

## Thailand's stateless 'chao lay' or sea-gypsies

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The disastrous tsunami of December 2004 brought the fate and life of residents along southern Thailand's Andaman coast into unprecedented limelight. Until then, many Thais knew nothing about the 'Chao Lay' or 'sea-gypsy' community living in various coastal villages, who have a distinctive way of life, language and culture, all bound with the sea.

There are three particular ethnic Chao Lay groups in Thailand: 1) The 'Moken': The Chao Lay population in the islands of Lao, Sin Hai, Chang and Phayam in the province of Ranong, as well as the Surin islands in Phang Nga province and Ra Wai village in the province of Phuket amounts to more than 800. 2) The 'Morklen': The Chao Lay population in Pra Thong island and over ten coastal villages in the provinces of Phang Nga and Phuket numbers to more than 3000. 3) The 'Urak Lawoi': The Chao Lay population in other islands across the provinces of Phuket, Kra Bi, Trang and Satun is over 5000.



The tsunami killed many people and destroyed much property along the Andaman coast. It was only when relief groups and government officials arrived at the area to provide relief and compensation that the Thai society was awakened to the fact that the three Chao Lay groups were facing problems similar to those faced by marginalized ethnic groups, including the issues of statelessness, insecurity of residence and being denied access to natural resources. Furthermore, the groups were experiencing a loss of pride in their indigenous culture and way of life, their traditional knowledge is no longer passed on to the younger generation, and they are treated with disdain by those with no understanding of their ethnicity. As a result of all this, many Chao Lay now call themselves 'Thai Mai', or 'new Thai', therein distancing themselves from their indigenous culture, and instead associating with the Thai culture.

In the aftermath of the tsunami, many international and local groups came to the forefront to help these communities rebuild their homes and livelihoods, as well as providing for their immediate needs. There was little they could do regarding their statelessness and lack of citizenship however, which goes hand in hand with the denial of fundamental rights such as

the rights to food, work, housing and legal protection, and is therefore the most pressing problem faced by the Chao Lay. Unfortunately, there are also very few local groups working on this issue.

From data collected by the Andaman Pilot project in 2005, it was found that of the 800 or so Moken people in Thailand, only 94—residing in the Surin islands—have received National Identity Cards or were registered in resident organizations. [photos 1-2] More than 700 Moken living in Ranong province are still awaiting information regarding their status after taking part in a government census. In the past, the government policy has been to issue the Chao Lay with identification numbers beginning with a zero; this means that they are not entitled to the same rights under the law as other Thai citizens, including the right to medical services, the right to travel freely and the right to labour protection. Furthermore, it was common for those Moken without identity cards to be threatened and blackmailed for money by government officials.

As a result of their statelessness, Moken are forced to work in illegal and risky industries. Moken in the islands of Lao, Phayam and Sin Hai who do not have identity cards have no labour rights. Some of them were coerced by industrialists to catch fish, leeches and crocodiles in Burmese waters as well as near the Nicobar-Andaman islands using bomb-fishing, which is illegal and dangerous. A number of Moken individuals were killed and handicapped due to the practice of bomb-fishing. In May 2007, 19 Moken from the island of Lao were caught and charged with illegal smuggling of natural resources in the Nicobar-Andaman islands.

### **Attempts to address the problem**

Various attempts were made, especially after the tsunami, to address the problems faced by the Chao Lay communities. These attempts and the predicaments of the sea-gypsies were closely followed and reported by the media. A number of actors, including academic institutes, human right organizations and various foundations participated in the advocacy effort as well as shaping government policy.

The attempts to resolve the stateless/citizenship problem and provide fundamental civil rights to the Chao Lay included:

- In 2004, the Andaman Pilot Project of the Chulalongkorn University Social Research Institute (CUSRI) made unofficial cards to assist in people's identification, and to support medical treatment for the Moken in Surin islands. The Khuraburi district office also urged the local police to support the holders of the card. (The card expired on December 2007). The project also collaborated with the Khuraburi Hospital in setting up a fund to support the medical and travel expenses of Moken patients as well as the travel expenses of their accompanying relatives.
- In 2005, the Department of Provincial Administration officially began a survey of the Moken and providing a 13-digit identification card for them. Ninety-four Moken already received the National Identity Card and were registered with resident organizations. However, the exact rights and protection provided by the card has yet to be worked out.
- In 2006, the Action Aids Organization issued similar unofficial cards to identify Moken in the island of Lao, and provide them with access to medical treatment. It further set up a fund in the Ranong hospital for the medical expenses incurred by Moken patients. [photo 3]
- Thailand's Nationality Act was finally amended and promulgated in the Government Gazette on 27 February 2008. In accordance with the amendments, stateless persons who

met the following conditions were able to declare Thai nationality: 1) An individual born before 26 February 1992, or whose non-Thai mother or father was born in Thailand before 26 February 1992; and 2) Possessing residence address in Thailand.

- On March 2009, the Andaman Pilot Project compiled and verified data relating to the Moken in Khuraburi district, Phang Nga province. It successfully cooperated with the population registration division of the Khuraburi district office to investigate the Thai nationality registration procedure for this Moken group. It was found that 27 persons fell into the scope of section 23 of the amended Nationality Act. Seven of them reside at Chaipathana-Ga Chart Thai village, while the other 20 reside in the Surin islands.
- A 'Mobile District Office' project was organized by the Khuraburi district office in April 2009 to visit the Moken community in the Surin islands. The annual six-month monsoon season of the Andaman Sea brings considerable hardship for the Moken community. The purpose of the mobile office would be to survey and investigate the individual data of the inhabitants, including their dates of birth and death.

While these and other activities are ongoing to remedy the national status of the Moken, it is important to continuously push the Thai government to do more. For instance, there is a need for people receiving National Identity Cards and Registration Status Cards to be aware of their rights and duties, especially related to population registration (such as reporting of birth, death, migration or marriage); applying for Thai Nationality under her husband's nationality (for stateless women married to Thai citizens); applying for Thai nationality after having continually residing in Thailand for more than 10 years and with the intent to settle in Thailand; exception of military conscription for men who have just been given Thai Nationality and the National Identity Card. It is also necessary for the Thai government to accept the sea-gypsies' nomadic lifestyle in the shaping of policy.

In the five years since the tsunami, the progress on the Chao Lay's citizenship issues has been worryingly slow. While numerous sustainable development projects have been initiated for their water, fishing and even cultural heritage, the same cannot be said of their national status. The reluctance of the Thai government to immerse itself in the problem and address it has been reflected in the lack of coherent and effective policy around the issue. Without strong government commitment and policy, the fundamental rights of the Thai chao lay cannot be realized.