Legal Status and Consequences Exploration: The Case of Non-Registered NGOs in Thailand

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Abstract

This study aims to analyze the reasons why some non-government organizations (NGOs) in Thailand are non-registered NGOs and what are the consequences. This multiple-case qualitative study analysis used in-depth and semi-structured interviews with key people from various NGOs to gather information. Also, to come up with suggestions, a focus-group discussion was held with experts. Based on the data gathered and the suggestions made during the interviews and the group discussion, it can be argued that NGOs' right and liberty to form a group should be maintained and protected. It is also suggested that the regulatory agency should be improved, most notably its ability to guide NGOs and enable non-registered ones to use their own discretion whether to register or not. As to the consequences of non-registration, findings indicate that the lack of official legal status primarily affects NGOs internal structure, human resources, funding, and project implementation. Further suggestions include among others appointing assistant managers, adding more personnel, building internal capacity for staff members, and developing the current expertise of organizations to conduct sustainable operations.

Keywords: non-registered NGO, legal status, funding, suggested solutions.

1. Introduction

There has been a large increase in the number of international and domestic non-government organizations (NGOs) in the last few decades. There also has been a trend toward NGOs' increasing involvement in the delivery of international development assistance. Several key factors have contributed to the rapid rise of NGOs. While numerous associations and mutual help groups emerged in the late 19th and early 20th centuries quite independent of government intervention, 'nonprofit,' 'non-governmental,' 'voluntary," 'civil society,' 'third,' or 'independent' groups, now known popularly as NGOs, have become a topic of interest in the public discourse and influenced the enactment of laws to promote specific activities (Salamon, Anheier, List, Toepler, & Sokolowski, 1999). By 2007, China, for example, boasted approximately 3,000 such organizations, the majority located in eastern or central China. Many of these newborn NGOs, however, face major obstacles obtaining legal status, gaining funding, and resolving human resources issues. (Xin & Yang, 2014).

A number of studies suggest that 20th Century NGOs mostly took the role as outsiders challenging the system, while 21st Century NGOs have increasingly worked to be part of the system (e.g. SustainAbility, 2003). For new generation NGOs, the focus is on solutions delivered through (and often disrupting) markets. As a result, the NGO boom has led to a growing number of countries looking into providing a suitable legal framework allowing NGOs to thrive. The NGO context in Thailand refers to citizen organizations in a number of areas such as educational, health, economic and environmental issues. Currently, NGOs in Thailand are varied and seem to coexist quite well. A few, however, occasionally face unfriendly reactions from others in the country. Moreover, given Thailand's political situation, their space in society has become more limited (Prateapusanond, 2017). Many are registered as foundations, associations, or under some other forms of legal entities. Some, however, have opted to remain non-registered (informal). Thailand has no specific laws and regulations on the legal status of local NGOs and their certification.

Different ministries have drafted different regulations to certify, control, and monitor them, causing some confusion among NGOs. There is also no national mandate to cover their activities. This raises ambiguity in the establishment, executive authority, supervision, as well as budget management and administration among NGOs. Despite the absence of a clear-cut legal framework, many local NGOs have positively contributed to various local communities. Yet, a number of them cease operations only after a short period of time as, due to the complex societal environment, they face difficulty sustaining their operations. This is especially the case of informal or non-registered NGOs as a number of them have weak organizational administration and management. Only a few of them can sustainably thrive. Some are even forced to venture into under-the-table activities and end up being looked at with some suspicion. This has led the Thai government to limit the number of local NGOs and order the termination of some of them, mostly those violating national laws or becoming a 'security threat'.

To summarize, NGOs face three chief concerns: (i) the very existence of NGOs and whether they will eventually have to have a legal status; (ii) NGO's professional conduct and whether ethics is exercised properly; and (iii) NGO's funding and fund raising challenges and whether tax privileges will be maintained (Prateapusanond, 2017). For all these reasons, it is important to understand the reasons behind the decision of some NGOs in Thailand not to be registered and fully grasp the consequences of their non-registration, which is precisely what this article aims to do. Another purpose of this article is to suggest solutions on both the legal status of NGOs and on their organizational management and their remaining sustainable. More specifically, this research seeks to answer the following questions:
- What are the reasons for NGO's decision not to be registered?
- What are the consequences for local NGOs not to be registered?
- What suggestions can be made to improve the legal status and organizational management of non-registered NGOs?

It is the hope of the authors that the findings in this research will contribute to a better understanding of the nature of Thai NGOs, especially non-registered ones, and the betterment of their management. The results may provide policymakers with key pointers in providing policy support to newborn and existing local NGOs in Thailand.

2. Literature Review
After defining NGOs, this section focuses on articulating the elements of the conceptual framework used to analyze the consequences of the lack of official legal status, namely, the organizational structure, funding, human resources, and project-related operations.

- NGOs

The scope of NGOs is so diverse that it is almost impossible to find a single term to define them. Broadly speaking, NGOs are not-for-profit groups mostly formed by civil incorporation among like-minded individuals ((Bradsen & Pestoff, 2006). They are established with a clear purpose to achieve specific goals following some rules to regulate relationships between and among members and specific guidelines for the roles and responsibilities of each member (Weisbrod, 1988). The goals of NGOs are mostly different from other organizations and most generally work on development-related issues on the economy, society, or culture (Toepler & Salamon, 2003). A NGO can either be registered or non-registered depending on where it was formed or where it is operating. Moreover, NGOs can be small (groups or clubs) or large (foundations or associations) in scale, which may or may not complement government- or market-driven initiatives (Ruengrong, 1999).

Generally, NGOs assist to help society, deliver public service, or address social problems without seeking profit or any other benefits. Ruengrong (1999) further described formal NGOs as those established by a group of people who have the same ideology to do either social development, economic, or political activities such as the Center for Media Development and the Center for the Protection of Children's Rights. Salamon and Anheier (1998) determined that NGOs should meet five characteristics; they should be institutionalized, independent, non-profit, self-governing, and voluntarily participatory. In Thailand, NGOs can be classified into two different sets; NGOs formed by individuals with the same ideals and NGOs formed under the Thai legal framework. While the former is established by individuals who try to address societal issues that are not fully covered by public sector initiatives, the latter are government-back associations and foundations working on specific causes (Promgrid, 2008). The current Thai Civil and Commercial Codes have specific provisions for people who want to establish formal organizations.

- Traditional vs Modern NGOs

NGOs have become increasingly more influential, with some seemingly influencing governments and big businesses. This has pushed several countries to slowly try to gain control and monitor NGO activities. For instance, in 2012 a total of 1,727 NGOs were registered in Cambodia, consisting of 574 International NGOs and 1,153 Local NGOs (Cooperation Committee of Cambodia in 2012 cited in Narot, 2017). However, only 530 of these NGOs were known to be operational, with the remaining 80 NGOs being closed down (1,117 NGOs did not report their activities, which suggest they may not be fully operating or are simply not operating). Cambodia has recently adopted a law designed to regulate local NGOs. Proposed by Prime Minister Hun Sen, the law was seen to be necessary because without it, the government claims it would not know the sources of funding of NGOs, as some, it is argued may allegedly come from terrorist groups. For much the same reasons, Egyptian President Abdel Fattah el-Sisi also recently signed a law that restricts NGO operations. The law bans domestic NGOs or foreign groups from participating in activities that are harmful to national security, public order, and public morals (Najjar, 2017), leaving the door open to abusive bans.

Whereas NGOs used to act as outsiders, mostly separate from government work and operations, today, they tend to focus on providing solutions and working hand in hand with the public sector. NGOs thus can serve as a third party in ensuring government transparency and efficiency in service delivery. Table 1 highlights the main differences between 20th and 21st NGOs based on a comparative study conducted by SustainAbility in 2003).

Table 1: Differences between 20th and 21st Century NGOs (Adapted from Sustainability, 2003)

Issue	20th Century	21st Century	Comment
Status	Outsiders	Insiders	20th Century NGOs exist as outsiders to challenge the system, while 21st Century NGOs will be part of it dramatically.
Structure	Institutions	Networks	20th Century NGOs started small and then grew into major institutions. But 21st Century NGOs will invest heavily in networks
Funding	Guilt	Investment	20th Century NGOs' funding was filled by public anger or guilt, while 21st Century NGOs will aim to persuade supporters that they are good investments.

Even though the comparison was made almost 16 years ago, it remains valid today as the trends highlighted then have been confirmed and in some cases amplified (Thum, 2017). NGO formalization can change the parameters and yield enormous opportunities. However, if NGOs are not developed correctly, ignore the shifting parameters and cling to the past, the will expose themselves to fundamental risks that could threaten their very operation. Today, three key dimensions fundamentally affect NGOs' thinking: (i) the need to develop policies in a brand-new way to prevent the negative aspects of global developments; (ii) donors and the holistic social environment of the NGOs; and (iii) formal requirements for NGOs, especially regarding transparency, compliance, and the need for evidence regarding how they deal with money and the decisions resulting therefrom.

- Major Obstacles to NGO Legitimacy
In 2015, Mostashari investigated the challenges faced by Iranian NGOs. His study eventually divided them into three categories; internal, nationwide, and international.
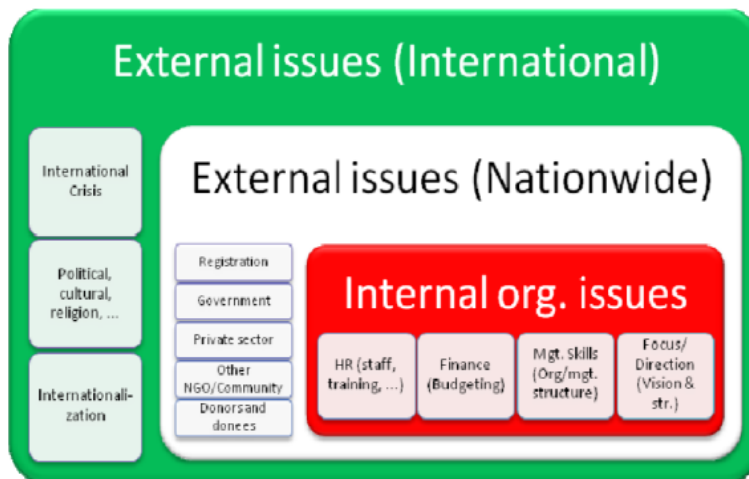

Figure 1: Internal and External Issues Challenging NGOs (Mostashari, 2015)

Figure 1 shows the impact of NGO legal registration on their organizational management. As Mostashari (2015) explained, NGOs face an array of problems if they are not registered, including a lack of resources (in particular administration and expertise), insecure funding, and weakness in gaining the trust of others, including that of donors.

As most NGOs face challenges in obtaining a legal status, many consequently face issues related to (i) their organizational structure, (ii) funding, (iii) human resources, and (iv) project-related operations. A major motivation for NGOs to officially register is for them to be able to open a bank account as a legal entity. It is quite difficult for NGOs to solicit funds without a legal status. In China, organizations can register as either companies or NGOs. This dual-regulation system is unique to Chinese NGOs as mandated by law. Local NGOs must register with the Department of Civil Affairs first. NGO's day-to-day activities will then be regularly monitored. According to Xin & Yang (2014), these restrictions make it difficult for NGOs to legally register. The legitimacy of NGOs is often questioned, with some debating whether NGOs "speak as the poor, with the poor, for the poor, or about the poor?" Slim (2002) defines the legal status and legitimacy of NGO as "the particular status with which an organization is imbued and perceived at any given time that enables it to operate with the general consent of peoples, governments, companies and non-state groups around the world" (p. 21).

NGOs' motivations are derived from morality and law. Slim (2002) argues that here is no need to register their legal status. To experts, legitimacy can be based on the organization's moral and legal motivation, membership base, technical expertise, and/or effective performance. Some NGOs feel that a membership-based organization operating in an openly democratic society wholly defines their legitimacy. However, when there are weak legal and regulatory structures, some sort of certification schemes and self-regulation of NGOs amy emerge to provide this legitimacy. A good example is the Philippines Council for NGO Certification (SustainAbility, 2003). NGOs' legitimacy can thus be both derived and generated.

(i) Organizational Structure
An organizational structure gives a pictorial representation of the functional mechanisms inside an NGO. It provides a graphic view of the hierarchical system and the levels of responsibility in the organization. It is relevant to present an organizational chart because it gives a quick, bird's-eye view of the management structure of an NGO.
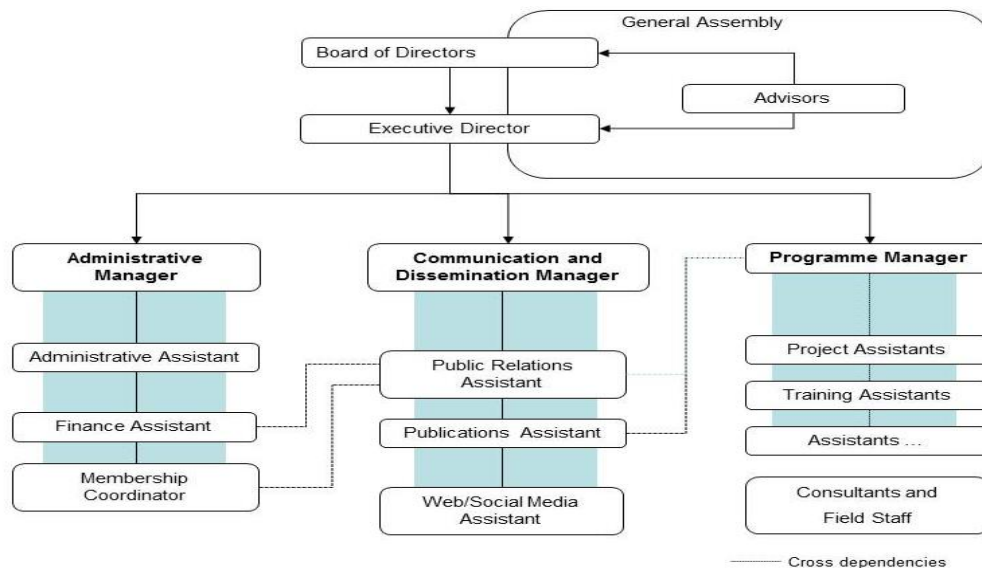

Figure 2: Typical Structure of NGO Formalization (Srinivas, 2015)

The organizational structure of an NGO is mostly found in annual reports, brochures, and other promotional material of the organization as it is essential for raising funds and gaining donor recognition. The top management of an NGO consists of three entities; (i) the Board of Directors, (ii) the General Assembly, and (iii) the Executive Director. Staff members are divided into two levels: managers and operators. In terms of functions, staff members fall into three groups (i) administration, (ii) publicity, and (iii) programs/projects. Formalizing the organization can take between 15-20 staff members. In the case of large NGOs, the fund-raising responsibility may fall under a separate position specifically to embrace new purposes as defined by the vision and mission of these NGOs (Srinivas, 2015).

(ii) Funding

There are four major sources of funding available to NGOs: (i) international and domestic foundations, (ii) donations, (iii) corporate sponsorship, and (iv) membership fees. Funding is a classical problem issue for grassroots organizations (Xin & Yang, 2014). International and domestic foundations are usually the main sources of income for many NGOs. Xin & Yang (2014) suggest that more than 90 percent of Chinese NGOs' funding comes from international sources. Chinese government officials and some researchers are suspicious of this type of funding, as they assume that the international foundations involved will control programs or push their agendas with the donor recipient. Certain individuals and enterprises can make donations to NGOs, but only those that are registered are permitted to charge membership fees. Corporate sponsorship is also an option, but the general public often does not trust corporations and suspects that these NGOs are engaged with under-the-table activities. Political and administrative sectors are also seen as interrupting and limiting NGO funding. Both international and domestic foundations tend to support government-backed NGOs (GONGOs) rather than grassroots NGOs, which are sometimes characterized as weak. Donors often prefer to support GONGOs or governmental agencies, which are very likely to offer more benefits (Xin & Yang, 2014).

(iii) Human Resources

The third major challenge many NGOs face is their limited human resource capacity. According to the NGO Blue Book (2014), in China, about 81 percent of the country's NGOs lacked professional employees and 46 percent had fewer than five employees. Moreover, most NGOs have also suffered a high turnover rate. Even though their leaders are usually competent, their general staff often lack some essential capacity. As a result, while many NGOs seek out suitable projects, limited human resources capacity often leads to poor project implementation. Senior NGO officers end up trying to pick up the pieces, with many performing tasks that should be the responsibility of the general staff. The solution is to recruit more employees but this requires additional funding. To gain more funds, the organization needs to identify and implement more quality projects. This vicious cycle is faced by many NGOs today (Xin & Yang, 2014).

(iv) Project Implementation

The general goals and directions of Thai NGOs in implementing projects cover the following principles:

NGOs must:
a) adhere to the idea that sustainable development is for all Thais;
b) raise awareness to encourage public participation in developing the country;
c) motivate Thais to actively engage in all dimensions of development by focusing on human resources and network development, which will result in self-reliance and the ability to help society;
d) promote an equal society by paying more attention to the more vulnerable sectors of society;

e) put in place mechanisms that would be beneficial to all, including having freedom to make decisions.

However, many Thai NGOs have decided not to register, which brings into a focus a number of issues may hinder project implementation, their funding, human resources, and structure.

- Global and Local Trends for Non-registered NGOs

There are many reasons why, for example, NGOs in India register even if they may operate without any legal status. Often, these organizations register to ensure accountability and easier use of assets. Moreover, registered NGOs typically can formally receive funds in the name of the organization (NGOs in India, 2016).

In South Korea, a large number of NGOs are not registered. There are an estimated 11,050 non-registered organizations, accounting for 18 percent of all NGOs in the country (Kim & Hwang, 2002). Of these, about 4,000 non-registered organizations are active NGOs. The high number of unregistered NGOs is a distinctive feature of South Korean NGO management. Kim and Hwang (2002) suggest that non-registered NGOs are centered on advocacy and civic organizations, while registered NGOs are centered on providing service. This estimate, however, is based on a broader definition of NGOs which includes nongovernmental, public interest corporations, civic organizations, civil society organizations, and civil movement organizations. But this estimate did not include hospitals and educational institutions (Bokgyo Jeong, 2015).

In China, new NGOs faced difficulty to register. Many NGO leaders choose other ways of establishing their organizations. Until the adoption of the new regulations for NGOs in 1998, one of the most popular strategies was to register with the Bureau of Industry and Commerce as a business enterprise. This was seen to be easier than registering as a social organization as it required a minimal management structure with a high degree of autonomy.

In Thailand, many groups have been established for specific purposes but do not have any legal standing. Such organizations are known as projects for working groups, units, and forums. Recent surveys by the National Statistical Office in 2018 estimate that there is a total of 76,685 NGOs in the country. However, data were not disaggregated into registered and non-registered NGOs (CUSRI, 2003).More reliable data are those released by the Chulalongkorn University Social Research Institute (CUSRI), which came up with a baseline data for unregistered NGOs in the country (they are shown in Table 2). At present, the NGO situation in Thailand is quite unique, relatively open, and a free environment for NGOs. While enabling mechanisms have been put in place to push NGOs to legally exist, there is still a high number of non-registered organizations in the country. These data underscore why understanding the root cause and eventual effects of NGO's non-registration is important. This study hopes to offer solutions about the views and suggestions of the relevant government department on NGO legal status requirement and help the non-registered NGOs to continue to harmoniously thrive in the Thai society.

Table 2: Total Number of Registered and Non-registered NGOs in Thailand (CUSRI, 2003)

Type	Total Number
Registered NGOs (Foundation & Association)	8,406
Non-registered NGOs • Thai NGOs • Foreign NGOs	 68 429

3. Research Methodology

As shown in Figure 3, this study aims to understand the reasons why some NGOs are not registered and the consequences on their organizational management and operations in terms of structure, human resources, funding, and project implementation.
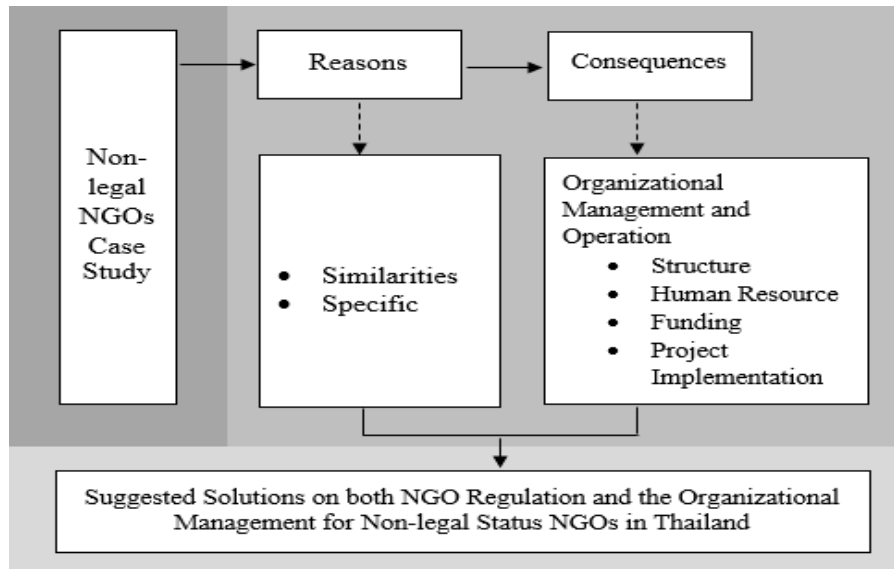

Figure 3: Conceptual Framework

To achieve these goals, this study uses a qualitative method. Five non-registered NGOs in Thailand were chosen for this case study. To be eligible they have to:

(a) be active or have been established for more than five years;

(b) have an existing office in Thailand; and

(c) publish information on the Internet or in an annual report.

This research applies the multiple-case experience (Dechalert, 2002). The authors selected a diverse range of organizations. Based on their specific focus, CUSRI (2003) has identified 11 types: culture and recreation, education and research, health, social services, environmental, rural and urban development, law campaign, and politics, charity and funding, international activities, religion, professional organization. As indicated in Table 3, the five NGOs selected cover many of these types and embrace various projects/activities. For obvious strategic reasons, the identity of the sampled NGOs was not fully disclosed (they are referred to by a letter).

Table 3: Basic Information on Selected Non-registered NGOs in Thailand

Name	Year Founded	Aspect	Type	Staff Number	Projects/Activities
NGO A	2002	Social Service	Thai/Local NGO	7	Drug prevention by using alternative activities for the youth to spend their free time more effectively, gain leadership skills, and encourage them to be community volunteers
NGO B	1994	Education and Research	Thai/Local NGO	5	Community and social development through arts and culture activities as well as training and research
NGO C	2010	Law Campaign and Policy	Foreign NGO	7	Promote civic education and democracy; organize an international forum on democracy, human right, and civic education; and build a network for international youth democracy
NGO D	2007	Culture and Recreation	Foreign NGO	7	Children and youth, environmental education, community, and rural development
NGO E	2006	Environment	Thai/Local NGO	5	Encourage individuals, organizations and communities to be self-reliant by organizing workshops through a participatory learning process; research, gather, and experiment with the knowledge of building a home with natural materials and build a house with both domestic and foreign soil; disseminate information about natural architecture and building a house with clay; organize discussion and exchange knowledge to develop mutual knowledge; and build a house builder network with clay to create a knowledge exchange community

Given the authors' lack of connections with non-registered NGOs in Thailand, the availability of key interviewees was a primary priority. To this end, the snowball technique was used to find available non-registered NGOs that were willing to share relevant information. All the cases NGO from the snowball technique are small. To ensure reliability, the target NGOs also had to comply with the various characteristics outlined by Salamon and Anheier (1998) as mentioned in the previous section. As part of the qualitative method, in-depth and semi-structured interviews with members of these NGOs were conducted to determine their reasons for having no legal status. The topics covered include the organizational structure, human resource, fundraising, and project implementation of NGOs as expounded in the literature review.

More specifically, four face-to-face interviews were conducted and a telephone interview was used in a fifth case as one interviewee was outside the country during the data collection period. The semi-structured interviews were transcribed and analyzed. Moreover, a focus group discussion was held to come up with solutions. The group discussion includes NGO experts and consultants, NGOs Co-ordination Committee on Rural Development (NGO-CORD), as well as managers from both registered and non-registered NGOs in Thailand. Further information was collected from different reports provided by the interviewees.

4. Results and Suggestions
This section first discusses the results of this research study and then makes suggestions on the basis of these findings.
- Intention of Remaining Non-Registered NGOs in Thailand
Table 4 summarizes the intentions of the sampled NGOs not to register as legal organizations in the country and the reasons for it. As the table shows, the most common barriers are related

to the country's laws and regulations, registration processes, as well as regular reporting and commitment to the government.

Table 4: Common Barriers and Specific Reasons for Selected Non-Registered NGOs in Thailand.

Common Barriers	Specific Reasons
Complex laws and regulations	NGOs registered in other countries already; some international NGOs are registered in English-speaking countries like the Philippines or Singapore
Complicated registration systems	NGOs working on highly contentious issues (i.e, politics, democracy, human rights, etc.)
Expensive registration fees	Some NGOs are subsidiaries or local offices of registered organization or international NGOs
Fear of excessive government control	Some organizations do not see the value of registering, especially considering possible government involvement in activities
Regular monitoring of the government	Most NGOs in the country are temporary in nature

As explained earlier, to provide workable solutions for non-registered NGOs, the study looked into the impact of non-registration on four different organizational aspects: (i) management structure, (ii) human resources, (iii) funding, and (iv) project implementation. Each aspect is discussed next, starting with the organizational structure.

(i) Organizational Structure
As Table 5 shows, all sampled non-registered NGOs have a similar structure in terms of size and hierarchy. The names of the positions held in the NGO though depend on the NGO type. For example, for a training organization, staff members are often called consultants or assistant consultants. But for rural development organization directly working with communities, officials are called field coordinators (such as NGO-D).

Table 5: Structure of Selected Non-registered NGOs in Thailand.

NGO	Size	Staff Number	Hierarchy
NGO A		7	2 levels (manager and staff)
NGO B		5	2 levels (manager and consultant)
NGO C	Small	7	2 levels (president and committees)
NGO D		7	2 levels (manager and field coordinator)
NGO E		5	2 levels (director and field coordinator)

When compared to the typical structure of NGO formalization as shown in Figure 3 (discussed in Section 2), these sampled non-registered NGOs offer positions at a lower level with no distinct separate responsibilities. A previous study of 21 NGOs in North Eastern Thailand defined an organization size as follows: small (1-10 persons), medium (11-20 persons), and large (20+ persons). Apart from their size, one issue faced by these sampled NGOs may be their lack of legal status (McQuistan, 1998). Another may be related to the length or sustainability of their projects and/or activities as their ability to live and exist continuously is one of the factors likely to affect the flexibility of their structures.

As a key interviewee stated:

It is sometimes difficult to have only one [project] manager. The general staff employees cannot directly negotiate with or work with donors and other supporters. When projects expand in scale or impact, they require more assistance or administrative support. Only one project manager is not enough for coordination, sometimes we are forced to lessen the number of activities to suit the size of the organization." (NGO-E).

Another limitation to the organizational growth of these sampled non-registered NGOs is their flat structure or the limited number of staff members. These organizations should work on building their resource base to further thrive.

(ii) Human Resources

For non-registered NGOs to survive, the following human resource management points need to be taken into account. First, the sampled NGOs related that while their organizations are small, they provide generous compensation and promotion packages, as well as grants to loyal and honest employees. Some, employee benefits provided are comparable to and competitive with those offered by big private companies. Second, these non-registered NGOs have encouraged their employees to develop their knowledge and skills. Since most NGOs interviewed are involved in knowledge generation and provision, it is necessary for employees to be highly knowledgeable and skilled to be able to transfer this knowledge to others. Though small, all the NGO teams sampled in this study are comparatively competent and loyal to their respective organizations. Third, the turnover rate of all the sampled NGOs is low.

All the employees of the NGOs sampled NGOs have been working since the organizations' establishment. Even though during the interview, no statistical graph of the turnover rate was provided, a number of reasons can account for the low turnover. As one of the interviewees explained, "While it would be better to keep increasing staff members, when analyzing the existing tasks and the number of projects, it is better to stabilize the staff ratio and motivate employees through organizational welfare and salary instead" (NGO-C respondent). The preference for status quo was corroborated by another respondent who stated: "Our organization started with a little number staffs, until today, we still have the same number with the same persons" (NGO-D respondent).

However, while generally competent, staff members of non-registered NGOs still face challenges that are apt to undermine their efficiency of the human capital. One interviewee shared that sometimes there are conflict and/or competition among staff members. This is sometimes due to the small number of employees where some are forced to handle multiple responsibilities or activities. As this respondent explained, "[The organizations' management] need to ensure that everybody inside the organization is on the same page" (NGO-B respondent). Thus, in addition, given the small size of the sampled organizations, project managers or higher level officers must be skillful in mediating conflicts. So much so, that one of the sampled organizations (NGO-E) hired a human resource specialist who can mediate or address internal issues.

(iii) Funding

All the sampled non-registered NGOs have consistent funding sources, most of them being the organizations' main donors and key sponsors. There might be, however, some variations in annual funding depending on the nature of the projects and activities. All five sampled NGOs also emphasized that their organization can always ask and negotiate with donors and sponsors to sustainably support their organizations. They are in close touch with their donors and stakeholders. One of the sampled organizations (NGO-A) also pointed out that they can always negotiate with clients and donors to present project achievements and results and possibly

obtain more funds. The five non-registered NGOs mentioned that over the past three years their funding has been increasing due to several reasons. First, many private companies are becoming more interested in corporate social responsibility (CSR)-related activities to attract higher public interest or recognition (enhancing their image). Second, there has been stronger collaboration among registered and non-registered organizations recently as a way to lessen project implementation costs and strengthen their capacity to thrive amidst volatile markets. Finally, these NGOs have garnered stronger public support as a result of wider media coverage, especially through social media. More and more people are interested to join different social activities without being too concerned with the organization's background and objectives. For example, Educational Loan Funds Tied to Future Revenue or Income Contingent Loan (ICL) are provided by the Thai government to students who need to pay tuition fees. Available since 1996, this loan, however, requires borrowers to participate in volunteer activities to collect social activities hours.

Future borrowers are required to show evidence of activity per semester (not less than 18 hours per semester). Such funds contribute to the stronger public participation in social activities, including those implemented by non-registered NGOs. That said, raising funds has always been a major concern for development organizations. As one respondent explained, this is more difficult for non-registered NGOs: "A limitation in fundraising is the organization's reputation. When submitting new proposals, we are always asked, especially by new donors, about our background, our experience in implementing projects, etc. Some proposals are immediately accepted or rejected, while others undergo longer review." (NGO-D respondent). A vast majority of non-registered NGOs are still donor-dependent. This poses a challenge especially in ensuring the sustainability of projects and even of the organization's very existence.

(iv) Project Implementation
Table 6 provides an overview of the projects implemented by the NGOs sampled in this study.

Table 6: Overview of Project Characteristics among Selected Non-registered NGOs in Thailand.

NGO	No. of Staff Members	No. of Projects	Activity and Project Characteristics
NGO A	7	3	- Youth development camp - Social service - School training
NGO B	5	3	- Social service activity for the elderly, youth, and other disadvantaged people - Forum, conference, and seminar organization - Country development, government policy, etc. - In-house training
NGO C	7	3	- Mission and visits to several countries - Conference and workshop - Internship and training
NGO D	7	2	- Long-term camps and short-term events - Seminars and training
NGO E	5	2	- Social service activities - Environmental training

As indicated in Table 6, most of these NGOs are involved in organizing training, conferences, or seminars. In addition, the number of projects handled by each organization is lower than the number of staff members each NGOs has. Information gathered from the interviewees highlight some of the challenges faced by non-registered NGOs in terms of project implementation. For one, gathering stronger public participation in most social activities remains a challenge. Some think that these groups organize activities to gain benefits.

One of the selected NGOs related that this is the reason why they do not publicly disclose the fact that they are backed up by a political party. On respondent further related that they run projects hoping that the public will be open to learn about democracy and civic education. Gathering public support remains one of the most pressing issues these sampled groups face. This is all the more the case as these NGOs and their social activities are also often compared with more established organizations, private companies, and even government agencies. This adds another layer of risk to the success of these non-registered NGOs.

- Legal Registration of NGOs in Thailand
After the authors reported the findings from the cases, the focus group discussion outlined the advantages and disadvantages of being a non-registered NGO in Thailand. The pros and cons are as follows:

Pros: It is everyone's liberty to unite and form any type of group especially an NGO. An NGO is basically a group of people who aim to dedicate good things for the society without making a profit. So, why should the law prohibit them? The legal requirement to register means, in itself, that the group of people is prohibited to form a group to do a good thing unless they have registered. The requirement to register means additional costs and time away from an NGO to run its activities. This might discourage small NGOs. Although there is no legal requirement to register every NGO, many other laws govern the activities of non-registered NGOs (criminal, civil, commercial, etc).

Cons: There are many NGOs running their activities inappropriately, especially non-registered NGOs. Some of them have good intentions but lack the appropriate knowledge in that field. Some NGOs just only motivate people to disagree with any government project without proper specific consultations and/or sound scientific evidence. Some of them are used as a tool for money laundering. Some NGOs even defraud money from donors without providing any pro bono activities. These NGOs cause more problems instead of offering solutions. NGOs must be required to register and to their regulation facilitated so as to prevent misconducts. This debate about the pros and cons leads to the following suggestions:

- Suggestions Related to Laws and Regulations on Remaining Non-registered
The group discussion finally came up with some suggestions about maintaining the non-legal status of NGOs in Thailand. It also made some recommendations as to how the Thai government can control and monitor NGO operations. Based on the conclusions of the group discussion, the following should therefore be done:
  a) The Government should rely on criminal, civil, and commercial laws to avoid the complexity and complications of having to register NGOs, especially if they are already registered elsewhere.
  b) The right and liberty to form a group should remain unchanged. The State should not require every NGO to register but must incentivize the registration. Non-registered NGOs should be able to register at their own discretion.
  c) Non-registered NGOs should be strictly prohibited from using names such as foundation or association, which might mislead people in believing that they are legitimate non-profit organizations.

d) NGOs' public awareness should be promoted to prevent misunderstanding particularly with regard to contentious issues.

e) The regulatory agency needs to improve its efficiency of financial audit and the time it takes to regulate NGOs.

f) An official identification card should be issued and officials should be permitted to inspect NGO operations at least once a year (the assigned officials must inform the NGO prior to inspection).

g) The inspection must ensure that the NGO follows the objectives set out in the regulations. Proper accounting of receipts and balance sheet expenditures verified by a certified accountant must be issued even in the case of temporary settlements.

h) Any violation should result in the suspension of operation for 2 years or more.

- *Suggestions Related to Organizational Management*

Table 7 summarizes important experiences reported by interviewees and addressed in the focus group discussion. The recommendations listed in that table to overcome the shortcoming of non-registered NGOs are based on experiences by sampled non-registered NGOs and the brainstorming of experts in the group discussion. Given that some of the sampled NGOS have quite similar problems, some issues have already been solved by others' experience already. Based on the interviews, the following suggestions can be made:

Table 7: Summary of the Impact on Organization Management and Suggested Solutions.

Dimension	Internal Organization Management Consequences	Guideline Solutions
Organizational Structure	The difficulty of having only one manager or project manager to negotiate with many donors and sponsors	Appointing assistant manager(s) to assist in coordinating with donors
		Adding additional staff members to support project implementation and ensure proper monitoring and coordination with donors, partners, etc.
Human Resources	Internal conflicts because of multiple responsibilities while both the staff and the organization is small	Building the capacity of staff members would be beneficial for the organization in the long run
		Hiring a human resource specialist or training project managers who can mediate or address internal issues
Funding	Limited funding opportunities	Building up the organization's reputation and recognition by joining social events and activities hosted by others.
	Lack of clout to negotiate with registered NGOs, donors, and sponsors for funding and resources.	Building the organization's capacity for self-sufficiency
Project implementation	Lack of public support/recognition	Joining local events such as traditional celebrations, religious festivals, etc.
	Strict competition/comparison with more established organizations	Identifying, honing, and promoting the organization's own expertise

5. Conclusion

The findings in this study indicate that there are two main reasons why a number of NGOs in Thailand opt not to register. First, the legal and institutional framework related to NGO registration in the country is weak. At the moment, there is no single authority mandated to facilitate registration or monitor NGO operations. Furthermore, most organizations find the current set of requirements too complex. Another major reason why some NGOs fail to register is due to the temporary nature of the activities implemented by these groups. Since most of the non-registered NGOs are small in scale, the long process, high fees, and unclear benefits to legally register remain key barriers.

To address these issues, the government must look for ways to better improve the existing related laws and the regulatory agency to improve the registration process, the organization's name, financial auditing, and perhaps incentivize the registration of non-registered NGOs. At the same time, these organizations' right and liberty to form a group should continue to be protected. At best, local governments must enable these local NGOs organizations to use their own discretion whether to register. Moreover, they should also issue the license for NGO inspectors properly.

Also highlighted in this study was the impact of the non-registered status of selected NGOs in Thailand. Among the parameters investigated were the impact on the organizational structure, human resources, and funding, and project implementation. Regarding the organizational structure, one impact is the difficulty of having only one manager to negotiate with many donors and sponsors. The solution for this is to appoint an assistant manager or add more personnel to facilitate closer coordination and the monitoring of project achievements.

As for human resources, a salient challenge is an internal conflict from multiple responsibilities while small scale staff and organizations. A possible solution would be for the organization to build internal capacity and provide opportunities for staff members to widen their horizons. These organizations can also explore improving staff's capacity to handle or address internal conflicts. With regard to funding, non-registered NGOs should explore expanding their network and capitalizing on building partnerships with like-minded individuals or other relevant organizations. Lastly, non-registered NGOs must focus on finding their niche and building on their current expertise. This would help to better position NGOs for future collaboration with other organizations.

- *Future Research and Limitations*

There are several limitations conducting this research. Firstly, since non-registered NGOs are not allowed to reveal their names, it further impacts their reputation and trust for fundraising purposes. Secondly, the organization size in all the cases is small, due to the limits of the authors' connections. The authors could only find small organizations from which to collect data. Research emphasizing big NGOs might also provide different conclusions. Thus, future research should cover all aspects of NGOs management in Thailand and include both registered and non-registered ones. It should also include a study on the legal status intention and the consequences for suggesting a holistic solution. Also of great import, all size NGOs (small-medium-large) should be studied in order to recognize the similarities and differences in their implementation.

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