

(Translation)

Policy Guidelines for the Restoration of the Way of Life of the Chao Lay¹ with the consent of the Cabinet on June 2nd, 2010

The Cabinet consented to the principle and guidelines of a policy for the restoration of the way of life of the Ley ethnic group as proposed by the Ministry of Culture and assigned related authorities to implement the policy, as follows:

1. Short-term restorative measures, to be implemented within 6 to 12 months	Responsible Agencies
1.1 Creating housing security by providing community title-deeds to mark special social and cultural boundaries for the Ley ethnic group by giving them the chance to prove their community's rights to the dwelling places through aerial photography and other methods that do not merely rely on ownership documents and appointing a sub-committee for solving land problems specifically for proving the land of the Ley community.	The Ministry of the Interior (Mor Thor} The Ministry of Natural Resources and the Environment (Thor Sor)
1.2 Offering the chance to Chao Lay to pursue their occupation in fishing and looking for resources from different islands;	Thor Sor The Ministry of Agriculture and Co-Operatives (Kor Sor)

¹ Chao Lay are indigenous sea people living around coastal areas and islands in southwestern Thailand. There are three groups -- the Moken, the Moklen and the Urak Lawoi.

<p>making allowances for their occupation in fishing that relies on traditional instruments in maritime park areas and other conserved zones, setting apart specific areas for mooring, boat repairing and serving as entrance/exit passageway for boats because these areas often overlap with tourist areas and this causes conflict, at times, including controlling the zones of purse seine and ring net fishing to make sure that they truly follow the agreement (trespassing on coastal fishing zones).</p>	
<p>1.3 Providing assistance in public health to restore the health of those who are affected by their occupation in fishing/diving that causes them to suffer from the water pressure caused by diving deep into the sea and other health problems.</p>	<p>The Ministry of Public Health (Sor Thor)</p>
<p>1.4 Providing solutions to problems related to nationality for the Chao Lay who do not have an ID card.</p>	<p>Mor Thor</p>
<p>1.5 Promoting education for children and supporting continuing education as well as establishing special education/local curricula that are in accordance with the way of life of the community because Ley children tend to leave school before finishing compulsory education.</p>	<p>The Ministry of Education (Sor Thor)</p>
<p>1.6 Providing solutions to problems relating to ethnic bias and encouraging the public to</p>	<p>Wor Thor</p>

<p>look on the Chao Lay as human beings with human dignity.</p>	
<p>1.7 Promoting the language and local culture of the Chao Lay and providing a budget for organizing continuing activities, for example, promoting the foundation of a language and cultural school in the community, encouraging the teaching of the Chao Lay’s art and culture in general curricula, promoting local clubs in school, for example, a language club, a Rong Ngeng dance club, encouraging the use of different kinds of media-- personal media, local media and modern media in the conservation of local culture.</p>	<p>Wor Thor Sor Thor</p>
<p>1.8 The community with a strong organization has made a request to the government sector to solve problems and promote the organization of continuing activities in the community.</p>	<p>The Ministry of Social Development and Human Security (Phor Mor)</p>
<p>1.9 Allocating a budget to support the work of the Chao Lay’s Network to make it substantial and providing an additional budget for organizing a “Meet the Culture of Chao Lay’s Day” (in November of every year) in the form of activities and meetings to exchange views, via a request for financial support from the government</p>	<p>Phor Mor Wor Thor</p>

sector, the Sirindhorn Anthropological Centre or related organizations; the community will be the main organizer of these activities.	
1. Long-term restorative measures, to be implemented within 1 to 3 years	Responsible organizations
2.1 Considering locating special cultural zones appropriate to ethnic groups that have specific social and cultural characteristics	Thor Sor, Mor Thor, Phor Mor, Sor Thor, Wor Thor

Important Issues

The Ministry of Culture has reported the following:

1. Currently, the population of Chao Lay living in five Southern provinces is approximately 10,000 people in total. Most of them have settled on islands or along the sea coast and were more or less affected by the Tsunami, depending on their location, their community features and the impact of the waves. After the Tsunami, the story of the Chao Lay became widely known because of presentation in the media and more organizations, agencies and foundations rendered help and worked with them. Since then, the public has paid more attention to their culture, contributing to the better image of this ethnic group. However, problems which have accumulated and been left unresolved for a long time, for example, land problems and the people's way of earning a living, have become more serious and intense. Though they have inhabited and earned their living on the islands and the coast of the Andaman Sea for a long time, most of them have found that the land where they once settled and earned their living, as well as the natural resources,

have been claimed or declared protected zones so it has become more difficult for them to survive. They have also faced the problem that they are not protected by law and are not entitled to basic public services, for example, the right to medical treatment and the right to leave their settlements. A lack of confidence and pride in their culture has led to psychological and social problems.

2. The Ministry of Culture has initiated the restoration of the way of life and culture of the Chao Lay in a sustainable manner by collaborating with other related agencies to strengthen communities and the cultural base of the Chao Lay in terms of their existence and the conservation of their original culture. This has been implemented through the appointment of the Administrative Committee for the Restoration of the Way of Life of the Chao Lay, chaired by the Minister of Culture and whose members consist of representatives of related government units, the Governors of Krabi, Pang-Nga, Phuket, Ranong and Satul Provinces, and the Director of the Sirindhorn Anthropological Centre (Public Company) who serves as a member and secretary of the Committee.

3. The Administrative Committee held its first meeting, 1/2552, on February 20th, 2009 to consider critical problems which affect the way of life of the Chao Lay who live in Phuket, Phang-gna, Krabi, Ranong and Satul Provinces. Five major problems were identified as follows:
 - 3.1 Problems related to the land where they eked out their living and their dwellings,
 - 3.2 Problems concerning the organization of education for Chao Lay as well as the establishment of local educational curricula,
 - 3.3 The problem of how to restore the original way of life and culture and how to develop local communities to enable them to be self-reliant,
 - 3.4 Problems related to the promotion of health and public health services,

3.5 Problems related to the establishment of a local cultural centre in the community.

The Administrative Committee consented to the implementation of integrated management at a provincial level, encouraging the participation of all sectors and establishing a Sub-Committee on the Restoration of the Way of Life of the Chao Lay at a provincial level in five provinces—Phuket, Phang-gna, Krabi, Ranong and Satul. The Sub-Committee, chaired by the governor of each province, consists of the authorities of the related government sector and agencies, specialists and representatives of local people, with the cultural officer of each province serving as a member and secretary of the Sub-Committee. They are responsible for restoring the way of life of the Chao Lay which has rapidly deteriorated in all the five provinces.

4. The Sub-Committee on the Restoration of the Way of Life of the Chao Lay in all the five provinces has helped the Chao Lay and proposed different measures to the Ministry of Culture. The Administrative Committee has collated the suggestions and measures proposed and has specified measures for the restoration and assistance of the Chao Lay, consisting of both short-term and long-term measures as follows:
 - 4.1 Short-term restorative measures, to be implemented within six to twelve months,
 - 4.2 Long-term restorative measures, to be implemented within one to three years

Summary for Administrators

In order to restore the Karen way of life, it is important to understand the problems that have accumulated for a long time due to a lack of understanding of the Karen way, which involves a natural way of resource management in the form of rotation farming, production via a sufficiency economy, an emphasis on the values of forests, a way of thinking about rights (which is not the right to own) and the fact that, in the management of education in local communities, the Thai government does not realize the importance of the culture and languages of different ethnic minorities (including the Karen) in the country. Instead, it develops the country in a capitalistic way which emphasizes the new way of agriculture that requires high investment, single and commercial crop agriculture and the obstruction of other alternatives, for example rotation farming. So far, some Karen people have been made to accept a new way of life but many still think that “the Karen way of life contributes more of value to life.”

The guidelines for the policy and practices for restoring the Karen way of life consist of the five components as follows:

1. The Introduction

This defines the term “Karen,” referring to those groups who call themselves the Pagayaw/Sakaw, the Phlong/Phlo, the Kayah, the Kayan and the Pa’O, who live in Thailand.

2. The Settlement of the Karen people in Thailand

This shows that Karen communities are located in different areas (mostly in forests as defined by the state) in fifteen provinces—in nine Northern provinces, consisting of Chiang Rai, Mae Hong Sorn, Chiang Mai, Lamphoon, Lampang, Tak, Kamphaengpetch, Phrae and Sukhothai; and six provinces in the West of the Central Region, consisting of Uthai Thani, Suphanburi, Kanchanaburi, Ratchaburi, Phetchaburi and Prachuab Khiri Khan. The total population from a survey in 2002 was 352,902 and originally their ancestors settled in the North and the West of the Central Region a long time ago.

Each Karen community differs in terms of its age. The ancestors of some of these Karen communities can be dated back 1,200 years but, mostly, members of these communities are able to trace their history back no more than 400 years. Though Karen communities inhabited different kinds of forest a long time before there were declared forest areas in different periods, the government sector has not reserved certain areas as Karen settlements; the Karen people, therefore, have been considered to be dwellers of communities that have trespassed into forests.

3. The Key to the Karen Way of Life and the Benefit of Rotation Farming

An understanding of rotation agriculture/farming is important to the consideration of the restoration of the Karen way of life because rotation agriculture is the core of the cultural existence and ethnic identity of Karen people and, at the same time, it is of benefit to the ecological system, biological diversity, the fertility of the soil surface, non-toxic substances in agriculture and the alleviation of global warming.

4. The State of the Problems of the Karen

The original Karen way of life which depends on rotation farming in the way that emphasizes forest conservation and economic sufficiency has faced numerous problems over the past 50 to 60 years, so it is necessary to solve these problems in order to restore their way of life. Their problems may be summarized follows:

4.1 The problem of how their identity has been changed from being “subjects” like the Thai people in general and being the people who brought security to the borders in the past and then became “hill-tribe people” who grow and trade opium, fell trees and cause deforestation as well as threaten border security. None of these images corresponds with their way of life.

4.2 Problems related to resource management and the loss of their right to own the land where they earn their living, which is

affected by the state's policy for modernizing the country, which emphasizes granting forest concessions, promoting single and commercial crop agriculture and has a policy of forest conservation

4.3 The Karen people also lack the opportunity and the right to take part in the planning and managing of resources that affect the Karen way of life.

4.4 Problems related to their personal status in terms of law/nationality

In fact, the original Karen people who constitute the majority of the Karen population in Thailand should have no problems of nationality because, by the principles of nationality law, they are entitled to Thai nationality. However, in practice and in the procedures associated with nationality, there are loopholes between the state authorities' work operations and the remoteness of Karen communities. This has resulted in a large number of the original Karen People not being able to obtain Thai nationality and subsequently by their having been deprived of other rights.

4.5 Problems related to the loss of ethnic identity and the capacity to pursue their culture and wisdom

Through the long time process of implanting Thai characteristics, through the educational system of the Karen people and the lack of acceptance of rotation farming, the Karen people have lost part of their ethnic identity and their ability to get involved their culture and wisdom has consequently been drained away.

4.6 Problems caused by the fact that state educational management is not in line with the Karen way of life

The Karen people rarely have the chance to take part in their own educational development. The state does not understand their way of life well enough to be able to consider and integrate it into the educational curricula and align it with the way of the Karen community. The current educational system thus forces the Karen children to continue their education in town and they are, consequently, isolated from their community life.

Those who should be able to render assistance, for example teachers and educational supervisors, are not able to make a sufficient contribution to educational management.

The use of the Thai language as the only medium of teaching and studying with the Karen language being forbidden in classrooms affects the Karen children's adjustment and educational quality.

5. Suggestions (See the tables attached)

Guidelines for the Support Policy for the Restoration of the Karen Way of Life

Issue	Suggestions	Responsible Agencies	Timeframe for the	Implementation
			Short term 6 - 12 months	Long term 1 -3 years
Ethnic identity and culture	1. Promoting and supporting the Karen people in terms of their ethnic identity and their culture as part of a	The Ministry of Culture/the Ministry of Education/the Ministry of Social Development and Human	*	

	national identity that is diverse.	Security		
	2 .Encouraging social understanding of pluralistic cultural co-habitation through learning the identity and culture of the Karen ethnic group.	The Ministry of Culture/the Ministry of Education/the Ministry of Social Development and Human Security	*	
Management of resources	1 Cancellation of the lands, at the state's announcement, which are regarded as conserved or reserved forests that overlap with lands where the Karen people have earned their living and have settled, with proven evidence that they have lived and led their	The Ministry of Natural Resources and the Environment		*

	lives there for a long time prior to the state's announcement of laws or policies concerning those overlapping areas.			
	2 Stopping the arrest of and providing protection to the Karen ethnic communities that are the original communities in areas where conflicts concerning people earning a living in their settlements occur.	The Ministry of Natural Resources and the Environment/the Ministry of the Interior	*	
	3 Establishing a demarcation committee or a working mechanism that specifies the areas where	The Ministry of Natural Resources and the Environment /the Ministry of the Interior/	*	

	<p>they may earn their living, live and lead their cultural way of life in order to manage conflicts with state agencies, that have been caused by land use or the land ownership of the Karen ethnic groups; the committee or the mechanism is made of components that are different from those of the Committee for Solving Problems of Land Trespass by emphasizing the participation of stake-holders, academicians and those who work in the field of the</p>	<p>the National Commission on Human Rights/ Karen Network for Culture and the Environment/the Ministry of Justice</p>		
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	<p>cultural matters and human rights together with anthropologists and sociologists; the scope of their authority and responsibility is through the promotion of constructive dialogue.</p>			
	<p>4 Promoting and accepting the rotation farming system, which is part of the Karen's cultural way of life that contributes to the sustainable use of resources and a sufficient way of life, as well as advocating that the Karen's rotation farming be accepted as part of the world's cultural</p>	<p>The Ministry of Natural Resources and the Environment/the Ministry of Agriculture and Co-Operatives/the Ministry of Culture</p>		<p>*</p>

	heritage.			
	5 Promoting sufficiency agriculture or alternative agriculture, which is neither single plant nor industrial agriculture.	The Ministry of Agriculture and Co-Operatives/the Ministry of Natural Resources and the Environment/th e Ministry of the Interior		*
	6 Promoting biological diversity in high-land communities, for example, by conserving a diversity of plant species, creating food security and creating ecological balance through the process of rotation farming.	The Ministry of Natural Resources and the Environment/th e Ministry of Agriculture and Co-Operatives/the Ministry of the Interior	*	
	7 Promoting, supporting and accepting the use of land and	The Ministry of the Interior/the Ministry of Natural		*

	the management of the original local communities, for example, by issuing land title deeds.	Resources and the Environment/the Ministry of the Interior		
Rights to nationality	1 By consent of the cabinet, the Karen, who arrived after October 3 rd , 1985, are permitted to receive an ID card for people who are not Thai nationals (formerly the ID card for people living on high lands or the ID for a survey of communities on high lands) and they are eligible to apply for permanent residency for aliens in Thailand and will be granted with an alien	The Ministry of the Interior and the Office of the National Security Council	*	

	<p>certificate; their children who were born in Thailand are entitled to apply for Thai nationality according to the Nationality Law, Article 7 bis., the targeted group consisting of about 40,000 people.</p>			
	<p>2 Urging the Interior Minister to consider the application for permanent residency of aliens in Thailand and issuing an alien ID card to these applicants as well as to their children who were born in Thailand and apply for Thai nationality according to the Nationality</p>	<p>The Ministry of the Interior</p>	<p>*</p>	

	Law, Article 27 bis., who made the application a long time ago.			
	3 Allocating a per capita budget according to the overall health guarantee principle for the Karen whose biographical record has been filed and who have the right to live in Thailand, as with all Thais in general.	The National Office for Overall Health Guarantee/ the Ministry of Public Health/the Cabinet		*
Continuing cultural heritage	1 Promoting a local cultural centre by linking and harmonizing the way of life with the base of the traditional way of thinking to bring the cultural centre to life.	The Ministry of Culture through the Provincial Cultural Office/the Office of the National Cultural Committee through the Thai Integration of Community	*	

		Ties/ Karen Network for Culture and the Environment		
	2 Providing a budget for establishing a community cultural centre and organizing the activities of the cultural network of the Karen ethnic groups.	The Ministry of Culture/the Ministry of Social Development and Human Security	*	
	3 Specifying a special cultural zone for the Karen ethnic group by establishing pilot projects in Hua Hin Lad Village in Ban Pong Sub-district, Wiang Pa Pao District, Chiang Rai Province and in Lai Wo Sub-district, Sangkhla Buri District in	The Ministry of Natural Resources and the Environment/the Ministry of the Interior/the Ministry of Social Development and Human Security/the Ministry of Education/the Ministry of Culture		*

	Kanchanaburi Province.			
Education	1 Offering the chance for a community to prepare curricula that are appropriate to their way of life and culture and to enable them to manage education themselves and promoting local educational management through the allocation of a budget	The Ministry of Education	*	
	2 Developing the capacity of educational administrators, teachers and local people, for example members of the school committee, to enable them to manage education	The Ministry of Education	*	

	<p>themselves through training and continued educational tours and adjusting the administrative system to make it relevant to the community.</p>			
	<p>3 Adjusting the examination system for teaching personnel by promoting scholarships to ethnic groups or the New Karen Group to enable them to return to work in their community; if teachers are from other ethnic groups, they must be able to speak the language of the ethnic group they are teaching or be ready to learn</p>	<p>The Ministry of Education</p>		<p>*</p>

	that language.			
	4 The state has to relax the academic conditions or requirements for the benefit of teaching and transferring the culture, customs, history and language of the local community, particularly with regard to teachers of kindergarten and Phathom Suksa (Grade 1 to 6) levels.	The Ministry of Education/the Ministry of Culture		*
	5 Promoting a “Pluralistic Language” policy to create an acceptance and understanding of the spoken and written languages of the Karen ethnic group in	The Ministry of Education/the Ministry of Culture		*

	<p>order to enhance the understanding of ethnic diversity.</p>			
	<p>6 Adjusting the nature of a school to make it appropriate with the community, for example, by turning it into a branch school instead of abolishing it, regardless of whether the community is large or small, and encouraging the relationships in local education through collaboration among the school, the community, academics, individuals and organizations in order to develop</p>	<p>The Ministry of Education</p>		<p>*</p>

	curricula that integrate both language and culture			
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