occur daily. The recommendations for the problem in this paper are

- (1) Call for protection: urge experts in all related fields and the government to promote and raise awareness of a safe digital environment. Moreover, dismissing social norms of normalization, victim blaming, and misinterpretation.
- (2) Digital literacy programs: The government acknowledges the need to strengthen digital skills among youths with training programs as an extra or within their education curriculum.
- (3) Enacting a cybercrime law: A sufficient cybercrime law is needed to criminalize online crimes, as well as to set a definition for citizens.

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THE STRUGGLE FOR EDUCATION AMONG SOMALI REFUGEES IN BANGKOK: A STUDY OF BARRIER

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Abstract

The study examines the multifaceted barriers, including legal, institutional, and cultural, that hinder Somali refugee children's access to education in Bangkok, Thailand. The study situates the struggles of Somali refugee children within the context of Bangkok's urban refugee setting, which is rooted in long-term political instability and economic challenges in Somalia that have pushed thousands of families to flee their homes throughout Southeast Asia. Thailand has a significant number of illegal migrants, including a small but growing number of Somali refugee families, despite not being a signatory state to the 1951 Refugee Convention and its 1967 Protocol. These refugee families live in precarious conditions due to a lack of legal protection, which further restricts their children's educational opportunities, often limiting their ability to enroll in and engage in school regularly. Even though informal schooling programs exist, many refugee children live in constant fear of being arrested by the authorities, further isolating them from potential support networks. The findings of this study contribute to a better understanding of refugee schooling in non-signatory states and urban refugee contexts. To promote sustainable and long-term integration, this thesis highlights the daily struggles faced by Somali refugee children, emphasising the critical need for inclusive and context-sensitive policy solutions that extend beyond humanitarian assistance. The study advocates for stronger collaboration among government agencies, NGOs, educational institutions, the local community, and the refugee community itself to provide alternative education pathways and protection mechanisms. At its core, the study advocates for a reimagining of refugee inclusion in Thailand that recognizes the dignity of all displaced families and children, regardless of legal status. It emphasizes that access to education is a fundamental human right, and every child should have the opportunity to study, grow, and decide their future.

Keywords: Somali Refugees, Urban Refugees, Refugee Education, Thailand

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Introduction

Access to education for refugee children is a significant global concern. According to UNHCR, approximately half of all school-age refugee children globally are currently out of formal education (UNHCR, 2024). In addition to being a basic human right as defined by international conventions, education is also essential to the long-term and sustainable integration of refugees. However, education continues to be an unaffordable luxury for many refugees, especially those who have been displaced for an extended time. This study examines the problems of Somali refugee children in Bangkok, where institutional, legal, and social constraints severely restrict access to education.

Thailand hosts a significant number of urban asylum-seekers and refugees in Bangkok, including a small but significant number of Somali communities. These families have fled decades of state collapse and conflict in Somalia that resulted in a global Somali diaspora (Fellin, 2013). Somalis arrive in Thailand through irregular means in search of safety, only to find themselves in a country that does not officially recognize refugees (Issa, 2023). Since Thailand is not a signatory to the 1951 Refugee Convention and has a domestic asylum law, asylum seekers are considered illegal aliens with no right to stay, work, or send their children to public schools (Teclé et al., 2018). Living under the constant fear of immigration arrest and detention, Somali refugee families in Bangkok suffer in legal ambiguity, essentially a limbo where they are physically present but excluded legally and socially. Due to the daily struggles they face – legal invisibility, institutional exclusion, and social isolation – their children cannot attend Thai public school. Despite these obstacles, Somali parents continue to place a high emphasis on education and employ a variety of coping strategies, from community-run classrooms to online learning, to provide their children with opportunities to learn (Issa, 2023). The difficulties they encounter demonstrate both the resilience of refugee communities and the urgent need for policy solutions to ensure their right to education is upheld.

In this context, this study investigates how legal frameworks, institutional barriers, and cultural norms impact the educational opportunities of Somali refugee children in Bangkok, and what are the consequences of this lack of access? To answer this question, in-depth qualitative research is conducted with Somali families in Bangkok to provide a deeper understanding of their experiences. The framework is guided by Ager and Strang's (2008) integration framework, which conceptualizes integration across various domains, including rights and citizenship, language and safety, and education (Ager & Strang, 2008). Using this integration lens, we identify three types of intersecting barriers to refugee children's education: legal, institutional, and community. Hence, this paper is structured as follows. The literature review examines relevant studies on refugee education and integration, with a specific emphasis on the Ager and Strang framework and the context of Thailand's refugee policy. The methodology section outlines the qualitative method, which involved conducting interviews with six Somali refugee families in Bangkok, followed by an explanation of the findings in three parts: legal invisibility, institutional isolation, and community exclusion, along with interview examples for each barrier. In the discussion, the paper will analyze how these barriers interconnect using an integration framework and develop the concept of survival integration to describe the adaptive methods employed by Somali refugees in Bangkok. Finally, the

conclusion summarizes the study's contributions, discusses policy implications, and offers suggestions for future research.

Literature Review

Refugees' Education as a Right and International Marker

It is widely acknowledged that education is a crucial component of refugee integration and a fundamental human right. Education provides children who have been uprooted by persecution and violence with a route to opportunities in the future. The international frameworks, including the 1989 Convention on the Right of the Child (CRC), recognize that all children, including refugees, have the right to education without discrimination. Education is also mentioned in the 1951 Refugee Convention as essential for allowing refugees to rebuild their lives (UNHCR, 2024). Beyond its fundamental right, education is a significant "marker" of integration, as it indicates a refugee's participation in the host country's social institutions (Ager & Strang, 2008). Research consistently shows that refugee children's long-term integration outcomes, from language skills and social inclusion to job opportunities, are significantly impacted by their access to education. Many refugee children spend years in situations of protracted displacement, such as camps and informal urban settlements, where there are typically few opportunities for refugees, and quality education opportunities are usually lacking. This displacement has been described as the prospect of a lost generation, as prolonged absence from schooling might have irreversible consequences for a child's development. Many spend their time pursuing academic advancement while waiting for resettlement, trapped in a state of legal and social limbo with no access to education or employment. In this context, education has emerged not only as a humanitarian necessity but also as a long-term investment.

Ager and Strang's Integration Framework

The concept of integration encompasses the legal, institutional, and social aspects of inclusion in the host community. Ager and Strang's (2008) framework is a widely cited and acknowledged model for analyzing refugees' integration holistically. The framework identifies four key domains: markers and means (tangible outcomes such as employment, housing, education, and health), social connections (relationships within refugee communities and host communities, and institutions – often referred to as social bonds, social bridges, and social links), facilitators (factors such as language and cultural knowledge, and safety and stability that ease integration), and the foundation domain of rights and citizenship (Ager & Strang, 2008). The concept emphasizes that progress in integration markers, such as attending school or seeking employment, is dependent on structural factors, including basic legal rights and security, as well as opportunities to develop language skills and social networks.

Applying this model to refugee education reveals the importance of interdependence. Education is a core marker of integration – a visible measure of refugee inclusion. However, to achieve this, refugee families usually require certain facilitators, such as safe learning spaces and language training, as well as social bridges including recognition among the local community and teachers. Most importantly, they require the legal right to reside and participate

in public schools (Ager & Strang, 2008). Ager and Streng's model argues that legal status and rights are the foundation of integration, giving the stability required for refugees to participate in local society. Without this foundation of integration, other efforts can fail. A refugee parent, for instance, may be strongly motivated to educate their kids, but if the child has a legal right to attend public school or if the family is continuously in fear of arrest, the child's education will be disrupted. This investigative perspective will be used to analyse the challenges faced by Somali refugees, with a focus on how gaps in one domain echo into another.

Thailand's Legal and Policy Framework for Refugees

Thailand is not a signatory to the 1951 Refugee Convention and does not have a formal asylum system in place. Consequently, all asylum seekers in Thailand lack legal protection. As undocumented migrants, they are subject to immigration law and face the constant fear of detention. This policy stance stems from Thailand's historical approach of regarding refugee presence as temporary and emphasizing repatriation or resettlement in a third country over citizenship or legal recognition. Key government agencies consider refugees through a security lens, conducting measures of deterrence and restricting rather than integrating (Jittiang, 2021). For decades, Thailand hosted significant refugee populations from neighbouring countries, including Myanmar refugees in border camps under strict encampment (Jittiang, 2019). Urban refugees in Bangkok, including Somalis, Pakistanis, Syrians, Palestinians, Vietnamese, Myanmar, and others, are excluded from even the most basic protections because they live illegally.

In recent years, Thailand has implemented very significant steps toward a more inclusive refugee policy. Notably, the improvement of the National Screening Mechanism (NSM) granted protected status to refugees in late 2019. However, implementation has been exceedingly slow. Very few asylum seekers have been evaluated through the NSM, and those who have obtained "Protected Person" status face limitations – the status is temporary. It does not give the right to work, and the term "refugee" remains unclear (Pang & Tling, 2024). In short, the NSM has failed to enhance refugees' daily lives significantly, and the majority of Somali families in this survey were still waiting for the results of their screening or had not been screened in the process at all. Thailand's domestic laws provide limited provisions for the welfare of refugees, which contributes to the legal exclusion. There are no government services specifically for refugees; instead, they rely on UNHCR and a few non-governmental organizations for basic support. For instance, the Jesuit Refugee Services (JRS) and Bangkok Refugee Center (BRC) offer small stipends, informal education programs, and healthcare referrals. Such support, while important, serves only a subset of those in need and does not replace access to public services.

Education policy exemplifies the gap between principle and practice. Thailand's 1999 National Education Act indicated all children residing in Thailand, regardless of their status, have the right to basic education. In theory, this Education for All policy allows even undocumented children to enrol in a Thai school. In reality, throughout the past few decades, many migrant children, especially those of regional migrant workers, have attended public school under this framework. However, refugee children often remain excluded. Schools have considerable discretion when it comes to admissions and may refuse non-Thai students if they

lack the necessary documents or are concerned about being detained by the police. As these findings will highlight, ambiguous implementation and a lack of clear instructions result in many Thai schools rejecting refugee applicants despite stated official policy. Furthermore, even when employment is possible, refugees face a language barrier and discrimination, making consistent attendance in school difficult.

In conclusion, the literature suggests that Somali children face a combination of constraints, including legal invisibility in a country without refugee rights and legal protection, institutional barriers to accessing an education system that is not fully prepared to include them, and cultural barriers resulting from linguistic, religious, and racial differences in the host country. These issues are consistent with general results on urban refugee education. The following section describes how we explored these barriers and what we discovered.

Methodology

Qualitative Approach and Sample

This study employed a qualitative approach to explore the lived experiences of Somali refugee families with their children's schooling in Bangkok. The data collection was conducted through in-depth interviews, focus group discussions, and field observations with six Somali refugee families. The aim was not statistical representativeness, but rather to capture a deep, contextual knowledge of barriers as seen and navigated by these families. Qualitative approaches are well-suited for investigating lived experience themes, such as schooling under hardship, because they allow participants to share personal experiences, coping strategies, and fears in their own words. The sampled refugee families represented the diversity and vulnerability of the Somali refugee community in Bangkok. Several households were female-headed, which aligns with broader trends among urban refugees. For instance, one family consisted of a single mother caring for four young children, one of whom required 24-hour medical support. Another family was headed by a mother of five children, with the father absent and an older son working in the informal sector as a waitress. The families had been in Thailand for varying durations, from recent arrivals to residents for nearly a decade. Their legal status ranged from holding an asylum-seeker or refugee card from UNHCR to having no formal recognition at all. Importantly, a few older youth had completed their education in Somalia back home, but they struggled with language and curriculum gaps after being displaced. Most school-age kids were either attending informal school programs provided by NGOs or mosques or not studying at all, even in informal learning.

These families faced precarious living conditions. None had a stable income or employment, as refugees are prohibited from engaging in legal employment. They survive on small stipends from NGOs or charities, occasional informal jobs, and community help (Issa, 2023). Several households experienced major health issues – for example, two families of six participants had at least one child dependent on a ventilator due to a neurological condition, and disabled children with epilepsy. Such difficulties inevitably affect their ability to focus on studies. Interviews were conducted in a private and safe environment with a mix of Thai and Somali (with interpreters). Each interview lasted about 1 hour and included questions about the

family's migration history, current living situation, experience with Thai schools, and perceived barriers to their children's education.

Data Collection and Analysis

Interviews were audio-recorded with verbal consent, transcribed, and translated into English. In addition to the family interview, data collection included focus group discussions and field observations in Somali communities. These methods allow us to gain a deeper understanding of the local lived experience and educational programs. For analysis, a thematic approach was used with Ager and Strang's integration framework. After familiarizing with transcripts, emergent themes related to barriers were identified, such as language barriers, fear of arrest, discrimination, and economic instability. These initial themes were then mapped to the integration framework. For instance, references to fear of arrest by the police and lack of legal status were classified as legal and citizenship barriers, which are the core domain of Ager and Strang integration. Integration facilitators addressed language proficiency and cultural misunderstandings, while school-related experiences were linked to key integration markers, such as access to education and the formation of social connections within the learning environment. The framework analysis helped to organize the findings into three major barriers: legal, institutional, and social, while also acknowledging areas of overlap. Narrative coherence was emphasized, with a focus on how families interrelated diverse barriers in their daily challenges. For example, one mother stated how her fear of police prompted her only to keep her children at home, which hindered the children's learning development and social interaction, highlighting both institutional and cultural aspects. Rather than analyzing these barriers separately, such narratives were investigated holistically to emphasize their overlapping and complex structure.

Cross-checking information enhanced the credibility of the findings. When numerous families reported experiencing similar issues, such as being turned away by the school or being bullied, it reinforced the evidence of a recurring problem. Discrepant situations were also investigated, such as one family that had briefly succeeded in enrolling in a Thai school for their children, providing an opportunity to explore the circumstances that allow this to happen and the reason why this enrollment was not sustained. Throughout the study, ethical considerations including consent, confidentiality, and participants' emotional well-being were given top priority due to the precarious situation of refugee families. Participants could decline to answer any question or end the conversation at any time.

The following sections present the study's findings, which are organized into three significant barriers that emerged. Each category offers detailed examples and personal experiences from Somali refugees, illustrating how these barriers are encountered in everyday situations.

Findings

Reflecting on the experiences of six Somali families, the study highlighted three major barriers to children's access to education: (1) legal invisibility, (2) institutional exclusion, and

(3) social isolation. These domains are intricately interconnected, creating a cycle of marginalization. Each barrier is examined in turn, with illustrative narratives from participants.

Legal Invisibility: Implications of Status and Rights Gaps

The first and foremost significant barrier is the Somali refugees' legal invisibility in Thailand. These families live in a state of legal limbo because they lack formal recognition, which has a profound impact on their children's educational opportunities. As previously stated, Thailand's refusal to offer legal status to refugees means Somali asylum seekers are subject to immigration laws. Without legal recognition, children cannot enrol in public school; they lack an ID number for school registration, and parents are concerned that approaching authorities would result in arrest, detention, or deportation. This aspect of legal ambiguity effectively forces self-exclusion from education: parents decide to keep their children invisible, even if it involves giving up schooling. A mother described feeling paralyzed about her children's education: even if her family already held asylum-seeker cards, she was afraid that if her children could legally enroll anywhere and did not attempt to register them in any Thai school, she would worry that doing so would alert immigration police.

One of the most obvious and most painful aspects of legal invisibility is the constant fear of being arrested. Many interviewees used the word fear to explain their educational choices. Without legal status or visas, simply attending school or appearing in public can be risky. A mother stated that after hearing about other refugees being caught on a random day, she opted not to enroll her children in education. Such experiences were everyday: parents frequently avoid public locations like school or hospital, which are supposedly available to all children, because those spaces are not perceived as safe when they are undocumented. The threat is real; Thailand conducts raids on undocumented foreigners regularly, and refugees have already been detained in the Immigration Detention Center (IDC).

Legal exclusion has indirect economic constraints that extend back to education. Because refugees are prohibited from legal employment, their families lack a consistent source of income to cover school expenses, which include transportation, uniforms, and books, even if tuition is free. All six families described their financial struggles, with some mentioning poverty as the primary reason their children were not attending school. Refugees survive on small stipends and rely on charity; for instance, one participant mentioned that the Jesuit Refugee Service provides stipends of 3,000 baht, which barely covers the rent for a single room. With these limited funds, many families must prioritize survival over schooling. A family reported receiving a one-time donation of 6,000 baht from a church group and having to pay for a refrigerator to store food and medicine, rather than using it for education. Hence, the prohibition of work leads to persistent poverty, making even basic education fees unaffordable for refugee families.

Thai policy has shown a small sign of improvement, which may alleviate legal barriers in the future. As previously mentioned, the government's planned national screening mechanism (NSM) may eventually provide some legal protection to refugees, and there is growing recognition of the need to uphold commitments such as the CRC, which Thailand has

ratified. However, as of this study, these developments had not yet resulted in practical advantages for our participants. Several Somali parents and children are invisible in the eyes of the state, which promotes fear, traps families in poverty, and forces children to either drop out of school or continually look over their shoulders. Ager and Strang's framework indicated that the absence of legal rights affects all other areas of integration, including schooling (Ager & Strang, 2008). One refugee described how lacking legal status made all aspects of life more challenging – accessing education, getting a job, and even being outside felt risky. This legal barrier arose as the root cause, laying the groundwork for subsequent institutional and cultural challenges.

Institutional Exclusion: Challenges Embedded in the Education Structure

Even if their legal status is addressed, Somali refugee children in Bangkok encounter numerous institutional barriers within the educational system that limit enrollment and learning. Thailand's public schools are, in practice, open to all children. However, it found a pattern of exclusion, insufficient support, and a bureaucratic barrier that effectively keep many refugee children out of the education system. Several families reported recurring difficulties with school admissions. Thai school administrators frequently request documents that refugees are unable to obtain, such as Thai birth certificates or household registration. Despite an official policy allowing for flexibility in the paper, not all institutions are aware of or willing to follow it. For example, one family attempted to enroll their child in education, but ended up with rejection from the institution. As a result, the inconsistent application of the Education for All policy means that access to education is inconsistent. Unsurprisingly, the majority of Somali children attend alternative education rather than formal schools. The families in this study primarily relied on NGO-run informal schools, where refugee children received basic education and instruction in the Thai language. These programs, while beneficial, are typically unaccredited and underfunded, leaving children academically behind their peers of the same age.

The Thai language was the most common barrier raised by both parents and children. Somali refugee children grow up speaking Somali; some learn a little English or Arabic, but very few have any experience with Thai before entering a Thai classroom. However, Thai public schools primarily educate in Thai. There is little or no provision for Thai as a second language support for newcomers. As a result, refugee kids are trapped in an environment where they could sit in class all day and not understand a word. The Thai government currently does not support any language programs for refugees, although NGOs have attempted to fill the gap. One prominent program is BRC's short-term "bridge school," which offers a 6-month Thai language and basic literacy education to prepare refugee children for Thai schools (Teclé et al., 2018). This program has had some success teaching children basic Thai language. However, it is limited in capacity and duration, with only a small number of refugee children being able to go through BRC's sessions and then transition into formal schools. Parents explained that the program was primarily aimed towards younger children, and that their older children either missed the enrollment deadlines or were considered too old. For example, a mother mentioned that her daughter was unable to attend the Thai preparation course designed for younger children but had to wait longer for another program to become available. By the time they learn

some Thai informally, they have already fallen behind in their studies. Besides, the BRC asks for the UNHCR card to register in a bridging school, leaving many Somali refugees behind in education opportunities. As a result, adolescent refugee youths face a particularly huge gap: they are too old for the pre-course education and are unprepared to attend Thai school. Overall, the lack of language support makes it difficult for refugee children to learn anything in school. The Thai school was essentially meaningless for refugee children who did not speak Thai. It demonstrates how language barriers frequently become academic barriers, leading families to question whether sending their kids to school is even beneficial.

Apart from language differences, differences in educational background pose another institutional challenge. Due to conflict and displacement, many Somali refugee children have had schooling interrupted. Some older students, for example, have primarily received religious education in Somali, with limited exposure to basic subjects such as mathematics, science, physics, and languages. Adjusting to the Thai curriculum, which includes courses such as Thai history and literature, might be overwhelming for refugee children. This gap in learning levels weakens students' confidence and motivation. Furthermore, Thai schools enforce strict assignments and entrance exams. Refugee children who fail these exams, typically due to language issues more than a lack of intellect, may be denied access to an age-appropriate grade, thereby excluding older children from re-entering schooling (Srichomphu, 2019).

For refugee children who do make it into Thai society, the experience can be challenging. Teachers, who are already dealing with large classrooms with limited training, cannot frequently give special attention to non-native speakers or children who are falling behind. None of the families stated that their children's school provided special education support or counseling to help them catch up. Refugee students are largely blended through neglect, as they are placed in regular classes with no additional support, perhaps setting them up for failure. Overwhelmed teachers may mistakenly exclude these students. This failure highlights how refugee children can easily slip through the cracks in the educational system.

Cultural Exclusion: Language Limitations, Discrimination, and Social Isolation

Another significant obstacle is social and cultural isolation, which occurs in both the school and the broader community. Being Black and Muslim in a mostly Thai and Buddhist society, Somali refugees in Bangkok represent a double minority. This fact makes them highly invisible in public and vulnerable to discrimination. A child's educational experience can be severely hindered by xenophobia and cultural differences, even when institutional and legal barriers are addressed in the school setting.

Several parents reported incidents in which their kids were teased at school due to their color, religion, or condition as refugees. In one instance from an interview, a girl who attended school every day was teased by her peers, as the only African kid in school, which made them stand out. Other children would sometimes refuse to play with them on the playground, mocking their accented attempts to speak Thai. Such discrimination had a psychological impact, affecting their self-esteem and willingness to continue studying in the school. Some

children who were subjected to discrimination regularly felt alone and unwelcome, which discouraged them from pursuing their education and, in certain situations, later led to dropouts.

Outside the school, Somali refugee families cluster in low-income Bangkok settings, frequently sharing small rooms with other African refugees. Their interactions with the larger Thai community are limited, mainly to the market and landlords. There are extremely few social bridges – opportunities for good participation – between refugees and locals (Issa, 2023). Language again plays a significant role; many adult Somalis only speak basic Thai, which limits their capacity to participate in school or communicate with teachers (Issa, 2023). As a result, even if children attend Thai schools, their parents may be unable to advocate for them to integrate into the school community. This isolation can deprive students of the full benefits of an education, which should involve establishing local friends and feeling part of the community. Indeed, significant social relationships exist within the Somali community – families support one another, share information, and occasionally organize informal tutoring for their children; however, social bridges to the host society are very weak. This means that refugee children usually do not have Thai friends to help them practice the language or negotiate, thus complicating their integration into school life.

In conclusion, social and cultural obstacles create a situation in which Somali immigrants frequently feel as though they do not belong in Thai schools—the lack of structural programs to promote inclusion, such as a multicultural education curriculum and anti-racism procedures. As refugees, these families are essentially on their own to adjust to a society that is unfamiliar with them. The consequent social isolation reinforces the other barriers: for instance, if a child is bullied or feels unwelcome, they are more likely to withdraw or drop out, leading to a cycle of educational marginalization.

Discussion

Applying Ager and Strang's integration framework as an analytical guide, the findings show how legal, institutional, and social barriers interact to keep Somali refugee children in a state of precarious non-integration. Each barrier relates to a specific domain of this framework, and when combined, they illustrate what we might call “survival integration.” By this, it means that Somali refugees use limited strategies to cope and survive in the host society – learning just enough Thai to get by and relying on community support – but are unable to completely integrate in any way that would secure their children's future. They remain in a state of legal limbo, striving for ordinariness while being denied the structural circumstances necessary for genuine integration. Ager and Strang's integration provides the foundation for integration, encompassing legal rights and citizenship, which provides stability for integration. In the case of Somali refugees, this foundation is missing. The absence of legal recognition appears as the primary cause of many other problems. As the findings demonstrated, without status, families live with fear and are unable to access fundamental services such as education without risking detention. This finding undermines any sense of security and belonging, which Ager and Strang highlight as critical to integration. Parents often do not feel safe integrating into Thai culture and therefore purposely keep a low profile; consequently, their children's schooling suffers.

Parents avoiding school exposure shows how legal gaps lead to educational exclusion. In terms of integration, urban refugees are denied their rights and citizenship, hurting other domains.

The third layer of the framework comprises language/cultural knowledge, as well as safety/stability. These facilitators are severely destroyed for Somali refugees. Language, as previously discussed, is a significant neglected need. Without the appropriate Thai language support, refugee children cannot catch up with the Thai curriculum, and their parents cannot communicate with teachers, reinforcing integration at school and society at both the micro and macro levels. Safety is even more immediate: when refugees fear detention or face community exclusion, their sense of belonging and emotional safety is weakened. Gozdziaik and Chantavanich's (2022) concept of "liminal zones" reflects how refugees exist in the margins, never feeling completely secure (Gozdziaik & Chantavanich, 2022). In such situations, refugee families are naturally averse to risk and hesitant to engage with public institutions, such as schools. The facilitators of integration are thus absent, as they lack institutional support for safety, and the host country has not addressed the language barrier. Without these, even the most determined family finds it difficult.

Ager and Strang (2008) highlight the significance of social bonds within the group, social bridges with the host community, and social links with institutions. Strong social bonds exist among Somali refugees, which is a positive aspect because families can support one another; however, social bridges with Thais are limited, and social links to formal institutions are hindered by exclusion and mistrust. Social bullying and community exclusion experiences highlight the lack of significant ties between Somali refugees and Thai society. Thai classmates are often unprepared to be inclusive, and Thai people or authorities usually view refugees with suspicion or ignorance. In response to these issues, the refugee communities have formed a close-knit community that lives most separately from the local society. They rely on their Somali network as a way to feel supported and safe (Issa, 2023). In other words, Somali refugees integrate within their community and at the margins of Thai society.

Ultimately, the visible outcomes of successful integration are indicators such as education, housing, employment, and health. The research reveals that education, a key marker, remains mostly out of reach for these refugees precisely due to the lack of foundational and facilitating conditions. Without legal status or language support, it is unsurprising that Somali children in Bangkok have low school enrolment and achievement rates. Employment, another marker, is also illegally recognized, which contributes to poverty and unstable living conditions. Indeed, many families move to avoid detection, further disturbing children's routines. Health is also unstable; children with additional needs do not receive adequate support. For example, the ventilator-dependent children in one of the participants' rely on charity and do not attend school. In short, these refugees score poorly on every domain of integration, not due to lack of effort, but because of the system.

The concept of survival integration captures this reality. Somali refugees integrate to survive: they find ways to live in the city informally, learn just enough Thai to negotiate daily life, and develop their own community networks for support. They are not integrating in the sense of attaining legal rights, formal economic inclusion, or acceptance as Thai citizens. Instead, they are in limbo with the goal of settlement in a third country. This limbo demonstrates

the attitudes in the face of limited options. Many families viewed their future outside Thailand, waiting for UNHCR resettlement or hoping to return to Somalia once peace was restored. Refugees integrate into specific ways of living both economically and socially, but not in ways that provide them with stability and rights. This condition can be described as protracted temporariness, in which refugees in cities live as permanent outsiders, continually adapting and contributing to urban life while remaining unseen and unrecognized by the system (Issa, 2023). In Bangkok, this type of survival-based integration is frequently the only option available under current policies. The effects are severe: children grow up on the margins of society, their growth hampered by constant insecurity and marginalization. These findings emphasize the importance of structural change. The difficulties that refugee families encounter are not unavoidable; they are shaped by policy and practice, and they could be addressed with political will and appropriate action.

In conclusion, the integration framework emphasizes that enhancing refugee education will necessitate comprehensive interventions across multiple domains. Legal reforms must lay the groundwork, recognizing refugees and granting them basic rights; educational institutions must adapt to become more inclusive programs; and efforts to bridge cultural gaps must be addressed. In terms of integration, only after the foundation of rights is provided and the facilitators of language and safety are in place, can the markers of education truly be achieved. Until then, Somali refugee families remain in a precarious position, neither completely invisible nor entirely accepted, integrating just enough to survive. They remain in limbo, neither integrated into Thai society nor able to return home, hoping for the day when they can finally live freely with dignity.

Conclusion

This study examined the intersection of legal, institutional, and cultural barriers that hinder Somali refugee children's access to formal education. The research offers a comprehensive understanding of multilayered exclusion in an urban refugee context, drawing on the perspectives of Somali families and analyzing their experiences through Ager and Strang's (2008) integration framework. The key findings highlight a sad reality: despite having sufficient schools and resources, many children still drop out. This reality does not happen due to limited resources or school capacity, but because specific rules and social perspectives make these children feel invisible and unwelcome within the system.

This work contributes to the literature on refugee education and integration in various ways. First, it examines Somali refugees' lived experiences in a non-signatory state setting, widening the geographical scope of refugee studies, which frequently focus on Western resettlement or large refugee camps. Bangkok's urban refugee case highlights the importance of addressing urban protection gaps. The case raises crucial questions about how well – or how poorly – they are integrated into urban life, both in academic research and policy development. Second, the research employs an integration framework to examine a scenario in which refugees are hindered from fully integrating into their host societies. This research helps identify both the framework's strengths and limitations. Each component of Ager and Strang's model was found to be disrupted in the Thai context, highlighting how many areas of

integration are closely linked and how issues in one might affect the others. Third, by introducing the survival integration concept, the research provides a conceptual nuance for describing refugees' adaptive strategies when formal integration is blocked. This approach could be beneficial in analyzing similar situations in which refugees integrate informally to cope while waiting for resettlement.

While this study focused on key barriers, it also provided various avenues for further inquiry. One topic of research is the long-term effects on children who do not receive a formal education. Longitudinal research might follow Somali and other refugee children in Bangkok to see how educational gaps affect their future lives and eventual integration, whether in Thailand or elsewhere. Comparative studies would also be helpful, such as comparing the educational experiences of Somali refugees in cities like Kuala Lumpur, where the host country is not a signatory to the Convention, with those in places where refugees have legal access to public education. Such comparisons can demonstrate best practices and strengthen the case for legal reform.

Furthermore, research on Thai educators in refugee education could illuminate knowledge gaps or issues that need to be addressed to develop inclusive policies. Understanding the host community's perspective would help inform more effective advocacy and training initiatives. Finally, considering that many Somali refugees view their future outside Thailand, research on resettlement outcomes related to education could be helpful. Educating refugees benefits not only the host country if they stay, but also any future countries that receive them, and ultimately contributes to the rebuilding of their home country if they return.

In closing, Somali refugees' children in Bangkok are a small and often overlooked population, but their experiences reflect broader issues in refugee policy and human rights. They are at the intersection of global displacement and local policy gaps. The study calls for compassion and practical action: removing legal barriers, opening school doors, and embracing cultural diversity could change these children's situation from one of marginalization to one of hope. Somali families in this study have shown remarkable resilience. In doing so, we not only uphold the rights of refugees but also affirm the fundamental reality that education is a right for all, regardless of their legal status, nationality, or place of refuge.

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BETWEEN BORDERS AND WARS: HOW DO WAR-AFFECTED YOUTHS MAKE A LIVING IN A KACHIN REFUGEE CAMP?

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Abstract

This research explores the livelihood strategies and coping mechanisms of war-affected youth living in one of the Kachin refugee camps along the China-Myanmar border. Decades of Kachin armed conflict have left thousands of young people in precarious conditions, marked by limited access to employment and essential resources. Using a qualitative ethnographic approach, this study investigates how these youth navigate systemic marginalisation, resource scarcity, and displacement to build sustainable livelihoods. The research employs the Sustainable Livelihoods Framework (SLF) to analyse the assets, strategies, and adaptive capacities of youth in the camp. Through in-depth interviews, key informant interviews, participant observation, and document analysis, the study highlights the aspirations, challenges, and resilience of war-affected youth. Findings reveal that youth rely on informal networks and cross-border migration, often facing exploitation and legal barriers, and external aid to survive. Despite these challenges, they demonstrate remarkable resilience, utilising available resources and support systems to pursue their livelihood goals. By amplifying the voices of marginalised youth, this study underscores the importance of empowering them as agents of change, even in the face of adversity.

Keywords: War-displaced youth, refugee camp, China-Myanmar border, livelihood strategies, coping mechanisms, cross-border migration, informal job labour

Introduction

Myanmar (Burma) has been through a lot of civil wars over the years. The Kachin conflict, which reignited in 2011 after the breakdown of a 17-year ceasefire, is rooted in decades of political and ethnic tensions between the Kachin Independence Army (KIA) and the Burmese military (Tatmadaw). Widespread human rights abuses, including forced displacement, sexual violence, and the destruction of civilian infrastructure, have characterised the conflict. The prolonged displacement crisis in Kachin State has forced thousands of people to remain displaced.

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Many live in overcrowded camps in both government-controlled and Kachin Independence Organisation (KIO)-controlled areas, mainly near the China–Myanmar border. Camps in government-controlled areas have access to basic services, including food, shelter, healthcare, and education, as most international aid reaches the more accessible camps near Myitkyina and Bhamo (Jaquet, 2018). However, support is still limited due to funding and resource shortages. In contrast, camps in KIO-controlled areas face greater challenges due to poor transportation, security concerns, and restrictions imposed by the Myanmar government, mainly the Burmese military (Zaw Lut, 2013). Most camps are located in remote and resource-scarce regions, and therefore, they have struggled with limited access to education, healthcare, and livelihood opportunities. However, various community-based, faith-based organisations, and non-governmental organisations (NGOs) have worked to provide essential emergency responses to the camps.

In the context of Kachin State, where decades of conflict have displaced thousands, it is crucial to understand the unique challenges faced by young people in rebuilding their lives and communities. For youth, the camps represent a vulnerable existence, where the lack of economic prospects and social mobility adds to the trauma of displacement (South & Jolliffe, 2015). Children who have grown up in overcrowded camps since 2011 are now entering adulthood. For them, these camps, originally intended as temporary shelters, have become the only homes they know, because returning to their places of origin remains impossible.

Methodology

This research utilised an ethnographic qualitative methodology to explore the lived experiences of war-displaced youth living along the China–Myanmar border. The data collection was conducted during the two-month fieldwork period. The primary method included Participant observation, which was conducted in one of the Kachin refugee camps situated along the China–Myanmar border, to understand the daily movements, challenges, and obstacles faced by the youths, as well as the history of the Camp. Two Focus Group Discussions were conducted: one with camp administrators and one with youth centre members, to gather collective insights into camp governance and youth community life. Additionally, key informant interviews were conducted with NGO workers and medical professionals to gain insight into institutional perspectives. Finally, semi-structured interviews were conducted with 14 youth, aged between 18 and 26. The interviews focused on their experiences of childhood displacement, their current coping strategies, and their future aspirations. Twelve interviews were conducted face-to-face, while the remaining two were done online via WeChat (a Chinese social media application). A snowball sampling method was employed to recruit participants, and all interviews were conducted in the Kachin language to create an environment that fosters comfortable dialogue and facilitates richer data collection.

Findings: Childhood Displacement Experiences

The experiences of war-displaced youth along China–Myanmar border highlight the lengthy and challenging journeys they face due to ongoing conflict. The initial wave of displacement began in 2011, following the collapse of a ceasefire between the Myanmar military and the Kachin Independence Army (KIA). This breakdown led to widespread violence and the forced displacement of many civilians. The majority of participants in the study were children at the time they first fled their war-torn home areas, with ages typically ranging from 8 to 13 years old. For some individuals, the trauma of escaping from the war was so overwhelming that they were too young to form clear memories of the events they experienced.

The phenomenon of displacement encompasses a wide range of immediate and long-lasting effects resulting from forced relocation. In the short term, individuals may experience significant emotional distress, stemming from the painful separation from family members and the traumatic loss of their homes and communities. This initial turmoil can be compounded by the uncertainties of their new living conditions, often characterised by inadequate housing, limited access to basic services, and the absence of familiar social support networks. In the longer term, displaced individuals face ongoing challenges as they strive to adapt to unfamiliar environments that may be culturally and linguistically different from their own. These adaptive difficulties often lead to heightened feelings of isolation and anxiety. Some had to face educational disruption and linguistic barriers. For individuals from other ethnic backgrounds who relocate to an area where the Kachin language is primarily spoken, this language barrier not only hinders social interactions but also significantly restricts educational progress, as it limits access to academic resources and the ability to participate in learning opportunities. Thus, the challenges of displacement are multidimensional, affecting emotional well-being, social integration, and educational attainment.

Findings: Past Livelihood Strategies of War-Displaced Communities

In the early years following forced displacement, war-affected families residing along the China–Myanmar border found themselves facing significant challenges. The unstable conditions of uncertainty, insecurity, and constant resource scarcity forced these families to adopt a variety of livelihood strategies to ensure their survival. According to stories from war-displaced community members, humanitarian aid, which included essentials such as food rations, shelter, clothes, medical supplies, hygiene products, and other necessities, was crucial in sustaining them during the challenging initial period. However, it was never sufficient to meet all their family's needs and secure livelihoods. This shortfall in assistance pushed displaced families to innovate and implement a diverse range of coping mechanisms and survival strategies.

First, cross-border labour migration became the primary survival strategy during the early years of the refugee camps when the China–Myanmar border movement was relatively unrestricted. People can travel freely between China and Myanmar using red

border passports for legal entry and exit. Many older youths and adults, both male and female, from the camps crossed into China to work as day labourers in agricultural fields or take on informal urban jobs, such as carrying goods, trading goods, selling food, working in factories, on construction sites, or driving vehicles. At that time, both Myanmar and China cultivated wide plantations of bananas, black pepper, coffee, and tea. They worked as day labourers, working as farm guards, planting, bagging and harvesting.

Second, small-scale trading has emerged as a crucial survival strategy for women managing households alone in challenging circumstances. Initially, they engaged in small-scale trading, often involving the sale of basic goods or vegetables in local markets. Over time, many families took steps to establish home-based shops to address their basic household expenses more effectively. Nevertheless, these income-generating activities frequently encounter significant obstacles to success. The limited purchasing power among residents within the camps, coupled with a lack of broader economic infrastructure, meant that these endeavours were often short-lived and failed to provide reliable, long-term financial stability.

Third, displacement has led to considerable transformations in household assets and the economic identities of affected families. Some individuals have had to make difficult decisions regarding their traditional livelihood assets. This livelihood involved selling essential items, such as livestock or family property, to adapt to their new circumstances. For example, one participant recounted the experience of selling their two oxen, which were a crucial part of their agricultural livelihood in their original home area. With the funds obtained from this sale, his father was able to purchase a heavy-load three-wheeler motorcycle, which he subsequently used to generate income as a tricycle driver. This shift marks a deliberate and strategic process of asset conversion, where individuals transition from relying on rural-based livelihoods to engaging in service-oriented work in response to the challenges of displacement.

Findings: Present Livelihood Strategies of War-Displaced Youth

Nowadays, the livelihood strategies of war-displaced youth, residing in a Kachin refugee camp and its surrounding border regions, are influenced by a complicated interplay of factors, including political instability, intensified border militarisation, economic struggles, and the ongoing threat of displacement. Due to the camp's location along the border area, the youth consider going to China for work.

In the past, crossing the border was easier, as there were no significant road closures or security barriers in place. However, in early 2020, the border between China and Myanmar was closed due to the COVID-19 outbreak in China. By late November, the Chinese authorities had even installed triple-layer fencing with cameras, floodlights, motion sensors, and loudspeakers that automatically warned approaching people in Burmese and Chinese to stay away from the fence (Labang Roi San, 2023). As the civil war and military coup intensified in 2021, the Kachin Independence Organisation (KIO) further tightened restrictions on youth, making it increasingly difficult for youth to cross

into China for work.

To legally cross and secure employment in China, individuals require a border pass, often referred to as a red passport. However, acquiring these legal documents has become a significant challenge these days, due to extensive bureaucracy and high costs involved. The process can take an inordinate amount of time, and often, there is no guarantee of receiving the necessary permits. Youth, in particular, face stringent restrictions, which complicate their efforts to find employment. As a result, a substantial population of displaced youths tried the illegal route of crossing the border without proper documentation, risking arrest and deportation.

Once they arrive in China, job opportunities for undocumented migrants are limited. Some workers face exploitation. Others are forced to work for months without receiving payment, or their wages are unfairly reduced. In some cases, employers keep workers' registration documents and border passes. When these workers decide to return home, they often find that their wages are not paid, and they may face threats from their employers. As a result, some individuals return home in pitiful, depressed, and broken conditions. There are also serious concerns about the trafficking of women.

Although the youth are aware of the consequences of risk and exploitation, many still take illegal routes to enter China. They can earn between 3,000 and 4,000 yuan in China, an amount they cannot achieve in the day labor market in Myanmar. Staying in war-displaced camps also poses the risk of being recruited, coupled with a lack of job opportunities and basic means for survival. This risk is why unsafe migration remains such a significant issue.

Those who remain in the camps mostly rely on informal and daily labour jobs for their livelihoods nowadays (Lazum Htu Tawng, 2020). For males, the most marketable job near the camp area is working as a carpenter, as construction projects are abundant. Some work at rare earth mining sites, while others are employed in the sand and gravel industries. Some drive cars to trade goods from Myitkyina to the camp locations, despite the risks involved in the job. Some trade goods from China to Myanmar are transported through illegal route channels. Females work at phone shops, clothing stores, and restaurants in the border towns located near the camp. Some do online shopping (buying goods from China and selling them in the local market).

Findings: The Role of the External Support System

In the past, NGOs and faith-based organisations have provided both emergency relief and support, such as food, shelter, hygiene, and livelihood training, for the long-term prospects and economic independence of war-displaced youths (Lujan, 2019). The period from 2020 to the present has been marked by crisis and decline, which has had a significant impact on the support landscape due to several converging factors. The COVID-19 pandemic led to a substantial decline in international support, disrupting funding streams and impacting programme continuity across the humanitarian sector. Following Myanmar's military coup in 2021, remaining aid programmes were nearly

terminated as NGOs faced operational restrictions, and organisations bound by government memoranda of understanding (MOUs) were pressured to reduce their operations. Moreover, the Trump administration's funding cuts in 2025, as well as suspensions by USAID and the World Food Programme, have halted many ongoing projects, exacerbating the crisis. Since displacement has now lasted for a decade, many Kachin humanitarian aid organisations have begun to advocate that, by this point, refugees should have developed some form of self-sufficiency. As a result, there has been a growing shift in focus toward resettlement programs.

Findings: Coping Mechanism: Return to the Original Place

Returning to the original place after the prolonged displacement, this critical transition phase for war-displaced populations serves as both a survival strategy and a means of reclaiming agency in the aftermath of conflict. The term “returning to where they came from” hasn't been heard in over a decade, so now that it is being discussed again, many people are feeling anxious. They worry, "When will we be told to leave the camps?"

The returning process often reignites land conflicts, particularly where documentation is lacking or where multiple parties claim ownership. Land ownership verification and agricultural rehabilitation are essential components of the returning process. The challenge of re-establishing land claims after years of displacement creates anxiety and the potential for conflict. The presence of landmines in areas for return causes significant and ongoing security challenges for the displaced people. Despite being aware of the dangers of landmines, displaced people often have to clear them out on their own. They rely on traditional methods passed down through generations, such as the practice of burning the entire yard as a preventative safety measure.

However, with limited job opportunities and reduced external support, many of the war-displaced youth shift their focus toward returning to where they came from. It is a vital transition for war-displaced youth in 2024, serving as a survival strategy; however, it can be challenging to implement since it requires financial resources and agricultural skills to rebuild their lives in their original area.

Conclusion

The complexity of livelihood construction in displacement contexts suggests that simple solutions or single-sector interventions are unlikely to achieve sustainable outcomes. Instead, successful livelihood development requires integrated approaches that combine direct support for asset building with advocacy for policy reform, institutional development, and market creation. The ultimate goal must be not just the restoration of pre-conflict livelihoods, but the creation of more resilient and sustainable livelihood systems that can withstand future shocks and provide pathways for advancement and prosperity.

The experiences of war-displaced youth along the China-Myanmar border offer important lessons for understanding livelihood construction in conflict and displacement contexts more broadly. Their stories of resilience, adaptation, and transformation provide insights into both the challenges and possibilities for sustainable livelihood development among displaced populations. While the structural constraints they face are significant, their innovative strategies and persistent efforts to build better futures demonstrate the potential for positive change when appropriate support and enabling conditions are provided.

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STORIES OF INCARCERATED MOTHERS OF BUKIDNON, PHILIPPINES: A CASE STUDY

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Abstract

This qualitative case study explored the lived experiences of incarcerated mothers in two jail facilities in Bukidnon, Philippines. Through in-depth interviews with twenty women, the study examined their maternal roles, challenges during incarceration, and the effects of institutional policies, particularly the Bangkok Rules. Despite confinement, many mothers remained committed to nurturing their children through letters, prayers, and limited, monitored visits. The study revealed emotional distress, guilt, and a sense of powerlessness due to prolonged separation from their children. These struggles were intensified by the COVID-19 pandemic, which restricted visitation and communication, negatively affecting mental health. Institutional shortcomings, such as the lack of gender-responsive programs and child-friendly spaces, further complicated their maternal roles. Using Ambiguous Loss Theory, the study highlighted how incarceration disrupts maternal identity and contributes to emotional trauma. The findings call for urgent correctional reforms that address the gendered realities of incarceration. Key recommendations include enhanced mental health support, parenting programs, family reintegration efforts, and stricter enforcement of international human rights standards.

Keywords: Incarcerated Mothers, Bangkok Rules, Ambiguous Loss, Parenting Behind Bars, Gender-Sensitive Corrections

Introduction

Across the globe, the number of incarcerated women has significantly increased, drawing attention to the gendered consequences of imprisonment. As of 2021, there were approximately 741,700 women in prison worldwide (World Prison Brief, 2021). In the Philippines, women represent 14.9 percent of the prison population, with the majority serving time for non-violent, drug-related offenses (Abad, 2021). This shift has brought new challenges, particularly as many of these women are mothers.

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Incarceration severs the physical bond between mothers and their children, often leading to psychological trauma and disrupted family dynamics. This situation is further exacerbated in the Philippines by overcrowded jails, inadequate healthcare, and limited gender-sensitive programs (International Committee of the Red Cross [ICRC], 2020). Although the country is a signatory to the United Nations Bangkok Rules—which outline standards for the treatment of women prisoners—local implementation remains insufficient.

This study investigates the experiences of incarcerated mothers in Bukidnon, Philippines, with a focus on how imprisonment affects their maternal roles and identity. The research is guided by Ambiguous Loss Theory, which offers a framework for understanding the psychological toll of separation under uncertain conditions (Boss, 2007).

Theoretical Framework

Pauline Boss's Ambiguous Loss Theory (1999) is central to this study. Ambiguous loss occurs when a loved one is physically absent but psychologically present, or vice versa, creating unresolved grief and identity confusion. In the context of incarceration, mothers are physically separated from their children while remaining emotionally invested in their care. This condition often leads to guilt, anxiety, and a fragmented sense of self (Easterling, 2012).

This theory underscores how maternal identity is socially constructed and challenged under incarceration. Women experience a dual loss: the inability to fulfill traditional caregiving roles and the societal stigma that redefines them as criminals rather than mothers. This framework is particularly relevant in low-resource settings like the Philippines, where institutional support for parenting in prison is minimal.

Methodology

Research Design and Setting

This qualitative case study was conducted in two jails in Malaybalay City, Bukidnon. These facilities were selected due to their rising female inmate populations and observable institutional constraints.

Participants and Sampling

Twenty incarcerated mothers participated, selected through purposive sampling. Criteria included being a biological mother of at least one child aged 1–5, having been incarcerated for at least one year, and willingness to participate. Participants ranged in age from 28 to 47 and had between two and five children each.

Data Collection

Semi-structured, one-on-one interviews were conducted in private settings within the jails. Each session lasted between one and two hours. Interview topics included maternal roles, relationships with children, institutional support, and challenges faced during the pandemic.

Data Analysis

Data from the in-depth interviews will be transcribed verbatim, ensuring accuracy and anonymity of the participants. The narratives of women prisoners shall then be thematically analyzed. The transcripts will be systematically coded using a combination of inductive and deductive approaches.

Ethical Considerations

Ethical clearance was obtained from the Research Ethics Board. Participants provided written informed consent. Privacy, confidentiality, and psychological well-being were prioritized throughout the study, with the support of jail counselors.

Findings and Discussion

Demographic Characteristics and Relevant Information About Incarceration

The participants of this study were twenty mothers from two separate jails of Bukidnon. The information was taken through personal interview and observation. The initial information focused on the common characteristics of mother-prisoners, particularly on key demographic, social, and criminal factors. Examining these variables provides a comprehensive understanding of the profile of incarcerated mothers, offering insights into their unique circumstances and challenges.

Table 1 below shows the demographic profile of the participants. The names are not included to protect the participants' privacy and ensure confidentiality.

Table 1 Demographic Profile and Relevant Information of In-Depth Interview Participants

Participants Profile		Frequency	Total
Age			
-	28-32 years old	6	20
-	33-37 years old	7	
-	38-42 years old	5	
-	43-47 years old	2	
No. of Children			
-	2-3	15	20
-	4-5	5	
Marital Status			
-	Single/Unmarried	2	20
-	Married	15	
-	Widow	3	
Educational Attainment			
-	Elementary Level	5	20
-	Elementary Graduate	5	
-	High School Level	1	
-	High School Graduate	6	
-	College Level	1	
-	College Graduate	2	

Participants Profile	Frequency	Total
Occupation prior to Imprisonment		
– Housewife	6	
– Farm Laborer	5	
– Street Vendor	3	
– Office Workers	2	20
– Housemaid/Caretaker	1	
– Cashier	1	
– Waitress	1	
– Sari-sari Store Owner	1	
Crimes Committed		
– Drug-related crimes	6	
– Drug use	5	
– Unlawful taking of property	3	20
– Fraud	2	
– Prostitution	2	
– Forgeries	1	
– Parricide	1	
Case Status		
– Pending (On-trial)	8	20
– Promulgated (Convicted)	12	

In terms of age, seven (7) of the participants belong to the age bracket of thirty-three to thirty-seven years old (33-37), six (6) are in the age-bracket of twenty-eight to thirty-two (28-32), five (5) belong to the thirty-eight to forty-two years age category (38-42), and two (2) mothers are in the age group of forty-three to forty-seven (43-47).

Fifteen (15) of the mothers have two to three children, while five (5) have four to five dependent children.

The educational attainment of the participants is as follows: (5) five had reached only an elementary level, another (5) five had attained elementary education, (1) one had reach only the high school level while (6) six others had attained a High School Education, (2) two had attained college education, and another 1 participant had attained a college level education.

The occupations of the participants prior to incarceration were varied. Six (6) were housewives, (5) five were farm laborers, (3) three were street vendors, (2) two worked in an office, (1) one was a cashier, (1) one was a waitress, (1) one was a housemaid/caretaker, and (1) one was a sari-sari store owner. The findings reveal that among income-earning participants, eleven (11) were involved in the informal economy while only three (3) were involved in the formal economy.

These mothers in jail committed various crimes. Six (6) were involved in drug-related crimes (distribution, possession, manufacturing, and driving under the influence of drugs); five (5) were involved in drug use. Three (3) committed unlawful taking of property (robbery, theft, and shoplifting). Two (2) committed fraud, another two committed prostitution, one committed forgery, and one was involved in parricide.

As far as the status of these mothers' cases is concerned, twelve (12) were already convicted of the crimes they committed, and eight (8) are still on trial.

Disrupted Maternal Roles and Emotional Distress

Participants consistently reported emotional struggles due to the forced separation from their children. The inability to perform traditional maternal duties—such as providing care during illness or attending school milestones—was a significant source of guilt and grief.

"I pray for my children every night. However, when they are sick, I am not there to care for them. That hurts the most," said a 38-year-old mother of two.

Many mothers reflected on the disruption of their daily routines and longed for simple moments—such as bathing their children, helping with homework, or telling bedtime stories. These absences created internal conflicts, with mothers questioning their sense of identity and worth.

Several participants expressed persistent emotional numbness, frequent crying spells, and anxiety attacks, often triggered by reminders of their children's milestones.

"My son had a birthday, and I cried the whole day. I did not even know what cake he had or who was there," shared a 35-year-old inmate.

This finding echoes findings by Arditti et al. (2003), who noted that incarcerated mothers often feel they are failing in their maternal roles, leading to psychological distress and self-blame. Boss (2007) identifies this form of grief as a central feature of ambiguous loss.

Challenges in Maintaining Contact

Physical visits were infrequent, and communication was limited to supervised calls or letters. During the COVID-19 pandemic, all face-to-face visits were suspended, further straining relationships. Mothers described the pain of hearing their children's voices without being able to hold them.

"My daughter started school during the pandemic. She cried because I was not there like the other moms," shared a 30-year-old mother of five.

Others recounted the difficulty of maintaining authority and emotional presence through irregular calls. One mother explained how her child became increasingly distant and disobedient, leading to feelings of helplessness.

Research by Shlafer and Poehlmann (2010) supports the idea that consistent parent-child contact improves emotional outcomes for both parties. However, logistical and institutional barriers—such as lack of e-visitation technology and rigid visitation policies—undermined these benefits in the studied jails.

Unreliable Substitute Caregiving and Parental Anxiety

Many mothers expressed concern over how substitute caregivers treated their children. Reports included neglect, emotional coldness, favoritism, and even physical punishment. Mothers often relied on relatives out of necessity, yet lacked trust in their caregiving abilities.

"They are being mistreated in their guardian's home. I worry all the time," said a 33-year-old mother of two.

One participant described how her teenage daughter was forced to care for her younger siblings in her absence, disrupting the daughter's education and emotional well-being. Another mentioned how her children were shamed in school for having an incarcerated mother.

Poehlmann (2005) observed similar outcomes, noting that children left with extended family during maternal incarceration often experience emotional neglect or discrimination. These experiences not only affect the children but also fuel maternal anxiety and guilt.

Institutional Gaps and Non-Compliance with the Bangkok Rules

The jails lacked gender-responsive programs, child-friendly visitation spaces, and consistent mental health support. Most participants were unaware of the Bangkok Rules and their rights under international law.

"We do not have any parenting programs here. Sometimes I feel like I have lost my right to be a mother," shared a 41-year-old inmate.

Mothers also highlighted the lack of access to counseling, legal assistance, and even basic sanitary products. Some described the humiliation of being searched in front of their children during visitation days.

Although the Bureau of Jail Management and Penology (BJMP) issued guidelines during the pandemic, these were general and lacked specific measures for women and mothers (ICRC, 2020). As such, the whole spirit of the Bangkok Rules—especially those concerning maternal rights and child contact—remains unfulfilled.

Compounded Impact of the COVID-19 Pandemic

The pandemic amplified existing challenges. Mothers missed significant milestones, and children exhibited signs of anxiety, depression, and behavioral issues. The suspension of visits left mothers feeling forgotten and helpless.

"I only learned about my mother's death two weeks after the funeral. My child became distant after that," reported a 38-year-old mother.

Some children refused to take calls or lost interest in communicating altogether. Others developed sleep disturbances, regressive behaviors, or became socially withdrawn.

"My son stopped talking to me for a month. He said it was too hard to hear my voice and not see me," recounted a 29-year-old participant.

Studies by Loades et al. (2020) and Rosen et al. (2021) confirm that pandemic-related isolation worsened mental health for both incarcerated individuals and their families, particularly mothers and young children.

Mothers also reported increased tension within the prison environment due to the lockdown. The lack of access to information, reduced outdoor time, and heightened health fears led to greater psychological vulnerability.

Summary Table of Themes and Corresponding Bangkok Rules

Theme	No. of Mothers	Bangkok Rules	Key Gap
Maternal Contact and Communication	14	Rules 26–28, 31	Short visits, no privacy, monitored phone calls
Performing Nurturing Roles	12 (10 constrained)	Rule 48	No play areas, short visits, poor nutrition during family time
Access to Parenting Programs	11	Rule 42	Infrequent, exclusive, poor dissemination of parenting and emotional support
Poor Gender-Sensitive Living Conditions	15	Rules 5, 6, 18	Poor hygiene, lack of beds, no female health staff, inadequate facilities

The findings highlight institutional practices and facility conditions that significantly constrain the parenting experiences of incarcerated mothers. While some services are present, they are inconsistently applied and often inaccessible to many. Communication with children is restricted, poor environments limit nurturing, programs are exclusionary, and basic needs are unmet.

To align with the **Bangkok Rules**, correctional institutions must institute reforms that recognize and uphold the maternal identities of women in custody. Doing so is not only a matter of compliance but also a commitment to human dignity.

Conclusions

Based on the findings of this study, the following conclusions are drawn:

1. **Motherhood Endures Behind Bars:** Incarcerated mothers continue to play vital emotional and psychological roles in their children's lives, even in the face of institutional barriers and physical separation. The essence of motherhood—love, guidance, and protection—does not disappear with imprisonment; instead, it adapts within constraints, often becoming more emotionally taxing.
2. **Ambiguous Loss Creates Psychological and Relational Gaps:** The separation between mothers and their children without clear boundaries—where mothers are physically absent but emotionally present—results in ambiguous loss. This psychological state triggers grief, anxiety, and identity struggles for the mothers and, in many cases, their children. The ambiguity also complicates reintegration after release.
3. **Lack of Gender-Responsive and Family-Centered Policies:** Most correctional facilities fail to address the unique needs of incarcerated mothers. Programs meant to support parenting are either unavailable or limited in accessibility. Facilities often lack spaces conducive to parent-child interaction, and the absence of psychosocial services increases emotional strain.
4. **COVID-19 Magnified Existing Deficiencies:** The pandemic worsened the experience of maternal incarceration by removing nearly all avenues for physical and

even virtual contact. Missed milestones, delayed communication, and deteriorating mental health among children created a crisis of emotional abandonment and intensified maternal grief.

5. **Institutional Gaps Violate International Human Rights Standards:** The inconsistencies in program delivery and neglect of maternal needs indicate a broader issue: a failure to implement the Bangkok Rules fully. This failure points to the need for urgent reform in policy enforcement and institutional priorities concerning incarcerated mothers.
6. **Systemic Inequities Fuel Recidivism and Family Breakdown:** Without adequate support, many incarcerated mothers face difficulties reintegrating into their children's lives post-release. The trauma, stigma, and disrupted relationships caused by incarceration without sufficient institutional mitigation increase the risk of recidivism and long-term family disintegration.

Recommendations

To address the issues uncovered in this study, the following actions are recommended:

1. **Implement Gender-Sensitive Correctional Reforms:** Prison authorities must ensure the complete adoption and consistent implementation of the Bangkok Rules, especially those that protect the rights of mothers and children.
2. **Establish Child-Friendly Visitation Spaces:** Prisons should provide private, safe, and emotionally nurturing areas for mothers and children to bond during visits, promoting stronger familial relationships and easing emotional distress.
3. **Expand Parenting and Life-Skills Programs:** Inclusive and culturally-sensitive parenting programs should be made accessible to all mother-prisoners, not just those with "good behavior." These programs should address communication, emotional regulation, and post-release parenting reintegration.
4. **Enhance Access to Mental Health Support:** Correctional institutions must prioritize trauma-informed care, psychological screening, and mental health services tailored to mothers who are dealing with ambiguous loss, grief, and anxiety.
5. **Facilitate Consistent Communication:** Jails should increase access to regular, monitored, but private phone or video calls between mothers and their children, especially during emergencies such as pandemics.
6. **Monitor and Support Substitute Caregivers:** Government agencies should collaborate with social workers to regularly assess the well-being of children placed under substitute care and ensure that they are treated fairly and with love.
7. **Promote Post-Release Reintegration Programs:** Mothers should be supported in reconnecting with their children after release through transitional programs, counseling, and family mediation services.

By acknowledging and addressing the gendered and maternal dimensions of incarceration, institutions can reduce harm, promote justice, and support the long-term well-being of both incarcerated mothers and their children.

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MEGAPROJECT AND INDIGENOUS RIGHTS: A CASE STUDY OF THE IMPACT OF *IBU KOTA NEGARA* DEVELOPMENT ON THE LIVELIHOODS OF DAYAK TRIBES IN EAST KALIMANTAN

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Abstract

The relocation of Indonesia's capital city from Jakarta to East Kalimantan, through the Ibu Kota Negara (IKN) megaproject, is a significant national development aimed at economic decentralization and addressing environmental problems in Jakarta. Although the development is framed as sustainable and inclusive, this project has led to severe socio-economic and human rights issues for Indigenous communities, particularly the Dayak people. The inadequate recognition of customary land, forced relocation, and limited compensation contribute to land dispossession and disrupted livelihoods, which lead to socio-economic marginalization. Moreover, the lack of participation of Dayak people in decision-making processes exacerbates these issues. This study employs qualitative methods, drawing on secondary data, including policy documents and previous research, to investigate the impact of the IKN megaproject on Indigenous rights and socio-economic conditions, with a particular focus on how the development can lead to the violation of Indigenous land rights from the pre-implementation phase. This paper highlights patterns of systemic exclusion embedded in megaproject governance and resettlement practices, utilizing critical developmentalism and theories of structural violence. It also examines how land dispossession and inadequate resettlement can result in livelihood disruption and socio-economic marginalization. Hence, it is argued that human rights frameworks should be integrated into megaprojects to address the disproportionate impacts of IKN development on the Dayak people.

Keywords: IKN Megaproject, Indigenous Rights, Dayak People, Land Dispossession, Livelihoods.

Introduction

The relocation of Indonesia's capital city from Jakarta to East Kalimantan was ratified by the House of Representatives of the Republic of Indonesia (DPR RI) and subsequently

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reinforced by President Joko Widodo through the signing of Law Number 3 of 2022 concerning the State Capital (IKN) (Sekretariat Kabinet RI, 2022). Ibu Kota Negara (IKN) is proclaimed a smart and sustainable city for all (Berawi et al., 2023). This is reflected in the adoption of the future smart forest city concept and the prioritization of social inclusion for IKN development. However, the Indigenous people who lived in the area, such as the Dayak people, have faced numerous challenges due to the IKN megaproject. This challenge also appears because megaprojects are large-scale manufacturing or infrastructure projects that rapidly and profoundly change the landscape in highly visible ways with high risks, such as challenges to local communities (Qian, 2011). Dayak people will directly impact the IKN megaproject in this development, whether in terms of benefits or drawbacks.

The Dayak people, who have a deep connection to Kalimantan's forests, face threats of social and political marginalization due to the development of the IKN megaproject. Most of the land inhabited by the Dayak people is customary land that the state has not fully recognized through legitimate legal mechanisms. It makes the Dayak people more vulnerable, as land grabbing leads to violations of their rights. This vulnerability reflects how the government forced them to move immediately from their ancestral lands without adequate compensation or guarantees for their livelihood after relocation to another area. Although there are regulations concerning the recognition and protection of Indigenous rights, in practice, it has not been implemented because of political interest conflict, which leads to the violation of Dayak people's rights and raises serious problems related to socio-economic marginalization. This paper will examine the impact of this megaproject on the livelihoods of the Dayak people, who have been displaced from their lands. Furthermore, it will examine the broader socio-economic consequences to the Dayak people and emphasize how the IKN megaproject can lead to serious violations of their rights from the pre-implementation phase.

Literature Review

Megaproject and IKN Development

Megaprojects are broadly defined as projects that transform the landscape rapidly, intentionally, and profoundly in visible ways, requiring the coordinated application of capital and state power (Gellert & Lync, 2004). Megaprojects are built as part of an urban entrepreneurial strategy to increase economic growth and city competitiveness by restructuring the city's socio-economic and spatial structure. While megaprojects offer certain advantages, they also come with significant disadvantages. It is also because megaprojects are large-scale manufacturing or infrastructure projects that rapidly and profoundly change the landscape in obvious ways with high risks, such as challenges to local communities (Qian, 2011). It reflects that many megaprojects have failed to deliver the promised benefits, largely due to strikingly poor performance records regarding economy, environment, and public support (Flyvbjerg et al., 2003). Moreover, this pattern also exists in the development of the new capital city (IKN) in Indonesia.

The IKN development is one of Indonesia's most ambitious mega projects. The IKN development is also driven by a capitalist mindset that prioritizes investment and the interests of a few parties or elite and fails to reflect local needs or principles of sustainable development,

leading to socio-economic marginalization. Moreover, megaprojects are typically implemented through top-down regulation, where centralized authorities make decisions without consultation with the people directly affected by the development. This is also reflected in the government-issued presidential regulation Number 62 of 2022, Article 3, which states that the government has the authority to transfer, use, or dispose of assets over a portion of land with management rights to business actors by agreement. It holds the authority to grant and extend the terms cultivation rights (*Hak Guna Usaha*) (Satriani et al., 2023). In addition, the government allowed the private sector to manage land for 190 years, followed by Presidential Regulation (Perpres) Number 75 of 2024, which legalized the regulation of land rights for investors (Arkyasa, 2024). This situation shows that the development excluded Indigenous people and led them to exclusionary conditions. Exclusion refers to a condition in which large numbers of people lack access to land, often involving violent action where marginalized individuals are evicted from their land by or on behalf of powerful actors (Hall et al., 2011). Therefore, these conditions raise serious problems related to socio-economic marginalization and lead to the violation of the rights of people who live in the IKN area, such as the Dayak people.

Indigenous Peoples and Indigenous Land Rights

Indigenous peoples are generally characterized by profound historical continuity with their ancestral territories. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) identifies them as beneficiaries of the rights, which means there is no specific explanation. Nevertheless, the International Labor Organization (ILO) defines Indigenous Peoples as those who have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them (ILO, 1989). Moreover, Indigenous peoples believe that land and nature are sacred and must be respected (Ade S., 2024). It is also because Indigenous peoples are intrinsically connected to their ancestral lands, which form the foundation of their identities, livelihoods, and spiritual practices.

In the modern era, many challenges are faced by Indigenous peoples, including land grabbing, militarization, and resource extraction from their ancestral lands, as well as displacement from these lands, increasing the vulnerabilities of their experiences (Tauli-Corpuz, 2018). Moreover, Indigenous peoples are often discriminated against on their lands and also excluded from decision-making processes. These challenges are particularly evident in land rights, where Indigenous peoples are often denied legal recognition of their territorial claims or face legal barriers that prevent them from asserting their rights (Anaya, 2004). Therefore, upholding self-determination and Free, Prior, and Informed Consent (FPIC) is crucial in tackling the struggle for Indigenous land rights. The international frameworks emphasize the right to self-determination in UNDRIP Article 3, ICCPR, and ICESCR Article 1, which ensures Indigenous peoples can control their political, economic, and cultural development. It also recognizes FPIC in UNDRIP Article 32, which requires obtaining the consent of Indigenous peoples before approving any project that may affect their territories (United Nations, 2007). However, the implementation remains weak because many countries

and companies overlook FPIC or conduct superficial consultations, thereby failing to address the real problems faced by Indigenous communities (Colchester & Ferrari, 2007).

Dayak Tribes

The Dayak people are known as one of the Indigenous tribes of Kalimantan (Peterianus & Mastiah, 2020). Dayak originates from the word "*Daya*," meaning "upstream," and refers to people who live in the interior or upstream regions (Darmadi, 2016). The natural conditions of Kalimantan make the Dayak people rely on forests and rivers for their livelihood. In the daily life of the Dayak people, their main livelihood is shifting to farming (Oktaviani & Kurnia, 2023). Moreover, the Dayak tribe also engages in other activities, such as fishing and hunting. It shows that the life of the Dayak people depends on nature, such as forests and rivers. Moreover, the Dayak people have numerous sub-tribes, including the Dayak Balik, Dayak Kenyah, Dayak Benuaq, and many more. However, nowadays, many Dayak people live in cities and still uphold their traditions.

Theoretical and Legal Framework

The IKN development led to significant impacts on Indigenous people living in the project area, such as the Dayak people. This study applies critical developmentalism and structural violence theories to explore how a project that claims to be sustainable and inclusive has instead led to systemic exclusion of Indigenous people and violated their rights. Critical developmentalism, which builds upon traditional developmentalism theory, has been widely criticized by people such as Escobar and Pattnaik. Escobar argues that the critique of developmentalism stems from its focus on development without considering the negative impacts on marginalized communities, where power imbalances and deprivation often accompany state-led development (2012). Moreover, Pattnaik also highlights how the developmentalism paradigm has been disproportionately cornered by the dominant sections at the expense of vulnerable people, who have borne most of the costs (Pattnaik, 2013).

Furthermore, structural violence theory offers a valuable framework for understanding structural violations of human rights by examining how structures constrain agency to the extent that fundamental human needs remain unattainable (Ho, 2007). Moreover, John Galtung, who first introduced structural violence theory (Ho, 2007), argued that structural violence refers to a type of violence in which social structures, including institutions and policies, harm a group of people by limiting them from meeting their basic needs and attaining their quality of life that otherwise would be possible to attain (Thu & Middleton, 2025). In the context of the IKN development, structural violence is reflected by how the government, despite having the potential to provide fair compensation and FPIC to the Dayak people before relocating them, instead prioritized economic growth or elite interest over Indigenous rights.

In addition, Indonesia formally recognizes the existence of Indigenous rights under Articles 18B(2) and 28I(3) of the 1945 Constitution and the Basic Agrarian Law (UUPA) of 1960, which acknowledge Indigenous rights, whether cultural or land. However, these Articles are undermined by Article 33(3) of the Constitution, which declares that the state can control the land and natural resources. This article reflects the continued Dutch colonial legal doctrine

of *domein verklaring*, which shaped Indonesia's legal framework regarding land ownership. The *concept of domain verklaring* originates from *agrarische wet*, which refers to all land that other parties cannot prove is their *eigendom* (ownership) rights, making it the domain (property) of the State (Siregar, 2024). As a result, the state began to act as the owner of land that had not been formally recognized by law, prompting large-scale land acquisitions from the local community. Since this era, large landowners have controlled vast tracts of land on a large scale by utilizing their rights (i.e., HGU) and other supportive mechanisms (i.e., direct foreign investment policy), which can legitimize the uses, users, and inscribed value of land (Kusumawardhani, 2022). In the IKN development context, this is reflected in the government's issuance of the IKN Law (Number 3) in 2022 and Presidential Regulation (Number 75) in 2024. These legal instruments grant the state authority to acquire land for development without providing strong protections for Indigenous peoples and allow investors to hold land use rights for up to 190 years. However, this regulation contradicts international human rights standards, including UNDRIP, regarding FPIC. Although Indonesia has ratified the ICCPR and ICESCR, the state still fails to fulfill Indigenous rights, which shows the significant gap between legal commitments and implementation.

Findings and Analysis

The IKN mega-project area covers 53 villages and is spread across 6 (six) sub-districts within the IKN area, with people from diverse ethnicities (Zakaria, 2023). Moreover, one of the study's sub-districts is Sepaku, the home of Dayak Balik. According to several resource persons, the entire area of the Sepaku Sub-district was initially comprised of four Kelurahan (villages), namely Mentawir, Meridan, Pemaluan, and Sepaku (Zakaria, 2023). Moreover, Sepaku is claimed to be the customary territory or *labenstraum* of the four communities that claim to be part of the Balik ethnic group (Murlianti, 2023). However, the establishment of companies and transmigration programs have changed the demographic composition. This condition has contributed to the Dayak Balik becoming a minority in their own land (Zakaria, 2023). According to AMAN (The Indigenous Peoples Alliance of the Archipelago) data, it is estimated that the Balik ethnic group still living in the Sepaku sub-district area is only around 150 to 200 families (Murlianti, 2023). The social transformation in the Sepaku Sub-district has reshaped local social dynamics, particularly in land tenure, resulting in disparities in legal status between different communities due to changes in administrative structures. This disparity is reflected in the government's decision to designate the Sepaku Sub-district as the center of settlement and farm areas, which remain classified as forest areas without a use allocation status. As a result, most of the lands in the area lack formal legal title, except for a history of ownership (Zakaria, 2023). It is estimated that nearly 90 percent of Indigenous people do not have land certificates in the IKN area (Yaputra, 2023). This condition enables the state to exert control over the land by invoking Article 33(3) of the Indonesian Constitution, which grants the state the authority to regulate land use. However, even those with a land certificate are not fully protected, as the government can still claim control based on that article as justification for land acquisition.

Furthermore, the situation reflects a broader legal-institutional framework that systematically undermines Dayak land rights, whether held by those with or without land certificates. The government has forced people living in the IKN area to relinquish their land with minimal compensation and has also left them unable to refuse land acquisition when regulations designate their land as part of the IKN development zone (Deasy et al., 2023). In many cases, the government only gives them a notification or letter to move immediately, without any approval of FPIC. For instance, several Indigenous people reported receiving a letter from the IKN authorities instructing them to move within only seven days (Yesidora, 2024). These patterns reveal a legal and bureaucratic structure that systematically excludes Indigenous people and violates their rights. Moreover, this condition has raised critical concerns related to Indigenous rights, particularly during IKN development, which directly impacts the Dayak people who live there.

The Dayak people are threatened with losing the land that has been their home for centuries, which would disrupt the balance of their lives (Niko et al., 2024). The IKN project alters the traditional practices of Indigenous communities to prioritize profit, economics, and technology (Zschocke, 2024). This change is reflected in the daily livelihoods of the people who now inhabit the IKN area, which is land-based, and the Dayak people continue to farm and collect forest products (Zakaria, 2023). These conditions forced the Dayak people to adapt from their traditional ways of living to modern ones without adequate support from the government. This abrupt transition reflects an example of the concept of structural violence put forward by Galtung, where disadvantages embedded in social structures deny a person the ability to meet basic needs. For instance, according to AMAN data, Dahlia, a woman from Dayak Balik, expressed concern about unequal access to employment opportunities due to the high qualifications required, such as a university degree, making it difficult for local people to secure a job (Welan, 2025). Moreover, Hamidah, also affected by the IKN development, chose to live far away from the IKN area because it was cheaper. She purchased a new home with a small amount of compensation from the government and opened a small shop to support her family (Widadio & Budhi, 2024). It illustrates how structural and legal arrangements have displaced them, leading to socio-economic marginalization. This marginalization is a direct outcome of legal and institutional frameworks that fail to recognize Indigenous rights, such as participation in decision-making, maintaining their ancestral lands, and FPIC before development occurs. This structural mechanism systematically deprives the Dayak people of their essential needs, leading to long-term consequences, including poverty.

Furthermore, the IKN development project represents more than physical transformation but also a structure that inflicts harm by design, leaving Indigenous people excluded from the development, such as being marginalized within their land. It reflects the regulation that allows investors to have land use rights (HGU) for 190 years, making Indigenous people more vulnerable to this development. Moreover, the absence of an Indigenous Peoples Law in Indonesia has further worsened the situation of the Dayak communities affected by the IKN development due to the lack of legal protection for Indigenous peoples' rights. However, the government must ensure adequate resettlement to mitigate the risks of IKN development on the livelihoods of the Dayak people. This mitigation is in accordance with the values stated in the ICESCR, ICCPR, and UNDRIP, although there

is still no document outlining how the government protects Indigenous peoples who are threatened with displacement due to the development of the IKN (Fitriani, 2024).

Conclusion

The IKN megaproject highlights how development used to resolve environmental and economic problems leads to marginalized indigenous communities, especially the Dayak community. IKN development, promoted as a sustainable and inclusive initiative, has instead become the cause of land grabbing and socio-economic marginalization. It is reflected that a lot of the Dayak people were forcibly relocated without proper compensation and inadequate livelihood support from the government. Despite constitutional guarantees and international commitments such as the ICCPR, ICESCR, and UNDRIP, the rights of indigenous peoples are still not protected in practice. The legal and bureaucratic systems systematically exclude indigenous people from development. The absence of specific laws that recognize the rights of indigenous peoples further weakens their legal standing, which makes them vulnerable to structural violence. It reveals that government regulation prioritizes investors' interests over the welfare of Indigenous peoples. However, the government should address this injustice with the ratification of the Indigenous Peoples Bill (Indigenous Peoples Law) to protect Indigenous people from any form of violation, especially in future development projects. Moreover, a rights-based development approach that focuses on justice, legal recognition, and participation is essential to ensure that indigenous peoples, such as the Dayak, are no longer sacrificed in the name of national progress.

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THE IMPACT OF STUDENT POLITICS ON ACADEMIC FREEDOM IN CONTEXT OF THE DEMOCRATIC BACKSLIDING IN BANGLADESH

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Abstract

After 54 years of independence, Bangladesh remains a nation in transition, struggling to establish itself as a fully democratic state and to ensure academic freedom. Political interference, weak policies and religious non-secularism always lag behind freedom. Not surprisingly, Bangladesh has experienced a decline in academic freedom over the past 12 years. In 2009, when the Awami League, one of the major political parties, returned to power, the country's Academic Freedom Index scores rose to 0.58 from 0.43 the previous year; after the military-backed interim government ended, there was relief in academia. This research employs qualitative methods with a narrative approach, combining primary data from interview results with secondary data from the analysis of government reports and national and international institutions regarding academic freedom in Bangladesh. This study aims to analyze and examine the condition of academic freedom as a fundamental right within the academic domain in Bangladesh. It shall identify various academic rights and liberties, as well as the violations or suppression of such rights and freedoms. The paper also analyzes and examines policies, guidelines, laws, and institutional structures designed to suppress academicians, students, and professionals. It will demonstrate that government policies have had a significant impact on academic institutions in Bangladesh. These policies have led to frequent threats from various actors, diminishing the autonomy of these institutions and fostering increased self-censorship. The government not only intervened in the autonomy of the campus but also lecturers who had criticized been attacked and targeted. There is a growing trend of Islamist groups that used to interfere in government policy and standards, forcing them to change some educational content in academic textbooks. At the same time, they considered the topic 'atheistic' and other types of freedom of expression, with the libel perspective being considered as a threat to religious beliefs and values. The Islamic extremists had acted with anarchism against the secular professors and were silently accepted by the government. There is no academic freedom in the university. Indeed, it requires developing and improving individual academic freedom to uphold democratic principles and values based on

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freedom of expression, the rule of law, and the core principle of academic autonomy without any intervention.

Keywords: Bangladesh, Academic Freedom, Democratic Backsliding, Human Rights

Introduction

Achieving independence in 1971, Bangladesh has experienced sequences of democratic progress and authoritarian degeneration. Although the country was compelled to return to a parliamentary democracy in 1991, its political history remains marked by military coups, one-party rule, and entrenched party dominance (Van Schendel, 2015; Iqbal, 2015). Under the continued rule of the Awami League, a prominent political party of the country and the party leader, long-time Prime Minister Sheikh Hasina, since August 2009 to August 2024, Bangladesh has increasingly experienced democratic backsliding, primarily through crackdowns on dissent and curtailment of civil liberties (Fair, 2019; Freedom House, 2023).

This paper examines how academic freedom—an essential pillar of a democratic society and country—has gradually deteriorated in Bangladesh, with a particular focus on public universities influenced by political tenures. Student organizations affiliated with ruling parties, particularly the Bangladesh Chhatra League (BCL), have suppressed dissent, intimidated faculty, and violently disrupted peaceful protests (BBS News, 2024; Amnesty International, 2024). Authorized by the state and tolerated for a long time, such actions have cultivated a climate of fear and self-censorship on campuses (Freedom House, 2023).

The 2024 student uprising was triggered by protests, especially among students, against the long-standing quota system. The quota system ultimately led to a nationwide devolution, resulting in the fall of Hasina's government in August of the same year and the formation of an interim administration (Koh, 2024). The entire movement has highlighted the profound interconnection between democratic regression and the erosion of academic freedom in Bangladesh. As the education system strives for recovery, questions remain about the resilience and future of academic freedom in the country's fragile democracy.

Literature Review

Since the 1980s, universities have debated the issue of academic freedom (Marginson & Considine, 2000), with many claiming that modern universities restrict it. Some argue that restrictions on academic freedom hinder public debate and pluralism (Melody, 1997). Research suggests that academic freedom constraints may lower teaching and student standards and emphasize safe research (Kayrooz & Preston, 2002). The fiscal pressures and constraints on universities in the 1980s and 1990s, following the international economic downturn of the 1970s, altered higher education, raising concerns about academic freedom. Budgetary pressures have raised societal and governmental concerns about academic performance evaluation, university teaching, and the marketization of research (Schuller, 1995). Discussions about academia and academic work often include the concept of academic freedom (Marginson, 2000).

Data analysis yielded five qualitative definitions of academic freedom (Hasan and Ahsan, November 2022): no constraints on academic activities, self-regulated limits, externally regulated limits, active institutional support, and responsibilities. Two main themes, or "dimensions of variation," link and separate academic freedom perspectives in the five categories. Academic freedom is viewed differently, ranging from non-regulated to externally regulated, and is shaped through internal and external factors (self vs. others), including interactions between academics and others.

Bangladeshi academic freedom has been affected by both internal and external factors. Bangladesh has ratified the ICESCR and the ICCPR, which guarantee the rights to education and free expression, respectively. Today, academicians, teachers, and students nationwide need urgent compliance with international laws and actions to protect their fundamental rights under international human rights standards. As democratic space shrinks, academic freedom, free expression, press freedom, and human rights have declined over the past 12 years. Polarised campus politics and violence are reducing academic freedom. Democracy and academic success are linked in Bangladesh. This study aims to enhance academic freedom in a nation of 160 million people.

Significance of the Study

Academic freedom is crucial to ensuring and guaranteeing political and civil rights. It is also a way to boost and sustain the flavoring of democratic systems in Bangladesh. Academic freedom also promotes a healthy balance of legal and legislative transparency, as well as policy and legislative effectiveness. However, the most critical issue is that academic freedom in democratic societies guarantees the freedom and rights of the academic community to participate in state and national governance, engaging in democracy and upholding the rule of law within the government system. Additionally, the involvement and participation aspect of law and policy-making must involve citizens in the policy-making process and ensure that the government performs its duties effectively in Bangladesh.

However, academic freedom is often limited and less comprehensive within the academic community in Bangladesh; furthermore, some academic societies are now failing to fulfill their role as a social control and make critical academic contributions. Thus, this study is crucial to me because I am a local student from Bangladesh with a journalism background.

This research will be conducted in Bangladesh to examine the country's patterns and reactions to academic freedom regarding democracy and the right to academic freedom, as well as the responsibilities and constraints faced by faculty, staff, and students regarding power politics; these issues are crucial to examine and discussed and identified in this thesis will indeed contribute to academic societies, civil societies, students and the citizens of Bangladesh.

Conceptual Framework

The right to academic freedom is frequently asserted and viewed as a fundamental basis for guaranteeing the pursuit of knowledge. UNESCO defines academic freedom as: the right,

without restriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies (UNESCO, 2021).

The conceptual framework outlines the primary ideas explored in the thesis: Academic Freedom, democratic backsliding, Political Interference, Censorship, and Social Development. These topics are interrelated as follows:

Academic Freedom: the freedom of scholars and students to seek information and articulate ideas without apprehension of censorship or retribution (Hasan and Ahasan, 2024).

Democratic Backsliding: an ongoing deterioration of democratic values, marked by an erosion of institutions, curtailment of civil freedoms, and a rise in authoritarianism (Jastor, 2024).

Political Interference: Government or political entities exerting excessive influence on academic institutions to regulate discussion. Political stability, educational system and framework for all and Policies by Government (Jastor, 2024).

Institutional Autonomy: The independence of universities, especially for higher education, from economic and political pressures. (M. K. 2010).

Economic condition: Funding for research and global engagement, which play a significant role in institutional independence (Nath et al., 1999).

Censorship: The restriction of speech, ideas, or scholarly material considered intolerable by the government (Majed, 2020).

Research Methodology

This research will be conducted using qualitative methods, combining primary data from interview results with secondary data from the analysis of government reports and national and international institutions regarding academic freedom in Bangladesh.

Bangladesh has 53 Public Universities, 107 Private Universities, and three international universities, in which nearly 1 million students are studying undergraduate, graduate, and Ph.D. programs. There are 112 recognized medical colleges in Bangladesh, comprising 36 public and 70 private institutions.

For this study, four public Universities— Dhaka University, Jahangirnagar University, Chittagong University, and Rajshahi University — and two private Universities— BRAC University and East Delta University — were chosen for interviews and data analysis.

The research will be designed based on the research objective and research gaps, drawing from the research question. The format of the interview questions will be designed according to the character (representation) of the respondents who will be interviewed.

Key Information	Institutions	Number of People	Type of Institution/ Organization
Department/Head Lectures	Public Universities in Bangladesh	Three	Private/Public Universities in Bangladesh
Students	Private/Public Universities in Bangladesh	Two	Private/Public Universities in Bangladesh
Alumni	Public Universities in Bangladesh	Four	Public University
Key Stuff	Research Organizations in Bangladesh	Two	Research Organization
Representative of Local Journalist	Media based in Bangladesh	Two	Media Organization (National/Local)
Community (Citizens)	Guardian/local people in the two big cities	Two	General People (Citizen group)

Data Collection Techniques and Respondents

This thesis proposal uses a qualitative method. All primary data will be collected through interviews. The relevant data will be taken from the ideas and opinions of the selected key informants who have been identified and interviewed.

Primary data Collection from the interview

Before conducting data collection, several questions will be prepared. However, these questions will be presented in different formats when used to interview the key informants who have been identified, as per the representation from the organizations.

As highlighted in this research plan, interviews will be conducted with nine key informants; however, the number of respondents is limited, and the number of key informant interviews can be represented by those from key institutions relevant to the issues of academic freedom in Bangladesh. Among them are some lecturers currently teaching at the university, including two students currently studying at the university and one alumnus who has already graduated from the university. Thus, there are about five key respondents from the academic community. For the other respondents, there are two representatives from the local NGO on the civil societies group in Bangladesh; one respondent will be a senior journalist, and the last one will be a citizen of Bangladesh.

A secondary source of data

Secondary data collection will be done from credible sources of national and international information. The local information can be presented in both local languages and English formats; then, the data will be translated and used as a credible source of information for the thesis writing. This section will collect all information in the form of data, graphs, or events through textual data analysis, notes, case studies, media interviews, reports, textbooks, and analytical legal research. In addition, the data used also comes from national and

international institutions that release and publish it in their reports, including opinion pieces from non-academic societies and academic analyses from universities with affiliations with academic community institutions in Bangladesh.

This study will design an interview to gather opinions and analysis regarding academic freedom in Bangladesh, as well as information about the interviewee's alignment with the research problem on academic freedom. This study will also incorporate expert analysis and opinions regarding their workplace, particularly in the academic and academic affiliation community, as well as the trend of academic freedom in Bangladesh.

However, during the data collection process, one thing that will be noted is that researchers will not use the names or identities of the respondents who will be interviewed, but if some respondents want to include their names, they may only be listed from the affiliated work institution, and will not use their real names, it is very clear that the researcher will not mention the real name and will keep in an anonymous format. This secrecy is important due to the current conditions in Bangladesh, where press freedom and freedom of opinion are being restricted under the censorship law, and academic freedom is closely monitored. Therefore, this research is conducted with sensitivity and will adhere to research ethics. All data collected must be based on academic ethics.

Findings: Political Influence and Self-Censorship

In Bangladesh, academic freedom has gradually come under threat due to the unavoidable political influence that forms the actions of educational institutions, particularly public universities. According to the study participants, this nosiness has created a culture of fear and self-censorship among students, faculty members, and teachers.

As a result, the academic environment, which might be a safe space for free inquiry, debate, and intellectual challenge, becomes heavily monitored and ideologically constrained by political parties.

The political influence began at the very structural level, from university administration to faculty recruitment and promotions, all of which were influenced more by political connections than academic merit or performance.

The positions of power are a primary feature that frequently sees vice chancellors, deans, and department heads occupied by teachers closely affiliated with the ruling political party, and this distribution changes according to power differences.

This politicization of academic leadership challenges institutional independence. It serves as a clear warning to all faculty members that professional consequences will ensue from their wholehearted support of the dominant political party. These values compelled many educators to keep silent to avoid any unusual trouble, regardless of their personal or scholarly views.

This silent atmosphere has adopted widespread self-censorship. Teachers rarely discuss any controversial or politically sensitive topics during lectures and research.

Issues like-- behavior towards minorities, political violence and abuse, historical revisionism, or extrajudicial killings are excluded from academic discourse, not because of a lack of academic relevance, but because of the potential risks and professional violence related to discussing those topics openly.

The Digital Security Act is one of the nightmares for academics because, under this act, academics have been arrested, harassed, or subjected to disciplinary action if they criticize the government and its supporters, in the classroom or on social media platforms. This criticism considers a criminal offense.

This situation is particularly concerning for students, who often face informal surveillance by politically affiliated student organizations, such as the Bangladesh Chhatra League (BCL). The organization is the student wing of the ruling party. The result is that students, too, begin to self-censor, fearing academic penalties, physical harassment, or threats to their safety and accommodation at dorms.

This threat leads to an educational environment where canteen and classroom discussions are quiet, and limited intellectual engagement occurs on non-controversial topics.

Long-term political domination stifled the progress of critical thinking, independent analysis and civic responsibility. A generation of students has passed through university without ever being exposed to the fundamental principles of academic freedom and intellectual risk-taking. This exposure not only weakens the quality of education but also corrodes the role of universities in promoting democratic values and social progress.

Finding: Teacher–Student Relations & Learning Environment

Another finding is the relationship between teachers and students, as well as their learning environment, which spans from the classroom to university life. The study noted that in these circumstances, teacher-student relations become strained and performative, rather than being based on mentorship, mutual respect, or academic exchange. Teachers often censor themselves when discussing controversial subjects, thereby limiting classroom discussions and critical thinking, which are essential elements of academic freedom. Similarly, students are not welcome to ask questions or engage in political or social critique, fearing punishment or isolation. Sometimes teachers are assaulted by students who are leaders of the BCL.

The result has a profound impact across academic institutions: freedom of thought is replaced by restraint, creativity is stifled, and the pursuit of knowledge becomes secondary to survival. Thus, academic freedom in Bangladesh has been restricted by policy or censorship, and is significantly compromised by systemic human rights abuses that break the core relationships and environment needed for education to flourish.

Conclusion

The relationship between student politics and academic freedom in Bangladesh mirrors a more profound crisis rooted in the country's continuing democratic backsliding. Once planned

as a platform for youth activism, critical thinking, and democratic participation, student politics has increasingly become a tool for exerting pressure, exerting control, providing political support, and demonstrating political influence. With the dominance of ruling party-backed student groups, BCL, campuses have been transformed from spaces of learning into arenas of fear and intimidation, political murder and supremacy.

The consequences are extensive. Human rights abuses—such as physical violence, harassment, political persecution and freedom of expression—have been negotiated not only for student safety but also for the integrity of teacher–student relations. Academic freedom in Bangladesh has not only been restricted but also fundamentally undermined over the past decade. Teachers preferred self-censorship to avoid political backlash, while students often had their voices silenced out of fear of punishment and life-threatening situations. The educational mission of universities, especially higher studies—to promote critical thinking, open argument, and independent inquiry—is effectively paralyzed.

Restoring academic freedom in Bangladesh requires more than reforms within universities, which are mostly public institutions. It demands a promise to democratic principles, institutional independence, and the protection of human rights across the board. For that result, depoliticizing education, holding abusers accountable, and nurturing a culture of respect and honesty, universities can regain their role as centers of learning, free thought, and democratic growth.

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WE AIN'T BUYING WHAT THEY SELLING: FOREIGN AID AND THE RACIAL ORDER OF THE WORLD

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Abstract

This paper interrogates the racialized logics underpinning US foreign aid policy through the lens of Black Political thought. It positions aid not as a neutral tool of development, but as a weapon of global racial governance. While Black political thought is often associated with Western traditions because it emerges from the American context, this study highlights that it is not simply a Western perspective. Instead, it represents a diverse and resistant tradition that challenges dominant Western narratives. Drawing on the works of Cedric Robinson, Angela Davis, bell hooks, and Paul Gilroy, the paper uses Thailand as a case study to examine how US foreign aid sustains racial hierarchies and reasserts soft empire under the guise of partnership and development. From a nation often seen as the epicenter of global power, but experienced differently from its margins, this research intervenes in dominant development discourse by centering knowledge from the historically excluded. The existing literature on foreign aid rarely engages with race beyond colonial critique. However, this paper offers an alternative framework rooted in Black radical theory to expose how development operates as a racialized system of global belonging and exclusion, ultimately, contending that foreign aid should be reevaluated not as an act of compassionate assistance but as a contested site of power where race, empire, and resistance collide. By examining development through the lens of Black political thought, rooted in the margins of a globally subordinated group, this work challenges not only the racial hierarchies within the United States but also those embedded in the global order. In doing so, it opens space for new imaginaries of development grounded in justice and liberation.

Keywords: Foreign aid, Racial Governance, Black political thought, Development.

Introduction

Throughout its history, the political and social movements of the United States have been shaped by the resistance of marginalized communities, particularly Black Americans. While mainstream narratives of progress often highlight the role of government, corporations, and technological advancement, they overlook how Black America has long served as a counter-cultural force, challenging dominant ideologies, shaping political alignments, and

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driving forward social transformation. This resistance is not incidental but necessary in a nation where systemic failure is not a flaw, but a feature of its design. The United States is built on foundational contradictions, promising liberty while institutionalizing slavery, and promoting democracy while denying rights to many. These contradictions are not signs of brokenness but reflections of a racialized system structured to exclude. As a result, marginalized groups are often blamed for their oppression while the system continues to produce predictable patterns of inequality. Within this context, Black communities have continually resisted this arbitrary system in America through grassroots organizing, radical intellectual thought, and cultural expression. Their resistance has exposed the moral and structural failings of a system designed to marginalize. While much has been written on the historical construction of whiteness and its role in US domestic policy, far less attention has been given to Blackness as a global counter-cultural force, one that not only shapes identity and community but also offers a powerful critique of how oppression is exported abroad. American racial hierarchies do not remain confined within their borders; they inform global governance, shape development policy, and influence which countries are deemed worthy of aid, attention, or abandonment.

This study argues that Black counter-cultural critique reveals the racialized logic embedded in US foreign aid policy, particularly in its relationship with Southeast Asia. By examining the US-Thai aid relationship, this research interrogates how cultural hegemony, imperial legacies, and racial hierarchies influence global development practices. This lens challenges the dominant assumption that foreign aid is purely compassionate, revealing instead how it can serve as a tool for perpetuating racial and geopolitical hierarchies on a global scale. By doing so, this research contributes to the field of development studies by centering cultural resistance as an essential tool for rethinking development. Rather than accept the lesser evil solutions often offered within the system, this work calls for transformative alternatives rooted in the lived experiences and political wisdom of those who have long been forced to start from scratch. For Black Americans, rebuilding from nothing has never been a theoretical exercise; it has been a historical necessity. That necessity holds a blueprint for more just, inclusive, and liberatory development practices worldwide.

Theoretical Framework

To properly address this issue, I will draw upon four key concepts: Black countercultural critique, racial rationality, cultural hegemony, and imperialism/global governance. Together, these concepts will help create a thorough understanding of how race structures inform policies.

1. Black Countercultural Critique:

Black countercultural critique emerges from a long tradition of political resistance, intellectual inquiry, and cultural creation that directly challenges the dominance of white supremacy, imperialism, and cultural hegemony. Robinson's foundational work, *Black Marxism*, locates this critique within the broader history of racial capitalism, arguing that Black resistance represents a continuous, transnational radical tradition that rejects both capitalist exploitation and colonial domination (1983). Bell hooks further develops this notion in *Black Looks: Race*

and Representation, demonstrating how art, literature, and popular culture become sites where Black aesthetics question and subvert mainstream narratives of power and identity (1992). Angela Davis's *Women, Race, & Class* extends this critique to include intersectional analyses of gender and class, showing how Black women's activism has historically contested not only racial oppression but also capitalist and patriarchal structures (1981). Together, these scholars provide the conceptual tools to read foreign aid policy as more than a technical instrument: it must be understood as a matter of cultural and political power. In this study, Black counter-cultural critique serves as the primary analytical lens, illuminating the ways in which US aid decisions reproduce racial hierarchies and suggesting pathways for a radically reimagined, solidarity-based development practice.

2. Racial Rationality

Racial rationality refers to the unspoken logic underlying the assignment of value, risk, and worth based on race. In *The Racial Contract*, Charles W. Mills argues that liberal political systems rest on an implicit agreement that privileges whiteness and renders nonwhite lives disposable (1997). This contract shapes everything from labor laws to international diplomacy, embedding a hierarchy of human worth into the very foundations of governance. Under racial rationality, decisions about who receives aid, protection, or investment are not made based on need or universal rights but according to perceived racial proximity to whiteness. In the context of US foreign aid, these judgments determine which countries are deemed reliable partners and which are treated as expendable. By applying this concept, this study uncovers the racial calculus behind aid withdrawal and conditionality, revealing how foreign policy reflects domestic patterns of exclusion and control rather than neutral development goals.

3. Cultural Hegemony

Cultural hegemony refers to the process by which dominant groups in society establish and maintain power not through force but by shaping common sense norms, values, and beliefs so that their rule appears natural and inevitable. Antonio Gramsci, in his *Prison Notebooks*, explains how ruling classes utilize institutions such as education, media, and religion to manufacture consent and marginalize alternative worldviews (Gramsci, 1971). Under this framework, policies and practices that serve elite interests come to be seen as neutral or benevolent, even when they reinforce inequality. In the realm of foreign aid, hegemonic narratives present US assistance as a selfless partnership emphasizing stability and democracy, while obscuring the racialized and strategic calculations at work. By invoking cultural hegemony, this study examines how aid rhetoric masks the operation of racial hierarchies, rendering them invisible to both policymakers and the public. In doing so, it sets the stage for a counter-cultural critique that disrupts assumptions about the neutrality and benevolence of development interventions.

4. Imperialism and Global Governance

Imperialism and global governance refer to the process by which domestic power structures extend beyond national borders through economic, political, and cultural means, rather than through direct colonization. W.E.B. Du Bois in *The Souls of Black Folk* connects domestic racism to colonial practices abroad by showing how the same justifications for subjugating

Black Americans were used to legitimize occupation and exploitation in other lands(1903). Frantz Fanon, in *The Wretched of the Earth*, explores the psychological and political dimensions of colonial domination, illustrating how imperial rule inflicts violence on both the colonized body and mind. In the context of foreign aid, imperialism and global governance reveal how assistance becomes a tool of influence designed to maintain geopolitical hierarchies and reproduce conditions favorable to former colonial powers(1961). This study utilizes these insights to situate the US-Thai aid relationship within a broader history of US interventions driven by strategic interests and racialized assumptions about civilization and development.

Conceptual Framework

Table 1: Conceptual Framework

Core Concept	Definition	How It Operates in the Study	Relation to Other Concepts
Black Countercultural Critique	Intellectual, cultural, and political resistance rooted in Black experience	Provides tools to expose and critique racialized structures in policy	Counterhegemony reveals embedded racial logic
Racial Rationality	The logic that underlies policies and systems that maintain racial hierarchies	Shapes the design and deployment of US foreign aid	Rooted in whiteness, challenged by Black counterculture
Hegemony / Cultural Hegemony	Dominant ideology that appears "normal" or neutral	Justifies inequitable aid practices as "development logic"	Reinforced by racial rationality, disrupted by countercultures
Foreign Aid as Governance	Use of aid to maintain political control and economic influence	Selective aid reinforces racialized geopolitical relationships	Manifestation of racial rationality and hegemony
Imperialism/global governance	Racial hierarchies structure the international system	Explains why some nations are valued over others in development agendas	Institutional context in which aid policies operate
Development Failures as Design	The idea that harm and inequality in development are systemic, not accidental	Highlights how exclusion is a feature, not a flaw, of development	Central thesis: Countercultural critique reveals this truth

Literature Review

Constructing Whiteness and Global Hierarchies

Whiteness is not merely a social identity but an ideological infrastructure that has shaped the foundations of modern governance and global development. Far from being incidental, racial hierarchies were deliberately constructed to uphold systems of domination, both within the borders of the United States and across the globe. The white working class in the United States was granted what some scholars refer to as a "psychological wage" (Roediger,

1991). This is a set of social privileges and a manufactured sense of superiority over Black people and other marginalized groups to secure loyalty to racial capitalism, even when material benefits were limited. This mechanism of division and control preserved elite power and prevented cross-racial solidarity among laborers. These racial constructs did not remain abstract; they had tangible effects. They were embedded into legal and institutional structures that still shape society today. Many scholars argue that whiteness has come to function as a form of property, carrying exclusive legal and social privileges. This argument is further developed by Ian Haney Lopez, who traces how court decisions have historically defined and preserved the boundaries of whiteness to maintain racial hierarchies. Cultural production played a complementary role in reinforcing these boundaries (Lopez, 1996). The boundaries of whiteness were defined by law, and the US judicial system reinforced racial privilege and exclusion. Cultural production, such as literature, art, and media, supported these legal boundaries by normalizing white identity as the default and portraying nonwhite identities as deviant or foreign. This normalization demonstrates how legal and cultural systems worked in tandem to secure the dominance of whiteness within both domestic and international contexts, rendering the witness invisible.

The construction of whiteness was never confined to domestic politics. Scholars such as Nikhil Pal Singh and Matthew Jacobson show how racial logics were projected globally, shaping the United States' foreign policy and international relations. The same hierarchies that maintained internal social order were exported through instruments like foreign aid, serving to reproduce racialized global governance (Singh, 2004). This global diffusion of racial hierarchy reveals the development project not as a neutral or benevolent enterprise, but as a continuation of imperial logics rebranded for the postcolonial world.

The Black Radical Tradition as Counter-development

In response to these enduring racial hierarchies, the Black radical tradition emerged not merely as a form of resistance but as a profound alternative to dominant political and economic paradigms. Centered on a long history of opposition to racial capitalism, Black resistance has drawn from cultural frameworks that predate and challenge Western modernity (Robinson, 1983). Rather than seek assimilation or reform, the Black radical tradition offers a competing vision of political community and justice. This tradition takes multiple forms, from intellectual critique to cultural expression. Bell Hooks emphasizes the power of Black aesthetics to subvert dominant narratives and create new spaces for identity and meaning (Hooks, 1992). This is where Black counterculture emerges, through literature, film, and visual art, as Black creators challenge the legitimacy of white supremacy and expand their political imagination. This convergence of cultural and structural critique equips Black radical thought to confront development not as a technical field, but as a political terrain deeply invested in maintaining the global racial order (Davis, 1981). Black political thought does not simply reject existing development frameworks; it demands their redefinition. By centering the lived experiences of those historically excluded from liberal modernity, it invites fundamental questions about the purpose and beneficiaries of development. Who is being developed, and by whose terms? These questions open space for a broader critique of the racial assumptions embedded in global policy design.

Racial Rationality in Policy Design

The policy choices that shape development are not made in an ideological vacuum. Racial contracts were created to operate under a tacit agreement that privileges whiteness and normalizes the subordination of nonwhite peoples (Mills, 1997). This framework helps explain how foreign aid decisions are informed by racial rationality, a logic that assesses worth, reliability, and humanity through racialized lenses. Rather than being guided solely by economic need or humanitarian concern, aid allocations often reflect a hierarchy of racial proximity and strategic alignment. Countries deemed more "civilized," cooperative, or aligned with Western norms receive support, while others are punished or neglected. Through this lens, development policy becomes an extension of domestic racial governance, reproducing exclusionary logics on a global scale.

Manufacturing Consent Through Aid

Understanding development as a site of ideology reveals how power is maintained not only through policy but also through narrative. It is theorized that dominant groups consolidate control by shaping cultural common sense, making structural inequality appear inevitable or even benevolent (Gramsci, 1971). This process is called hegemony, and it operates within development discourse to naturalize the role of wealthy nations as givers and poorer nations as grateful recipients. This governmental manufacturing of development becomes extremely dangerous. Development constructs the Third World as backward, needy, and dependent, requiring intervention by the West (Escobar, 1995). These narratives justify aid while obscuring its strategic and racial dimensions. United States foreign aid is often presented as a gesture of selflessness and partnership, yet beneath this framing lies a more profound logic of control. Aid becomes a mechanism for manufacturing consent, aligning recipient nations with the geopolitical and racial interests of the donor state.

Soft Empire and Global Governance

Finally, the evolution of imperialism into contemporary forms of global governance warrants consideration. The treatment of Black Americans and the colonized peoples of the Global South was linked by a shared logic of racial subjugation (Du Bois, 1903). Empires operate not only through military occupation but also through the psychological and institutional domination of the colonized (Fanon, 1961). In the post-colonial era, empires continue to exert influence through economic instruments, such as foreign aid, more than ever, which often fosters dependency rather than autonomy. This study positions the United States' aid relationship with Thailand as a case through which to examine these dynamics. Under the guise of development and diplomacy, aid serves as a subtle instrument of empire, reasserting United States hegemony and racial hierarchy in a shifting global landscape. Taken together, these literatures expose the racialized foundations of global development and highlights the importance of black political thought as a tool for reimagining more just futures. Rather than a neutral or technical process, development emerges here as a contested arena shaped by history, power, and race.

Methodology

This study employed critical discourse analysis (CDA) to thoroughly examine US foreign aid policies, focusing on Thailand as a case. Primary sources include official government aid records, policy speeches, and public statements from USAID and the State Department. These are analyzed through the conceptual lenses above to reveal how language, justification, and conditionality operate within a racialized framework.

Secondary sources include academic critiques, NGO reports, and historical accounts of US-Thai relations. The methodology also incorporates a hermeneutic approach, interpreting the symbolic and cultural significance of aid relationships through Black political thought.

Findings

Preliminary findings suggest that US foreign aid decisions toward Thailand reflect a racialized logic of trust and discipline. Aid has historically been conditional, responding more to perceived loyalty to US geopolitical strategy than to humanitarian need. Withdrawals and increases correlate with Thailand's alignment or deviation from Western security interests, reflecting a hierarchy of worthiness rooted in racial and imperial assumptions. The rhetoric surrounding aid emphasizes partnership and development, but closer analysis reveals patterns of selective engagement. Countries deemed less racially or ideologically proximate to whiteness are treated as suspect or unstable; the use of development as a legitimizing language masks the soft imperial nature of the aid relationship.

Conclusion

This paper argues that US foreign aid, particularly to Thailand, is not neutral but deeply embedded in racialized systems of global governance. Through Black political thought, the study reinterprets aid as a tool of soft empire, perpetuating the racial hierarchies born from colonialism. This framework challenges dominant development narratives and calls for a reimagining of aid that is grounded in justice, not hierarchy. By centering voices from the margins, especially Black counter-cultural critique, the paper contributes to development studies by exposing how epistemologies of the oppressed can challenge and transform dominant global structures. It invites a shift from technocratic solutions to radical solidarity rooted in historical and racial consciousness.

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HINDUTVA AND HOMOPHOBIA: ANALYZING THE COLONIAL LEGACY OF HOMOPHOBIA IN INDIA AND LGBTQI RIGHTS

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Abstract

While India has made significant progress in LGBTQI Rights advancement by abolishing the infamous Section 377 (Anti-Sodomy Law) from its constitution, the general discourse is still dictated by anti-LGBTQI tropes. These tropes are rooted in distorted historical propaganda that deems same-sex love as 'unnatural', 'Western', and not a part of Indian culture. These tropes are then weaponized by governments in India, who promise to protect the 'pristine' Indian culture from derogation and Western influence. However, history shows us that the voices of LGBTQI have been carefully removed, altered, or glossed over to cater to the nationalist propaganda aiming to preserve Indian culture from perceived threats. This essay clarifies that 'queerness' and 'same-sex love' are embedded in Indian history. The objective of this essay is to analyze the shifts that occurred during the colonial period, which led to the strict policing of same-sex love.

Keywords: homophobia, colonialism, history, nationalism

Introduction

The concept of nationalism originated in Western Europe in the 18th century and subsequently spread to various cultural contexts (Anderson, 1983, p. 11). In India, it was imported through British colonialism, and Indian nationalism remained largely anti-colonial. However, it would be a mistake to homogenize Indian nationalism as just 'anti-colonial' because it got segmented into 'Hindu' and 'Muslim' cultural nationalisms broadly. These two categories predated the discourse on Indian cultural nationalism at the time, and they still do, in some ways. Within these two nationalisms, we can see different approaches to nation-building. Some common factors that underscored these nationalisms were the newly emerging middle class taking the lead and defining their identity against the 'other' under the grand anti-colonial narrative. This essay will analyze how homophobia crystallized in India during the colonial period and the current ramifications on LGBTQI rights. The essay focuses on Hindu radical nationalism or Hindutva², which is the dominant ideology underscoring the politics of

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² The term *Hindutva* refers to Hindu radical nationalism, deriving from the 1923 ideological epigraph by Vinayak Damodar Savarkar, titled *Essentials of Hindutva*. Savarkar wrote the *Essentials of Hindutva* during his period of imprisonment (1911-37), punishment for the alleged assassination of a British officer. He managed to get the book out of prison and published it in 1923. It is an important text for Hindu nationalists and ascribes Hinduness to

the ruling Bhartiya Janata Party (BJP). Hindutva propagates homosexuality as 'foreign' and Western, and a threat to traditional Indian values and civilization. This essay will attempt to counter this propaganda and use historical analysis to make a case for LGBTQI rights. Finally, the essay will briefly examine the current state of LGBTQI rights in India and propose some ways to advance LGBTQI rights.

Nationalism and Masculinity

The process of 'othering' has been very fundamental in shaping identity politics in India and determining who fits the criteria of being a true Indian citizen. In my other work, I have shown how the formation of Hindu national consciousness gave birth to Hindutva, which largely remains anti-Muslim and was influenced by European Fascism and Nazism (Gandhi, 2023, pp. 129-135). In this paper, I will attempt to analyze Hindutva's othering of sexual minorities. Scholars like Sloodmaeckers (2019) tried to view nationalism as a gendered phenomenon. Nationalism and masculinity are intertwined. Scholarly works have posited that nationalism was an exclusively masculine enterprise, and nationalist ideals espoused what it meant to be a good man. They also make a distinction between hegemonic masculinity, which is positioned at the top of the hierarchy, and effeminate subordinate masculinity³ at the bottom. The ideas of hegemonic masculinity are performative and virtually unattainable for men, thereby needing constant validation and reassurance. Homophobia within this framework helps men reaffirm their hegemonic masculinity through the process of 'othering' subordinate masculinity and marginal masculinity. The process of 'othering' entails 'external boundary creation' to distinguish the 'national self' from the external threats and enemies to the nation—the 'internal boundary creation' links to the internal threats to the masculine nation within the nation-state. The boundary creation is reflective of 'hegemonic masculinity's perception of 'self' as opposed to 'others' and embodies the nation in its masculine subjects. This process, defined as heteronationalism, places heteronormativity at its core and views any deviation from heteronormative ideals as a threat to the nation (Sloodmaeckers, 2019, pp. 240-259).

The Formation of Hindu National Consciousness and Masculinity

The application of this framework to India shows how discourse on sexuality shaped Hindu national consciousness and bred homophobia. The Revolt of 1857 against the British East India Company led to tension, mistrust, and increased distance between the British colonizer and the Indian colonized (Metcalf, 1960, pp. 24-31). The British started perceiving Indians as degenerates, barbaric, and sexually deprived.

The reform movements were seen as a reaction of the English-educated Indian intelligentsia against the British charge of Indian degeneracy. The reformists attempted to mold Indian society according to Western standards of modernity. At the same time, the reformers sought to locate the justification for reforms in ancient Indian texts, such as the Upanishads, Vedas, and the Sastras. Three reformers associated with Hindu nationalism are Dayanand Saraswati, Vivekananda, and Aurobindo. They strove to consolidate a pan-Indian Hindu

those who consider India as their fatherland and sacred land. The concept becomes problematic for non-Hindus as it ascribes Hinduness to non-Hindus (Visana, 2023).

³ Homosexuals in this case.

identity inspired by ancient Indian texts. In the process, the revivalists also established the 'other', that is, the Muslims or marginal identities, who were seen as a potential threat to the idea of a Hindu nation (Chakrabarty and Jha, 2020, pp.13-50). The writings and activities of early reformists and revivalists appear to have bolstered Hindu nationalism in the 20th century.

The British understood Indian society in terms of caste and religion. Race was seen as an organizing principle of caste hierarchies. In the late 19th century, the British designated certain Indian races as 'Martial' and others as 'Effeminate'. It was intended to break the unity of Indians in the wake of the massive nationalist uprising of 1857. However, the racial discourse used by the British was overturned by the Hindu nationalists, who reinforced the idea of 'Hindu effeminacy' as opposed to 'Muslim virility' to mobilize Hindus. These ideas provided background to Upendranath Mukherji's book 'A dying race', which is continuously evoked by Hindu Nationalists even today to bring attention to the dwindling Hindu numbers (Ray and Banerjee, 2020, pp. 85-92). In the 20th century, the British stereotype of effeminate Hindu men was internalized by Indians. This charge of effeminacy was countered through the process of the othering of marginalized and subordinate masculinity and 'hegemonic masculinity,' formulating new ideals of nationalism that engender heteronormativity.

The Reform movements and this internalization led to the creation of new, gendered notions of Indian society, which reinforced heteronormativity conditioned by Victorian morality. This entailed the creation of a fictitious history free from the 'sexual' and the 'erotic'. Sex for reproductive purposes was espoused, while sex for pleasure was marginalized. Loosely translated, any relationships that do not have a reproductive purpose were policed. This further ties into the discourse on the elitism of homosexuality as homosexual relationships are governed by desire and love, and might not necessarily have reproductive utility. Homosexual desire is a perceived threat to the institution of family and society (Narain, 2011, pp. 3-22). However, it will be a mistake to perceive homophobia as just a reaction because the colonial government systematically criminalized it.

Same-Sex Relationships in Indian History

Before colonization, the discussion around homosexuality was somewhat lucid. India had multiple authoritative religious texts that mention same-sex relationships and did not delegitimize these relationships. Historically, India was not opposed to same-sex relationships, and sources like the Kamasutra gave legitimacy to same-sex relationships. Sources from medieval India, like Sufi writings of Amir Khusrau (AD 1253-1325) and Chronicles of Medieval Kings, are replete with examples of same-sex relationships. Does the non-existence of a law against homosexuality automatically translate into the legitimacy of same-sex relationships? The question can be answered through the way history is written. Historical accounts are left by the powerful and wealthy in society and usually become the mainstream sources for historians to understand the past. The sources discussed below are authoritative texts written by elite members of society. Although we do have subaltern accounts of same-sex love in the past as well, it needs to be re-emphasised that victors write history. The fact that the sources do not condemn homosexuality, in fact, kings and saints are writing about their homosexual encounters, proves that it was normalized and not policed. To add nuance to the argument, if same-sex relationships were condemned and policed, the elites would have

maintained secrecy around them; under no circumstance would they have documented these encounters to be read by future generations.

A myriad of ancient and medieval Indian normative texts acknowledge same-sex love and desire. However, how they approach same-sex love might differ. Some sources maintain a neutral tone towards same-sex love, while others may attach negative connotations to it. Ruth Vanita and Kidwai, in their pioneering work 'Same-Sex Love in India (2000)', have translated and demonstrated how same-sex love has been presented through friendships, rebirth, and sex-change. Their work adopts a multifarious approach to re-reading ancient Indian texts to recover same-sex love which other historians have glossed over. Vanita and Kidwai (2000) conclude that same-sex love was not violently persecuted in Ancient and Medieval India, even though it may have been trivialized or not given the same importance as the heteronormative structure of society. The dominant trope to express same-sex love in ancient and medieval India is friendship. In the Rigveda,⁴ friendship is deemed creative and presided over by the goddess of Speech (Vak). While the heteronormative relationships between men and women are considered procreative, friendships are sacred and are pinnacles of humanity and correct moral behavior (Vanita and Kidwai, 2000, pp. 2-3).

This idea of friendship has been reinforced in the Mahabharata⁵, where Krishna (a primary Hindu deity) expresses how his friendship with Arjuna (protagonist of the epic) supersedes any of his other relationships and his inability to live without Arjuna. Heteronormative relationships are presented as a barrier to selfless love of friends and asceticism, which is the actual state of happiness. Celibacy, other than for reproductive purposes, is celebrated (Vanita and Kidwai, 2000, pp. 8-10). Krishna of the Mahabharata is a married ruler and a father, but his role as a friend of the Pandavas (the clan to which Arjuna belongs) takes precedence over his other roles. Krishna is anxious about Arjuna's safety in the war. Arjuna reciprocates this love. The philosophical conversations between the two (the divine and a man) are the heart of the Bhagvad Gita (the didactic part of the Mahabharata), which reinforces their oneness and the transcendent state of human and divine (Vanita and Kidwai, 2000, pp. 3-7). Krishna declares his love for Arjuna multiple times, and their oneness has also been expressed in the text. Even in Medieval India, homosexuality coexisted with Shariat law that condemned it (Narain, 2004, p. 41). These are some of many examples discussed to show normative reinforcement of same-sex love and will be discussed in detail in my dissertation.

Crystallization of Homophobia

In the modern period, the discourse against homosexuality entered India through Victorian morality encoded in law, medicine, and literature (Narain, 2004, p. 42). If laws mirror societal values, Section 377 of the Indian Penal Code (IPC) (1860) was the representation of homophobic Victorian values introduced in British colonies. The first one is the Anti-Sodomy Law of 1860, designed by the British, which condemned same-sex

⁴ The Rigveda can be dated back to approximately 1500 BCE and is considered the oldest book of sacred hymns in Hinduism.

⁵ The Mahabharata is a Sanskrit epic poem that has both historical and didactic functions. The Mahabharata is a crucial source for understanding the development of Hinduism between 400 BC and 200 AD. The Mahabharata is about the great war between two clans: the Pandavas and the Kauravas.

relationships and made them illegal. This Law took the shape of Section 377 in the Indian Constitution, criminalizing same-sex relationships. These two laws have contributed to the violations of LGBTQI rights as well as rampant homophobia in India.

Section 377 failed to distinguish between 'consensual' and 'non-consensual' intercourse. The anti-sodomy laws of the IPC are not reflective of Indian cultural values as they were not drafted through deliberative discussions or supported by customary law, but rather were "random impositions by colonial officers at their whims and fantasies" (Narrain and Gupta, 2011, pp. 115-160). Invasive forensic tests that analyze the shape of genitalia would determine if the person had engaged in sodomy or not. These dehumanizing practices were also extended to other forms of sexual deviants, like sex workers, who were examined for venereal diseases (Narrain and Gupta, 2011, pp. 115-160). Narrain (2011) suggests that the legal structures not only criminalize queer people but also 'invisibilize' them in civil law. Queer people were/are mainly absent from the state's records, which often treat them as non-citizens (Narrain, 2011, pp. 44-66).

Scholars like Narrain posit that contrary to the idea perpetuated by the right wing of homosexuality being a Western import to India, the actual contribution of the West is Homophobia and homophobic values (Narrain, 2004). The reform movements attempted to cleanse and purge the elements of same-sex love from historical sources. The virile masculine nation looked down on homosexuality. Narrain argues that the erasure of queer histories catered to the needs of Indian nationalism to assert its superiority in the spiritual realm over Western colonialism (Narrain, 2004, p. 44). Narrain (2004) draws on Partha Chatterjee's theory, which argues that a dichotomy between the spiritual and material realms was created in nationalist discourse. The Nationalists believed that the predominance of the British in the material realm (i.e., Western sciences, industrialization, modern economy, and statecraft) allowed them to colonize India and that India should emulate the West in this realm. The same discourse highlighted the superiority of India in the 'spiritual realm', which made India culturally distinct from the West. The material realm was seen as something 'external' while the spiritual realm was 'inner'. The inner realm, represented by 'home' and 'family', was not to be penetrated by the British colonizer, and women who lacked association with the material realm were tasked with protecting it (Chatterjee, 1989). The Indian man, who felt emasculated by the colonizer in the public sphere, sought to exercise control in the private sphere by controlling the sexual realm and reinforcing ideas of a virile nation (Sarkar, 2000, p. 64).

'A new racism' in international politics theory by Jon Binnie discusses how the states that fail to recognize LGBTQI rights are labeled as primitive and backward, even though homophobia was born out of colonial and nationalist encounters (Narrain and Gupta, 2011, pp. 44-66). This process can be defined as 'homonationalism', which links to modernized nation states recognizing homosexual bodies as worthy of protection (Slootmaeckers, 2019, p. 257).

Homophobia Now!

The question then arises if the repealing of Section 377 (Anti Sodomy Law) can be considered a step towards inclusivity, visibility, and extension of the same rights to LGBTQI people in India? Yes and no. In Modi's India, LGBTQI rights are tokenistic and mentioned in passing in parties' manifestos (Fathima, 2024). To develop Jon Binnie's argument, could the

repealing of Section 377 be to advance India's positioning as a global superpower? Ground realities show that in no way is India a haven for LGBTQI people. My dissertation will delve deeply into the lived realities of LGBTQI people in Modi's India.

While the monumental decision to repeal the Act has been highly beneficial on the legal front, India took a step back towards advancing LGBTQI rights by denying marriage equality. Married heterosexual couples enjoy certain legal rights that are not available to same-sex couples. Non-recognition of homosexual marriages impedes the adoption process, renting for cohabitation, and further exacerbates discrimination against them. In India, marriage is considered sacred; hence, same-sex couples are also denied religious legitimacy. Other human rights violations and aggression against the LGBTQI community are rampant in India. Vanita's work (2009, pp. 47-60) shows how societal and familial disapproval of same-sex couples (particularly female) has resulted in their joint suicide. Contrary to common perceptions that deem homosexuality as an urban phenomenon prevailing amongst Western-educated upper-class elites, same-sex relationships, and marriages are more common in Indian villages. These people did not necessarily come from the upper classes, and their movement for LGBTQI rights existed independently of the LGBTQI Movement in India. Their acts of resistance and courage empowered LGBTQI activism in India (Vanita, 2009). Popular culture plays an important role in perpetuating such myths about LGBTQI love affairs being urban, western, and privileged. The intersectional dimension of homophobia that marginalizes subordinate sexualities cuts across class, caste, and religious dimensions in India.

In theory, the LGBTQI community is given the same rights as others. However, their right to live with security, dignity, privacy, and access to healthcare, jobs, and positions of power is constantly violated. The LGBTQI community in India is susceptible to physical, verbal, and police violence. They are alienated from the job market because of their identity. Homophobia in India is both structural and institutional, and is rooted in the idea that homosexuality is Western and not part of Indian culture, and such myths are propagated through the political propaganda of Hindutva. The Indian state needs to be held accountable for not trying to stop the perpetuation of fictitious history and false narratives that have real-time consequences on the lives of LGBTQI people. Bullying in schools and workplaces, police harassment, rapes, blackmailing, conversion therapy by families and suicides are some of the by-products of homophobic values. What can be done?

Conclusion

Legal changes like legalizing same-sex marriages, anti-discrimination employment laws, and 'visibilizing' LGBTQI people in civil law can be a step forward in countering homophobia. Adhering to the Yogyakarta Principles that India has signed can help advance SOGIESC rights. The introduction of sex-education in school curriculum is paramount. A revision of history textbooks to remove the distorted version of history is necessary. Right now, Indian academia is under threat and pressure from the right-wing government, and academic freedom is highly compromised. Within this context, scholarly works that support the government in disseminating cultural values that align with their ideologies are receiving grants

and promotions. The Indian state needs to reinstate academic freedom and empower it as a countervailing institution.

Structural changes can be brought about by education and capacity building. Giving space and representation to queer people in decision-making positions, as well as in art, culture, and media, can help amplify their voices and LGBTQI rights. Queer affirmative healthcare and gender-neutral infrastructure can help in the normalization of gender neutrality and fluidity. Better organizational and financial support to CSOs, such as the Naz Foundation, advocating for SOGIESC rights, can help with grassroots outreach. Empowerment of the LGBTQI population from marginalized sections of society could be done through capacity building, training, and reservations. Crisis support and helplines providing psychological and material support to victims of harassment need to be introduced. Lastly, Indian people need to decolonize their mentality and educate themselves. Urban Indians living in big cities could learn from independent LGBTQI+ resistance movements in rural India.

This paper summed up how homophobia in India was a colonial legacy garnered and supported by Hindu radical nationalism, which has a long-term impact on LGBTQI rights even today.

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CITIZEN OR MINORITY: AN ANALYSIS OF STATE'S NARRATIVE TOWARDS THE MUSLIMS IN SRI LANKA

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Abstract

This research investigates the Sri Lankan state's narrative towards the Muslim community, whether they are genuinely treated as equal citizens or consistently marginalized as a minority. In a multicultural state, national narratives play a crucial role in shaping the identity and status of minority groups. Despite constituting 9.3% of the population and possessing a long-standing historical presence, Muslims in Sri Lanka frequently faced challenges, fluctuating between recognition as equal citizens and exposure as outlanders. This contention has intensified in the post-war era since 2009, during which politically backed radical right-wing groups have contributed to a situation of hostility and violence against Muslims. This study aims to investigate how these socio-political narratives have hindered the integration of Muslims into the broader national identity. Specifically, it examines how post-war right-wing radical nationalist groups influence state discourse and policies, and how these, in turn, have affected Muslim communities either through inclusion or marginalization. The study seeks to understand how the state's policies and narratives serve either to integrate or marginalize Muslim minority with key objectives including: (1) evaluating the impact of socio-political narratives and policies on Muslim community, (2) assessing the state's commitment to non-discrimination in the context of rising ethno-nationalist sentiment, and (3) contributing to academic discussions on state- minority relations and minority rights. By focusing on the post-2009 period, this research aims to illuminate the broader implications of state-driven narratives for minority rights, national cohesion, and democratic inclusion in Sri Lanka. It primarily concentrates on state actors and narratives, addressing non-state actors only when their influence is directly connected to state policy or discourse. Ultimately, the research aims to enrich the theoretical discourse on citizenship and minority identity and offer policy recommendations for fostering an inclusive and equitable Sri Lankan Society.

Keywords: Citizens' Rights/Minority Rights/Non-Discrimination/Sri Lanka

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Introduction

In a multicultural country, the narratives constructed by the state play an important role in defining the identity and status of minorities. The Muslim community is the second-largest minority in Sri Lanka. They constitute 9.3 percent of the population. They have a long history of being intertwined in the socio-economic and cultural fabric of Sri Lanka. However, their position in national narratives is often contested, oscillating between being recognized as equal citizens and being portrayed as outsiders, such as the *Marakkale Minissu* (people who came on wooden boats). Based on this, politically backed (right-wing) hard-line racist groups and organizations emerging from the majority society easily perpetrate violence against Muslims. The state's narratives and policies have fanned hatred among communities, particularly between the Muslim community and the Sinhalese Majority Community in the post-2009 war era. These socio-political narratives not only shape the public perception of the majority but also affect the rights of the minority Muslim community, inter-ethnic relations and the broader framework of national identity. This research proposal aims to critically analyze the state narratives and policies related to the Muslim community in Sri Lanka, focusing on their construction, dissemination, and implications.

Sri Lanka is a multi-ethnic, multi-religious, and multicultural country where Muslims make up about 9.3 percent of the country's population, representing a significant minority in a country of around 22 million population. Sri Lankan Muslims are ethnically diverse. Primarily, the Sri Lankan Moor community constitutes 9.30 percent, and the Malay community (0.22 percent) (Department of Census and Statistics, Sri Lanka, 2012). Geographically dispersed among other communities, they play a crucial role in trade, education, and public service. Politically, Muslim communities have historically been represented in parliament and local government. However, their political influence remains limited compared to their demographic. Moreover, they face challenges to their political participation in governance due to the growth of hostility, instances of violence, and anti-Muslim campaigns fuelled by the rise of Sinhala ethnic nationalism.

Violence and discrimination against the Muslim community have historical roots in Sri Lanka. However, it has increased in recent decades, particularly after the end of the ethnic conflict in 2009. Anti-Muslim rhetoric, propagated by hard-line Sinhalese nationalist groups such as Bodu Bala Sena (BBS), Hela Urumaya, and Rawana Balaya from majority community, has contributed spread communal violence against Muslim community in island wide such as Anuradhapura attacks (2011), Colombo, Anuradhapura and Batticaloa (2012), Kandy, Dambullah (2012), Colombo (2013), Aluthgama riot(2014), Gintota, Kandy, Colombo (2015), Gintota (2017), Ampara and Digana (2018), and Minuwangoda, Kurunegala, Kuliyaipittiya (2019). This kind of ethnic dichotomy undermined the status of minority communities and created policies that distorted the rights of the Muslim communities and brought forth cycles of violence (DeVotta et al., 2019).

Most of the violence and riots occurred in front of police officials and security forces. However, the state did not take preventive actions to stop the anti-Muslim campaigns and violence. The people of Muslim communities, who came out of their houses during the attacks, were arrested under the ICCPR Act instead of arresting the perpetrators (Aliff, 2015).

These discriminatory actions by the state were criticized by the UN Human Rights Office of the High Commissioner (OHCHR) and called for an investigation to deliver justice and accountability (Human Rights Watch, 2015).

According to the Constitution, Penal Code, and Citizenship Act, the state must ensure the protection of all its citizens without any discrimination. However, the pragmatic experiences of the Sri Lankan Muslims in the post-2009-war era are quite different from this notion. The government and law enforcement officials failed to protect the minority Muslims from the perpetrators and to maintain law and order, and ensure justice and the rule of law. The relationship between the Sri Lankan government and Muslim communities has been shaped by historical legacies, political shifts, and socio-religious dynamics, raising critical questions about full-fledged citizenship, equality, and minority rights.

Literature Review

A growing body of literature explores the marginalization of Muslims in post-war Sri Lanka. Gunatilleke (2015) emphasizes that socio-political rhetoric marginalizes minorities, including Muslims, rather than providing full-fledged citizenship. The Muslim community was treated as outsiders and branded as “*MARAKKALA MINISSU*” (people who come by wooden boats). This perception was propagated among the majority community by the politically backed ethnic nationalist groups, and increased social tensions among the people, which led to communal violence against the Muslim community in several parts of the country. This phenomenon, after the end of the civil war in 2009, witnessed a radical increase in anti-minority religious sentiment and violence focused on the Muslim community (Gunatilleke, 2015).

Haniffa (2021) highlights how Sinhala-Buddhist nationalism reconfigures the state's narratives, treating Muslims not as integral citizens but as potential cultural and political threats. This phenomenon has resulted in the marginalization of the minority Muslim community and undermined their rights to life, livelihood, and property. For instance, lack of protection and prevention from communal violence, discrimination in providing security, law enforcement against perpetrators, compensation, and formulation of exclusive policy have created systematic barriers that threaten their personal liberty and freedom of social, cultural, and economic rights. The intersection of ethnic nationalism and political mechanisms preserves inequalities, intensifying the tensions between the majority and minority communities regardless of the constitutional guarantees of equality and non-discrimination (Haniffa, 2021). Imtiyaz et al. (2015) emphasize that this marginalization has deepened due to the construction of Muslim identity along religious lines, which is often perceived as incompatible with the Sinhala-Buddhist identity.

Marshall's theory of citizenship (1950) offers a valuable lens through which to examine this problem. He defines citizenship in three dimensions: civil rights (e.g., freedom of speech and religion, right to own property), political rights (e.g., voting and representation), and social rights (e.g., access to welfare and education). In Sri Lanka, while civil and political rights are formally guaranteed to all citizens, their actual realization by

Muslims is undermined by discriminatory narratives, selective law enforcement, and underrepresentation in political institutions.

The concept of minority rights, as developed in UN frameworks, also intersects with this discussion. The United Nations Human Rights Office (OHCHR) defines 'minority' as a group of people within a state who share common characteristics of culture, religion, or language, or a combination of these. Accordingly, minorities are entitled to non-discrimination, cultural expression, and participation in public life, irrespective of their numerical strength (Office of the United Nations High Commissioner for Human Rights, 2024). However, Sri Lanka's Muslims increasingly face restrictions that violate these international norms, despite the country being a signatory to major human rights treaties.

Conceptual Framework

Although the constitution of Sri Lanka and citizenship laws formally guarantee equal protection for all individuals born to Sri Lankan parents, in practice, state narratives and policy frameworks have contributed to the marginalization of Muslim communities. Rather than fostering inclusive citizenship, these narratives have often sown division and mistrust among ethnic and religious groups, undermining the realization of substantive citizenship for Muslims. In the post-war context, particularly after 2009, Muslims have faced increasing barriers to exercising their civil and social rights due to discriminatory state practices and failure to counteract extremist ethno-nationalist movements such as Bodu Bala Sena (BBS), Hela Urumaya(HU), and Ravan Balaya(RB). These groups have incited anti-Muslim sentiment and violence with minimal accountability. Notably, state security forces have been passive observers during such incidents, and in some cases, law enforcement has arrested Muslim victims rather than perpetrators. Figure 1 illustrates the conceptual framework underlying this analysis, highlighting the disconnect between legal citizenship and the lived experiences of civil and social exclusion among Sri Lankan Muslims.

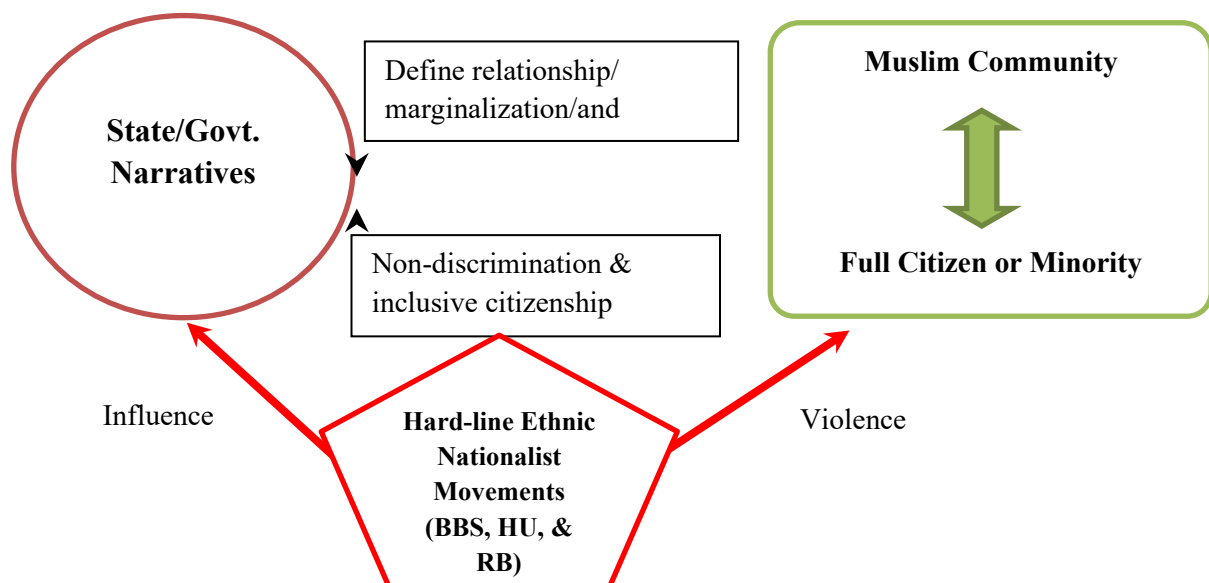


Figure 1: Conceptual Framework: Citizen or Minority: An Analysis of State Narratives towards the Muslim in Sri Lanka

Methodology

This study employs a qualitative research design grounded in the phenomenological approach, aiming to explore the lived experience and perceptions of individuals affected by the state's narrative and related socio-political dynamics. Data collection was primarily conducted through semi-structured interviews, allowing for in-depth engagement while maintaining flexibility in probing key themes. Interviews were conducted in person (in a secure and comfortable setting) or online via end-to-end encrypted platforms, depending on the participant's availability and safety concerns. A total of 10-15 participants were purposely selected from the districts of Kurunegala and Ampara, representing a diverse range of backgrounds. This range includes village and community leaders, religious figures (such as Imams or mosque trustees), civil society members, businesspersons, human rights activists, academics, youth representatives, and women representatives. This purposive sampling ensured the inclusion of participants with relevant knowledge and experiences. In addition to interview data, a document review was conducted, incorporating primary sources such as government policies, constitutional texts, laws, and judicial rulings, as well as secondary sources (including academic journal articles, books, research reports, and credible news outlets). The data were analysed using thematic analysis, enabling the identification of recurring patterns and insight related to identity, discrimination, and state narratives.

Findings

1. State Narratives and Muslim Identity in Sri Lanka

The state's narratives play a crucial role in shaping public perception, national identity, and the status of minorities. These narratives are not just rhetorical; they are reflected in policy, law enforcement, and symbolic acts that either affirm or exclude particular communities. For the Muslim community, the post-war period has been marked by a considerable portrayal as the 'other'—foreign, dangerous, or culturally incompatible.

From Citizenship to Suspicion

Although Muslims are citizen under the 1978 Constitution (Article 12) and the Citizenship Act of 1948 and must be treated (protected) equally regardless of their ethnic, religious, racial, language, political background, and social status, their practical experience of citizenship is filtered through suspicion and exclusion. Terms like '*Marakkala Minissue*' (a derogatory reference to Muslims' origins by the board) propagate the idea that Muslims are not "real" Sri Lankans. This view is reinforced by certain politically backed media and nationalist groups who portray Muslims as a demographic and cultural threat to the Sinhala-Buddhist nation. For instance, the rise of campaigns against Halal certification, Muslim dress codes, Islamic religious schools (Madrasa), mosques, and Arabic Language signage reflects a broader fear that Muslim identity undermines national unity. These campaigns are not merely symbolic; they shape public policy and lead to social polarization.

Post-2009 Narratives: The New “Internal Threat”

After the military defeat of the Liberation Tigers of Tamil Eelam (LTTE) in 2009, the government's attention turned from the Tamil insurgency to the Muslim community. With the primary military enemy neutralized, new forms of nationalist mobilization required a new target. Muslims, who had primarily remained neutral during the civil war, were now accused of undermining national culture and security. Radical groups like Bodu Bala Sena (BBS), Hela Urumaya, and Rawana Balaya began propagating hate narratives against Muslims, accusing them of "Islamizing" Sri Lanka and threatening Buddhist heritage (Yusuff et al, 2019). Passive or complicit state actors amplified these views. State inaction - or selective enforcement of the law – effectively endorsed anti-Muslim violence, eroding the Muslim community's trust in law enforcement and the judicial system.

Institutional Marginalization

These narratives have material consequences. During the COVID-19 pandemic, the state enforced a mandatory cremation policy that disproportionately affected Muslim victims, despite global health (WHO) standards permitting burial (Latheef, 2000). The decision ignored both international human rights norms and local religious practices, reinforcing the idea that Muslim beliefs were not legitimate within the national framework. The ICCPR Act (2007), intended to prevent incitement of hatred, has ironically been used to arrest Muslims, including victims and religious leaders, while failing to hold perpetrators from the majority community accountable. This selective enforcement demonstrates how legal frameworks, when embedded in biased narratives, can be weaponized against minorities.

2. Post-War Ethnic Nationalism and Its Impact

The post-2009 era in Sri Lanka has marked a significant shift in national identity discourse. With the defeat of the LTTE, the Sri Lankan state declared a military victory that symbolized not only the end of armed conflict but also the dominance of Sinhala-Buddhist nationalism as the foundation of the Sri Lankan state. This development significantly altered the dynamics between the majority and minority communities, particularly for Muslims, who increasingly became the focus of suspicion, hostility, and policy-driven marginalization.

Rise of Sinhala-Buddhist Nationalist Movements

After the war, groups like Boadu Bala Sena (BBS), Hela Urumaya, and Rawana Balaya gained political traction by promoting Sinhala-Buddhist supremacy and portraying Muslims as an existential threat to the nation. These organizations, though officially independent, received implicit support or passive tolerance from a segment of the state. Their rhetoric framed Muslims as 'rapidly expanding demographic', 'promoting Islamic extremism', and 'undermining Buddhist cultural and economic dominance'. Anti-Muslim campaigns – especially targeting halal certification, Muslim women's dress, and mosque construction – intensified in the years following the war. These campaigns normalized hate speech, created a hostile public atmosphere, and provided ideological cover for violent attacks (Imtiyaz et al., 2015).

Politicization of Religion and Identity

The post-war period has witnessed the convergence of ethnic identity, religion, and political strategy. Majoritarian politicians have leveraged anti-Muslim sentiment to rally electoral support (Haniffa, 2021). The resulting environment has been one where: (1) Muslims are excluded from national identity discourses, (2) citizenship is interpreted through a Sinhala-Buddhist lens, and (3) legal protection exists on paper but fails in practice. This politicization has led to the erosion of democratic values and pluralism, replacing them with a state-sponsored ethnocracy that marginalizes religious and ethnic diversity.

Impact on Citizenship

The cumulative effect of these developments is the partial or conditional citizenship of Muslims in Sri Lanka. Despite constitutional guarantees, their rights are contingent on majority acceptance. The growing influence of right-wing nationalism has turned Muslims into a "suspect class", subject to surveillance, religious restriction, and targeted violence – all of which contradict both domestic legal obligations and international human rights norms.

3. State Policies and Structural Discrimination

While the Sri Lankan constitution and legal framework formally guarantee equal protection and non-discrimination, in practice, state policies and administrative decisions have contributed to the systematic marginalization of the Muslim community, particularly in the post—2009 era. Discrimination is not always explicit: often, it is embedded in the unequal implementation of law, selective provisions of public services, and exclusionary development planning.

Legal Framework: Equality on Paper

Sri Lanka's 1978 Constitution (Article 12) and the ICCPR Act No. 56 of 2007 prohibit discrimination based on religion or ethnicity. The Citizenship Act 1948 affirms that all persons born to Sri Lankan parents are citizens by birth. In theory, these laws should protect the rights of all communities, including Muslims. However, these protections have not translated into equitable outcomes. The ICCPR Act, intended to prevent incitement to religious hatred, has been disproportionately used against Muslims themselves. Victims of violence were sometimes arrested under this Act during the 2019 riot, while perpetrators faced minimal legal consequences (Latheef, 2020).

Land and Livelihood Disputes

State-sanctioned development and land policies have systematically disadvantaged Muslims in several regions. For instance, in the Ampara district, lands historically inhabited by Muslims were reclassified as protected archaeological sites. Resulting in forced eviction and land grabs under the Archaeological (Amendment) Act (1998), later, those lands were distributed to the families from the majority community. Agricultural restrictions were imposed post-war in the Eastern Province, barring Muslims from reclaiming or accessing land critical to their livelihood. Moreover, the authorities' delay in granting land titles and allegations of illegal encroachment were used to displace Muslim families. At the same time,

settlers from the majority community were given priority in land redistribution (Human Elevation Organization, 2019).

The Forest and Environmental Conservation laws were used to deny the resettlement of the internally displaced (IDPs) Muslim community due to the prolonged (1983-2009) war. The state declared all these areas as preserved forest by Gazette notification (34/2017) in Wilpattu (Deegalle, 2024). These practices reflect a broader effort to reshape demographic composition in strategic regions under the pretext of national development or archaeological and environmental preservation.

Barriers to Representation and Services

The political and administrative systems have also disadvantaged Muslims through underrepresentation in governance. Electoral redistricting in areas like Ampara diluted Muslim votes by merging them with the majority Sinhala population from the Badulla district. Inequitable public service access was created: Some administrative divisions (e.g., Kattankudy) with dense Muslim populations are denied proportionate funding and infrastructure due to distorted districting. Neglect in post-disaster relief appears: Muslim communities (500 families) displaced by the 2004 tsunami were denied housing built by foreign donors (e.g., Saudi-funded housing in Nurachcholai) (Daily FT, 2018). This pattern reveals an administrative system that subtly privileges the majority while rendering minority communities vulnerable, voiceless, and under-resourced.

Institutional Failure in Justice and Accountability

Perhaps the most serious indicator of structural discrimination is the failure of the justice system to respond effectively to anti-Muslim violence. State responses to incidents in Aluthgama, Digana, Ampara, Minuwangoda, Kurunegala, and Weligama (Latheef, 2020) were characterized by delays in arresting perpetrators, weak or no prosecutions, and a lack of representation for victims. This failure not only violates the principle of equal protection under the law but also legitimizes violence by signaling impunity. Fonseka (2019) highlighted that the Sri Lankan authorities, - particularly the District Secretariats or Government Agents of Kurunegala and Gampaha, where communal violence erupted in 2019 - were unable to provide information about the extent of damage caused by the anti-Muslim attacks. Even the police spokesman was unable to provide details of the legal action taken against the perpetrators. Sociologist Prof. Siri Hettige stressed that the continuation of such violence could be disastrous for the country (Fonseka, 2019). Ramees (2015) supported a research finding by the Women's Collective Forum that state mechanisms, such as security forces, hospitals, fire extinguishing services, and police, refuse to work for the victims of anti-Muslim violence in Aluthgama. No measures were taken to heal the victims or to take legal action against the perpetrators. Even pregnant mothers, older women, children, and breastfeeding mothers were not provided food or basic facilities by the state during or after the violence (Rameez, 2015).

Conclusion

This study examines the evolving relationship between the Sri Lankan state and the Muslim community, focusing on how official narratives, post-war nationalism, and state policies shape the lived experiences of citizenship. Although Muslims are legally citizens of Sri Lanka, their practical experiences are marked by exclusion, suspicion, and structural marginalization – especially in the post-2009 war context. The state influenced by the rise of Sinhala-Buddhist nationalism has contributed to the construction of Muslims as a cultural and political threat. This narrative justifies both invisible discrimination (in policy making and law enforcement) and visible violence (riots, property destruction, and denial of burial rights). These developments contravene the principles of equality, non-discrimination, and inclusive citizenship enshrined in both domestic law and international human rights instruments. Using Marshall's citizenship framework, the study demonstrates that Muslims in Sri Lanka experience only partial access to civil, political, and social rights, resulting in a form of conditional citizenship that undermines democratic norms and social cohesion. The situation calls for urgent attention to the state's responsibility in either rectifying exclusion or perpetuating it through silence, complicity, or inaction.

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