

Ethical Negotiation: Analyzing Thailand's Responses toward Myanmar Displaced Persons in Thailand

Andrew Wai Phyo Kyaw*

Faculty of Political Science, Chulalongkorn University, Bangkok, 10330 Thailand

Abstract

Understanding the historical context of migration flows to Thailand underscores the complexities of refugee issues and the challenge of balancing humanitarian obligations with national security. Although Thailand is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, collectively referred to as the international refugee law (IRL), it has nonetheless served as a host country in Southeast Asia for internationally displaced people forced to leave their homes. Drawing on Boswell's (2005) scholarship on *Ethical Negotiation*, this study examines how Thailand navigates competing priorities, protecting vulnerable populations while safeguarding national interests. The research employs qualitative methods rooted in document analysis of legal frameworks, policy documents, and academic literature, applying Boswell's *Ethical Negotiation* framework as an analytical lens to assess Thailand's refugee management practices. Findings reveal that Thailand manages Myanmar displaced persons through ethical negotiation, balancing humanitarian assistance with national security priorities, sovereignty concerns, and regional diplomacy. At the same time, Thailand must contend with tensions between ad hoc practices and international legal standards.

Keywords: Ethical negotiation, Humanitarian assistance, National security, Myanmar displaced persons

* Corresponding Author:
e-mail: sawandrew410@gmail.com

Introduction

Over the last few decades, refugee migrations have had a considerable impact on Southeast Asia's geopolitical environment, with Thailand serving as a key host country for displaced people from neighboring states (Ma and Chayavong, 2017). Despite not being a member of the 1951 Refugee Convention or its 1967 Protocol, Thailand has faced humanitarian challenges arising from large influxes of asylum seekers while simultaneously balancing national security concerns, economic repercussions, and regional diplomacy. Thailand's refugee policies date back to the aftermath of the Vietnam War, during which the country became a major destination for Indochinese refugees in the late 1970s and 1980s (Suhrke, 1983; Varophas, 1966). This experience significantly shaped Thailand's response to subsequent refugee crises, particularly the ongoing displacement from Myanmar (Jittiang, 2022; Vungsiriphisal et al., 2014).

Since the 1980s, Thailand has provided shelter and basic amenities to hundreds of thousands of individuals fleeing conflict and oppression in Myanmar (Vungsiriphisal et al., 2014). Its approach to displaced persons from Myanmar has evolved over time, including the establishment of temporary shelters along the border in the 1980s and 1990s and collaboration with international organizations such as the UNHCR (Laocharoenwong, 2020; Vungsiriphisal et al., 2014). The country has had to balance humanitarian needs with domestic concerns over security, resources, and social integration. This balancing act has produced policies that offer temporary protection while avoiding long-term commitments or pull factors that might encourage further migration. Recent developments, such as Myanmar's 2021 military coup and subsequent crackdowns on dissent, including the imposition of forced conscription, have triggered new waves of displacement requiring Thailand to manage additional influxes (Han, 2024; Mon and Quardrini, 2024; Ng, 2024). In response, the Thai government has established designated areas for incoming refugees and strengthened protocols for managing arrivals (Jittiang, 2022).

This study employs Christina Boswell's *Ethical Negotiation* framework to examine how states balance national interests—security, sovereignty—with humanitarian obligations to refugees, with particular emphasis on equitable burden-sharing, refugee rights protection, and policy transparency. Through ad hoc measures such as temporary shelters, which prioritize flexibility over formal legal commitments, Thailand has demonstrated a pragmatic approach to managing Myanmar's displaced population. It is therefore essential to understand Thailand's dual role in balancing moral obligations, domestic security concerns, and geopolitical pressures, while also highlighting accountability and conformity gaps with international norms.

This study explores the historical context of refugee migrations into Thailand, the country's legal and regulatory frameworks for managing displaced persons, and the current situation of Myanmar refugees in Thailand. It aims to assess how Thailand navigates competing priorities, protecting vulnerable populations while safeguarding national interests. Methodologically, it relies on qualitative approaches rooted in document analysis of legal frameworks, policy documents, and academic literature, applying Boswell's *Ethical Negotiation* framework as an analytical lens to evaluate Thailand's refugee management practices.

By applying Boswell's *Ethical Negotiation* framework to Thailand's handling of Myanmar's displaced persons, this study offers important academic and policy insights. It provides a critical example of how non-signatory states address refugee crises without being formally bound by international refugee law. Through analysis of Thailand's

balancing of humanitarian assistance with security interests, sovereignty concerns, and regional diplomacy, the study reveals the mechanisms underlying ad hoc policies that prioritize flexibility over legal obligations. The findings contribute to broader discussions on equitable burden-sharing, rights-based approaches in mixed migration contexts, and the reconciliation of humanitarian imperatives with realist state interests in Southeast Asia's complex geopolitical landscape.

Conceptualizing 'Ethical Negotiation'

Carens (1996) distinguishes between realist and idealist approaches to morality. The realist approach seeks to keep goals close to what is genuinely achievable in the real world, thereby avoiding unreasonable expectations and disappointment. However, this perspective risks tolerating unfair institutions and rules. The idealist approach, by contrast, views the world through the lens of higher values and aspirations. In discussing the ethics of migration, both perspectives are necessary, as each provides valuable insights.

Hoffmann (1981) similarly emphasizes the distinction between what *is* and what *should be* in any system of laws or ethics. This distinction is natural and important: without it, individuals would not feel bound to follow the rules or experience guilt when breaking them. Yet if the gap between reality and ideals becomes too wide, rules may be disregarded and systems may collapse. Maintaining a reasonable distance between reality and ideals is therefore essential, particularly in the realm of law or morality, to ensure rules remain relevant and effective in shaping conduct.

In the context of immigration, Weiner (1996) highlights a fundamental moral dilemma. On the one hand, emigration, the right to leave one's homeland, is widely regarded as a basic human right. On the other hand, states claim the sovereign authority to control immigration, that is, who may enter their borders. This tension between individual freedom of movement and a state sovereignty complicates efforts to establish fair and uniform migration policies. It is akin to recognizing that everyone has the right to leave their home, but no one has an inherent right to enter another's without permission.

In liberal democracies, internal freedom of movement is considered as essential as rights to free speech, assembly, or religion. Yet international law does not guarantee the right to move across national borders. Migration and refugee policies thus raise ethical dilemmas because they involve restrictions on freedom of movement. When states impose restrictive policies that prevent individuals from crossing borders, despite causing no direct harm to others, a moral quandary arises (Weiner, 1996).

Regarding restrictive immigration laws, Freeman (1992) contends that governments in major receiving states are under unprecedented pressure from enormous influxes of migrants seeking entrance, including refugees and asylum seekers. This has heightened public concerns about states' ability to manage and absorb rapid population shifts. In response, many governments have implemented increasingly stringent immigration rules aimed at reducing irregular migration and discouraging fraudulent asylum claims. Such measures often include enhanced border security, stricter visa requirements, and expedited deportation procedures.

Governments may nonetheless welcome immigrants for various reasons: to fill labor shortages in industry, services, or agriculture; to enhance cultural diversity; to attract entrepreneurship and skills; to strengthen historical, cultural, or religious ties; or to facilitate family reunification. States may also open borders neighboring countries with similar living standards or free trade agreements. Yet, as Weiner (1996) notes, such policies fall within the scope of domestic and foreign policy rather than implying a moral obligation.

Boswell (2005) addresses the ethical dilemmas that arise when states attempt to balance their national interests with their humanitarian responsibilities. Ethical negotiation in this context involves finding a middle ground where host countries' security concerns and economic burdens are addressed without undermining refugees' rights and dignity. A central aspect of this framework is the fair distribution of responsibility among states. Boswell further argues that wealthier nations have a moral obligation to assume a greater share of the burden, given their greater resources and capacities.

Boswell's (2005) *Ethical Negotiation* thus provides a comprehensive framework for understanding the ethical dimensions of refugee policy. Ethical negotiation as a concept involves balancing national interests with humanitarian obligations, ensuring equitable responsibility-sharing, protecting refugee rights, and maintaining transparency and accountability. These principles are critical for developing just and effective refugee policies that uphold human dignity.

In practice, migration and refugee ethics require careful consideration of both realist and idealist approaches. Perspectives from Carens on morality, Hoffmann on the gap between reality and ideals, and Weiner on the tension between freedom of movement and sovereignty all underscore the complexity of the issue. Within the landscape, ethical negotiation emerges as a valuable conceptual framework. It recognizes the need to balance competing interests and obligations while remaining ethically sound.

Ultimately, ethical negotiation provides a mechanism for addressing the dilemmas inherent in migration policy. It offers a means of reconciling pressures on receiving governments with humanitarian imperatives. In essence, ethical negotiation bridges the gap between concrete restrictions and idealistic aspirations. It provides a principled yet pragmatic approach to the ethical challenges surrounding migration and refugee policy, making it a crucial foundation for this study's examination of Thailand's responses to displaced persons from Myanmar.

Historical Context of Indochinese Refugee Influx into Thailand

Following the end of the Vietnam War in 1975, Southeast Asia underwent a seismic transformation as communist forces triumphed in Vietnam, Cambodia, and Laos. This rapid political shift generated unprecedented regional unrest, resulting in a vast outflow of individuals seeking safety (Suhrike, 1983; Varophas, 1966). Over the next

three decades, more than three million people fled their countries, urgently seeking asylum in neighboring states (Ma and Chayavong, 2017).

Thailand emerged as a principal destination and safe haven. Between 1975 and 1995, the country absorbed multiple waves of displaced individuals, totaling more than 700,000 Indochinese refugees. The influx was diverse in composition, including approximately 160,239 refugees from Vietnam, 237,398 from Cambodia, and the largest group, about 359,930 from Laos (Ma and Chayavong, 2017).

In 1977, Minister General Kriensak Chamanan suggested the possibility of permanently resettling displaced persons within Thailand. This proposal, however, was met with strong public opposition. Critics raised two major concerns: first, that permanent resettlement would act as a magnet, attracting even larger numbers of migrants; second, that the economic impact would be detrimental, given that most displaced persons were unskilled laborers. In response to the public outcry, the government abandoned the resettlement plan and adopted a stricter policy emphasizing expulsion of migrants from the country (Paisarnpanichkul & Wattanabhoon, 2023).

This policy reversal underscored Thailand's challenges in reconciling humanitarian obligations with domestic economic and societal concerns. The government's prioritization of deportation over integration reflected prevailing public sentiment and highlighted the sensitivity of immigration and refugee policy in the region (Ma and Chayavong, 2017). To address the crisis while safeguarding sovereignty and security, Thailand established specialized policies and mechanisms. In 1979, temporary shelters were created to meet the immediate needs of Cambodian displaced persons, while other Indochinese groups, including Vietnamese, Laotian, and Chinese refugees, were relocated to different provinces (Paisarnpanichkul & Wattanabhoon, 2023).

National interests remained central to these policies. The government was acutely aware of potential security threats and the need to maintain internal order. Regulations were designed to strike a balance between humanitarian assistance and strict security measures. This dual approach sought to mitigate risks to national security while providing shelter to those in urgent need. Yet, the provision of temporary refuge and basic services also acted as a pull factor, attracting additional displaced persons escaping conflict and persecution.

Ultimately, the growing refugee population required continual policy adaptation and scaling to manage the crisis effectively. Thailand's response to Indochinese influx in 1979 thus represented a careful balance between humanitarian values and national security concerns (Paisarnpanichkul & Wattanabhoon, 2023).

Arrivals of Myanmar Displaced Persons in Thailand

The 1980s marked a turning point in Myanmar's history, with increasing numbers of people abandoning their homeland. This exodus was driven largely by escalating armed conflict and restrictive policies imposed by the military administration, which had ruled since 1962. As the decade progressed, the number of asylum seekers rose steadily. Many fled ongoing clashes between the military and ethnic minority groups, while others escaped widespread human rights violations and economic hardship caused by the governmental mismanagement and isolationist policies (South, 2008; Vungsiriphisal et al., 2014).

The situation reached a critical stage in 1988, when a nationwide pro-democracy uprising erupted. This movement, led primarily by students but involving diverse segments of society, challenged the military's entrenched grip on power. The authorities responded with a brutal crackdown, killing and arresting thousands. In its aftermath, political activists, students, intellectuals, and ordinary citizens sought refuge abroad, with many crossing into Thailand (Lang, 2002; South, 2008).

The plight of Burmese refugees in Thailand was particularly complex. Between 8,000 and 10,000 students and political dissidents who fled after the 1988 uprising faced distinct challenges compared to the non-Burman minority refugees who found sanctuary in border camps. In Bangkok, these groups encountered new forms of fear and political contention. Their protection varied significantly depending on individual circumstances and interactions with Thai communities, authorities, and international organizations. The Thai government, wary of the political activities of Burmese students and activists, regarded their presence as precarious. In response, authorities transferred refugee protection mechanisms to a holding center outside Bangkok, known as the "Safe Area," in an effort to manage and restrict the political activities of this group of asylum seekers (Lang, 2002).

Events following the 1990 general election further intensified the refugee crisis. Despite the National League for Democracy (NLD), led by Aung San Suu Kyi, winning a landslide victory, the military junta refused to recognize the results or relinquish power. This rejection of the popular mandate triggered another wave of political refugees fleeing Myanmar, as hopes for a peaceful democratic transition were shattered (Vungsiriphisal et al., 2014).

New Arrivals in Thailand from Myanmar After the 2021 Coup

Paisarnpanichkul and Wattanabhoon (2023) estimate that more than 10,000 displaced persons from Myanmar have crossed into Thailand since the 2021 coup, falling broadly into two major groups. The first group comprises conflict-affected individuals who have been directly impacted by ongoing violence between the Burmese army and multiple ethnic armed organizations. These displaced persons are primarily villagers forced to abandon their homes and livelihoods due to armed clashes. Many have endured the terror of aerial bombardments, with bombs dropped from fighter aircraft compelling them to flee for their lives. In their search for safety, they crossed into Thailand through border provinces such as Mae Hong Son and Tak.

The second group consists of those fleeing political persecution. These individuals have faced systemic oppression, intimidation, and threats from the state because of their political beliefs and activities. Fearing imprisonment and persecution, they choose to leave Myanmar in pursuit of safety and freedom. Their journeys are

often perilous, yet the hope of escaping persecution drives them to seek asylum in neighboring countries, including Thailand (Paisarnpanichkul & Wattanaboom, 2023).

Jittiang (2022) identifies a third category of migrants who cross the border with the intention of integrating into Thailand's labor force. This group is largely composed of undocumented or irregular migrants seeking employment, and, in some cases, long-term residence in Thailand. However, distinguishing between economic migrants and displaced persons escaping war or persecution remains difficult due to Myanmar's mixed migration flows and shifting patterns.

More recently, a significant wave of migration has been driven by the implementation of a controversial mandatory military service law. Passed by the military junta in February 2024, this regulation has sparked widespread fear and prompted thousands of young adults to flee Myanmar. The law applies to men aged 18 to 35 and women aged 18 to 27, making them eligible for conscription (Han, 2024; Mon and Quardrini, 2024; Ng, 2024).

This policy has disproportionately affected students, professionals, and recent graduates, who now face the prospect of compulsory service in Myanmar's armed forces. As a result, increasing numbers of young people are seeking asylum in neighboring countries or pursuing educational and employment opportunities abroad (Mon and Quardrini, 2024; Ng, 2024). Their migration involves both legal and irregular border crossings, with some resorting to dangerous routes to evade conscription. This large-scale outflow of young, skilled workers raises serious concerns for Myanmar's future, as it threatens to erode the country's human capital and prospects for recovery.

Thailand's Policy Toward Myanmar Displaced Persons

Thailand has not signed the United Nations Conventions relating to the Status of Refugees, including the 1951 Refugee Convention and its 1967 Protocol. Consequently, the country's response to Myanmar's displaced persons is governed primarily by national laws and regulations. The Thai government frequently employs alternative terminology to describe individuals who might otherwise be recognized as refugees under international law. Common expressions include "displaced persons," "persons fleeing from fighting," and "temporarily displaced persons." These terms are often applied to those escaping conflict or persecution in neighboring Myanmar (Thwe, 2022; Vungsiriphisal et al., 2014). The linguistic choice reflects Thailand's desire to maintain flexibility in regulating migrations while avoiding the long-term obligations associated with formal refugee status (Jittiang, 2022).

Between 1984 and 1986, 12 refugee camps were established in Tak and Mae Hong Son provinces, sheltering approximately 18,000 displaced persons. Persistent conflict with Myanmar's military administration led to the continuous arrivals, particularly among the Karen, an ethnic minority from eastern Myanmar (Chantavanich & Kamonpatch, 2017; Lang, 2002; Olivius & Hedstrom, 2023; South, 2008). In 1989, the first camp specifically designated for the Karenni people was opened in Mae Hong Son Province. The Karenni, another ethnic group from Myanmar's Kayah State, faced similar persecution and displacement, prompting their exodus into Thailand (Cardozo et al., 2004).

Thailand's policy shifted significantly in 1998, when the Thai government permitted the United Nations High Commissioner for Refugees (UNHCR) to operate within temporary shelters. This marked a critical step toward enhancing the legal standing and protection of displaced persons in Thailand (MacLaren, 2010; Vungsiriphisal et al., 2014). In 2005, the government began coordinating with international organizations to facilitate voluntary resettlement of Myanmar displaced persons to third countries (Decobert, 2016).

Following Myanmar's coup in 2021, Thailand's National Security Council (NSC) introduced a standardized protocol for managing new arrivals. The system designates specific sites, referred to as "temporary safe area" or "waiting areas for repatriation," directly supervised by the Thai military to ensure order and oversight (Jittiang, 2022). Importantly, newcomers are not permitted access to existing refugee camps along the Thai-Myanmar border but are instead confined to these temporary safe areas (The Border Consortium [TBC], 2024). Between 2021 and 2023, approximately 45,000 people crossed the border during periods of intensified conflict, stayed temporarily in safe areas, and returned to Myanmar when fighting subsided (UN Refugee Agency [UNHCR], 2023).

Thailand's stance toward Myanmar's displaced persons reflects a complex interplay between humanitarian needs and national security considerations. Despite not being a signatory to the 1951 Refugee Convention or its 1967 Protocol, Thailand has set up its own framework for managing refugee inflows. The use of terms such as "displaced persons" and "temporarily displaced persons" underscores its effort to retain flexibility while avoiding the long-term commitments (Jittiang, 2022; Thwe, 2022; Vungsiriphisal et al., 2014). The establishment of camps in the 1980s, and the UNHCR's intervention from 1998 onward represent significant milestones in providing shelter and protection (Ma & Chayavong, 2017; MacLaren, 2010; Vungsiriphisal et al., 2014).

Overall, Thailand has continually adapted its policies to address the ongoing displacement, particularly in the wake of Myanmar's 2021 coup. The NSC's defined protocol and the creation of designated zones for new arrivals illustrate the government's determination to manage the crisis while safeguarding national security. These measures, coordinated by the Thai military, aim to provide interim safety while facilitating eventual repatriation. Thailand's response thus demonstrates a pragmatic balance between humanitarian assistance and the imperative to maintain control over migration patterns within its borders.

Thailand's Ratifications to International Human Rights Treaties

Thailand has demonstrated its commitment to international human rights norms by becoming a state party to several major conventions and treaties. These agreements provide a framework for safeguarding and advancing human rights domestically. According to Paisarnpanichkul and Wattanaboom (2023), Thailand has ratified and acceded to

numerous treaties covering civil, political, economic, social, and cultural rights, as well as protections for marginalized groups. Among the most significant are:

- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social, and Cultural Rights (ICESCR)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- The Convention on the Rights of the Child (CRC)
- The Convention on the Rights of Persons with Disabilities (CRPD)
- The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)

Thailand's ratification of these treaties signals its intention to align domestic laws, policies, and practices with international human rights standards. Ratification entails obligations to respect, protect, and fulfill rights enshrined in these instruments, as well as to report progress to relevant UN treaty bodies. However, ratification alone does not guarantee compliance. Effectiveness depends on Thailand's ongoing efforts to incorporate international standards into national legislation and ensure their practical application. In practice, immigration law often takes precedence, with enforcement prioritized as a first resort (Paisarnpanichkul & Wattanaboom, 2023).

Despite these commitments, the Immigration Act B.E. 2522 remains the primary legal instrument governing the entry and stay of foreigners. Section 4 defines any non-Thai national under the Nationality Act as an "alien," while Section 5 grants the Ministry of Interior authority to enforce the Act. Violations render any alien, regardless of nationality or status, subject to criminal prosecution (Al Imran, 2022; Broadhead, 2012; Nguma, 2017).

Although Thailand is not a party to the 1951 Refugee Convention, its refugee management practices reflect a balance between humanitarian concerns and practical challenges. Bridging the gap between treaty ratification and implementation remains essential to ensure that the rights are fully realized in everyday life. Thai law distinguishes between documented or "legal" migrants, those entering with valid passports, visas, or work permits, and undocumented or "illegal" migrants, who enter without authorization or lose legal status after arrival (Broadhead, 2012; Nguma, 2017).

Asylum seekers in Thailand lack protection under national legislation, but are covered under broader human rights principles. For instance, non-refoulement is recognized as customary international law. Refugees are entitled to protection under international human rights norms, including the right to life, freedom from torture or cruel, inhuman, or degrading treatment, and humane treatment (Nguma, 2017). Despite not being a signatory to the 1951 Refugee Convention, Thailand's approach often incorporates its principles. In practice, Thailand's response to refugee situations frequently extend beyond formal regulations, reflecting efforts to balance humanitarian obligations and with national security and practical realities (Vungsiriphisal et al., 2014).

Thailand's Resistance or Rejection to the Refugee Convention 1951 and its 1967 Protocol

Thailand, as a sovereign nation, retains the legal authority to determine which international treaties it ratifies. Like other states, Thailand exercises discretion in its participation in international agreements, including the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol (Vungsiriphisal et al., 2014). The decision not to accede to these conventions reflects more than resource considerations, it is also shaped by national security concerns (Davies, 2008; Vungsiriphisal et al., 2014).

Davies (2008) argues that Thailand's rejection of the Refugee Convention is closely tied to its prior experiences managing displaced populations from neighboring countries. The refusal of several Southeast Asian states, including Thailand, to join the Convention and Protocol, combined with their restrictive treatment of Indochinese refugees, can be interpreted as a geopolitical strategy. This stance was likely intended to put pressure on the international community to provide greater financial and logistical support for refugee management (Davies, 2008).

In 1988, Thailand declined US financial assistance for additional Indochinese refugee camps, instead insisting on rapid resettlement. UNHCR concluded that Thailand's restrictions on refugee inflows were motivated less by financial limitations than by the sovereignty concerns (Moretti, 2022). Economic and security factors nonetheless played a decisive role. Economically, the government feared the high costs of humanitarian assistance. From a security perspective, officials worried that groups such as the Karen might establish long-term military bases within Thai territory, enabling cross-border operations. These dual considerations significantly influenced Thailand's position (McConnachie, 2012; Vungsiriphisal et al., 2014).

Moretti (2022) further notes that many asylum seekers were members of the Karen National Union (KNU), who used refugee camps along the border to support their armed struggle. This prompted retaliatory raids and incursions by the Burmese military into Thailand (McConnachie, 2012; Moretti, 2022). Similar concerns resurfaced after the 2021 coup, when Thai authorities feared displaced persons might contribute to resistance network or trigger large-scale protests and public unrest (Thwe, 2022).

Thailand's apprehensions also extend to political dissidents. Based on earlier activism by Myanmar's opposition groups in Bangkok and temporary shelters, the government has often viewed "persons fleeing arrest" as disruptive asylum seekers perpetuating instability and political activity inside Thailand (Lang, 2002). Officials have stated that "the people living in temporary shelters are those who oppose the Burmese military. Despite the passage of time, there is no apparent evidence that their political beliefs have changed." Another recurring concern is "the potential impact on international relations" (Paisarnpanichkul and Wattanaboom, 2023).

Despite these reservations, Thailand has remained the primary destination for displaced persons fleeing Myanmar for nearly three decades. Although it does not legally recognize them as refugees, Thailand has collaborated with humanitarian organizations and UNHCR to provide shelter, protection, and basic services. Assistance has been extended on the basis of their status as displaced individuals rather than refugees, reflecting Thailand's cautious approach to this protracted humanitarian crisis (Davies, 2008; Jittiang, 2022; Vungsiriphisal et al., 2014). At the same time, Thailand continues to frame irregular migration, including displacement from Myanmar, as a security risk, citing the unlawful nature of entry under its National Security Policy. Multiple government agencies address displaced persons according to their respective mandates and legislation (Vungsiriphisal et al., 2014).

Overall, Thailand's opposition to or rejection of the 1951 Refugee Convention and its 1967 Protocol is a complex matter that is impacted by diplomatic, economic, security, and geopolitical factors. While Thailand has not accepted these international refugee conventions, it has played an important role in aiding displaced persons, particularly those escaping from wars and persecution in Myanmar. This support, however, is presented as considering national security and sovereignty rather than fully providing statutory refugee protection.

Discussion

Thailand's approach to handling Myanmar's displaced persons illustrates Christina Boswell's ethical negotiating paradigm, which emphasizes balancing national priorities with humanitarian commitments. Thailand's policies, prioritizing sovereignty and security while offering short-term protection, illustrate this negotiation between moral obligations and political realities. The nation's response can be analyzed across several dimensions, including sovereignty, security, burden-sharing, and humanitarian pragmatism.

Firstly, Thailand has consistently prioritized sovereignty, retaining freedom in managing displaced persons without binding international obligations. Its refusal to ratify the 1951 Refugee Convention reflects this stance. By designating Myanmar arrivals as "temporarily displaced persons" rather than refugees, Thailand provides ad hoc humanitarian assistance while avoiding formal duties under international law. This supports Boswell's claim that states employ informal mechanisms to negotiate moral obligations while preserving policy autonomy. Temporary shelters established in the 1980s and "safe areas" created after the 2021 coup demonstrate Thailand's preference for short-term solutions over long-term integration, underscoring the tension between humanitarian principles and political pragmatism.

Secondly, Thailand's policies are heavily shaped by security considerations, particularly fears of displaced persons' alleged ties to political dissidents or armed groups. Historical examples, such as the Karen refugee camps in the 1980s, reveal concerns about destabilization and cross-border conflict. In response to the 2021 coup, the National Security Council (NSC) established military-supervised "waiting areas" to monitor new arrivals. These measures align with Freeman's (1992) observation that states prioritize border control during large-scale migrations. Yet, securitization risks undermining protections by conflating legitimate asylum seekers with potential security threats.

Thirdly, Boswell's emphasis on equitable burden-sharing is evident in Thailand's reliance on donor nations and international agencies. The UNHCR's involvement in temporary shelters from 1998 marked a turning point, with the international community assuming greater financial and logistical responsibilities. Similarly, Thailand's post-2021 response, relied on external funding to offset domestic costs, reflecting Davies' (2008) argument that non-signatory governments leverage geopolitical pressures secure support. However, dependence on foreign aid creates vulnerabilities: reductions in assistance could destabilize Thailand's ad hoc structures leaving displaced populations at risk.

Lastly, Thailand's reliance on temporary shelters illustrates its pragmatic balancing of humanitarianism and practicality. The establishment of border camps for Karen and Karenni refugees in 1984–1986 immediate relief without long-term rights. Likewise, post-2021 "safe areas" emphasized repatriation above integration, consistent with Thailand's longstanding inclination for temporary measures. This approach reflects Carens' (1996) realist perspective, which advocates achievable policies over aspirational ideals. However, the protracted stays of Myanmar refugees since the 1980s, highlight the danger of perpetuating cycles of displacement through short-term fixes.

Overall, Thailand's management of Myanmar's displaced persons demonstrates the complexities of moral negotiations in non-signatory states. By employing ad hoc measures, Thailand balances sovereignty, security, and humanitarianism without formal commitments. While this pragmatism has provided short-term relief, it exposes structural weaknesses, including reliance on foreign assistance and legal gaps in legal protection. Boswell's framework underscores Thailand's dual role as both a humanitarian actor and a sovereign state. To align more closely with the aspirational goals of ethical negotiation, further reforms could strengthen regional burden-sharing mechanisms and embed protections within Thailand's domestic legal framework.

Conclusion

The concept of ethical negotiation provides a valuable lens for analyzing Thailand's responses to Myanmar's displaced persons. This framework underscores the need to balance national sovereignty and security with humanitarian commitments. Thailand's reluctance to fully implement international refugee agreements stems from concerns over sovereignty, security risks, and economic costs. However, ethical negotiation necessitates strategies that acknowledge these legitimate concerns while ensuring protection and assistance for vulnerable populations fleeing persecution and violence. Through this paradigm, Thailand can navigate the complex interplay between national interests and humanitarian obligations, shaping policies that are both pragmatic and ethically grounded.

Equally important, ethical negotiation highlights the role of responsibility-sharing and international cooperation in refugee management. Thailand's position as a non-signatory to the 1951 Refugee Convention affords flexibility, but also underscores the necessity of equitable distribution of refugee protection responsibilities. In this context, the international community's financial and logistical support remains critical. Ethical negotiation thus promotes global collaboration and burden-sharing, ensuring that frontline states such as Thailand are not disproportionately burdened with refugee protection duties.

Acknowledgment

The authors gratefully acknowledge the anonymous reviewers for their constructive comments and insightful suggestions, which substantially enhanced the quality and readability of this manuscript. Their expertise and careful analysis strengthened the interpretation of data, refined the methodology, and improved the overall presentation of the findings. The authors deeply appreciate their thorough recommendations, which contributed to the rigor and impact of this work.

References

- Al Imran, H. (2022). The plight of boat refugees to Thailand: Challenges in law & policy and non-refoulement obligation. *International Journal on Minority and Group Rights*, 29(5), 984–1009. <https://doi.org/10.1163/15718115-bja10081>
- Boswell, C. (2005). *The ethics of refugee policy*. (1st ed). Routledge.
- Broadhead, S. S. (2012). *Access to education for children: A case study of urban refugees and asylum seekers in Bangkok* [Master's Thesis, Chulalongkorn University]. Chulalongkorn University Intellectual Repository (CUIR). <http://doi.org/10.58837/CHULA.THE.2012.740>
- Carens, J. H. (1996). Realistic and idealistic approaches to the ethics of migration. *International Migration Review*, 30(1), 156–170. <https://doi.org/10.2307/2547465>
- Cardozo, B. L., Talley, L., Burton, A., & Crawford, C. (2004). Karenni refugees living in Thai-Burmese border camps: traumatic experiences, mental health outcomes, and social functioning. *Social Science & Medicine*, 58(12), 2637–2644. <https://doi.org/10.1016/j.socscimed.2003.09.024>
- Nguma, M. (2017). *Challenges and livelihood strategies of Pakistan's urban women refugees in Bangkok, Thailand*. [Master's Thesis, Chulalongkorn University]. <https://digital.car.chula.ac.th/cgi/viewcontent.cgi?article=1786&context=chulaetd>
- Chantavanich, S. & Kamonpatch, A. (2017). Introduction: Background of Protracted Conflict and Displacement in Myanmar. In S. Chantavanich & A. Kamonpatch (Eds.), *Refugee and return: Displacement along the Thai-myanmar border* (pp. 1–7). Springer. https://doi.org/10.1007/978-3-319-41752-3_1
- Davies, S. E. (2008). *Legitimising rejection: International refugee law in Southeast Asia*. BRILL.
- Decobert, A. (2016). *The politics of aid to Burma: a humanitarian struggle on the Thai-Burmese border*. (1st ed). Routledge. Taylor & Francis Group.
- Freeman, G. P. (1992). Migration policy and politics in the receiving states. *The International Migration Review*, 26(4), 1144–1167. <https://doi.org/10.2307/2546878>
- Han, N. B. (2024). *Communities strive to shield youth from conscription*. Frontier Myanmar. <https://www.frontiermyanmar.net/en/communities-strive-to-shield-youth-from-conscription/>
- Hoffmann, S. (1981). *Duties beyond borders: On the limits and possibilities of ethical international politics*. Syracuse University Press.
- Jititiang, B. (2022). *Ad hoc and as usual: Thai's responses to the Myanmar crisis since the 2021 coup*. Asia-Pacific Center for Responsibility to Protect (APR2P), University of Queensland.
- Lang, H. J. (2002). *Burmese refugees in Thailand*. Cornell University Press. <http://www.jstor.org/stable/10.7591/j.ctv1nhk0m>
- Laocharoenwong, J. (2020). *Re-Imagining the Refugee Camp: Sovereignty and time-space formation along the Thailand-Burma borderland* [Doctoral Thesis, University of Amsterdam]. UvA-DARE (Digital Academic Repository). <https://dare.uva.nl/search?identifier=51646a30-ef81-446a-8c4f-49a3a672597c>
- Ma, M., & Chayavong, V. (2017). Sustainable Return: A Case Study of Refugee Return to Lao PDR in the 1980s–1990s. In S. Chantavanich & A. Kamonpatch (Eds.), *Refugee and return: Displacement along the Thai-myanmar border* (pp. 9–21). Springer. https://doi.org/10.1007/978-3-319-41752-3_2
- MacLaren, D. (2010). Tertiary education for refugees: A case study from the Thai-Burma border. *Refuge*, 27(2), 103–110. <https://doi.org/10.25071/1920-7336.34727>
- McConnachie, K. (2012). Rethinking the “refugee warrior”: The Karen national union and refugee protection on the Thai-Burma border. *Journal of Human Rights Practice*, 4(1), 30–56. <https://doi.org/10.1093/jhuman/hus005>
- Moretti, S. (2022). *The Protection of Refugees in Southeast Asia: A legal fiction?* (1st ed). Routledge.
- Mon, N. A., & Quadrini, M. (2024). *Military conscription in southeastern Myanmar demands international intervention*. The Diplomat. <https://thediplomat.com/2024/05/military-conscription-in-southeastern-myanmar-demands-international-intervention/>
- Ng, K. (2024). *Myanmar: Young people attempt to flee ahead of conscription order*. BBC. <https://www.bbc.com/news/world-asia-68345291>
- Olivius, E., & Hedström, J. (2023). ‘On the border, I learned how to advocate’: Borderlands as political spaces for Burmese women’s activism. *Journal of Refugee Studies*, 38(2), 326–339. <https://doi.org/10.1093/jrs/fead030>

- Paisarnpanichkul, D., & Wattanabhoon, K. (2023). *Report on Thai legislation and policies review: Relating to new arrivals from Myanmar*. Myanmar Response Network.
- South, A. (2008). *Ethnic politics in Burma: States of conflict* (1st ed). Routledge. <https://doi.org/10.4324/9780203895191>
- Suhrke, A. (1983). Indochinese refugees: The law and politics of first asylum. *The Annals of the American Academy of Political and Social Science*, 467, 102–115.
- The Border Consortium. (2024). *Voices of the displaced: Perspectives of newly arrived Myanmar refugees in Thailand*. The Border Consortium.
- Thwe, S. M. (2022). *Intersectionality and livelihoods of conflict-induced displaced Myanmar women in Mae Sot, Thailand* [Master's Thesis, Chulalongkorn University]. Chulalongkorn University Intellectual Repository (CUIR). <https://doi.org/10.58837/chula.the.2022.204>.
- UN Refugee Agency. (2023). Thailand: Operational factsheet. https://www.unhcr.org/sites/default/files/2024-03/UNHCR-Thailand_Operational-Factsheet-31-December-2023.pdf
- Varophas, K. (1966). The Vietnamese refugees in Thailand. *World Affairs*, 128(4), 233–238.
- Vungsiriphisal, P., Chusri, D., & Chantavanich, S. (2014). *Humanitarian assistance for displaced persons from Myanmar: Royal Thai government policy and donor, INGO, NGO, and UN agency delivery*. Springer Science & Business Media.
- Weiner, M. (1996). Ethics, national sovereignty, and the control of immigration. *The International Migration Review*, 30(1), 171–197. <https://doi.org/10.2307/2547466>

Article info

Received: 9 October 2024

Revised: 14 February 2025

Accepted: 2 May 2025

Author

Kyaw

Email

sawandrew410@gmail.com