FROM NEEDS TO RIGHTS: THE TRANSITION TOWARDS RIGHTS BASED HUMANITARIANISM AND EMPOWERMENT IN THE BURMESE REFUGEE CAMPS IN THAILAND

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ABSTRACT

This research explores proposals that livelihood programs, using rights based principles, can function to improve the social and economic situation of Burmese refugees residing along the Thai-Burma border. The paper analyzes how the programs operate in the limited refugee camp context to mitigate limited economic freedoms. Strategies to improve gender equality, preserve the environment, and sustain and maintain peoples' skills while economically empowering them, are all evaluated in this study.

The research explores proposals that the rights based approach (RBA), more specifically the principles of participation and empowerment, are effective in fostering greater food security in a protracted refugee situation. Programs falling under the categories of income generation, agriculture, and vocational trainings are all analyzed. The capacity of the rights based approach to aid the sustainability of livelihood programs, and contribute to the long- term goals of self-reliance for the Burmese refugees in Thailand is assessed.

The research explores proposals that the livelihoods programs provide social benefits that currently overshadow concrete economic improvements. The research first provides a historical context of the Burmese refugee situation in Thailand and the rights based approach. The research then moves on to evaluating the vulnerability context of the camps, compiling the policies and overview of each project, and analyzing projects according to principles from the rights based approach to development.

KEY WORDS: HUMAN RIGHTS/ REFUGEES/LIVELIHOODS/RIGHTS BASED APPROACH/PARTICIPATION/EMPOWERMENT

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CHAPTER I
INTRODUCTION

Myanmar is currently the fifth-largest refugee-producing country in the world, after the Democratic Republic of the Congo, Somalia, Iraq and Afghanistan, according to the UNHCR report on Global Trends in 2010. The government of Myanmar[1] has forcibly displaced more than 415,000 people since the 1980s through state-sanctioned violence, human rights abuses against civilians as a strategy of war, and an ongoing low-intensity civil war waged against ethnic groups in areas outside of Yangon. Many humanitarian organizations and donors refrain from engaging with the government of Myanmar or are unable to provide aid, to the detriment of the poorest. "Burma has one of the worst human rights records in Asia… None of the criteria necessary for DFID to consider partnership with the government are satisfied" (DFID Burma Country Strategy Paper 2000, in Piron 2003: 22).

The first Karen refugees arrived on Thai soil in Tak province in 1984 following Burmese government offensives. They were allowed to stay, and their health and food rights were taken care of by the Consortium of Christian Agencies (CCA), with assumption that they would repatriate the following rainy season (DG ECHO 2009: 10). The Thai Ministry of Interior (MoI) has maintained control over camp policies since the beginning, with separate agreements with each of the twenty aid agencies operating in the camps[2].

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[1]The country's name was officially changed from Burma to Myanmar by the ruling military junta in 1989. Many organizations continue to use "Burma" to indicate a political stand against the regime. For the purposes of this paper, Myanmar will be used in the text unless it is a direct quote from an organization. However, the border between Myanmar and Thailand also continues to be referred to as the "Thai-Burma border". The United Nations uses term 'Burmese' to refer to all ethnic groups from Myanmar, as will be done in this paper. 'Burman' refers specifically to the majority ethnic group in power, which is concentrated primarily in Yangon. For more information, see: http://news.bbc.co.uk/2/hi/7013943.stm.

[2]These include organizations which are currently implementing livelihoods projects in the camps, such as the Catholic Office for Emergency and Refugee Relief (COERR), the American Refugee Committee (ARC), ZOA Refugee Care, and ADRA Thailand.

Longstanding ethnic tensions between the Burmese-dominated Yangon and outlying ethnic areas had been ongoing since national independence from the British in 1948.[3] The largest scale attack happened in 1984, when Burmese troops launched a large-scale invasion of ethnic areas, causing thousands to spill over the border into Thailand seeking refuge. The refugees, the Thai government, and the CCA believed it would be temporary, until the troops receded, but over the next ten years as the protracted and low intensity fighting Myanmar continued, the camps grew to 80,000 as ethnic people continued to flee ongoing abuses. By 2010, over 150,000 refugees from Myanmar inhabited nine camps along the border (Thai Burma Border Consortium: 2004, 2010)[4]. The refugees have now been there for over 25 years with a stable population, with influxes matching resettlement numbers (Dm IRIN 2011).

To put this in the global context, 7.2 million people in the world have been displaced for more than a decade in 24 different countries (UNHCR Global Trends 2010), most of who remain dependent on international aid. To name a few examples, Kenya's Kakuma and Dabaab refugee camps have housed more than 400,000 Ethiopian, Somali, and Sudanese refugees for 19 years (UNHCR Kenya 2011). Tanzania has been home to Burundi and Rwandan refugees since 1959 (Loescher and Milner 2005: 154). Palestinians have been displaced since 1948, with four generations of refugees, roughly four million people, carrying out their lives in exile (Dumper 2008). These refugees subsist in economic limbo, relying on international organizations for survival. Unless livelihoods are stimulated, people's skills and abilities for self-sufficiency remain dormant while years are spent frozen in aid dependency.

Initially when the first Burmese refugees landed, they stayed in village-like settlements, had access to gather vegetables from the forests, and planted rice in

[3]At the time of independence, ethnic groups were unable to achieve self-rule, and rebelled against the Burmese government in a quest for autonomy. Human rights abuses against ethnic civilians were first reported in the 1970s and 1980s, when Shan villagers were purportedly used as human mine detectors by the Burmese military.

[4]There are seven main persecuted ethnic minority groups: Karen, Kachin, Shan, Kayah, Mon, Rakhine, and Chin, who make up the majority of refugees. Out of the total 148, 793 asylum seekers, most are Karen (78.9 percent), followed by Karenni (9.5 percent), and Burman (4.1 percent), with the other groups making up the remaining 7.5 percent. Karen refugees make up the majority of the population in Mae La, Upiem Mai, and Nu Po camps in Tak province, while Karennis are mostly in northern camps Ban Mai Nai Soi, Ban Mae Surin, Mae La Oon, and Mae Ra Ma Luang, in Mae Hong Son province (TBBC 2011).

nearby fields. They were "50 percent self- sufficient" according to the TBBC (BBC 2004: 106). However, when the safety of the refugees was threatened in the 1990s by attacks on the camps by the Burmese military and their proxies, it provoked the consolidation of settlements into nine main camps[5] that were guarded by Thai military soldiers. Confinement to the camps meant decreased self-sufficiency, leading refugees to become almost entirely dependent on humanitarian intervention, which was permitted as long as the relief structure remained low key.[6]

International NGOs and the UN Refugee Agency provide emergency relief supplies and services, such as food rations, health care, housing, and refugee status. The Thai-Burma Border Consortium, officially an NGO since 2003, is a network of twelve NGOs working along the border and the main implementing organization for projects and humanitarian services. In the past 27 years of encampment, increasing knowledge of the long-term nature of the emergency led to the evolution what were initially purely service delivery programs to include livelihood strategies with goals of empowerment, self-reliance, and sustainability. These programs have emerged as both a result of donor concerns about open-ended assistance, and increasing recognition of the need to fulfill human rights beyond merely meeting basic needs. "Livelihoods remain a 'top protection gap' that is only increasing with the rising cost of food" (Maynard and Suter 2009: 9).

1.1 Research Questions

This study set out to explore the ways that livelihood programs operate to improve the social and economic situation of Burmese refugees residing along the Thai-Burma border. The paper analyzes how the programs function in the limited refugee camp context and their social implications. Livelihood projects on the Thai-Burma border have all incorporated strategies to improve gender equality by targeting

[5]The camps run all along the Western Thai-Burma border, with the most northern camp (Ban Mai Nai Soi) only 2 kilometres from Myanmar. They are: Ban Mai Nai Soi, Ban Mae Surin, Mae La Oon, and Mae Ra Ma Luang in Mae Hong Son province; Mae La, Umpiem Mai, and Nu Po in Tak province; and Ban Don Yang and Tham Hin in Kanchanaburi and Ratchaburi, respectively (TBBC Population Figures: July 2007).

[6]The Thai government wished to avoid the high-profile relief structure that encouraged much international pressure during the Indochinese refugee crisis.

women and the most vulnerable, preserve the environment, and sustain and maintain peoples' skills while economically empowering them.

The research question is the lack of understanding of how the rights based approach (RBA), specifically the principle of empowerment, is used to facilitate the transition from service delivery to increased self- reliance in refugee camps along the Thai- Burma border. Needs- based humanitarian assistance is insufficient in protracted refugee situations, and the rights based approach offers a means for enhanced refugee protection even within the limited legal framework available for development for refugees. The potential of the rights based approach to aid the long-term fulfillment of human rights in the refugee camps is an under-researched area.

Humanitarian aid without a long-term vision fails to take into account many of the hindered rights associated with camp confinement; neither does it equip refugees with skills for life after/ outside of the camp. The research hypothesis is that a critical examination of nature of the rights based approach and its relationship to refugee protection will demonstrate the powerful role that RBA can play in strategic, long- term humanitarian assistance to a refugee population. The purpose of this study is to assess to what degree and extent livelihood programs have adopted the rights based approach to facilitate empowerment, increase self-reliance, and build on existing local capabilities to strengthen household coping strategies.

1.2 Relief and Development

Globally, the two main streams of humanitarian aid have typically been emergency relief and development (Cavaglieri 2005: 2). Since the 1990s, establishing a link between the two pathways has been recognized as necessary in order for relief to act as "a springboard for recovery" to empower communities to develop resilient livelihoods (Humanitarian Policy Group 2004: 7). Refugee situations that last for years have typically fallen in the lacuna between the two responses, both as a result of the legal context in the host country and due to funding restrictions.

Refugees are often limited by national laws and regulations from integrating into local communities and are prevented from being included in national plans for development and poverty alleviation. One of the first intergovernmental

conferences on refugee rights to asylum held in Addis Ababa in 1967 found that it was "contrary to the principles of international solidarity" to expect hosting country's to alter existing development plans to include refugees, who should be supported by the international community (Zarjevski 1988: 234).

Host governments, the majority of which are in developing countries, have legitimate concerns about the ability of the economy to absorb and support refugees as well as security concerns about the impact of a mass population influx on the social fabric of their society. The idea 'burden-sharing' has been a means to abrogate state responsibilities towards protecting refugee rights.[7] But at the same time, poor countries are often not equipped to deal with refugee crises and "necessitate humanitarian aid that attempts to work within the political context of the host country while still seeking the best options for refugees" (Jacobsen 2005: 96). It is the duty of the humanitarian agencies to advocate for greater rights and freedoms for refugees while recognizing state concerns about possible negative impacts of refugees. It is up to the UNHCR and NGOs to show that the fulfillment of human rights will actually alleviate the security threat, and allowing refugees to work outside camps will be economically beneficial (Jacobsen 2005).

However, humanitarian responses are often limited by budgeting constraints to meeting the basic needs of the target population. When the notion of expanding the continuum between relief and development first became of interest to NGOs, "humanitarian budget lines were uncomfortably stretched to encompass more developmental approaches in situations where donor governments, for political reasons, restricted funding to a 'lifesaving' response" (HPG 2004: 8). Without the adequate funding for both basic needs and livelihood projects, one of these areas will suffer. Livelihood programs supplied by NGOs can meet the economic, social, and cultural rights of refugees to a certain extent, but this should not be at the cost of basic assistance.

[7]Host states have a responsibility to "ensure the security and civilian and humanitarian character of refugee camps" (UN Security Council 19 September 1998: resolution 1208).

1.3 The Rights Based Approach

The commencement of livelihood projects in the Burmese camps in Thailand since 2008 show an increased alignment with the rights based approach to development. The human rights based approach to development (RBA) asserts that programs must be created and implemented based on human rights values, such as the principle that human rights are indivisible, interrelated, and interdependent. Indivisibility means that humanitarian approaches to crises must aim to facilitate all human rights without sacrificing some for the expense of others. Rights to livelihood and work must be pursued at the same time as rights to food and housing, otherwise refugees remain aid dependent and at risk of labour exploitation if they venture outside of the camps. For example, unskilled Burmese workers in Thailand earn 50 to 80 percent less than their Thai counterparts (Thai Freedom House 2010) and are highly at risk of unsafe working conditions. Fear of deportation and imprisonment prevent them from seeking legal recourse to abuses. Similarly, Sudanese and refugees in Kenya found outside of camps are regularly rounded up and subject to harsh detainment policies (Brown 2003).

The issue of interrelated and interdependent rights means that the deprivation of one right leads to further violations (OHCHR 2011). Protection issues are linked with the right to work because people will jeopardize their safety if it is the only way to attain an income. The Women's Refugee Commission documented refugee women in Ethiopia who engaged in sexually exploitative relationships to gain food and protection when it was no longer available to them through traditional social structures (WRC 2009: 4). Similarly, it is common for Somali refugee women in Kenya to engage in a marriage of convenience with Kenyan men of Somali descent for citizenship. Forced marriage and female genital mutilation are major problems in both the Kakuma and Dabaab camps (USCRI 2009). The ways that conflict exacerbates women's vulnerability is evident in trafficking of roughly 40,000 women from Myanmar into Thailand to work as factory workers, sex workers, and domestic workers (Ward 2005 in WRC 2009: 5).

The fulfillment of a right also enhances the fulfillment of another. When people are given the right to work, their right to an adequate standard of living may improve. A pilot project conducted in Burundi in 2007 by the International Rescue

Committee (IRC) found that when women had access to economic resources through a Village Savings and Loans Association (VSLAs), had a decreased risk of sexual violence (WRC 2009: 8). Increasing women's status in the household and community correlated with decreased vulnerability. From this perspective, poverty is a human rights violation that affects vulnerable groups more. By conceptualizing poverty as an abuse, all strategies thus aim to empower people, targeting vulnerable groups in particular, and equip them with the resources strengthen their own resilience. Aid recipients can be transformed into active agents in their own development.

The well being of the target population must be the guiding aim of the project, and their participation in the planning, decision-making, monitoring and evaluation and implementation is vital. Projects should aim to empower people to enhance their opportunities and capabilities, build the capacity of local institutions to respond to the rights of the community while protecting the most vulnerable groups. By addressing the root causes of violations and working from a grassroots level, projects will be sustainable and remain accountable and transparent to all stakeholders.

1.4 History of the Rights Based Approach

Development scholars, international NGOs, and the United Nations agencies have generally mainstreamed the rights based approach since its birth roughly a decade ago (UNICEF 2004: 3). The Universal Declaration of Human Rights (UDHR) in 1948 formed the basis for the UN Development Program's (UNDP) concept of human development, which expands development beyond merely an economic focus to look at human impact. But in contrast to the rights based approach, the UNDP's human development remains focused on outcome and neglects to observe the importance of the use of ethical and inclusive processes (Jonsson 2003: 3).

The UK government's Department for International Development (DFID) partnered with the United Nations' Office for the Coordination of Humanitarian Affairs (OCHA) in 1999 and officially announced that they had mainstreamed the rights based approach into their framework in 2000 (White Paper 2000 in Piron 2003). Adherence to the Millenium Development Goals and other international human rights instruments became the guiding philosophies of DFID's development projects.

The rights based approach, with its emphasis on process, aims to ensure that people are not marginalized as a result of development projects. It recognizes that "poverty constitutes a denial of human rights" (UN Committee on Economic, Social, and Cultural Rights 2001) and stresses the human rights dimensions that exacerbate poverty, such as the prohibition on the right to work, a denial of a human right that leads to more abuses.

While not all of the NGO programs operating in the camps along the Thai-Burma border explicitly state the rights based framework, principles are inherent in using strategies that enhance inclusion and build local capacity from the ground up through processes such as participation, empowerment, and targeting the most vulnerable. The structure of relief assistance at the very first influx of refugees reflected a strong community- based model. From that moment "TBBC worked in partnership with the refugees to maximize their participation and sense of ownership so that they would be able to pick up their lives again as quickly as possible when they returned home" (TBBC Strategic Plan 2009: 1).

This model, used to provide rations and shelter for basic needs, has evolved to include livelihood programs that embody principles from the rights based approach. For example, programs enacted by the Catholic Office for Emergency Relief and Refugees (COERR) have a special focus on Extremely Vulnerable Individuals (EVIs). COERR's EVIs focus on people with handicaps, the elderly, children, and poor villages in the surrounding communities. Agricultural projects by COERR and ZOA Refugee Care are rooted in the needs of the community, focus on environmental sustainability, and use appropriate technology that can be built or transplanted back in Myanmar, if or when repatriation takes place.

Inclusion is a major proponent of all programs. ZOA Refugee Care makes space rehabilitated drug addicts, people with a handicap, women, ethnic minorities through affirmative action quotas in their agricultural trainings. The livelihoods programs aim to fill a gap in the relief to development space that refugees fall through. By engaging the productive capacities of the participants, they also carry the potential to alleviate social problems resulting from lack of employment and contribute to food security and self-reliance.

1.5 Methodology, Scope, and Limits

Livelihood strategies employed by NGOs operating in the camps function as a means alleviate social problems while aiming to provide further economic benefits. The programs have the potential to strengthen food security, resilience, and preparation for post-camp life either in resettlement or repatriation, however far in the future it may be. Productivity, learning, and increased independence during exile is necessary to nourish well-being, alleviate the trauma many refugees have suffered, and enhance people's sense of empowerment over their own lives.

The study assesses livelihood strategies employed by international organizations in the Burmese camps according to a rights based framework, and its social implications and the potential impact the projects can have on self-reliance. The research only briefly touches upon the market context, and it does so from a qualitative social research perspective. While an economic analysis of programs, including agricultural initiatives, income generation, and vocational trainings, and the market, would be useful for understanding livelihoods, it is too expansive for the purposes of this paper. Information was primarily derived from NGOs and independent researchers, without formalized interviews with refugees. The research must interpreted in light of this limitation.

Data from the field was collected through interviews, questionnaires, and follow up correspondence with two independent research consultants, and workers from seven NGOs implementing livelihood projects in the nine Burmese camps in Mae Hong Son, Mae Sariang, Mae Sot, and Sangklaburi. The mode of data collection depended on which was most convenient for NGO staff members. When all questions were answered in the interview, there was no need for follow up correspondence or questionnaire. Others preferred to answer the questionnaire (Appendix II) first and answer any follow up questions by correspondence. In either case, the questions for all NGOs[8] remained the same, with slight modifications according to the type of livelihood interventions implemented. I also attended the Livelihoods Working Group

[8]The following NGOs are primary stakeholders responsible for the projects: The American Refugee Committee (ARC), ADRA, the Catholic Office for Emergency Relief and Refugees (COERR), ZOA Refugee Care, WEAVE, Solidarites International, and Thai Burma Border Consortium (TBBC).

meeting at the end of September 2011 to coordinate programs, share common challenges, and discuss ways to improve programs.

Challenges encountered during the research are mainly related to barriers in accessing project sites. The initial research plan included on site visits to observe programs, but it was not possible to obtain the necessary documentation. It was also difficult to obtain quantitative information. NGOs make arrangements with local authorities on the implementation of livelihood projects, and these are conducted in an informal, case-by-case basis that may contradict Thailand's national policies on the Burmese refugees. Because of this, official documentation is not readily available to the public and obtaining quantitative evidence about project outcomes was difficult. Fortunately, the NGO staff members who I interviewed often offered numerical data. Another challenge was that, because funding is so directly linked to successful project outcomes, I sometimes felt that some of the NGO workers who I interviewed were only giving me partial, rose-coloured information about the programs. While this protective impulse is understandable, in order to conduct accurate and realistic research, I had to balance this picture with further interviews, as many other interviewees were willing to share data. Additional information came from reports by other researchers, NGOs, and studies conducted by the UN Refugee Agency and International Labour Organization and the European Commission. All of these sources are listed in the Interview Appendix and Bibliography at the end of the thesis.

Chapter 2 analyzes the human consequences of protracted refugee encampment in order to establish the need for refugee livelihood programs, then move on to identify livelihood approaches and refugee livelihood strategies in Chapter 3. Chapter 4 identifies rights based humanitarianism in the Burmese camps along the Thai-Burma border in the form of livelihood projects in the camps, including those for micro-credit, vocational trainings, and agriculture. Chapter 5 evaluates how iNGO strategies employ rights based principles to enhance the sustainability of livelihood projects and the ways local capacities are activated through livelihoods. Chapter 6 sums up the extent to which self-reliance, and empowerment, are strengthened through the livelihood projects. It also discusses the significance of the findings and practical considerations for program development.

CHAPTER II
PROTECTING RIGHTS DURING ENCAMPMENT

2.1 Contextualizing the Humanitarian Response to Refugee Situations

Human rights recognize the fragility of the human existence, and stipulate protection regardless of race, birthplace, or socioeconomic status. Refugee rights recognize the exceptional vulnerability of individuals that have crossed an international boundary without access to protection and support of their home state. The legal definition of a refugee is someone who "owing to a well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to, or owing to such fear, is unwilling to avail himself to the protection of that country" (UNHCR 1951 Refugee Convention). Refugee status is designed to provide interim international recognition of the rights of people who have fled from fighting and violence while under threat to personal safety and survival. Refugees are a "sub-set of international migrants" (Jacobsen 2005: 3) who have been subject to grave abuses and have fled for survival.

It is only in the twentieth century that warfare has been conducted against civilians, and this always increases refugees as people flee from persecution and violence. The mass exoduses of refugees from Sudan, Somalia, Myanmar, Rwanda, Burundi, Bosnia and Palestine, as well as other conflict-ridden countries are spill over effects of warfare that targets civilians as a strategy. In Bosnia and Herzegovina, political divisions between Muslim Croats and Serbians led to Serbian military offensives against Muslim Croat populations, resulting in an ethno-national conflict that displaced up to 1.3 million people between 1992 and 1995 (IDMC 2010). While 580,000 people had returned to their homes by 2010, discrimination in certain areas remains a pervasive barrier to safe return to this day. Similarly, since the creation of the Israeli state in 1948, ethnic persecution and fighting has displaced up to 7 million Palestinians, who have been forced to flee from their homes to neigbouring Syria,

Jordan, and Lebanon (Dumper 2008). The Palestinian refugees, however, are not protected under the 1951 Refugee Convention they are provided for under the mandate of the UN Relief and Works Agency (UNRWRA).

This breaks customary international humanitarian law (IHL), which dictates that civilians must be distinguished from combatants to be spared (ICRC 2010).“The elimination of the distinction between combatants and non-combatants produced vast numbers of refugees… desperate to escape the ravages of indiscriminate violence” (Loescher 1993: 34). Jacobsen conceptualizes three phases of humanitarian responses to a newly created refugee situation by the international community that respond. The first stage is the emergency phase, followed by care and maintenance for refugees stranded in camps. When funding begins to dry up, organizations embark on livelihood projects before eventually exiting and hoping that refugees have become self-reliant. Embarking on livelihoods projects is often a precursor for cutting off aid (2005).

2.2 The Humanitarian Imperative

The Red Cross’s universal humanitarianism[1] set the stage for needs-based humanitarianism with principles of humanity, impartiality, and neutrality that carried over into the ICRC’s Code of Conduct in 1994. Aid was provided based solely on need. The code was enacted to safeguard victims’ access to assistance by prioritizing the most vulnerable, advocating non-discrimination in aid provision, and discouraging humanitarian agencies from political engagement to ensure that political factions would grant agencies access to populations in need.

However, the ICRC’s universal humanitarianism became hotly debated after the Great Lakes Crisis in Burundi from 1993 to 1997 when the Burundian government accused aid organizations of feeding the perpetrators of the Rwandan

[1] The Red Cross’s universal humanitarianism was codified in 1965 at the 20th International Conference of the Red Cross, where they declared Fundamental Principles including: humanity, neutrality, impartiality, impartiality, independence, voluntary service, unity, and universality (American Red Cross Museum 2012).

genocide[2] (Chandler 2004). The birth of strategic aid and the ethic of 'do no harm' throughout the 1990s was accompanied by the explicit acknowledgement that aid agencies needed to take into account the long- term impact and possible negative side effects of assistance. The humanitarian framework provided by the Red Cross and Crescent Societies' in the 1994 Code of Conduct acknowledged the short term nature of the humanitarian response by "seeking avoid long term beneficiary dependence upon external aid" (ICRC 1996: provision 8) and supporting development through assistance to country-based teams.

Rights based humanitarianism adopts tendencies from the developmental approach through local capacity building and the desire to create sustainable improvements in peoples' lives[3]. Concerns for the population in the long term, past the emergency, show greater commitment to principles of human solidarity, acknowledging that, "in our rush to provide aid quickly and efficiently, we must not neglect the power of presence- the act of human solidarity in the midst of suffering" (Egeland 2005: 55). According to Chandler, capacity- building and empowerment were "concepts developed in order to articulate the need for long term involvement with a population" (2004: 34). The limited impact of relief called for action to address root causes, instead of just treating symptoms (Leader 1998 in Chandler 2004).

The Sphere project, established in 1997, progressively brings together humanitarianism with human rights instruments, humanitarian law, and refugee law to establish a framework for humanitarian practice. Sphere's Humanitarian Charter delineates the minimum standards for essential services necessary to preserve the dignity of the affected population (Volberg 2006). Its principles draw upon human rights to create benchmarks for service delivery using the principles of humanity, impartiality, and neutrality. While the development of standards for the provision of emergency services such as water and sanitation, food aid, shelter, and health services are essential for technical guidance, it is still limited to emergency situations and does little to inform policy for situations that become long-term.

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[2] The tension between justice and aid provision was highlighted in the ICRC's refusal to testify in trials for crimes against humanity. Critics claimed it led to complicity with war crimes and Medecins Sans Frontiers was founded in opposition under the concept that 'silence can kill' and challenges to the doctrines of neutrality and impartiality (Chandler 2004).

[3] These principles are stipulated in the 1993 Providence Principles, the 1993 Mohonk Criteria, and the 1994 Red Cross/ NGO Code of Conduct.

2.2.1 Protracted refugee situations

A protracted refugee situation (PRS) is a situation where "refugees have been in exile for five years or more after their initial displacement, without immediate prospects for implementation of durable solutions" (UNHCR 2009a: preamble in Milner and Loescher 2011: 3). PRS is created when the conflict extends for long periods of time, as refugees cannot return home until conditions are safe (Crisp 2002). Various political, economic, and insurgent groups benefit from maintaining and promoting the conflict, leaving people stranded and unable to return home (Crisp 2002 and Jacobsen 2005). A second generation of refugees may have been born in the camps, never knowing life beyond encampment (Goetz 2003). Two- thirds of all refugee situations are protracted, with an average length of 20 years (Loescher and Milner 2011:3). Currently there are at least thirty protracted refugee situations with 7.2 million stranded refugees worldwide, four-fifths of which are housed by developing countries (UNHCR Global Trends 2010). In Thailand, a whole generation of Burmese refugees has been born in the camps that have existed since 1984.

Refugees' human rights are compromised by encampment. Marginalization from national systems often leads lack of rule of law and justice, leading to crime. Overcrowding in Kenya's Kakuma and Dabaab camps, in place since 1992, has contributed to rampant conflict, sexual and physical violence, and kidnappings (UNHCR Kenya 2011). Forbidding Burmese refugees in Thailand from leaving the camps for work during their 27-year stay has led aid dependency and exacerbated domestic violence, delinquency among youths, and alcoholism. Bhutanese refugees in Nepal who have been confined to camps since the early 1990s experience high rates of depression, incidences of suicide, health problems, increases in domestic violence and sex work (Lama 2008: 288). Dilapidated shelters, reduced food rations, overcrowding, and deteriorating education and health services all characterize the conditions in long term encampment worldwide. For refugees in protracted situations, the "right to life has been bought at the cost of almost every other right" (Crisp 2003, in Deardorff 2009: 5).

Host states may prefer encampment despite the negative impact it may have on refugees because in theory it allows them to control the movements of the refugee population, and mitigate the possible pull factor that might result if integration

was allowed. States frequently cite their limited economic capacity to absorb refugee populations and security issues as reasons to forbid integration (Jacobsen 2005). Asylum states are thus prone to ignoring refugee rights to livelihoods, to work, and to a decent standard of living, all of which are stipulated in the 1951 Convention Relating to the Status of Refugees.

Sharing the responsibility of refugees in the international refugee protection system thus focuses mainly on discouraging states from returning refugees to their home countries. The UN Refugee Agency provides all assistance to protect non-refoulement[4], ultimately compromising other freedoms (Crisp 2003). The alternatives to encampment may not be safe for refugees if they are not accepted into the society, unable to be self-reliant, or exploited and poor without humanitarian assistance (Jamal 2003).

2.2.2 Human costs of protracted encampment

The economic lives of refugees are first fractured by flight, and then by struggle to survive in the face of dwindling humanitarian assistance and few employment opportunities. They often exist in poverty without any hope of foreseeable inclusion in the development plan of the country of first asylum, and necessitate a livelihood program to 'bridge the gap' (Crisp 2001) between relief and development. Because only one out of 650 refugees worldwide is eventually resettled (De Vriese 2006: 18), livelihood programs should be a cornerstone of the humanitarian response to prevent people from leading "lives of poverty, frustration, and unrealized potential" (Loescher and Milner 2011: 4).

Twenty five million people in the world have been displaced for more than a decade (Ibid: 153), most of who remain dependent on international aid. More than 140,000 Burmese refugees and asylum seekers have been at Thailand's border for over 27 years. "Most of the refugees have grown up in the camps and are now starting their own families in the camps- all without knowing where and when they would find a solution to their plight" (Loescher and Milner 2011: 4). Similarly, there currently exist

[4] Non-refoulement is the principle of customary international law whereby a refugee cannot be returned ('refouler') "to the territories where his freedom or life would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion" as cited in Article 33 of the 1951 Convention Relating to the Status of Refugees.

up to seven million Palestinian refugees, who have suffered four generations of displacement spanning more than 60 years in exile (Dumper 2008). Kenya's Kakuma and Dabaab refugee camps, housing more than 400,000 Ethiopian, Somali, and Sudanese refugees, have existed for more than 19 years (UNHCR Kenya 2011). The longer a refugee situation exists, the worse the conditions are likely to become. Relations with host communities become increasingly strained, humanitarian assistance dwindles, and refugees remain encamped. Budget cuts without greater freedoms to pursue livelihoods leaves refugees in desperate situations. Repeated reductions in humanitarian assistance may lead to widespread malnutrition and poverty if durable solutions are not found.

Refugees cannot be expected to be able to participate in cost-sharing exercises and replace services that are cut back without first gaining the skills, resources, and opportunities for real self-sufficiency. Embarking on livelihoods requires investment at the outset. Food aid alone provided by the World Food Program to refugees over four districts in western Tanzania in 1999 cost up to one million dollars per week (Landau 2004). Would not similar investments in livelihoods, in the form of vocational trainings, micro-credit initiatives, and food growing, have proffered long term benefits that would have allowed a resolution to open-ended assistance?

Deardorff argues that the framers of the 1951 Refugee Convention never intended for camps to exist beyond three years (2009: 25). Encampment was only meant to be an interim policy until a durable solution could be found to the crisis. Protracted conflict, leading to long-term exile from home, leaves the refugees stranded in an asylum country whose government is often unfriendly to their presence and maintains strict policy for repatriation at the soonest possible moment. In order to resist allowing integration and 'pulling' more refugees, the camps are seen as temporary.

Conceptualizing the refugees' stay in camps as temporary inhibits the development of livelihood programs and prevents organizations from seeking alternative solutions to repatriation (Deardorff 2009), which may not be a realistic option for decades. While no longer an emergency, refugees still require assistance, and fatigue about the lack of solutions, pending peace in the country of origin, affects donors, states, and NGOs alike. States and donors often feel the situation is a burden

and a drain on resources. But this is only truly the case if refugees are not allowed to engage their productive capacities or the funding is not available to start up livelihood projects.

2.2.3 Psychosocial consequences of protracted exile and dependency

The UNHCR's 2008 Dialogue on Protection Challenges explicitly raised issues concerning care and maintenance and its inability to address the social consequences of protracted exile (Loescher and Milner 2011). Protracted aid dependency erodes refugees' skills for self-reliance, confidence, and sense of self-worth. The negative psychosocial implications of protracted dependency are "piled onto the trauma and powerlessness of displacement" (Matsushita 2011).

The establishment of parallel services for refugees, outside of national systems, creates segregation that can have harmful consequences for social relations between refugees and the surrounding communities. Part of this problem is related to the structure of relief, which separates it from state-building objectives (Mattner 2008). Jacobsen (2005) argues that parallel systems create inequities between refugees and surrounding communities that are 'politically indefensible' and when funding dries up for refugees, they are left without resources, skills, or social capital to cope properly. Instead, when there is an influx of refugees, funding should go to supporting national systems to cope with the strain of accommodating the incoming population.

The prolonged presence of aid organizations providing for the needs of the population- instead of fostering self-reliance through livelihoods initiatives- can break down traditional social structures and encourage dependency. People's confidence in their own abilities erodes. An anthropological study by Simon Turner on Burundian refugees living in Lukole camp in Tanzania since 1972[5] found that dependency had broken down refugee women's respect for men's ability to provide for their families. One refugee man said, "People are not taking care of their own life. They are just living like babies in UNHCR's arms" (Slaughter and Crisp 2008: 32). Similarly, in my own anecdotal experience working in the camps prior to the research for this paper, one Burmese refugee man aged 29 who has been living in Thailand since he was

[5] The 162,200 Burundian refugees living in Tanzania have since been naturalized into Tanzanian citizens in April 2010. For more information, see: http://www.unhcr.org/pages/49e45c736.html

twenty-two told me, “without assistance from the Thai Burma Border Consortium, we would not be able to survive” (Anonymous Karenni Refugee 2010).

2.3 Thailand State Policies

But many of the human costs stemming from protracted encampment, and the challenges faced when attempting to expand livelihood opportunities for refugees, are rooted in the asylum state’s refugee policies that restrict movement to inside camps. A state’s inability or unwillingness to integrate refugees is rooted in concerns about the social and environmental impact of a mass influx of refugees. While it is important to recognize the social, environmental, and economic impact that a the refugees have on surrounding communities, creating policies that respect peoples’ economic rights to work are key to the protection of both states interests and refugee welfare. Critics argue that creating parallel systems for refugees and locals, with the international community servicing the refugee camps, weakens state responsibility for respecting the rights of refugees (Slaughter and Crisp 2008).

If refugees were to be granted rights to work, naturally they would compete in the labour market with locals (Jacobsen 2005). Burmese refugees in Thailand were accused in the 1990s of taking jobs away from nationals, driving wages down, reducing the bargaining power of labour unions, and competing for natural resources (Loescher and Milner 2008). At the same time the Thai economy benefits tremendously from the cheap labour power on farms and factories. Additionally, as long as civil war continues in Myanmar, refugees will continue to seek refuge in Thailand and pursue livelihoods. At least “if their movement is legal, they will require less policing and are more likely to enter the formal sector and pay taxes” (Jacobsen 2005: 97).

Refugees who illegally seek employment outside of the camps often engage in work that is “disgusting, dirty, or dangerous” and not up to par with the safe working conditions of the International Labour Organization (ILO) (WRC 2009: 33). An informal study conducted in Mae La camp in recent years found that up to 25 percent of refugees had been arrested and deported for illegally leaving the camp (Interview with Sally Thompson, TBBC, 2011).

Governments need to recognize that "camps do not and cannot constitute socially and economically viable settlements" (Loescher 1993: 9). Creating 'internationally serviced enclaves' (Crisp and Slaughter 2008) and limiting interaction and trading with adjacent local communities prevents an improvement of the standard of living and leads to the deterioration of conditions with overcrowding from new incoming refugees.

2.4 Negative Coping Strategies

Coping strategies are "temporary responses forced by food insecurity" (Sphere 2011). Refugees, who rely on very basic humanitarian assistance, frequently engage in coping strategies that are defined as 'negative' in order to have an income. Negative coping strategies are activities that are detrimental to health, may lead to bodily harm, are illegal, or dangerous. They put the refugee at risk of exploitation, violence, abuse and discrimination (WRC 2009: 36).

Illegally leaving the camps for wage labour at the high risk of arrest and imprisonment, selling of vital assets necessary for survival- such as parts of the ration that lead to a reduction in food consumption-and illegally using or selling natural resources, fall under the category of 'negative coping strategies' (De Vriese 2006). Refugees resort to negative coping strategies when they have no other option in order to sustain their survival. "Desperate people will look to any source to get access to the resources they need… cracking down on illicit or negative coping strategies without offering alternatives denies people access to basic resources and undermines their strategies for survival" (De Vriese 2006: 28). It can also include "high risk activities, like prostitution or smuggling" (Jacobsen 2005: 11). With the loss of traditional family support and community structures, women in particular are liable to be at risk of exploitation by engaging in sex work (Maynard and Suter 2009).

Selling the food ration is by far the most common, especially if the food provided is not part of the traditional diet. The income generated becomes a part of the refugees' livelihood strategy and keeps refugees inside the camps, providing a protective buffer against leaving illegally (Ibid: 25-26). The Sphere handbook advises agencies to take livelihoods into account when planning distributions, because "people

will sell off relief items if priority needs are not met" (2011: 95). While many humanitarian agencies take this into account when planning distribution, others, such as the World Food Program (WFP), actively attempt to ensure this does not happen through ration cards (Jacobsen 2005).

While the main prerogative of humanitarian relief is to provide the basic goods necessary for survival, such as food, water, and health care, from the outset this approach needs to be complemented with livelihood projects. If livelihood programs were incorporated into the refugee response as soon as it is considered post-emergency, refugees, legally forbidden from working, could maximize their productive capacity while contributing to the food supply (through agricultural projects) and attaining income generation. Their work would enhance food security for the community and their families, increase self-reliance, and eventually ease dependence on aid. "The challenge before us is to combine the positive protective elements of camps while trying to remedy the negative ones" (Jamal 2003: 1).

CHAPTER III
NEEDS BASED VERSUS RIGHTS BASED

3.1 Merging Relief and Development

Challenges for embarking on livelihoods programs include: distinguishing when an emergency ends, legal restrictions, land resources, limits on practical opportunities available to refugees inside the camp, and the position of donors. Despite the longstanding nature of protracted refugee situations, a sense of temporality often invades the camp atmosphere. The first challenge confronting humanitarian NGOs working in camps is in "an unclear understanding of when an emergency ends allows states, donors, UNHCR, and NGOs to use long term encampment, and the consequent denial of a range of rights, to continue for years" (Deardorff 2009: 7).

At one of the first intergovernmental conferences on refugee protection in Addis Abbaba in 1967, it was decided, "the period of emergency aid was to be reduced to the minimum, and long-term solutions introduced as soon as possible so that emergency aid could gradually be discontinued" (Zarjevski 1988: 234). Merging relief with development is a common theme for protracted refugee situations. It was raised at the legendary Arusha Conference in 1979, where it was proposed for refugee programmes to be "the direct weaving of emergency aid into a settlement program" (Zarjevski 1988:237). It also featured at ICARA II in the 1980s, and prominently in UNHCR discussions in 2000 as a question of freedoms and capabilities (Crisp 2003).

In theory, merging relief and development appears to be a natural solution to protracted refugee situations, but the differences between the two fields make it difficult. Relief is given without any strings attached, politically or otherwise (Mattner 2008). In contrast, funds for development often require strict pre-conditions to be established by the receiving country prior to receiving the resources. "While relief is concerned with survival, development describes a set of improved socioeconomic outcomes, which are sustainable and appropriate to the local context" (Mattner 2008: 112).

In addition, development-oriented programs have to withstand the concerns of the host state, which may be reluctant to participate in livelihood projects because they do not want to admit to the long-term nature of the camps. The policy of containment and other legal restrictions on work opportunities may be part of an emergency response, but are woefully inadequate for protracted situations, primarily in the spheres of work and educational opportunities. A protracted crisis that requires aid beyond relief is one in which "a significant proportion of the population is acutely vulnerable to death, disease, and disruption of their livelihoods over a prolonged period of time' (Humanitarian Policy Group 2004: 6).

From a human rights perspective, establishing livelihoods from the outset is vital (Deardorff 2009), but adopting livelihoods projects with long-term goals may jeopardize the host state's tolerance of temporary asylum. Establishing infrastructure for livelihoods at the outset indicates permanence.

Donors are also more willing to fund short-term emergency projects when survival is at risk rather than long-term 'post-emergency' programs, "even if these are aimed at the progressive elimination of all international aid" (Zarjevski 1988: 238). Creating livelihoods is a long term process involving extensive trial and errors- rather than producing short term outcomes- and can pose a challenge for iNGOs who must produce evaluation reports based on physical deliveries (De Vriese 2006). Long-term strategic aid works slowly, without the same satisfactory numbers for funding sources as emergency delivery. Organizations that work in the camps are typically oriented towards the relief model, and therefore may be hesitant to move towards a more development-oriented model with a focus on livelihoods. But providing an alternative to open-ended assistance, can alleviate donor worries and create a more employable labour force in the event of resettlement or repatriation.

3.2 Care and Maintenance

Care and maintenance has been said to "manage misery" rather than finding a solution to end it (Newman and Troeller 2008: 378). In long- term situations, the suffering can go on for decades. Freedom of movement outside of camps to work, fostering livelihoods and allowing economic exchange with surrounding communities

could mitigate this. The camp safety net compromises peoples' well being to the point that its benefits become questionable. Livelihoods, and human rights, need to be part of the humanitarian imperative[1]. Encampment without freedom of movement and the right to work also prevents refugees from making valuable contributions to the local economy. A study in Johannesburg found that more than one third of refugees with access to credit went on to employ others, including refugees and nationals (Jacobsen 2005: 44). Forced migrants can draw on their social networks back home to import and export goods that stimulate the local economy. Refugees will always pursue livelihoods, whether it is legal or not. The question is to what extent it endangers them and if there is a way to create safe income opportunities.

In the restrictive legal contexts of many refugee hosting countries, working within the limits of encampment are sometimes the only opportunities available to humanitarian agencies (Jamal 2003). Protecting survival needs of refugees, and preventing refoulement, are the top priority of refugee agencies, such as the UNHCR. But care and maintenance is not an appropriate response for a protracted refugee situation because of its inability to facilitate human rights, the challenging realities of procuring funding for long term situations, and the security implications of protracted aid dependency.

3.3 Human Rights

The protection of refugees, from forced refoulement, deportation, imprisonment, and generally falling back on negative coping strategies, is intrinsically connected with the right to have a livelihood. Refugees are capable and productive beings with the potential to contribute to society (Nadig 2003). The psychosocial stress of protracted exile and long term aid dependency are too great to allow them to fester for years. When livelihood strategies implemented in conjunction with service

[1] The humanitarian imperative is "the belief that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that civilians so affected have a right to protection and assistance" (The Sphere Project 2003: 16- 17). Livelihoods buffer the impact of eventual aid cuts, have potential to prevent widespread deterioration of living conditions in long term refugee situations, and preserve the dignity of refugees cornered into aid dependency through restrictive laws. All of these factors are well aligned with the humanitarian imperative, which vows to involve beneficiaries and reduce future vulnerabilities (ICRC Code of Conduct, principles 7 and 8).

delivery, can function to counteract 'dependency syndrome' where aid itself becomes a part of a refugee's livelihood strategy (De Vriese 2006: 19). Using rations and aid assistance as a household coping strategy is a meager and desperate attempt to overcome the financial powerlessness bestowed upon refugees forbidden from working.

Meeting basic needs is a 'minimum requirements' approach that does not even provide for all of the needs of the refugee, including nutrition and household commodities. Care and maintenance approaches do not mitigate the negative coping strategies of refugees when skeletal assistance proves not to be enough. At the Thai-Burma border, refugees "were obliged to go out of camps to supplement supplies thereby subjecting themselves to the dangers of arrest or assault" (BBC 2004: 114)- a problem that continues to pressure aid organizations to re-evaluate their policies and develop livelihood opportunities inside the camps.

The protracted exile of more than 180,000 Somali refugees in Kenya's Kakuma and Dabaab camps since the early 1990s has led to dwindling funds for humanitarian aid, and care and maintenance dropped to a skeletal assistance program that failed to meet basic shelter needs. The camps shortly became a "haven for all sorts of violence, abuse and criminality" (Kagwanja and Juma 2008). The inadequacy and impracticality of the humanitarian 'care and maintenance' without a greater marriage to development-oriented initiatives to kick start self-reliance initiatives led to the rapid deterioration of living conditions once funding levels dropped.

3.4 When Funding Declines

The decline in donor funding post-emergency means that NGOs need to immediately create sustainable structures and programs as soon as a situation is deemed protracted. Asides from human rights, there are two reasons why livelihoods need to be a part of the humanitarian response to refugees, and both involve protection issues. Firstly, humanitarian aid depends on the good will of governments and other donors and is unreliable, especially in the face of open-ended crises. "Funding that is available during emergencies is cut off after a period of time, and soon only food rations for the most vulnerable are available, and even those eventually cease"

(Jacobsen 2005: 14). Secondly, the decline in assistance can create insecurity and violence that threatens the safety of camp residents.

It is evident that the humanitarian emergency relief model that meets basic needs is inadequate when applied to refugee situations, which are often protracted. It is contrary to the universality of human rights that the refugees' human rights should be determined, and often compromised, by local, regional, and international dynamics. Refugees are people caught up in forces beyond their control that push them into displacement, steal their freedom of movement, and rob them of the right to work and be independent. Ultimately, the greatest problem with fulfilling refugees' human rights is that they are not conceptualized as human beings with rights. They are conceptualized by states as security threats, burdens, illegal migrants, criminals, possible rebels and resource drains . In Thailand, the media seizes upon popular perceptions of Burmese refugees as drug traffickers and criminals to enhance the idea of refugees as problematic, according to Thai Freedom House (2010) and the Democratic Voice of Burma (2011). Refugees are seen by NGOs as aid recipients, assistance beneficiaries, victims, project participants, charity cases, and more progressively to those agencies advocating for integration: labour capital. Human rights remind us that no matter what legal identity documents we possess, "we are human beings first, and citizens second" (Chandler 2004: 86). Rights based humanitarianism acknowledges this and works within political structures for empowerment on the ground and policy change in the local and national arena.

3.5 An Alternative Solution

It is "in this situation of political stalemate that initiatives for a micro-level, community based development approach which should enhance self- sufficiency and, ideally, prepare the refugee population for returning home, become crucial" (Nadig 2003: 10). Temporary labour passes and skills trainings based on labour needs would give refugees opportunities for self-reliance (Loescher and Milner 2011: 20). Giving refugees the means to grow their own food would allow the elimination of rations altogether (WCRC&C 2006 in Maynard and Suter 2009: 11). However, while livelihoods can fill the relief-development gap in the present moment and contribute to

durable solutions later on, they are not sufficient to replace durable solutions (Loescher and Milner 2011).

There are cases where refugees have been able to participate in the local economy with great benefits to the host communities. Sudanese refugees in Uganda who have been permitted to work in trading centers have had a positive impact on the economy. Remote regions have nearly doubled in size and importance as a result of increased economic activity (Kaiser 2008: 257). While each local context is different, areas that host camps often share common characteristics of remote, undeveloped border locations that can benefit from the human capital. It is up to the organizations to make local authorities and communities aware of these benefits. Reframing issues in terms of states' 'perceived linked interests,' such as economic development, is a fundamental part of advocacy. "Enabling policies are key to successful livelihoods" (WRC 2009: xi).

What is required in protracted refugee situations are small - scale livelihood projects that are allowed to develop over time through developing skills and opportunities for the next generation. In the vulnerability context of a refugee camp, programs work best when they are "small-scale, strategically positioned and flexible, so as to be able to quickly take advantage of windows of opportunity" (Jacobsen 2005: 86). The sooner they are embarked upon, the more likely it is that refugees will have their rights met later on down the line, including for those of the next generation born in the camps.

3.6 Refugee Livelihood Rights

The tension between international human rights law and national government policies is nowhere more apparent than when it comes to protection of refugee livelihood rights. Asylum seekers are rarely granted access to work or freedom of movement by the host country, yet international law protects refugees' right to work. Article 17 of the 1951 Convention Relating to the Status of Refugees says that refugees have the "right to engage in wage-earning employment" after three years of residence in the host country. Similarly, Article 18 outlines the right to favourable conditions for self-employment in agriculture, fisheries, handicraft, and commerce.

Even countries that have signed the 1951 Refugee Convention often fail to protect this right (WRC 2009: 2).

Refugees are entitled to practice a liberal profession (Article 19). Article 26 outlines the right to freedom of movement: refugees should be able "choose their place of residence and move freely within its territory" and "obtain travel documents for the purpose of travel outside their territory" (Article 28 in Jacobsen 2005: 14). The right to work is enshrined in tall human rights treaties, such as the following international human rights documents: the 1967 Protocol Relating to the Status of Refugees (Article 1), the 1948 Universal Declaration of Human Rights (Article 23), the 1966 International Covenant on Economic, Social, and Cultural Rights (Article 6.1), and the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (Article 11.1) (WRC 2009: 33).

The clauses for universality and non-discrimination assert that all people are entitled to work. But the state-centric reality of our time means that governments are responsible for implementing rights for their own citizens, not those who have fled, generally leading to different policies for citizens and non-citizens. The Refugee Convention was introduced in 1951 to protect a specific set of rights for refugees. But states who are not party to the convention are not legally obligated to fulfill all of these rights. "In many host countries, the rights of refugees to be economically active are ignored or overruled, or at best practiced irregularly" (Jacobsen 2005: 15).

Because Thailand has neither signed nor ratified any of the refugee conventions, the legal obligations of the country are limited to the customary international law of non-refoulement. Even in countries that are signatories, implementation of protection laws depend on the host state's political will and ultimately state sovereignty allows governments to determine refugee rights. It is therefore up to humanitarian agencies to have effective advocacy campaigns to lobby local and national authorities to push for further rights in freedom of movement and work. Human rights based approaches to development recognize the need to work on political levels to change policies and strengthen protective institutions, while at the same time empowering people economically.

3.7 The Rights Based Approach to Development

The human rights based approach to development is "a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed towards promoting and protecting human rights" (OHCHR 2006). In other words, human rights standards, based on international human rights law, are the driving force behind all projects[2]. The rights based approach to development typically focuses on national development projects. For the purposes of this paper, the rights based approach to development will be used as a framework to evaluate humanitarian NGO programs in a protracted refugee situation because livelihoods are primarily a developmental issue. In addition, humanitarian organizations of today increasingly use aspects of the rights based approach, such as participation and empowerment.

The rights based approach to development requires both policy negotiation and the expansion of work opportunities on an individual level, in order to gain approval for programs and to build on the human and social capital of the population. Empowerment is development-oriented on a micro-level. It focuses on achieving economic, social, and cultural rights through participatory and grassroots strategies and provides inspirational-support for community-led initiatives. A 2004 World Bank project, entitled Post-Conflict Fund (PCF), included refugees and IDPs in the grants for vulnerable individuals and found that "programmes generally perform better when they take a rights based approach" (Ferris 2008: 100). Refugees will pursue their livelihoods with or without the help of the humanitarian community (Jacobsen 2005). To take a rights based approach means that instead of seeking gaps to fill with aid, donors look at strengthening the existing skills of refugees and use participatory needs- based assessments to determine where resources should be allocated. Empowering refugees to pursue their livelihoods safely, with dignity, is a step towards fulfilling their economic rights.

The consequences of conflict-induced displacement on a household's economic life can be severe. When refugees arrive in the camps, they have often lost most of their assets and have "displaced livelihoods" (Jacobsen 2005: 10).

[2] People are entitled to minimum living standards, and agencies and institutions are responsible for protecting and fulfilling them.

Compromised assets may consist of natural, physical, social, human, political and financial capital[3]. Human capital, including health, education, and skills, suffer tremendous shock. Education is disrupted as families flee, and displaced people are plagued by food insecurity and infectious disease. In eastern Myanmar, where almost half a million people have been displaced, six out of ten deaths of people on the run are from preventable illness and 43 percent of families report suffer from household hunger (PHR 2011 in dm IRIN 2011). By the time most refugees arrive in camps, they have been "stripped" of most assets that would assist them in their pursuit of livelihoods (Jacobsen 2005).

Savings and other assets are often used up to finance the cross-border journey, while natural assets like land and water are blocked, or endangered in the conflict. Refugees from the Democratic Republic of the Congo have to cross Lake Tanganyika to get to Tanzania and are forced to pay local fisherman highly inflated rates for the journey. Similarly, Afghani refugees fleeing to Pakistan in the 1990s had to pay the Taliban exorbitant bribes along the way. By the time most refugees arrive in the host country, seeking asylum, they have "often lost everything that enables them to earn their own living" (Ibid: 10).

NGOs have to identify the areas in which they can support asset creation to expand peoples' coping strategies in a positive way. Accumulating land, building infrastructure to support the expansion of markets, providing vocational trainings, access to financial services, and organizational capacity- building are all 'dimensions of empowerment' (DFID 1999) that can strengthen assets. "Peoples' ability to escape from poverty is critically dependent on their access to assets" (Ibid: 6). Refugees' livelihood strategies often come into conflict with the national security interests of the asylum government, preventing successful outcomes. The capacity of the humanitarian response to mitigate this tension is highly context dependent. There are a number of different ways NGOs can approach the situation and embark on rights based livelihood programs.

[3] Natural capital consists land and water resources, while physical capital is livestock, tools, roads, and other infrastructure. Financial capital is liquid assets, savings, and credit (Jacobsen 2005: 10). Social capital is 'prestige and connectedness to the community' (DFID 1999: 5) and political capital is the ability to influence policy (Sphere 2011: 204).

3.8 Participation

According to DFID, there are three pillars of policy for the rights based approach. They include participation to ensure that people's voices are heard about the processes that influence their lives, inclusion of the most vulnerable groups to promote equitable change, and the strengthening of institutions responsible for ensuring human rights (DFID 2000 Target Strategy Paper Realizing Human Rights for Poor People, in Piron 2003).

Prior to implementing any livelihoods project, the NGOs should to consult the communities to determine what their needs and interests are. DFID's Sustainable Livelihoods Approach (SLA) recommends organizations to "cast a wide net" at the outset and then use participatory assessments to "hone in on key areas for more in depth work" (22). Displaced populations have very different skills and capacities depending on whether they are urban or rural, and building on existing skills and capacities necessities a broad understanding of the communities' backgrounds and characteristics.

The ultimate aim of a livelihoods program is to "find people's areas of resilience and strengths and to help them to maximize these qualities" (De Vriese 2006: 32) so that they can be self-reliant. Most Burmese refugees were farmers prior to their displacement, so the most natural livelihoods-strengthening program is farming (DG ECHO 2009: 37). DFID's Sustainable Livelihoods Approach insists that people living in rural areas with access to raw materials should not just be provided with increased capacities for farming, but should be given other opportunities too, since the goal is one of "widening choice, reducing costs, and extending access" (1999:24).

3.8.1 Political Advocacy and Changing Policies

The prerogative of the international NGOs working inside the camps is to improve living conditions and create enough livelihoods within the camps that will prevent refugees from risking deportation, exploitation, and imprisonment outside to earn an income. Similarly, tackling the issues head on and altering existing oppressive structures would require linking human rights issues with national laws, and bargaining to change them. "The international human rights regime is meant to stand

above discretionary powers of states and national institutions" (Nadig 2003: 3). Therefore if NGOs wish to enact change, strengthen protection issues, and prevent rights abuses against Burmese refugees, to approach the situation holistically requires addressing both legal barriers and empowering people inside the camps. Inside, trainings, education, and income generation activities are needed. Outside, political maneuvering and advocacy to gain rights to move outside the camp, attain a work permit, and above all, respect for non-refoulement are vital. "Without such supportive policies, opportunities to develop sustainable livelihoods are severely restricted" (WRC 2009: xi).

Host states may believe that keeping refugees encamped and taken care of by international intervention is in their interests but many cases have shown that refugee populations in rural, undeveloped areas can bring economic benefits to the country and nearby communities. According to UNHCR, refugees contribute to economic development by providing cheap labour, working in nearby farms, and creating a new consumer base for local vendors (Loescher and Milner 2011). "Research has shown that refugees with freedom of movement and access to work can contribute positively to the economic development of the house country" (Jacobsen 2005 in Brees 2008: 2).

CHAPTER IV
THAILAND-BURMA BORDER CAMPS

4.1 Thai Government Policies

Thailand has a strong humanitarian tradition, hosting more than one million refugees from Laos, Cambodia, Vietnam, and Myanmar, in the past three decades. At the same time, the government has neither signed nor ratified any of the refugee conventions, limiting legal obligations to the customary international law of non-refoulement. Even in countries that are signatories, the implementation of protection laws depend on the host state's political will and ultimately state sovereignty allows governments to determine refugee rights.

Fortunately Thailand has maintained a generous policy of asylum to Burmese refugees, allowing refugees to stay safely inside the nine camps along the border. But the longstanding nature of the camps is not compatible with restrictions on freedom of movement, and integration has never been an option. The presence of the refugees is regarded as a security concern. Refugees are referred to officially as 'people fleeing conflict,' or 'persons of concern,' (Lang 2002) in order "to stress the temporary nature of the asylum granted to them" (Zarjevski 1988: 188). After two decades, the camps are still referred to as temporary shelters. The refugees find themselves in a precarious position. Continued threats by politicians of camp closures and sporadic forced repatriation by soldiers contribute to a climate of instability.

Policies of "humanitarian deterrence" aimed at controlling population influxes (Ibid: 191) are in fact breaking international refugee law for non-refoulement, the principle that refugees cannot be returned to the country they fled from if they are at risk of human rights violations and abuses (Human Rights Watch 2004). Furthermore, up to 10,000 refugees are rejected at an unofficial border point in Mae Sot each month on the assumption that they are illegal economic migrants (Ibid 2004: 9). The Thai government has repeatedly threatened to close the camps, most recently in April 2011 (Ds IRIN News 2011). This is a cause for concern as the incidence of

four thousand Hmong refugees being pushed back out of Thailand to Laos in December 2009 is evidence that the Thai government is capable of sending back thousands of refugees in one day[1].

While international aid organizations working in the camps continue to advocate lifting the policy of containment from the camps to officially allow greater freedoms for movement and employment, it is unlikely that the Royal Thai government will change the policy, which has been in place since 1995 (DG ECHO 2009: 9). Even the use of permanent materials to construct roads to the camp- to allow aid organizations have access to the refugees- was originally forbidden until local authorities were made aware that the risk of landslides and resulting deaths was too high (Ben Mendoza COERR: 2011).

The first NGOs involved in 1984 with the first influx were Medecins Sans Frontiers (MSF), and Burmese Border Consortium, now the Thai Burma Border Consortium, and COERR who provided food support and shelter (BBC 2004). The UNHCR, the sole UN agency working in the camps, became involved in the mid-1990s when they were first granted permission to register camp populations as prima facie refugees (Lang 2002). Its main role is to assist the government in refugee registration, provide support for livelihood projects, and to advocate for enhanced freedoms for encamped refugees (UNHCR 2001-2010).

Many humanitarian organizations fear that the November 2010 elections will serve as a justification for further efforts to repatriate refugees before conditions are safe (Altsean 2011). While political reforms and promises of parliamentary change remain on the government's agenda, violence against ethnic groups in eastern Myanmar is ongoing (Free Burma Rangers 2012, Dm IRIN 2012, Interview with Karenni Leader 2011). The root causes of refugee outflows stem from the nature of warfare used by the Burmese military against ethnic armies, where civilians are actively persecuted, their villages are burned down and people displaced. The "response is in Thailand, the problem lies in Myanmar" (Interview with Ben Mendoza COERR: 2011). While the Royal Thai Government has consistently expressed the wish to close the refugee camps, much depends on the resolution of the civil wars in

[1]Four thousand ethnic Hmong refugees living in Thailand's northern Petchabun province were deported back to Laos after a bilateral agreement with Laos and an understanding of the Hmong as illegal economic migrants (IRIN 2009).

the ethnic areas of Myanmar and an end to rights abuses by the current regime. Refugees must feel safe enough to return voluntarily with the underlying cause of displacement resolved and a guarantee of safety and security by the Burmese government (Lang 2001).

The potential of regional organizations to pressure human rights- abusing countries into reform is yet to be understood for South East Asian. The Association of South East Asian Nations (ASEAN) has adopted a stance of 'constructive engagement' with Myanmar. The recent release of political prisoners, as well as talks with notable democracy activist Aung San Suu Kyi, may be evidence of the real possibility for change, but this is not sufficient grounds for repatriation as of yet.

In the meantime, the massive influxes of refugees into Thailand over the past two decades, despite Thailand's restrictive policies for refugees and refusal to negotiate integration, show that "building walls is no answer against those who feel compelled to move" (Loescher 1993: 9). In the Burmese situation, the push factors compelling refugees to flee are much stronger than pull factors of the living conditions inside the camps (Brees 2008) with the usual host of issues associated with long-term encampment, such as overcrowding, delinquency, physical abuse, alcoholism and depression (Interviews with NGO workers 2011) as well as the threat of harassment and deportation by Thai authorities should refugees venture outside the camps seeking employment.

Refugees who leave the camps are "left to negotiate their everyday lives as if they were illegal immigrants" and risk deportation, being thrown into the International Detention Center or prison (Lang 2002: 178). Burmese refugee protection is mainly limited to the camps, where refugees are encouraged to either resettle or "endure a life in waiting" (Ibid: 179).

Should refugees choose to stay in Thailand rather than resettle, it is the duty of the international community- who has become their guardians- to ensure them a decent standard of living. Since the birth of the international refugee protection regime and the General Assembly resolution on non-refoulement on 12 February 1946, "the right of an individual to decide his own future was guaranteed by the international community, and was not dependent on the authorities of his country of origin" (Zarjevski 1988: 9). Many Burmese refugees prefer to remain in Thailand rather than

resettling to Europe or North America, because they hold onto dreams of being able to one day return home and fear moving too far from Myanmar and not being able to go back when there is peace (Interviews with NGO workers 2011).

4.2 Challenges for NGOs in the Camps

Twelve agencies operate under the umbrella of the Thai Burma Border Consortium (TBBC)- who replaced the CCA and is now one of the main implementing organizations for humanitarian aid inside the camps. TBBC primarily provides food rations and shelter, as well as functioning as a coordinating body to the Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT). The Livelihoods Working Group (LWG) is composed of nine humanitarian actors conducting livelihoods interventions in the camps[2]. The LWG is necessary to prevent duplication of projects, coordinate livelihood efforts to ensure comprehensive plans, share successful practices, and evenly distribute projects throughout the nine camps[3].

In 2009, the European Commission's Humanitarian Aid Department (DG ECHO) proposed to scale down financial support to Burmese refugees in Thailand through targeted assistance for the most vulnerable, and increased self-reliance projects. DG ECHO termed the Burmese refugee situation in Thailand a "'forgotten crisis' for which durable solutions are not very likely in the short term" (DG ECHO 2009: 14). While international aid organizations working in the camps continue to advocate lifting the policy of containment from the camps to allow freedom of movement and work in nearby towns, it is unlikely that the Royal Thai government will change the policy, which has been in place since 1995 (DG ECHO 2009: 9) and remains a formidable obstacle to the refugees' self-reliance. The difficulties iNGOs and refugees face in moving away from a care and maintenance, or meeting basic needs, represent key tensions between relief and development, as well as legal restrictions placed on refugees that contributes to vulnerabilities and livelihood challenges.

[2]Member organizations of the Livelihood Working Group are: ADRA, COERR, HI, JRS, Solidarites, TBBC, WEAVE, and ZOA.
[3]Most organizations run projects in select camps. Only the Catholic Office for Emergency Relief and Refugees (COERR) currently works in all nine camps.

4.2.1 The vulnerability context

Livelihoods are "the capabilities, assets (including natural, material, and social resources) and activities used by a household for survival and future well-being" (Sphere handbook 2011: 145). The vulnerability context is defined as the external environment that characterizes and affects peoples' livelihoods. The refugee vulnerability context is far more unstable with the increased mobility of the population- both in and outside camps and across borders. "Initiatives that work in more stable development settings could fail in unstable settings of displacement" (Jacobsen 2005: 86). Sustainable livelihoods approaches can be implemented for refugees, but only if these added vulnerabilities are incorporated into the programming (Ibid). The goals of livelihood projects should be to allow them to benefit from positive trends, such as market crops from a favourable harvest, while minimizing the damaging effects of negative trends, and building up peoples' assets. "A household's livelihood is secure when it can cope with and recover from shocks, maintain or enhance its capabilities, and productive assets" (Sphere 2011: 145).

Specific elements of the vulnerability context in the Burmese camps depends varies from camp to camp. While all of them suffer from similar restrictions against freedom of movement, they differ in terms of access to land, permission to raise livestock, NGO presence, and the degree of isolation from other communities. For example, the remote northern locations of the four camps in Mae Hong Son province have left them with fewer NGO livelihoods programs due to the mountainous landscape and unpaved roads (Brees 2008). The camps are also nearly impossible to access in the rainy season, while this is not the case for the ones located in Tak, Kanchanaburi, and Ratchaburi provinces (UNHCR/ ILO 2007). Ban Mai Nai Soi in Mae Hong Son is also only two kilometers from the Burmese border, making it more vulnerable to attacks.

The locations of the camps also affect the economic viability of livelihoods. The camps that are less isolated and have the transportation infrastructure to reach towns have far more potential employment opportunities for refugees after trainings. For example, Mae La is located on a highway only 57 km from Mae Sot, a small town that has around one hundred clothing factories (WRC 2006: 10). Refugee

workers in Mae La can make up to 80 baht per day. In Mae Ra Ma Luang there is less demand so workers will make around 50 baht per day (Brees 2008).

4.2.2 Resettlement

Resettlement also leads to 'brain drain' where the most skilled and educated refugees leave the camps, seriously undermining the capacity of institutions to be self-reliant (TBBC 2011). With more than 72,000 of the most skilled and educated refugees leaving for third countries since 2005, the quality of institutions, such as education, has deteriorated rapidly. The main issue is the need for constant recruitment and re-training of inexperienced teachers (IRIN 2011) all of which requires constant re-investment. Even still, with a population of more than 140,000 people, less than thirty percent of the total population even applies for resettlement (Interview with Ben Mendoza COERR: 21 September 2011) and many drop out during the waiting period.

A 2009 study by the European Commission found that despite the massive refugee outflows in the "world's largest resettlement program" (UNHCR 2009), most people would rather stay in Thailand if their living conditions permitted greater rights, thus increasing the pressure for livelihoods projects (DG ECHO 2009: 37). This is because staying close to home increases the likelihood that they will be able to return when peace is established in Myanmar (Interviews with NGO workers 2011). Another reason if fear of cultural differences in the resettlement country and not being able to fit into the community and speak the language (Ibid). Sixty-five percent of refugees in Camp #1 Ban Nai Soi (in Mae Hong Son)- which has the highest levels of higher education attainment compared to the other three camps combined- would rather stay in the camp with less restrictions (60 percent) or integrate into Thailand (5 percent), while nearly half in Tham Hin camp said the same (DG ECHO 2009: 37). Preference to remain the camps was the same regardless of how long the refugee had resided in the country.

The 1951 Refugee Convention emphasizes the need to give "priority to allowing refugees to make their own decisions about how best to respond to their predicament" (Hathaway 2006 in Deardorff 2009: 30). Refugees' reluctance to resettle highlights the importance of finding accessible durable solutions within the region.

Employing diverse livelihood strategies as a way to prepare refugees for the preferred durable solution respects the choice they are entitled to.

4.2.3 Asylum seekers without protection

Approximately 65,000 unregistered individuals, or more than 40 percent of the current population, do not have official refugee status (TBBC 2011). The last refugee status verification process took place in 2005. The official reason for this is that there are administrative backlogs in the Provincial Asylum Boards (PABs) that is assigned to determine refugee status. But the founder of the Thai Refugee Committee, Veerawit Tianchainan, attributes the delay to the Thai government's reluctance to accept more refugees and wish to discourage 'pulling' refugees from Myanmar (Interview 2010). Meanwhile the number of incoming refugees continues to grow. Many newcomers are accepted into camps and fed along with verified refugees, with the main distinction being that they are unable to vote, ineligible for resettlement, and difficult for NGOs to access. The porous border between Thailand and Myanmar allows them to go back and forth, using the camp as a safe base.

Neglecting the refugee status verification of new asylum-seekers has social consequences. It divides friends and family members, motivating many verified refugees to stay encamped even while they have the opportunity to resettle, thereby potentially inhibiting a durable solution for many exiled people. Children born in camps to unregistered parents before the April 2010 Civil Registration Act also do not have access to birth certificates, rendering them stateless[4] (TBBC 2011).

Push factors, the forces compelling migration from Myanmar, "almost always stem from interlinked political and economic root causes, which makes it impossible to distinguish economic migrants from asylum seekers or refugees…although the final trigger may be a form of extreme poverty, the root causes of displacement are political and military" (Brees 2008: 4). The blurry distinction between refugees and economic migrants is compounded by the ethnic nature of the camps, which discourages some asylum-seekers from seeking residence and refugee status inside (Simon Purnell, ZOA Refugee Care, at the Livelihoods Working Group meeting, September 22 2011).

[4]This applies to all camps except Nu Po (TBBC 2011).

However, while unregistered people in the camps are not technically considered refugees or eligible for humanitarian support, all present camp residents are included in the feeding caseload (TBBC 2010). Unrecognized refugee status at the border generally does not have a negative impact on the sanctuary provided by Thailand since they are in most cases accommodated according to international protection principles, with the exception of Shan refugees.

4.2.4 Declining Assistance

Attaining funding for humanitarian assistance has become increasingly challenging as the situation becomes more protracted (Interview with Sally Thompson, TBBC, October 2011). Open-ended assistance is "a serious concern from the Donor's side" according to DG ECHO (2009: 11). Ninety percent of funding is from governments and the European Union (TBBC 2009). The main concern for the TBBC is that humanitarian assistance is being scaled down while livelihood projects have not yet taken flight to successfully allow for self-reliance (Interview with Sally Thompson, October 2011). ECHO has announced recently that while they have allocated US $8.5 million to the camps for 2012, part of aid reductions in the next years will be to target "only genuine refugees" to eliminate "resettlement seekers" (DG ECHO 2011: 2 and 7).

Cutting back on food and shelter when people are still aid dependent seriously endangers the health of the refugees. Livelihood programs require long-term investment on top of the basic humanitarian assistance, not in place of it. But relying on donor funds for survival is unreliable, especially with the current economic situation. In the global history of humanitarian funding, "the generally poor economic situation… has tended to restrain the helping hand of some donors" (Peter Onu at Arusha in March 1983, cited in Zarjevski 1988: 239).

Donors are reluctant to continue to supply indefinite funds, just as refugees feel trapped and helpless in a cycle of poverty (Interviews with NGO workers 2011). "The poverty of camp refugees is about more than just not having things; it is about having no way in which to get them, and no means of altering or controlling one's own life" (Moorehead 2005: 156 in Deardorff 2009: 10). The employment opportunities available to refugees are severely limited due to restrictions on freedom of movement,

and therefore resettlement is currently the main pathway towards achieving economic freedom. But it is important to respect refugees' choice of durable solutions, whether it is repatriation, resettlement or integration, and livelihoods programs should be diverse enough to reflect recognition of this choice.

To analyze livelihood projects, and the ways in which they operate according to a rights-based approach, it is necessary to analyze the state of human rights inside the camps alongside the programs offered to promote and protect rights. Because livelihoods are fundamentally concerned with improving the state of economic, social and cultural rights for the targeted population, the next section looks at the rights of the child, rights to education, women's rights, the right to food security, and the right to work.

4.3 Economic Social and Cultural Rights

Social problems inside the camp stem from the frustration and boredom that is symptomatic of protracted exile with limited freedom of movement and livelihood opportunities. Alcoholism, delinquent youths, and domestic violence are all issues tied to the constraints on the refugees' economic, social and cultural rights. "Feelings of frustration and anxiety due to the lack of meaningful activity has resulted in a rise in mental illness, gender based violence and alcohol and drug abuse" (ADRA Thailand 2011). Displacement exacerbates the vulnerability of women, children, disabled, and elderly persons (Loescher and Milner 2011).

It is in idle moments when past traumas and current dilemmas surface violently, in the form of domestic abuse and destructive tendencies. The deprivation of the right to work has led to further violations, showing how human rights are interrelated and indivisible (OHCHR 2011). One Burmese refugee anecdotally described the restrictions on freedom of movement as, "living in the dark, like death while you are still alive" (Anonymous Karenni refugee 2010). Another told me that alcoholism had been a major cause of death in the last four funerals he had attended. "People drink too much rice wine, and so many die, some are just under seventeen years old when they start" he said (Anonymous Karenni refugee 2010). Domestic abuse is also cited as one of the social consequences of economic deprivation and

frustration (WEAVE 2011). WEAVE, the women's empowerment organization working in the camps, reports that "domestic violence is pervasive" in the camps and exacerbated by the absence of work to enable independence (Urgel 2011).

4.3.1 Rights of the child and the right to education

Some people feel apathy towards education and vocational trainings, since there are few employment opportunities. Drop out rates amongst youth is linked with delinquency, youth gangs, and vandalism. According to a ZOA Refugee Care survey conducted in 2010, only 11 to 20 percent of all youths attend secondary school. In contrast, nearly 100 percent attend primary school (ZOA Refugee Care 2010: 2). The majority of drop- outs are due to early marriage (43.6 percent), followed by learning difficulties (18.2 percent) and the need to have an income to support the family (10.9 percent). More than 15 percent of secondary school students claimed to have siblings who did not attend school because their parents could not pay. The average price is 70 baht per year, the equivalent of roughly US $2.25. Furthermore the quality of education and health care has deteriorated in recent years as a result of resettlement and the most skilled and educated refugees leaving. While teachers struggle to provide quality education to students, high turn over and low stipend payments has led to difficulties in maintaining institutional capacity (ZOA Refugee Care 2010: 3). Schools struggle to function with minimal resources and many are heavily reliant on international NGOs for the curriculum, accreditation, and resources. Banki and Lang found that the most educated teachers were more likely to leave for resettlement (2007 in ZOA Refugee Care survey 2010: 60). It has lead to a "pervading sense of discouragement and frustration amongst those who are left behind to cope" (Ibid: 134). Illegal employment outside the camps may endanger the household's survival and parents who knowingly take that risk are making rational choices based on trade offs of salary versus safety. This conveys the urgent need for more safe employment inside. The livelihoods programs aim to meet this need, but are not yet able to provide significant incomes to really have an impact on this, according to the NGO workers interviewed (2011).

Violations of the child's right to education (Convention on the Rights of the Child 1989: Article 28) are a result of the lack of employment and livelihood

opportunities for caretakers that cause them to rely on children for financial support and prevent them from being able to pay for children's education. Nearly 34 percent of parents work outside of the camps, and are not present to help their children with schoolwork. More than half of all parents are also unable to read or write (ZOA Refugee Care 2010). Exclusion from education due to language issues also hinders young peoples' ability to find a livelihood later on. While 12-24 percent of refugees in three camps in Tak province[5] are Muslim, only 1.2 percent of secondary school students are Muslim. Su Ann Oh concluded that the language of instruction, Sgaw Karen and not Burmese, excluded the Muslim population, thereby disadvantaging their "preparation for resettlement, repatriation, or integration into Thai society" (ZOA Refugee Care survey 2010: 69).

4.3.2 Vocational Trainings

"The full realization of this right [to work] shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment" (ESCR, Article 6 (2)).

Vocational trainings build on human capital by equipping refugees with skills for labour and increase social capital through honing in on skills such as cooperation, organization and leadership capacities. Refugees often have limited access to natural resources, such as farmland and water, and often have to shift their livelihood strategies towards non-agricultural entrepreneurial activities if they are to have an income. This is a key entry point for a livelihoods intervention, in order to facilitate the shift away from farm activities. "The move toward non-farm activities like trading is very important, especially for women" (Jacobsen 2005: 11).

The skills should be relevant to preparing refugees for the economy in Myanmar should they repatriate in the future. If refugees are not equipped with the appropriate skills to find livelihoods in their home villages when they repatriate, they may be forced to leave again in order to find adequate work[6]. If vocational trainings are not geared towards preparing refugees for repatriation, resettlement, or job

[5]The camps include Mae La, Umphiem Mai and Nu Po.
[6]This is called 'secondary migration' and can be riddled with protection issues, such as trafficking.

opportunities in the camps, then they may be inappropriate for the population. "It must be about creating opportunities and preparing the displaced for their future lives in their countries and regions of origin, or wherever they may find a long-term living solution" (WRC 2009: iii).

While creating institutions and building the capacity of local organizations and individuals are crucial for skills trainings and cultivating leadership abilities, "structures on their own- without accompanying processes- have only 'potential' or 'option' value" (DFID 1999: 19). Capacity- building and skills training for refugees without the legal opportunity to work appears to be a waste of money. A 2008 report on vocational skills trainings at the Thai-Burma border concluded that "to really achieve the objective of sustainable livelihoods, a more rights based approach to livelihoods is urgently needed, even if working towards refugee legal status and livelihood rights is much more difficult than providing care and maintenance programmes" (Brees 2008: 9).

Furthermore, donors are unwilling to fund programs without the strong potential for successful outcome (i.e. income generation and self-reliance). The problem is that programs take significant initial investment to show results years down the line.

The Livelihoods Working Group recently proposed the idea of targeted trainings for refugees who plan to repatriate, recognizing the economies in the third country and the skills that would be beneficial in that environment (LWG meeting 22 September 2011). Vocational trainings are offered by NGOs such as the Adventist Development and Relief Agency (ADRA), WEAVE and Solidarites International. ZOA Refugee Care was responsible for implementing vocational trainings in the camp from 2003 until 2010, when they handed over responsibility for programs to ADRA[7]. The programs were initially developed to teach skills that would be relevant in Myanmar[8]. Vocational Trainings (VT) now include cooking and baking, sewing, hair-dressing, auto mechanics, carpentry, stove making, welding, and basket weaving to 6,000 participants, or roughly 3.75% of the total population of 160,000.

[7]The program is funded by the UNHCR (ZOA Thailand Phase-Over Newsletter 2010). The courses are implemented through the Karen Refugee Committee (KRC) in seven camps along the border from Mae Sariang to Suan Phung.
[8]Communications with Simon Purnell, ZOA Refugee Care, November 2011.

The most popular courses are cooking, baking, hair- dressing, hair cutting, auto mechanic, and sewing. The courses are chosen based on the community's interests, the availability of trainers, and the feasibility of earning an income through the trade (Communications with Honest Roger, ADRA Project Coordinator, October 2011). Fifteen to twenty students are in each class, and students are not required to pay any fees. Courses run for 150 hours for one to two months. The main benefits are that it improves the quality of life for the refugees and gives community youths the opportunity to learn skills. The courses are in core technical competencies that are relevant to small enterprises both in Thailand and in Myanmar (ADRA 2011). The non-material benefits of the courses are an improved quality of life through increased "self-esteem, control and inclusion and influence in community decision-making" (ADRA 2011). Ten courses also offer accreditation in accordance with Thai standards for Vocational Training Colleges.

A fundamental challenge is that few students are able to utilize the skills they gain after the course finishes because of the lack of employment opportunities inside the camps. The trainings are contradictory to the lack of employment access (Maynard and Suter 2009). However, ADRA is currently embarking on a participatory needs assessment to determine which subjects should be offered in future vocational trainings, and is seeking ways to support the graduated trainees.

4.3.3 Women's Rights

Another protection issue that is intricately linked with livelihoods and displacement is that vulnerable individuals are even more at risk of exploitation and unsafe working conditions. According to international law, women have the right "to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction" (CEDAW 1979, Article 11f). Women, children, disabled, and elderly persons are particularly liable to becoming victims of violations triggered by displacement (Loescher and Milner 2011). Burmese refugee women in Thailand surreptitiously leave the camps to seek wage labour and often trafficked into situations where physical and sexual abuse are rampant (Women's Commission for Refugee Women and Children: 2006). Roughly 40,000 women are trafficked from Myanmar into Thailand to work as factory workers, sex workers, and domestic workers (Ward

2005 in WRC 2009:5). This is contradictory to the 1979 Women's Convention, which was ratified by Thailand in 1985, and stipulates that, "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women" (Article 6).

While numerous reports document the extensive gender-based violence that women face at the hands of the Burmese military before arriving in the camps, there is less information about the domestic and gender based violence inside the camps as cultural shame and impunity lead to underreporting (WEAVE 2011). However research from 2002 estimate a 20 percent prevalence rate for domestic violence (WCRC 2006) and a study by the Reproductive Health for Refugees Consortium (RHRC) in 2001 did find that domestic violence and sexual assault were major concerns in Karenni and Karen camps. The Karenni National Women's Organization estimated that up to 60 percent of women had experienced some forms of gender- based violence, with domestic fights as the main cause. "Verbal arguments flare up regularly because of poor economic conditions… wives accuse their husbands of failing to provide for the family" according to a Karenni camp leader in the study (RHRC 2001).

Domestic violence is addressed by the local Camp Committees, who usually counsel the couples and try to encourage peaceful reconciliation. Since 2006, criminal rape cases are sent to the Legal Assistance Center (LAC), run by the International Rescue Committee (IRC) and UNHCR (Bj IRIN News 2009). Under traditional justice systems, the perpetrator of the rape either marries the victim or pays money to the husband of the victim if she is already married (Mendoza 2011). While this is not compatible with human rights views of justice, where perpetrators must be held accountable through punitive measures and/or the victim compensated, a key factor relating to gender based violence is economic stress, according to the WRC (2011), RHRC (2001), and WEAVE (2011). Livelihood interventions that improve living conditions invariably decrease economic-related stress. Safe economic opportunities for women decrease the risk of exposure to gender- based violence (WRC 2011) while women's incomes raise their status in the household (WEAVE 2011).

For refugee women survivors of GBV, reproductive health services are offered free of-charge through clinics, trainings, and counselling, by the International Rescue Committee (IRC), the Premiere Urgence-Aide Medicale Internationale (PU-AMI), The Karen Women's Organisation (KWO), and the Planned Parenthood Association of Thailand (PPAT). Sexual assault survivors can obtain Emergency Contraceptive Pills (ECPs) at the NGO clinics (Ibis Reproductive Health 2012). Survivors can also be referred to Thai hospitals for abortion, which is permitted only for rape cases, but police documentation of the assault rarely obtained by the survivor. In addition, local providers also frequently refuse to perform the operation (Ibid). The measures to assist survivors are limited to these legal and physical measures, without significant mental or emotional support services, which are not widely available in general (Interview with Sally Thompson, TBBC, 2011). Services are provided on request and there there exists no mechanism for identifying or preventing GBV (IRC 2002) with the exception of educational trainings to inform women of their rights (WCRWC 2006).

4.3.4 Right to Work

More than 50 percent of refugees in seven camps[9] listed their current occupation as 'housework' and more than 55 percent have no income at all (ZOA Refugee Care 2011: 50-51). Approximately nine percent engaged in day labour outside, nearly 7 percent worked for an NGO, and 5.7 percent had no activity at all (Ibid). ZOA Refugee Care reports that while there are higher percentages of people with no income at all than in 2005, there are also higher income levels, with 30.4 percent of households earning between 500-2000 baht per month, a nearly 8 percent increase since 2005. This may be because income generation initiatives boost incomes for those who are already working, without having a significant impact on those without any employment. Many of the other livelihoods interventions focus on non-monetary gains, such as skills trainings that show benefits only in the long term, and organic agriculture to provide nutrition and increase food security.

[9]The seven camps covered by the ZOA Refugee Care survey include: Mae La, Umphiem Mai, Nu Po, Ma La Oon, Mae Ra Ma Luang, Ban Dong Yang and Tham Hin.

Part of the household coping strategy for refugees often involves 'straddling' (DFID 1999). Straddling is when family members disperse, living and working in different locations, in order to diversify and maximize resources. Refugees will situate certain household members inside of the refugee camp to receive humanitarian aid, while others undertake wage labour or other jobs outside (Jacobsen 2005). Refugees may leave the camps and undertake dirty, dangerous or disgusting (three-D)[10] work that compromises their safety and puts them at risk of arrest, exploitation, and deportation.

In the four camps in Mae Hong Son[11], at least 45 percent of refugees work outside of the camps (IRC 2006 in UNHCR/ILO 2007), 94 percent of which is in seasonal agricultural labour, earning 40 to 60 baht (US$1.30 to $1.95) per day despite the minimum provincial wage of 145 baht ($4.70). In two separate studies by the International Rescue Committee and UNHCR conducted in 2006, both agencies found that more than half of the refugees who left the camp for work suffered exploitation. Nineteen percent were mistreated, twelve percent underpaid and twelve percent not paid at all (UNHCR/ILO 2007: 21-22).

While the Thai government is afraid of creating competition between refugees and locals (Weftshop 2009 in Maynard and Suter 2009), a study conducted by Inge Brees in 2008 found that economic integration between refugees and communities in the under-populated border areas is already taking place clandestinely and benefiting local industries (Brees 2008: 8). Local economies in border regions rely heavily on Burmese refugee labour. "Although national policymakers may lay down the rules, at the local level application of those rules becomes much more nuanced, depending on the attitude of local authorities" (Harris 1994 in Lang 2002: 98).

Without the refugee population, local labour needs of employers in Mae Sot would not be filled (Brees 2008). Industry firmly depends on refugees for the expansion of local industry because "the manpower of the Burmese [is] essential to boost industry and agriculture" (Brees 2008: 9). Similarly, in the camps in Mae Hong Son, both refugees and local employers recognize the mutually beneficial relations that

[10]The International Labour Organization (ILO) defines 3D work as hazardous work. For more information, see: <http://www.ilo.org/safework/areasofwork/hazardous-work/lang--en/index.htm>

[11]The four camps in Mae Hong Son are: Ban Mai Nai Soi, Mae La Oon, Mae La Ma Ruang, and Ban Mae Surin, the total population of which is 52,178, roughly 35 percent of the total 146,007 people in all nine camps (TBBC 2011).

come from subcontract work. Refugees earn an income and farm work is done more efficiently with more workers. "Seasonal labourers have significantly contributed to their agricultural production, and this provides the hosting communities with a better standard of living" (UNHCR/ILO 2007: 37).

When Antonio Guterres, the UNHCR High Commissioner, visited the camps in 2006, he noted that many of the refugees already work outside and this needs to be regulated to prevent exploitation (Maynard and Suter 2009). Outside of the camps, there are an estimated 2.4 million documented and undocumented Burmese migrant workers, making up 80 percent of the migrant worker population and five percent of Thailand's total labour force in critical industries like shrimp factories (IOM 2011).

In non-refugee settings, linking poverty alleviation to human rights law provides the legal framework and authority to concretize people's economic, social, and cultural rights and identify duty-bearers, who are responsible for aiding the fulfillment of rights. If livelihoods had been embarked upon in the first fifteen years of the existence of the Burmese refugee camps in Thailand, much more could have been achieved by now to foster self-reliance (WRC 2006).

The majority of the Burmese refugees welcome vocational trainings and pilot projects for livelihoods, displaying a willingness to "invest in their own human capital" (DFID 1999). Sixty-five percent wish to attend training courses, nearly 60 percent would enroll in language classes if offered, and almost half are interested in awareness- raising, according to ZOA Refugee Care Education Survey conducted in 2005 (Brees 2008: 1). More than 73 percent of students who had dropped out due to learning difficulties would continue schooling if they had the chance (ZOA Refugee Care Survey 2010). Women who undergo vocational trainings in community care and counseling could apply their expertise for the benefit of local Thai communities if they were allowed (KWO and UNSW 2007 in Maynard and Suter 2009: 8).

4.3.5 Right to food security

"Everybody should have physical and economic access to food or the means of producing it at all the times" (International Network for Economic, Social, and Cultural Rights 2011).

The quality of a person's diet affects both mental and physical health, with nutrient content having a significant impact on functioning. Refugees who are given set rations are at particular risk of malnutrition due to the lack of diversity in intake. The ration consists of rice, pulses, fortified rice and soy flour, fish paste, oil, salt, and sugar (TBBC 2011) but does not provide any fresh foods, such as vegetables, fruit or meat (Brees 2008). A mental health study by Cardozo et al. amongst Karenni refugees identified the low micronutrient content in the food ration as one of the psychosocial risks for depression and negative social functioning (2004), a finding that can perhaps be generalized to all nine camps given that the ration is the same. It provides enough calories but it does not meet higher protein and micronutrient needs (DG ECHO 2009). Nursery age school children are provided with daily lunches through an extra five baht, or US 16 cents, per head per day that is provided to CBOs to distribute to schools. Stunting and low weights are high (TBBC 2011). A low level of widespread malnutrition is prevalent in the camps (Maynard and Suter 2009), and the seven percent of refugees who rely solely on humanitarian aid without any household income are likely to suffer greater nutrient deficiencies without access to community gardens and other agricultural initiatives to grow food.

In recent years the profile of the food basket has shifted to include less carbohydrates (rice) and more proteins (pulses and fortified flour) in order to reduce costs without dropping below nutritional standards for rations set by the World Food Program (WFP), UNHCR, and World Health Organization (WHO). Ration costs are now 15 percent lower than past years (TBBC 2011). However, reductions to the ration in the past two years have left "little scope to make further reductions to food rations without endangering the nutritional status of the population as a whole" (TBBC 2011: 13).

Further reductions in food aid will not only endanger the health of the refugees, but there is evidence that when food assistance declines, it leads to protection issues by instigating desperate coping strategies and urban migration. Food aid is a strong incentive for refugees to stay camps that disappears with declining assistance. When the UNHCR and WFP stopped giving rations to Afghani refugees in Pakistan, it prompted tens of thousands of people to leave the camps (USCR Pakistan in Jacobsen 2005). If refugees leave the camps there are major protection risks

involved. Livelihoods interventions can identify "where and how social protection might be directed in order to build the necessary assets to ensure food security" (Turrall 2011). A major thrust of the livelihoods component in the camps is providing more food and increasing food security and micronutrient intake through agriculture.

4.4 Meeting Basic Needs

The basic humanitarian assistance provided is not enough to cover all the needs of refugees (Thompson 2011), leading to high rates of risk-taking by leaving the camp confines (UNHCR Thailand 2011). In an interview, TBBC's deputy director said, "the humanitarian assistance program to the camps is very basic, and does not cover all of people's needs" (Thompson 2011). It only provides the ration and shelter, without basic household amenities such as soap (Interview with Sally Thompson, October 2011). While the NGOs COERR and Solidarites engage in a soap-making project for relief substitution, gaps remain in clothes and other amenities. In most protracted situations, "many basic needs are met by relief programs, but not all are" (Jacobsen 2005: 12). Needs also tend to outlast funding, highlighting the need for refugees to diversify livelihoods to meet needs.

4.4.1 Remittances and Stipends

While more people are earning an income than in 2005 (ZOA Education Survey 2010: 1), the majority of incomes come from remittances sent by refugees abroad, or low-paid stipend work provided by NGOs. Nearly three-quarters of all refugees have a family member abroad, and one-third of them are receiving remittances (Ibid).

The majority of businesses are able to get off the ground from remittances sent back from resettled refugees. Approximately 25 percent of all households receive remittances from abroad (DG ECHO 2009). While remittances from resettled refugees play a pivotal role in aiding their families' ability to pay school fees, meet basic needs, and initiate businesses, it may disadvantage the resettled refugees by negatively impacting their ability to save (Jacobsen 2005).

The main opportunity for safe employment inside the camps comes from highly sought after jobs with international NGOs. A study by ECHO found that one-third of all households with an income had a family member working with an NGO in the camp, and they range from 500 to 1500 baht, or US $17-50, per month (DG ECHO 2009: 39). From 2004 to 2009, increasing numbers of refugees participating on camp committees and in food distribution began receiving incentive stipends for their work (TBBC 2010). The stipend is now one of the largest sources of income in the camps, providing for roughly 10,000 people.[12]

While stipend work contributes to the expansion of the cash economy inside the camps, it is largely artificial and is not sustainable in light of the difficulties NGOs have in maintaining funding for programs. Additionally, a little more than 48 percent of stipend work is in the education sector, which is notorious for low pay, long working hours, and overcrowded classrooms, all leading to high turnover rates (Bank and Lang 2007 in ZOA Refugee Care Survey 2010: 60). NGO stipend work is also limited to educated refugees, leaving a gap in safe employment opportunities for refugees who do not have higher education or language skills. More than 2,000 refugees are employed in camp-based management positions (TBBC 2011).

All of the NGOs encourage women to participate in their livelihoods programs and opportunities for stipend work, but difficulties arise when work conflicts with responsibilities at home (WEAVE 2011). "When a child is sick in the family, usually the female is the one to look after it" (Correspondence with Simon Purnell, ZOA Refugee Care, 2012). Roughly 50 percent of NGO stipend workers are women, according to TBBC and ZOA. In the education sector, there are 952 female teachers out of a total number of 1,537 teachers in seven camps[13], meaning that nearly 62 percent of all teachers are women (ZOA Refugee Care 2010). While teaching provides women an opportunity to work inside the camps and avoid the security issues associated with leaving the camps for work, it is only available to skilled and educated women. WEAVE asserts that the lack of paid opportunities for low skilled women leaves them with few other means to earn a livelihood and contributes to lapses into negative coping strategies (WEAVE 2011).

[12]Ibid.
[13]This number refers to basic education schools in Mae La, Umphiem Mai, Nu Po, Don Yong, Tham Hin, Mae La Oon, and Mae La Ma Oung (Internal statistics by ZOA Refugee Care, December 2010).

4.4.2 How stipends assist the vulnerable

Higher incomes in the camp are associated with an improved diet (DG ECHO 2009: 48). TBBC was also able to cut down on the quantity of each ration in 2010 based on the assumption that the majority of refugees are able to buy supplementary food (TBBC 2010). However, stipends remain low, averaging approximately 900 baht a month, or thirty baht per day, approximately US $1. Refugees have to choose between working in camp management and receiving the stipend, which is stable but low pay, or day labour which is unpredictable and puts the refugee at risk of arrest for leaving the camp (Interview with Sally Thompson, TBBC, October 2011).

Case workers for COERR, who are given a stipend, monitor unaccompanied children and provide support to Community Based Organizations (CBOs), such as the Karen Women's Organization (KWO). The activities, entitled 'self-help activities' are relief substitution work. EVIs make candles, soap, and herbal balm. Solidarites International buys the soap and candles from the refugees for re-distribution. Elderly people make soya milk, and it functions as a community- building exercise that provides nutrition, engages them in a productive activity, and builds on social capital by creating support networks.

Non-stipend based livelihood projects by CCSDPT member organizations are coordinated under the Livelihood Working Group structure, which vowed in 2009 to move away from high dependence towards capacity building and integrating with the Thai service sector for health and education to promote long term solutions (CCDSPT Strategic Plan 2009). There are seven main organizations working with livelihoods in the camps. In recent years TBBC, the main distributor of humanitarian assistance, has piloted projects to stimulate refugee livelihoods, particularly in community gardens to grow vegetables (CAN) and Village Savings and Loans Associations (VSLAs). Other programs include organic agricultural initiatives by ZOA Refugee Care and the Catholic Office for Emergency Relief and Refugees (COERR), vocational trainings offered by ADRA, and income generation projects through Women's Education for Advancement and Empowerment (WEAVE), TBBC, and the American Refugee Committee (ARC).

4.5 Identifying the Transition

Up until 2003 when ZOA Refugee Care piloted the first livelihood and vocational programs, the humanitarian response to the Burmese refugee influxes in Thailand was primarily based on a care and maintenance approach for basic health, shelter and rations that met the survival needs of refugees without addressing long term empowerment. NGOs, most notably the Thai Burma Border Consortium, rallied to collect enough funds to support the basic needs people who had been forced into camps in the mid-1990s. The first ten years of the refugees' presence in Thailand, from 1984 to 1995, the communities were relatively self-reliant in village-like settlements (Thompson 2011).

NGOs provided only rice, which refugees were not allowed to farm. When the Burmese army and its proxies seized the border and launched cross-border attacks into the camps in 1995, the camps were consolidated from settlements that previously had at most, 6,000 people to ones with 25,000. This seriously limited the amount of foraging, small-scale farming and wood collection that people were able to do in their surrounding environments, because of the environmental implications of such large populations. Until that point the government and NGOs had taken a 'hands off' approach that allowed communities to maintain the political structures that they had prior to displacement. In 2005, the resettlement process was finally permitted, with roughly 72,000 refugees resettling in third countries in the past six years (TBBC 2011).

The same year, the UNHCR and the MoI's Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT)[14] successfully campaigned the Royal Thai Government to permit skills, training and higher education projects for the camps. 'Pilot projects' for livelihoods are now allowed. Humanitarian programs in the camps are currently in the transition phase between emergency aid and development as organizations struggle to move away from 'near blanket support' (DG ECHO 2009: 11) towards self-reliance. International NGOs working along the border have enacted a plethora of ad hoc livelihood programs in recent years. Current livelihood

[14]The CCDSPT was set up in 1975 to aid Indochinese refugees and now includes 17 member organizations working towards aiding Burmese refugees. For more information, see < http://www.ccsdpt.org/aboutus.htm>.

interventions include vocational trainings, organic agriculture programs, and income generation projects including small grants and handicrafts. Livelihoods programs, including stipend payments by NGOs, benefit 36,000 people-roughly 24 percent of the population- through a participating household member[15]. (Communications with Madeline Sahagun, LWG Coordinator, November 2011). Programs are called 'pilot programs' despite the number of years that many have been operating due to the Thai government's reluctance to give official consent to projects. This also contributes to the challenges NGOs face when trying to attract funding for projects (Interview with Sally Thompson, TBBC, October 2011). Refugee hosting states sometimes view self-reliance projects as an attempt to gain a 'back door' to integrating refugees into their country (Loescher and Milner 2011: 16). International pressure and advocacy for greater rights for refugees can be interpreted as an attempt at "burden shifting" that breaches national sovereignty (UNHCR 2009 in Loescher and Milner 2011). NGOs must bargain for the freedoms of refugees in order to make incremental improvements in life in the camps.

Livelihood projects thus aim to maintain a low profile and are implemented in an ad hoc manner. The Livelihoods Working Group aims to consolidate efforts and offers the potential for greater coordination between projects. But significant challenges remain. Working with refugee communities involves different factors than other impoverished communities. Humanitarian agencies must be creative to work with limited land resources, the creation of employment opportunities and an economy inside the camps, and vocational trainings that are relevant afterwards. Programs also have to take into account the instability of the refugee camp environment. The refugees' stay in Thailand depends on the political realities concerning Thailand, Myanmar, and the international community, and programs need to take into account future uncertainties and aim to prepare refugees.

The Thai government has expressed the desire to close the camps within the next two to three years (TBBC 2011: 11), but until the situation in Myanmar is safe, repatriation cannot take place without significant safety risks to the refugees and the high possibility of secondary displacement. Until the camp closures are a certainty, agencies in the camps will continue to develop livelihoods for the population in order

[15]The numbers of indirect beneficiaries are estimates assuming 4.4 persons per household.

to prevent losing more years of productivity. The downscaling of funding, donor pressure on agencies, and increasing recognition of the need to fulfill human rights and prevent refugees from engaging in negative or illegal coping strategies, were the main reasons for the adoption of many livelihoods programs in the past five years (LWG meeting 2011, Simon Purnell, ZOA Refugee Care). The shift in donor funding towards livelihoods has left gaps in basic needs. Without legal access to work and integration, there is a need for an ongoing flow of aid into the camps until the communities are able to be self-sufficient.

While organizations have adopted the rhetoric of self-reliance and have formed a Livelihoods Working Group to provide support and coordinate livelihoods programs of the NGOs, with only 2.5 percent of the annual budget allocated towards livelihoods, the situation on the ground does not reflect this. While there is no set amount of funding that will guarantee successful livelihoods outcomes, as budgeting is highly dependent on the context of each project, livelihood programs must be prioritized and mainstreamed throughout the whole humanitarian response in order to be sustainable, according to DFID's Sustainable Livelihoods Frameworks (1999). With this assumption, such a small percentage of funding allocated towards livelihoods programs, it is clear that there is not enough funding available in total to prioritize livelihoods.

Meeting basic needs takes up the majority of the funds and until more money is available, livelihoods will continue to be overtaken by more pressing issues, such as providing food. TBBC's strategic plan in 2007 included livelihood activities for non-resettling refugees to pursue while waiting for change; in 2009 this shifted to livelihood strategies that "promote change and durable solutions" (TBBC Strategic Plan 2009: 4) reflecting "an increasing resolve by the international community to no longer accept the status quo of prolonged encampment where refugees are almost entirely aid-dependent" (TBBC Strategic Plan 2009: 4).

The community-based management and low-key relief structures in place in the camps since the very beginning facilitate the implementation of livelihoods projects. Refugee leaders monitor camp committees, who coordinate with the UNHCR, NGOs, and local Thai officials and security personnel. Camp committees together with Thai paramilitaries are responsible for camp surveillance (Vogler 2007:

4). Trained refugees run the schools and health facilities, and community-based organizations play a strong role in the community. “The refugees brought with them structures and de facto governments and set up their own committees” said the deputy executive director of TBBC, Sally Thompson, who has been working on the border for the past twenty years (Interview, October 2011).

The political structures have extended into the camp structures of today where refugee committees, such as the committee for women, create their own programs and approach NGOs for funding. “They don’t want a partnership, because that implies that we have a role in creating and implementing their programs, which they don’t want” (Ibid). NGOs provide technical trainings and financial support but the initiative is born in the communities. The high level of community organization and flourishing community-based organizations (CBOs) is evidence of a strong sense of collective responsibility and desire for self-reliance. In the nine camps there are more than eighteen CBOs for issues on women, youth, human rights, culture, the environment, and news. The abundance of community structures have led to grass initiatives that approach NGOs for financial and technical assistance, ensuring that programs are rooted in the needs of the community. The main tools they seek are technical help and funding (Interview with Sally Thompson, October 2011).

4.6 Agricultural Initiatives

Agricultural programs aim to give people an alternative food source, and are a step towards self- sufficiency by increasing access and availability of food. TBBC is only able to provide the bare minimum for nutrition, and other sources of micronutrients and vegetables are necessary. With only 82 percent of nutrient needs met by the ration (TBBC 2009), vegetables are a welcome supplement. According to the World Health Organization, the consumption of vegetables can prevent major micronutrient deficiencies for populations without a varied diet (WHO 2004). “Food insecurity is a core dimension of vulnerability… hunger and dietary inadequacy [are a] distinct dimension of deprivation” (DFID 1999: 25). In all refugee setting, agencies need to negotiate land tenure with local and provincial authorities. Income generation from agriculture should facilitate links to the market for income generation, provide

resources- tools, seeds, and land- and add value to produce by teaching processing techniques- drying, preserving, etc.

The difficulties in agrarian initiatives in refugee areas generally stem from inadequate access to the necessary land and water resources, which lead projects to be "small- scale, low-input, and often unsustainable" (WRC 2009: 138). Host governments do not generally allocate fertile land areas for refugee camps. In Kakuma and Dabaab camps in Kenya, the earth is arid and infertile, preventing any sort of crop cultivation (Jacobsen 2005: 31). Farming projects also carry the risk of causing environmental degradation if large portions of the population carry out practices unsustainably. Surplus crops that are produced to sell, instead of to supplement the ration for households, need to find a market niche outside of what is already being produced to avoid stockpiling of unwanted food and wastage.

At the same time, farming is the most feasible self-reliance strategy for rural refugees, because it is also relevant for repatriation. The majority of refugees came from farming communities in Myanmar, and agricultural programs "play a key role in keeping the farming skills alive for refugees who have been confined in the camps for long periods of time" (Correspondence with Ben Mendoza, COERR 2011). The older generation of Burmese refugees in Thailand worries about the erosion of existing skills if they are not used (WRC 2006: 10). The agricultural program builds upon existing skills. A recent survey found that an overwhelming to 92.6 percent of refugees were born in rural areas, with the remaining 7.4 percent of births taking place in towns, cities, or the refugee camp (ZOA Refugee Care 2010: 26). More than sixty percent of refugees were farmers in their last occupation (Ibid).

Agricultural programs in the Burmese refugee camps are currently in the process of building up the refugees' access to natural capital by increasing available land for farming, water for irrigation, and marine life and livestock rearing. In the four northern camps in Mae Hong Son, local economies are based on agriculture, growing cabbage, garlic, rice, and soybean (SPCP 2007). Natural capital is vital for all those who "derive all or part of their livelihoods from resource-based activities" such as farming (DFID 1999: 11). The legal restrictions against farming the land in the camps means that the only way they can engage in agricultural activities is through NGO

programs or illegal piecework in the farms, where the wage of fifty baht per day has remained the same since 2001 (SPCP 2007).

The NGOs TBBC, COERR, and ZOA engage in organic agricultural initiatives to grow food to supplement the ration. All of the programs include trainings on environmental awareness and conservation and offer the program to neighbouring Thai villages as well. NGOs directly support natural capital through trainings on ecological conservation and awareness, using resources sustainably, and accumulating land for the refugees' farming activities. Past assessments have shown that there is a positive correlation between higher income and investment in natural capital (DFID 1999: 11). Furthermore, the efficient use of natural resources has long-term benefits that mitigate the environmental strain of supporting such large refugee populations.

4.6.1 Access to land

The abundance of under-utilized farmland in the areas surrounding the camps works in favour of agriculture projects. Access to physical capital, such as land, is important for determining the relationship between refugee and local populations, which are more likely to be harmonious if land is plentiful and people have enough to grow food (Jacobsen 2005). For example, in western Uganda land constraints have led to conflict with nationals over who can use the land in Nakivale Refugee Settlement, while in Zambia, Angolan refugees contribute to land production and are praised for being "hard workers" (Ibid: 16).

Access to agricultural land inside the camps, which is only feasible in certain areas[16], is correlated with middle and higher incomes (between 500 to 1500 baht per month) as opposed to poor or very poor incomes (from zero to one hundred baht per month) (DG ECHO 2009: 48). Negotiating access to land outside of the camps in Thailand is a process enacted with local authorities at the provincial level. The flexibility offered to NGOs has been to the benefit of programs, which have succeeded in accumulating land.

[16]Access to land is greater in Nan Soi and Nu Po than the other camps, where nearly a quarter of all households have access, as opposed to 15 percent in Mae La and only 1 percent in Tham Tin (DG ECHO 2009). Tham Hin is the most population dense area, with 99, 985.8 people per square km (ZOA Refugee Care 2010: 31).

Since 2007, ZOA's agricultural program has accumulated more than 195 rai, or 77 acres, of land, totaling 275 rai (109 acres) in 2011 for vegetable and crop planting. Future plans include land allocation to refugees for them to manage by themselves[17]."In a remote rural area, people may feel they require a certain level of access to natural capital to provide security" (Sphere 2011: 6). The accumulation of farmland allocated by ZOA for refugee use contributes to this sense of security, while ZOA works in partnership to build the capacity of local camp committees in order to eventually shift responsibility to the refugees themselves (Simon Purnell, ZOA Refugee Care, 2011). Similarly, since May 2005 refugees at the Mae Sariang camps in Mae Hong Son can register with COERR for a piece of farmland to grow food on (COERR 2011). The total amount of land used for COERR's agricultural projects is now 105.75 rai, equivalent to 42. 3 acres, spread over the nine camps (Correspondence with Mendoza 2011). In total, 382 rai, or 151 acres are allotted for the agricultural programs. A little more than 6,000 people participate in the farming programs, or approximately 3.75 percent of a population of nearly 160,000. If we include the number of people in the household who benefit from improved access to food, with roughly 4.4 persons per household, there are 26,635.4 beneficiaries, or 16.59 percent of the population.

4.6.2 Enhancing food security

Food security is an important dimension of the need for livelihoods. Without adequate access, availability, and affordability of food, "coping strategies may carry costs or incur risks that increase vulnerability" (Sphere 2011: 177). COERR's program, entitled Organic Agriculture Training and Production, is an initiative to provide fresh vegetables for consumption, not sale, and to increase nutritional intake while sustaining the farming skills of refugees. It operates in all nine camps. Participants undergo a training course and are given seedlings afterwards. The aim is to provide land and materials so that people can grow vegetables to supplement the rations in an environmentally friendly way.

By encouraging people to grow their own food, it eases the transition towards self-reliance gradually. For example, when TBBC eliminated chilies from the

[17]Correspondence with Simon Purnell, ZOA Refugee Care, November 2011.

food basket in 2010 due to budget cutbacks, COERR distributed the chili seedlings so that those who wished could grow their own chilies. As chilies are an important cultural staple and add vitamin C to the dominantly rice- based diet, this was an important step in order to maintain the integrity of the Burmese diet. Access to culturally important condiments, while not necessarily nutritionally substantial, is a part of food security (Sphere 2011). Allowing refugees to maintain their traditional culinary customs maintains the refugees' cultural integrity as Burmese.

In 2010, COERR's agricultural initiative produced 1,400 metric tons of 47 different varieties of vegetables. There are currently 3,740 participants in the program, whose households benefit directly from increased consumption, leading to approximately 16,456 beneficiaries, or 10.3 percent of the total population. Since the livelihoods program started in 1990 there have been 4,260 direct beneficiaries, and including those currently participating, this equals roughly 8,000 people. With improved irrigation systems, the agricultural output has also doubled in the past ten years (COERR Newsletter 2011). The program focuses on 'production for consumption' and not production for income, preventing wastage of surplus and ensuring that the fresh nutrients benefit the participants' family members directly. Children who complain that they are hungry are invited to go to the farms on Saturdays and grow their own food (Interview with Ben Mendoza, COERR 2011). This enhances food security while realistically taking into account the camp constraints.

TBBC also runs a Community Agriculture and Nutrition program (CAN) where refugees are given tools, seeds, and trainings with information on how to plant vegetables in their home gardens. The program operates in five camps, with twenty-two percent of the total number of households participating (TBBC 2011). Education about nutrition and agricultural practices has been disseminated through seven trainings to more than two hundred people from January to June 2011, and a thirty-minute movie shown in Mae La, Umpiem Mai, and Nu Po, to encourage cooperation between households. In order to create a more participatory approach, nearby households are encouraged to form cluster groups called "Farmer Field School" groups, of which there are now 47, to provide support to each other for the gardens.

In 2011 TBBC distributed more than 3,361 kg of seeds for 25 different crops, with the most popular ones being for cucumber, French beans, morning glory, and coriander. According to TBBC, 5,225 households and 1,632 students received seeds in 2011 (2011: 34) and camps are being trained on seed saving. One hundred and sixty kilograms of seeds, the equivalent of almost 20,000 baht or US $640, were saved in Nu Po camp this year (TBBC 2011). Four hundred and forty eight tool kits, including hoes, spades, buckets, and watering cans, have been distributed to households, schools, and community organizations to encourage planting vegetables in household gardens. A manual on the use of technology and techniques is also currently being written. One hundred families from Nu Po and Umpiem Mai are now farming in plots outside the camps.

NGO staff members from all of the above organizations concluded in interviews that the most beneficial impact of the farming programs is the much-needed nutrition and micronutrients that supplement the ration (Interviews 2011). In addition, interviewees mentioned that the farming skills and techniques that people are learning build on their existing capacities and are highly relevant for repatriation, mostly considering the farming backgrounds of the majority of refugees.

In the rights based approach context, refugees are empowered with greater capabilities to support themselves by growing their own food. In the present moment, food security is enhanced. It is sustainable because farming skills are something that the refugees take away from the program and can use throughout their lives and pass on to their children. The program expands the array of livelihood options for refugees, building on existing capacities and strengthening the skills for those who were born in the camps.

4.6.3 Agriculture and Livestock-raising for income generation

The agricultural programs for income generation are primarily in the arena of livestock raising. Livestock is an important livelihoods asset, because animal products, such as chicken eggs, can be sold, and it adds food security and can provide additional nutrition to the ration (Jacobsen 2002). ZOA offers fish farming and pig-raising to increase income generation. The Agriculture and Income Generation project has been operating since 2007. It is implemented in four camps: Mae La, Umphiem

Mai, Mae La Oon, and Nu Po. Refugees learn new agricultural techniques, marketing skills, and to provide producers access to markets in order to develop agriculture and livestock- raising as an economically viable means for self reliance. From January to September 2011, there were 334 participants from the four camps.

Even in camps without the NGO livestock program, such as the four camps in Mae Hong Son province, more than 7,600 refugees were reported to raise pigs, and 8,300 raised chickens, according to a UNHCR/ILO study conducted in 2007. The study also found that not having the proper information on sanitation and keeping pigs within the household compound was contributing to negative health effects in the camps in Mae Hong Son (UNHCR/ILO 2007). In 2010 TBBC held trainings for livestock care in Tham Hin camp in conjunction with their income generation project. Thirty-three people attended the course on taking care of pigs, sanitation, and vaccination (TBBC 2011). The importance of maintaining proper sanitation for pigs makes it necessary that trainings on raising livestock be extended to all camps. Solidarites International's programs since 2009 have included projects for pisciculture (the hatching and breeding of fish for consumption), frog raising, and trainings for the development of agricultural techniques, such as drip irrigation and vegetable production in sacks for 790 refugee families in two camps in Tak province (Communications with Pat, October 2011). "The programs are moving towards being able to generate an income through accruing a surplus and selling crops outside, but this is a long term vision that has not, as of yet, come to significant fruition" said the LWG Coordinator, Madeline Sahagun (Interview 2011).

Table 4.1: Participants and Beneficiaries

NGO	Participants	Beneficiaries	% Population
TBBC CAN	1187	5225	3.2
COERR	3740	16456	10.3
ZOA	336	1478.4	0.92
Solidarities	790	3476	2.17
TOTAL	6053	26635.4	16.59

From the four agricultural/ livestock programs offered by NGOs, the following population impact can be surmised, using estimates of 4.4 people per household and assuming that the entire household benefits when one family member participates and brings home agricultural produce. The percentage of population is calculated based on the estimated 160,000 total people residing in the camps. Numbers were provided in interviews and information provided by NGOs, listed in Appendix I, and from the latest TBBC Program Report for June to July 2011.

4.6.4 Environmental sustainability

The departure from the traditional care and maintenance model towards livelihoods requires sufficient creativity and environmental awareness in order to be feasible and sustainable in the current context of encampment. Drawing on new environmental technology and teaching progressive farming practices that are still not widely practiced in developed nations gives people the environmental know-how to work in an ecologically sustainable model both in the present, and in the future should they resettle or repatriate. While most refugees come from farming backgrounds, they are used to traditional techniques, like slash-and-burn agriculture (Brees 2008), which can have negative environmental impacts and depletes soil nutrients when large populations engage in it.

Environmental trainings accompany each of the agricultural programs to ensure that the project is ecologically sustainable (Interview with Mendoza 2011). COERR participants learn to grow mushrooms and bean sprouts using organic fertilizer, and to protect the environment through watershed care and conservation. The lack of arable land and water poses a challenge but innovative technologies including systematic crop selection, vertical farming on hillsides, kitchen gardens, and negotiations with local authorities to rent and use land outside of the camps are all ways to mitigate it. Using environmentally friendly farming strategies is fundamental in order to "build the capacity of people to manage natural resources" (Sphere 2011: 178).

ZOA's program trains refugees how to grow crops without the use of chemicals to support environmental sustainability, and the nutrients in the soil are

replenished through composting and natural mulching[18]. Tree planting directly mitigates the negative effects of bamboo- cutting for houses. The forest rehabilitation program works with the local forest department and camp authorities to plant trees. Four hundred and ten rai of forest has been rehabilitated in the past four years. There are 336 participants from the four camps[19], leading to 723 direct and indirect refugee beneficiaries, and 93 direct and indirect Thai beneficiaries[20]. Environmental education also discourages bamboo cutting and teaches water management skills so that water resources are efficiently managed. New technologies are introduced in alignment with the Sphere principle that they are used "only where their implications for local production systems, cultural practices, and the natural environment are understood and accepted" (Sphere 2011: 204).

4.7 Income Generation

Agricultural projects do not generate enough income to create a formal economy inside the camps, and cash flow inside the camps remains informal and largely based on an artificial economy created by NGO work. Other ways the refugees typically gain the funds they need to pay expenses not provided by humanitarian assistance, or to meet holes when assistance is cut, are through selling rations, remittances and engaging in small enterprises like selling homemade snacks or petty trade (Jacobsen 2005). Access to credit is an urgent need for the development of small enterprises and income generation in camps.

4.7.1 Business development

In 2010 TBBC embarked on an Entrepreneurship Development, Grant, and Savings Project (EDGSP) that has so far distributed grants to 360 refugees in Mae La Ma Ruang and Tham Hin camps. Participants under and entrepreneurship training of five days and receive 2,400 baht, roughly equivalent to US $77.78, to start a business. Ninety- six of the participants were single women or mothers, persons with a disabled

[18]Natural mulching is when a layer of decaying organic matter is laid on the ground to recycle nutrients for the soil. For more information, see http://www.agroforestry.net/pubs/Sheet_Mulching.html
[19]Correspondence with Simon Purnell, ZOA Refugee Care, November 2011.
[20]ZOA Refugee Care powerpoint presentation, provided by Toe Toe, September 2011.

spouse, or persons with a disability (TBBC 2011). Thirty- six percent of the total participants qualified as 'poor' relative to other refugees. Five months later, nearly two-thirds of clients qualified for the second grant, with the majority of daily sales between 50 baht and 100 baht (US $1.62-$3.24). While profits remain small, it is significant for an aid-dependent population.

There are businesses inside the camps, such as noodle shops and other enterprises, which are more numerous in larger camps such as Mae La, home to 15,740 people (TBBC 2011). There is an informal relationship between villages and camps where nearby villages sell products in the camps and products from camps make their way to surrounding communities (Interview with Madeline Sahagun, LWG Coordinator, September 2011). Two hundred and seventy people in two camps have started up small businesses after trainings by TBBC. They are now earning approximately 75 baht per day, or $2.43, in profits (TBBC 2011). Technical training on pig- raising and shampoo-making, attended by a total of 66 people, were undertaken to provide the know-how for feasible small businesses. The second phase of the project will be to provide access to savings, loans, and insurance for small business with pigs.

The biggest challenge for business development is the lack of legal freedom of movement for refugees. Only those refugees who have lived in the camps for significant periods of time and have social connections are able to have businesses by paying off middlemen to take goods in and out of the camps (Interview with Sally Thompson, TBBC, October 2011). This also carries the risk of increasing corruption and bribes. Generating a cash economy inside the camps could create employment inside the camps and work that is safe from the risk of deportation or arrest. The NGOs with programs for income generation are TBBC, Women's Education for Advancement and Empowerment (WEAVE), and the American Refugee Committee (ARC).

4.7.2 Handicrafts

While many of the stipends, or NGO, jobs require literacy and education, handicrafts provide a means for refugee women without English language skills or higher education to participate in livelihoods programs (Maynard and Suter 2009). Since 2006, handicrafts made inside the camps can be sold outside (Ibid). This

provides the opportunity for NGOs to provide linkages between women's work in the camps and the market. TBBC provides raw materials and financial support for the Karen and Karenni Women's Organizations (KWO and Kn WO, respectively). Support is given for eighty-nine looms and stipends for 167 women weavers.

Similarly, WEAVE has been working with Burmese women refugees since 1996, and currently implements projects that capitalize on women's traditional weaving skills by supplying equipment, trainings on business development and microcredit, and market access. Women inside the camps make traditional handicrafts and clothes, which are then sold in WEAVE's fair trade shops in Mae Sot, Chiang Mai, and a virtual internet shop[21]. The Income Generation Project (or Economic Empowerment Program) functions in Umpiem Mai and Mae La camps in Tak Province, and Mae Ra Ma Luang in Mae Hong Son province and works primarily with the Karen ethnic group. Strategies in Mae Hong Son are implemented through Community Development Initiatives. Training and marketing of handicrafts through WEAVE's fair trade shop engage with all ethnic groups.[22]

Women choose the types of handicrafts that they wish to create, such as embroidery (Matsushita 2011). Giving women the opportunity and trainings to become entrepreneurs through creating traditional cultural handicrafts and clothes both celebrates indigenous culture and gives women the means to earn a living from it. It builds on skills that already exist; women have the talent but not the resources or channels to market the work and earn money from it (Ibid). Another dimension of the program is that it creates safe employment for women so that they do not have to leave the camp, or even their homes. Five hundred women are currently participating and working from home. It is aligned with Sphere's principle that "participation in income generation opportunities should not undermine childcare or other caring responsibilities" (2011: 210).

However, due to the low prices for handicrafts, wages remain low and outlets for selling outside of WEAVE are minimal. ""Fair wages are largely unachievable in the present circumstances and therefore, relegated to a future goal"

[21]Information on the Economic Empowerment Program is available at: http://www.weave-women.org/index.php?option=com_content&view=article&id=100&Itemid=79

[22] Information obtained during communications with Mitos Urgel, executive director of WEAVE, October 2011.

(Maynard and Suter 2009: 18). But in such a situation where income opportunities for poorly educated women are few, any household contribution is beneficial. "Given the historical and current ambiguity of RTG policy and practice relating to refugees' right to work, restrictions of movement, and the absence of work permits, land, and access to markets mean marginal income generation activities are perhaps the only realistically available option" (Ibid 2009: 15).

The American Refugee Committee (ARC) has been working in the camps since 1992, and since 2005 adopted a program for Micro-Enterprise Development (MED). ARC conducts trainings to help refugees to form Village Savings and Loans Associations, where community members voluntarily form groups and pool together their incomes to create credit funds. ARC currently does not provide credit; instead, refugees save their money and distribute the loans to members. Business trainings are offered, and there are yarn banks through the MED office where women weavers can borrow yarn at a low cost, produce products, and pay it back in a revolving fund (Interview with Madeline Sahagun, ARC, September 2011). The biggest challenge is the limited income of most refugees. As the program is still in development, currently there are no numbers available of refugees participating or beneficiary households for the MED program.

The chart below displays the numbers of people who participated in and benefited from the small income generation projects in 2011. 100 percent of weaving participants are classified as vulnerable because they are all women. The numbers of vulnerable individuals were not available for small businesses.

While the majority of income generative programs target women, who are relatively more vulnerable compared to men in refugee and displacement settings (WCRC 2006), the small percentage of the population reached minimizes its capacity to initiate long- term change and foster empowerment. For example, WEAVE has the greatest number of participants, yet still reaches only 0.3 percent of the total population. With less than 0.78 percent of the total population participating in income generative projects, the programs operate on an extremely small scale. However, creating a greater cash economy and expanding the programs would require increased program funding. Cash generation in also inhibited by restricted flow of goods and movement in and out of the camps (Interviews with Sahagun and Thompson 2011).

Table 4.2: Participants and Beneficiaries

NGO	Participants	% Vulnerable	% Population
WEAVE	500	100	0.3
TBBC Grants	360	27	0.22
TBBC Weaving	167	100	0.1
Small Businesses	270	-	0.16
TOTAL	1297	-	0.78

CHAPTER V
EMPOWERMENT AND SUSTAINABILITY

While Chapter IV looked at the livelihoods programs in the camps, Chapter V analyzes the programs according to rights based approach concepts to determine how the principles translate into the program's policies, goals, and ultimately its ability to have an impact on the specific program focus and population it targets.

NGOs and host governments must work in conjunction to develop programs to alleviate poverty inside camps, create safe working environments, and avoid the creation of inequitable parallel service systems with local communities. They must negotiate between policy makers on national and provincial levels for greater rights and freedoms for refugees while at the same time respecting the political and national security concerns of hosts. NGOs can be 'seamless channels' for refugee voice at the transnational table (Action Aid 2004). In addition, programs protect the most vulnerable, build on local capacity, and strive to empower refugees by equipping them with the skills and resources to pursue livelihoods. All of these elements show an increasing movement towards the rights based approach that engages both relief and development in pursuit of greater human rights for the Burmese refugee population.

5.1 Engaging Local Communities

The underlying principles of the rights based approach are universality, equality, and non-discrimination. In order to avoid creating unequal parallel systems for refugees and poor communities in proximity of camps, humanitarian agencies need to include local communities in livelihood interventions for refugees. Thirty-three percent of ZOA's project participants are from Thai villages. Neighbouring Thai communities benefit from the agricultural trainings on organic production, natural mulching and composting, and water resource management. Agricultural centers at

each project location provide technical support while the involvement of Thai authorities in planning and implementation raises the likelihood that the program will be sustainable.

COERR's Agriculture Program is also implemented in eleven Thai villages in proximity to the camps under the Integrated Conservation and Development Program (ICAD). COERR supports local communities in Mae Hong Son through expanding agricultural areas, providing seeds and fencing, and supporting the local water supply so that farmers can grow surplus crops. They conducted trainings on garbage management training in two schools on how to compost, make organic fertilizer, and recycle (COERR 2011). TBBC purchases all food for the rations from local suppliers (Interview with Sally Thompson, October 2011). Not only is this cost effective by cutting down on transportation costs, but also feeding over 140,000 people with locally- purchased items has a positive effect on the economy. From June to January 2011, TBBC spent a total of 1,325,297 baht, or US $42,737.73 on food and non-food items for Thai communities (TBBC 2011: 62).

5.2 Participation

This section focuses on evaluating the principle of participation the livelihoods projects. Programs currently have few formal mechanisms to ensure accountability, and capacity building is better evaluated over a long period of time, including after NGOs exit. For these reasons, this paper highlights participation as opposed to the other two elements of RBA.

Participation means that all people involved in the project are not just consulted, but involved in every step of the process (Sharma 2003). The stages of programming for RBA include identification, capacity assessment, strategizing, and programming (OHCHR 2006: 44). Participation of NGOs, governments, partners, and beneficiaries must be "active, free, and meaningful" (Action Aid 2004: 33). This means that local people's input is in all stages, including strategy formulation, implementation, and assessments.

Communities have a defined role in the projects; "People are key actors in their own development, not passive recipients of commodities and services" (OHCHR

2006: 44).Participation is also a goal of all interventions (Boesen and Martin 2007) because programs need to foster inclusion of excluded groups into broader society as a means to enhance decision- making skills of people who are normally excluded. Additionally, it means allowing participation at different levels. The direction ZOA's agriculture and income generation program direction is increasingly determined by needs identified by the community through partnerships with Community Based Organizations.

Rights Holders and duty bearers refer to those participating in the project and those responsible for implementation. Duty bearers are the institutions that have the responsibility to respect protect and fulfill the rights of the people (Boesen and Martin 2007: 11). Determining who is responsible for fulfilling which rights is fundamental to address both the immediate and root causes. Participation is about transferring responsibility from NGOs to the refugees and the organizations representing them. The foundation of ZOA's agriculture and associated livelihood development was a participatory baseline study. Refugees "have a real voice" in the process, from project design to implementation (Simon Purnell, consultant for ZOA, November 2011) by working in partnership. ZOA conceptualizes refugees as human capital, thereby engaging them in the development of the initiatives.

Working in partnership, providing technical and financial support to refugee communities is one way of building the local capacity of institutions. Responsibility for ZOA's livelihood intervention is gradually moving towards management by the Livelihood Camp Committee. The Camp Livelihood Committee supervises and monitors the projects, coordinates between the Ministry of Interior, Community Based Organizations, iNGOs, and the Thai communities to organize meetings and facilitate communication as well as engage in advocacy for greater refugee freedoms. With ZOA's impending departure from the camps in April 2014, they are shifting as many responsibilities to community-based organizations and camp management. A necessary component of the exit strategy is initiating transfer far in advance in order to ensure that the refugees can sustainably manage the responsibilities. This appears to be successful for the agricultural component. The remaining programs will be transferred and shared amongst the eight NGOs in the Livelihoods Working Group.

The capabilities of the rights holders should also be assessed to distinguish their role and involvement in the process. TBBC's business grants for small entrepreneurs and market trainings give them the skill and resources to start up a small enterprise. The program allows them to determine the path of their development. The program takes into account the market for petty business and supports refugees' enterprises through small grants. The phases of the program require refugees to qualify for grants of a larger amount, minimizing financial losses for the NGO.

Many of the vocational training skill programs currently offered include activities listed as preferred activities by Karen refugees in a 2007 survey conducted by the Karen Refugees Committee in Mae La and Mae Ra Ma Luang. Refugees top six preferred occupations are working outside the camp, animal, frog and fish raising, sewing, having their own shop, shoe making and repair, weaving (UNHCR/ILO 2007: 34). Skills trainings and support for all of these occupations, with the exception of work outside the camp -which is forbidden according to national policy- are provided by the vocational skills trainings, income generation programs, or agriculture programs. In 2011, all organizations conducted needs assessments prior to undertaking new livelihoods interventions. The refugee population participates in the assessment by contributing their inputs on the types of projects they would like to have. The program design of ADRA's three new vocational training courses was formulated based on on the results of a Training Needs Analysis, which evaluated the current employment opportunities in the camp and the refugees' interests. The communities' needs are identified and their voices are heard through 49,600 refugee workers, roughly 33 percent of the total population, who are assigned to programs alongside NGO staff. Strengthening partnerships between community-based organizations and NGOs increases the participation by increasing civil engagement.

5.3 Protecting the Most Vulnerable

Rights based evaluations look at the dimensions of vulnerability to make assessments. Are vulnerable groups included? Do projects provide a "cushion against the adverse affects of the vulnerability context"? (DFID 1999: 25). Protecting the most vulnerable means using the most extreme deprivations as a starting point for projects

(Boesen and Martin 2007). The needs of the most disadvantaged groups should be targeted specifically with measures to remedy, relieve, and reconstruct the situation.

COERR's EVI and 'healing of memory' program is currently the only initiative to address mental health concerns and trauma. Volunteers visit new arrivals who are ill in hospitals to provide moral support and encouragement. Activities organized for the elderly ensures that "they are not feeling lonely, but gaining self-value" (COERR Mae Sot Field Office 2011). COERR also targeted children with environmental protection trainings in Mae La, Umpiem, and NuPo camps in June 2011, with lessons on tree planting and growing chili (Ibid). But a comprehensive program to address trauma and other mental health concerns associated with displacement is lacking and much needed (Thompson 2011).

ZOA's quotas for vulnerable individuals in projects are aligned with affirmative action programs designed to level inequities that would disadvantage the vulnerable in terms of employment opportunities. ZOA's program encourages ethnic minorities, women, disabled/physically or psychologically challenged individuals, rehabilitated drug users, and GBV survivors to participate. Space is saved specifically for individuals who fall into these categories. The opportunity to do agricultural work benefits the self-esteem of participants by giving them an outlet for productive capacities, while learning business skills and engaging in marketing provides a feasible way to earn an income. For example, 26 percent of small grants dispersed through TBBC's Entrepreneurship program went to single mothers, women with a disabled spouse, or persons with a disability (TBBC 2011).

WEAVE's focus on empowering women through marketing their traditional handicrafts gives priority to income generation opportunities for a vulnerable group. Women who are illiterate, or do not have an education, are provided with an opportunity for income generation that is not available to them through stipend work. Single mothers or those with many family obligations are able to work from home. Because of the likelihood that "displaced women have far fewer safe economic empowerment options than men" (WRC 2009: 10) they need to be targeted in programs. According to WEAVE, in some of the women's families it has created a role reversal by making the woman the primary breadwinner.

5.4 Empowerment

Livelihood interventions are about empowerment, and NGOs and governments should work as facilitators for the process (Action Aid 2004). The range of vocational trainings and agricultural initiatives available to people expands their preparation for a vast array of livelihood strategies. It follows in line with DFID's perspective that the critical aims of donors should be to expand the choices of the poor so that they can adapt to situations with a degree of self- determination. "The more choice and flexibility that people have in their livelihood strategies, the greater their ability to withstand- or adapt to- the shocks and stresses of the vulnerability context" (DFID 1999: 23).

According to Sharma (2003), there are three levels of empowerment: personal, relational, and collective (186). On a personal level, empowerment means giving people confidence and increased self-esteem. All of the NGOs interviewed noted that livelihoods interventions improve the psychosocial health of refugees by giving them productive activities to engage in. While this was not the original aim of the programs, with the exception of COERR's programs for vulnerable groups which strives to provide emotional support, it is an extremely beneficial by-product that has the potential to alleviate social problems stemming from boredom and frustration.

On a relational level, empowerment is about enhancing people's ability to influence the policies that affect them. The vocational trainings expand people's skill sets and enhance their capability to seize opportunities for various livelihoods. While the main challenge for vocational trainings has been the inability to match trainings with job opportunities upon completion of the course, the recent adoption of Thai accreditation for ten of ADRA's vocational trainings can enhance the employability and create sustainable benefits for participants in the event of a durable solution. The certification has significant weight for securing the livelihoods futures of refugees.

Micro-credit and small grants for businesses do have a current impact, meanwhile. Despite the limited economy in the camp, a small percentage of small business owners have been able to increase their incomes as a result of TBBC's grants. Credit is aligned with a rights based approach more than assistance because it boosts people's financial assets for livelihoods while "maintaining the borrower's dignity as economic actors- not as recipients of charitable handouts" (Jacobsen 2005: 77).

Empowerment on a collective level is about improving self-sufficiency. A fundamental aspect of self-sufficiency is food security, meaning assuring access to safe and nutritious food. The organic agricultural programs by COERR and ZOA Refugee Care provide much needed micronutrient needs and nutrition from chemical-free vegetables, while empowering people to control a part of their food source. While programs are still far from being able to meet the feeding needs of the population, supplementing the ration while teaching farming methods, securing land for refugees, and ensuring environmental sustainability continues to foster enhanced self-reliance. The agricultural background of the majority of refugees makes it likely that most will return to their villages in Myanmar to farm if they are repatriated.

5.5 Addressing Root Causes

Address the root causes of poverty and lack of livelihoods for the Burmese refugees requires policy change. Exclusion and discrimination from underlying legal policies and social practices should be extracted and brought to the forefront (Boesen and Martin 2007). Displacement and forced migration from ethnic areas of Burma have been clear human rights violations that disrupt and damage the livelihood assets of refugees. The legal context of Thailand then inhibits economic pursuits, forcing dependence on NGOs. It would not be possible for livelihood programs to address root causes without engaging in advocacy, which is currently ongoing.

At the project level, all of the NGOs working along the border advocate constantly with local authorities to attain greater amounts of farm land outside the camps, to conduct pilot training projects, and to encourage small-scale income generation projects. Pressure from NGOs led to the government's permission to allow pilot projects in 2003, and advocacy for land was key for the agricultural programs. Accreditation for higher education programs has also been a key success. At the national and international level, TBBC documents rights violations and continues to raise awareness about the Burmese refugee predicament with international governments and donors (TBBC 2011).

Employers and authorities are aware of the benefits of refugee labour on a local level, and often utilize it, but on the national level there needs to be more understanding about how refugees contribute to the economic development of border regions by participating in the workforce and the consumer base. Legalizing work would allow regulation, cut down on corruption, and ensure greater protection for refugees.

5.6 Ongoing Challenges

The location of the camps in remote and isolated border areas makes income generation and the creation of a cash economy challenging, even if it were legally permitted. Even informal trading between camps and villages is limited because the economies of neighbouring communities are often even smaller than the camps (Interview with Madeline Sahagun, LWG Coordinator, September 2011).

The Sphere project defines the standard for income generative livelihoods programs by the outcome that the targeted population, "through their activities.. contribute to meeting their basic and other livelihoods needs" (Handbook 2011: 208). The income generation projects benefit the participating refugees by aiding their ability to contribute to meeting basic needs, but the earnings are still low. In addition the small population participating in the programs needs to expand to have a more widespread benefit to the refugees.

This is symptomatic of all of the livelihoods programs, where a relatively small percentage of refugees are participating. Some people are not even fully aware of ongoing projects and the benefits it could bring to them and their households. In a recent UNHCR study conducted in two camps, refugees stated needs for livelihoods programs that are in fact already running currently (LWG Working Group Meeting 2011). Word of mouth is currently the most effective way of disseminating information since people are not accustomed to looking at notice boards or reading fliers and roughly one-third of refugees cannot read (Oh 2011).

Livelihoods programs from 2010- 2011 affected roughly 27 percent of the total refugee population, shown in the chart displayed below. The percentage of the population impacted is calculated based on the numbers of beneficiaries, which

assumes that for the agricultural programs, a participating household member brings the produce home allowing for the entire household to benefit, averaging 4.4 persons per household. (For vocational trainings, income generation, and stipends, the benefit is limited to the individuals receiving it.)

Table 5.1: Participants and Beneficiaries

Program Type	Participants	Beneficiaries	% Population
Agricultural	6053	26635.4	16.59
Vocational	6000	6000	3.75
Income Generating	1297	1297	0.78
Stipend	10000	10000	6.25
TOTAL	23250	43932.4	27.37

Furthermore, matching vocational trainings with jobs requires policy change, at least on the local level. While negotiations with local authorities have already allowed for nuanced arrangements in livestock raising and land for agricultural projects, formalizing this in national policy would invariably stabilize the situation for refugees. While ADRA's program coordinator said that they continue to seek ways to support the graduated trainees (Roger 2011), in the current context of encampment this is not an easy task. The programs temporarily increase the well-being of refugees while they are participating, but unfortunately further benefits cannot be felt currently; however the skills may be useful in the case of a durable solution as refugees will be equipped with further skills. Allowing refugees to legally undertake wage labour outside camps, with proper documentation, would cut down on corruption and decrease protection hazards for households 'straddling' day labour with humanitarian aid in the camps as a coping strategy.

Projects are currently not sustainable on their own, because the root causes (forbidding displacement for which solving the issue of failed states is too expansive for humanitarian NGOs alone) are the restrictions placed on refugees movement and right to work. The main challenges are confinement to the camp and lack of legal

rights to property or work. Without adequate transportation and access to markets, it is difficult for programs to generate any income. One interviewee said, “Simply being refugees with no rights to own land and no freedom of movement outside the camp restricts how far income generation and skills training can be developed to support the wider refugee community.”

CHAPTER VI
CONCLUSIONS

6.1 Conclusions

This study set out to explore the ways that livelihood programs operate to improve the social and economic situation of Burmese refugees residing along the Thai-Burma border. The paper analyzed how the programs function in the limited refugee camp context and their social implications. Livelihood projects on the Thai-Burma border have all incorporated strategies to improve gender equality by targeting women and the most vulnerable, preserve the environment, and sustain and maintain peoples' skills while economically empowering them.

Key policies that guide the programs are very much aligned with the rights based approach and its focus on sustainability and protection of the most vulnerable. But without the opportunity to change the structural conditions of the economic deprivation in the refugee camp, the programs have little chance to economically empower the Burmese refugee populations. At the same time the maintenance and creation of skills, the accumulation of land for agricultural programs, and the shift towards refugee responsibility for land, set the foundations for sustainability. However the uncertainty about the length of stay for the refugees and durable solutions in the future makes program outcomes difficult to predict.

What is clear is that the non-material benefits currently surpass the material ones, and the quality of life for the beneficiaries is improved thanks to the programs. Increased productivity, gaining diverse skill sets for livelihoods later, maintaining existing farming skills, and supplementing the ration with fresh vegetables, all contribute to enhanced physical and mental health for the households involved. While the number of participants remains less than one-third of the total population, direct and indirect beneficiaries of projects amount to nearly 44 thousand people, equally just over 27 percent of the population.

Subjective and unquantifiable outcomes, including heightened self-esteem, confidence, and leadership skills, are difficult to measure. While "assessing non-tangible outcomes, that may be very subjective and private, is a challenge" (DFID Sustainable Livelihoods Approach 1999: 26) all of the interviewees noted that programs increased the confidence and self-esteem of participants. Psychosocial benefits also include cultivating a work ethic to counter aid dependency and engaging peoples' productive capacity. Communal activities build social capital, or networks, which particularly benefits vulnerable and marginalized groups.

Income generation projects have not yet taken off the ground enough to generate sufficient income to protect refugees from leaving the camps to seek illegal employment, but they do increase food security by providing vegetables to a primarily rice-based ration while teaching valuable agricultural skills for environmental sustainability. These skills are necessary to manage natural resources in the current encampment context and can also be transplanted in Myanmar upon repatriation. The range of vocational skills trainings available builds on the human capital of refugees by diversifying their skill sets in ways that may be particularly meaningful in a context where they have the economic freedom to participate in the wider economy. Targeted vocational trainings based on market assessments of resettlement countries would have greater benefits.

The livelihoods projects in the camps aim to occupy the continuum space between relief and development while operating in a highly restricted environment, both in terms of budget allocation and the legal context. While the projects are still implemented in an ad hoc manner, the Livelihoods Working Group provides greater coordination, prevents, duplication, and offers opportunities for cross- learning. While there is diversity in the ways that programs are implemented, all of the projects are part of a significant movement away from care and maintenance that aim to facilitate the eventual community ownership of the program.

More than two-thirds of all humanitarian assistance to the Burmese border camps still goes towards meeting basic needs. Continued financial and technical support is needed for community-based organizations, who struggle to maintain institutional standards with constant population turn over. It is critical at this time that the scale of humanitarian assistance is maintained. It is difficult for programs to

stimulate higher income generation due to the limited employment options inside the camp and prohibition on work outside the camp. Advocacy with local authorities allows for nuanced policies regarding access to local labour opportunities, and is ongoing. If these policies become formalized nationally, it would cut down on the potential for corruption, bribery, and mistreatment of refugees struggling to earn a living outside of the camps.

All of the livelihood interventions are still in an initial phase that requires increased investment. While programs are implemented on a small scale with benefits for the small percentage of households, they hold the potential to improve food security and promote self-reliance if they can be expanded to reach a greater percentage of the population. Small grants have proved successful and aided a small number of refugees to start businesses, but need to be expanded to reach greater proportions of the population, with increased market access, if they are to truly have an impact. Only the sustained commitment of donors and continued political advocacy for policy change for greater refugee freedoms within Thailand, and on Myanmar to cease persecution and create peace, will have a significant impact on improving the livelihoods for the large part of the refugee population.

6.2 Areas of Further Study

Areas of interest for further study include investigating the ways in which remittances are transferred, utilized, and poured back into the community. Analysis of small businesses and their use of moneylenders, brokers, and middlemen would also provide insight into how refugees creatively negotiate restrictions and identify gaps where access to financial institutions can support refugee livelihood strategies.

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APPENDICES

APPENDIX A
INTERVIEWS AND COMMUNICATIONS

Livelihoods Working Group (2011) Meeting, ZOA Refugee Care Mae Sot Office, 22 September 2011.

Mendoza, Ben (2011) Catholic Organization for Emergency and Refugee Relief (COERR) Interview in person, Survey, and Correspondence via email, COERR Bangkok Office, 21 September 2011.

Pat (2011) Food Security and Environmental Manager for Solidarites International, Correspondence via email with Dana MacLean, 17 October 2011.

Oh, Su-Ann (2011) Independent Research Consultant for ZOA Refugee Care, Interview via Skype with Dana MacLean, December 2011.

Purnell, Simon (2011) Consultant for ZOA Refugee Care, Survey and Correspondence, October 2011.

Reh, Khu Ooh (2011) Karenni political leader, Interview via g-mail chat, December 2011.

Roger, Honest (2011) Project Coordinator for ADRA, Correspondence, October 2011.

Sahagun, Madeline (2011) Livelihoods Working Group Coordinator, Telephone interview, 20 September 2011.

Thompson, Sally (2011) Deputy Executive Director for the Thai Burma Border Consortium (TBBC) Interview in person, TBBC Bangkok Office, 13 October 2011.

Tianchainan, Veerawit (2011) Founder of the Thai Refugee Committee (TCR) Interview in person, Siam Paragon, Bangkok, May 2011.

Urgel, Mitos (2011) Director of WEAVE, Correspondence via email, October 2011.

APPENDIX B
QUESTIONNAIRE

Questions

Preliminary

1. How long has COERR been assisting Burmese refugees along the border?
2. When did COERR recognize the need for more long- term projects? (i.e. when were livelihoods adopted as part of the program?)
3. How long has the Organic Agriculture program been operating?
4. Which camps does it operate in?
5. What are the objectives?

Rights based humanitarianism

6. In what ways does the program contribute to empowerment by improving self-re-liance?
7. Does the project aim to address an underlying violation of refugees' rights? (i.e. the right to work?)
8. How are the refugees able to participate and determine the path of the project?
9. How do you ensure the project will be sustainable, socially and environmentally?
    - How is social exclusion minimized?
    - Is the project sustainable economically and ecologically?
10. Does the project provide extra protection for vulnerable groups?
11. Does the program enhance cooperation between refugees and the local communi-ties? If so, how so?
12. How does the project contribute to the long-term visions of the community?

Issues affecting refugees

13. Are the people better able to cope with potential economic shocks as a result of the project?
14. Does the project improve food security? If so, how so?
15. Does it lessen negative coping strategies by creating opportunities inside the camp? Please explain.
16. How successful has the project been so far in fostering income generation? Please include numbers.
17. How do programs address the psychosocial needs of the community?
18. How many people have benefited from the program so far? Please include the number of participants.
19. What has been the outcome/ social impact of the project so far? Please list concrete outcomes, including numbers if possible.

Way forward

20. What are the challenges/ barriers?
21. How does the program aim to overcome or mitigate challenges?
22. What skills are promoted?
23. What opportunities for using skills from the trainings are available in the current context of encampment?
24. Do the skills learned contribute in any way to preparing refugees for durable solutions? (i.e. resettlement, repatriation, or integration)
25. Which rights does the initiative build upon? (Women's rights, Child rights, Right to Work etc.)
26. What future plans are there for the program?

BIOGRAPHY

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