Blood, Sweat, and Tears
Documenting Thai Citizenship

By

Robin Jan Hamilton-Coates

Submitted in fulfillment of the requirements for the degree of

Master of Arts

Deakin University

2013
I am the author of the thesis entitled Blood, Sweat and Tears; Documenting Thai Citizenship

submitted for the degree of Master of Arts

This thesis may be made available for consultation, loan and limited copying in accordance with the Copyright Act 1968.

'I certify that I am the student named below and that the information provided in the form is correct'

Full Name: ..................................Robin Hamilton Coates...........................
(Please Print)

Signed: .............................................................................................................

Date: ..............................................2/5/2013...
DEAKIN UNIVERSITY
CANDIDATE DECLARATION

I certify that the thesis entitled (10 word maximum)

Blood, Sweat and Tears: Documenting Thai Citizenship

submitted for the degree of Master of Arts

is the result of my own work and that where reference is made to the work of
others, due acknowledgment is given.

I also certify that any material in the thesis which has been accepted for a
degree or diploma by any university or institution is identified in the text.

'I certify that I am the student named below and that the information provided in the form is
correct'

Full Name: Robin Jan Hamilton Coates.................................................................
(Please Print)

Signed: ..............................................................................................................

Date: ............ .................................19 April 2013
Blood, Sweat, and Tears: Documenting Thai Citizenship

How has Thailand kept track of citizens and outsiders?

Abstract

How has Thailand kept track of citizens and outsiders? Thailand (Siam) has transformed ancient methods of keeping track of subjects, and adopted modern legislative principles using documentary evidence to discriminate between citizens and outsiders. In the process, it has shaped a complex hierarchical structure with differentiated overlapping layers of citizenship, where some groups exist beyond any legal space. At the same time, Thailand has evolved from a society where subjects paid tribute to sovereigns, into a democratic polity where entitlement is determined through identity documentation.

In seeking to explain how Thailand documents citizenship, we must first consider the historical methods employed by Siamese sovereigns to keep track of subjects, including practices like tattooing, slavery, and bondage. The introduction of foreign ideas like territorial sovereignty and nationality superseded, but did not completely replace, all of these former practices. The interplay between these different ideas, and the aftermath of social changes caused by migration and conflict, established the boundaries of modern Thai citizenship. This thesis explores these issues by investigating attitudes to citizenship and access to social services in the Tai Yai\(^1\) (ไทยใหญ่), or Shan, community in Chiang Mai, to illustrate how methods of documentary surveillance impact on citizenship rights, and confirm the establishment of a differentiated citizenship model in Thailand.

---

\(^1\) A note on transliteration of the Thai language: Thai (ประเทศไทย) is the national and official language of Thailand. It has its own script, which is derived from a number of ancient regional languages. There is no universal standard for transcribing Thai into the Latin alphabet. The Royal Thai General System of Transcription (RTGS) is the official system for rendering Thai script, and is widely used. ISO 11940 is another international standard for transcribing Thai. The researcher has attempted to comply with the principles in ISO11940, but where words are copied from other texts, the original spelling was retained. Any transcription errors are the researcher’s responsibility.
# Blood, Sweat, and Tears: Documenting Thai Citizenship

## Contents

1. Introduction: Thai Citizenship, Past, Present and Future ........................................................... 5
2. Review of Literature on Thai Citizenship .................................................................................. 12
3. Methodology: How does Thailand Differentiate? .................................................................. 24
4. Theoretical Analysis: What are Citizenship and Nationality? ............................................. 31
5. The Importance of Migration: Surveillance and Identity ......................................................... 52
6. Slaves, Tattoos, Mandalas and Migrants .............................................................................. 61
7. Documenting Nationality and Citizenship in Thailand ............................................................ 73
8. Ethnicity and Citizenship in Thai Geo-Politics ...................................................................... 86
    - Myanmar .......................................................................................................................... 87
    - Shan (Tai Yai) .................................................................................................................. 94
    - Chinese Migration and The Kuomintang (KMT) ......................................................... 103
    - Vietnam ........................................................................................................................... 106
    - Laos and Cambodia ......................................................................................................... 118
    - Highlanders ................................................................................................................... 121
    - Malaysia and Southern Thailand .................................................................................... 125
9. Interviews and Case Studies – Shan in Northern Thailand ...................................................... 130
10. Conclusion - Differentiated Citizenship: Blood Sweat and Tears ........................................ 136

## Bibliography

## Appendix 1: English Translations of Interviews................................................................. 156
## Appendix 2: Categorisation of Identification Cards ........................................................... 176
## Appendix 3: Chronology of Historical Events ................................................................. 179
Acknowledgements

This thesis is the product of years of part time research at the Australian National University and Deakin University. It was conceived while the researcher was resident in several countries from Asia to Africa, working as a responder and government official amidst natural disasters, several wars, a military coup, and other crises.

The researcher is eternally grateful for the wisdom and expert guidance of Damien Kingsbury, Heather Rae, Craig Reynolds, Barry Hindess, Andrew Brown, and John Funston in completing this project, especially for the cups of tea and warm discussions.

Any errors or omissions are the researcher’s sole responsibility.
1. Introduction: Thai Citizenship, Past, Present and Future

This thesis explores the historical origins and changing nature of citizenship in Thailand. It contributes to existing knowledge by explaining how Thailand has established a complex model of differentiated citizenship to document and distinguish between various groups of citizens and outsiders. The research offers a unique insight into the historical development of Thai citizenship, nationality law, and identity documents. The key question explored in the thesis is: How has Thailand kept track of citizens and outsiders?

In responding to this question, it is important to acknowledge that Thailand has transformed ancient methods of keeping track of subjects, and adopted modern legislative principles using documentary evidence to discriminate between citizens and outsiders. In the process, it has shaped a new hierarchy with differentiated layers of citizenship, where some groups exist beyond legal space. At the same time, Thailand (Siam) has evolved from a society where subjects paid tribute to sovereigns, into a diverse democratic polity where entitlement to citizenship is dependent on possession of identity documents.

In seeking to explain how Thailand documents citizenship, we must first consider the historical methods employed by Siamese sovereigns to keep track of subjects, including practices like tattooing, slavery, patronage and bondage. The introduction of foreign ideas like territorial sovereignty and nationality superseded, but did not completely replace all of these former practices. The interplay between different ideas, and the aftermath of social changes caused by migration and conflict have established the boundaries of modern Thai citizenship. This thesis explores these issues using the contemporary experience of the Tai Yai (ไทยใหญ่), or Shan, as one case study, to illustrate how documentary surveillance (such as identification cards) has impacted on entitlement.

It might make more sense, in seeking to determine who is eligible to become a citizen to turn the equation upside down on its head and examine the parameters for exclusion. Engin Isin, for example, reminds us that images of citizenship are bequeathed "from the victors: those who were able to constitute themselves as a group, confer rights and
obligations on each other, institute rituals of belonging and rites of passage, and, above all, differentiate themselves from others, constructing an identity and an alterity simultaneously."^2 States determine who is eligible for citizenship by first deciding who should be excluded. Thailand is not unique in this regard.

This thesis adopts a broad definition of citizenship as a measure of inclusion in political, social, and economic activity. Citizenship is generally available to the descendants of settlers capable of assimilating successfully in the host society. For the purpose of this thesis, citizenship is considered through simple entitlements such as the ability to travel freely, and the degree of access to basic social services such as education and health facilities. Nationality, on the other hand, is the legal process whereby citizenship is recorded and documented according to law. States protect sovereignty by limiting access to citizenship and nationality according to certain pre-determined criteria to include or exclude certain groups. Migration of people across borders indicates that citizenship is not only a set of rights, but a “mechanism of closure that sharply demarcates the boundaries of states”^3.

Chinese migrants, for example, have settled in the geographical area now recognized as Thailand for at least six centuries^4. Other ethnic groups have lived within and beyond Thailand’s current boundaries long before they were established through relations with colonial powers. This has resulted in deep ambiguity about belonging and citizenship, and at various stages violent conflict has erupted where attempts have been made to repatriate migrants and refugees. Injustice and inequality result from the differentiated treatment assigned to different groups. Assimilation and acquisition of citizenship are both social and legal processes defined by increasing social intercourse, “first public and then private and intimate; and by self-identification in an ever larger proportion of social situations.”^5 Some groups of migrants have successfully achieved acculturation,

---

assimilation, and citizenship, while some native inhabitants remain excluded from the national polity. Citizenship implies rights and obligations, but also membership.

The central proposition in this thesis is that Thailand has developed a hierarchical, differentiated, structure of identity documents and nationality legislation to preserve national sovereignty. Unfortunately, this system has resulted in discrimination against individuals and groups of people, many of whom have resided inside Thailand’s present-day borders centuries before they were established. Some groups and individuals suffer ongoing exploitation and statelessness. The problem is complicated by conflict between and within neighboring countries. Out of 1.4 million alien workers registered with the Labor Ministry, for example, “only 800,000 had completed the process of applying for a work permit.” Many migrants, refugees and their descendants residing in Thailand for generations do not hold identity documents. They are ‘illegal’ or ‘undocumented’ migrant workers. In some cases, these individuals remain stateless.

The objective of this research is to encourage broader understanding of the contemporary challenges associated with citizenship, nationality, illegal and undocumented migration, people trafficking and smuggling, and refugee flows in Thailand. What internal and external events have guided the development of nationality law? What is the current situation, and what are the implications of these changes for different groups? How can Thailand improve controls to allow access to persecuted individuals, maintain the rights of migrant workers, and protect sovereignty? What barriers do attitudes to citizenship present on these issues? What role has the development of nationality law and identity documentation played in reinforcing or discouraging discrimination?

The issues raised in this thesis are relevant both to Thailand, and other similar countries with large groups of refugees, settlers, and migrant labourers. This research is also important for the normative solutions presented on citizenship struggles, migration

---

7 Bangkok Post, 30 September 2011, Stricter ID Process for Migrants.
practices, human rights (including access to social, economic and political rights), and innovative settlement options throughout the world. Each geographical area and ethnic group offers different explanations and possible solutions. Economic factors, historical relationships, and international influences also play a part in determining policy outcomes. Thailand faces many challenges in implementing an inclusive citizenship policy. Education on citizenship and human rights is critical to raise awareness at all levels to ensure victims know their rights, and society becomes more tolerant. Ignorance and prejudice inevitably bring about much conflict and discrimination, as always.

This research, drawing from decades of research and observation in the field working on related issues, attempts to navigate the web of overlapping citizenship and nationality rights in Thailand and surrounding countries. The thesis explores some relevant history of Thailand’s near neighbours, China, Myanmar, Laos, Cambodia, Malaysia, and Vietnam. Certain political and economic factors have contributed to migration and dispossession. Thailand has long been a refuge for those fleeing persecution, as well as a destination for those seeking their fortune in a prosperous market economy.

Taking into account the diverse population, porous borders, the large numbers of migrant workers and asylum seekers from neighbouring countries, and the history of people trafficking in the region, Thailand would be advised to investigate more inclusive citizenship models. This would provide a measure of inclusion for the many different groups that have migrated there over the last century, and reduce the potential for conflict with neighbours, as well as potentially enhancing trade and investment through informal ties. There are entire generations of families living on Thai soil without documentation, unable to travel outside a limited area or access social services. As the interviews conducted in this thesis demonstration, the existing citizenship model discriminates on the basis of access to certain types of identity documentation, which are either difficult or almost impossible to acquire legitimately.

This thesis begins in Bangkok, a poly-ethnic megalopolis of over ten million inhabitants, and the porous border regions beyond the capital. What does the Thai State do with
people who don’t meet the definition of a ‘citizen?’ How does it account for and keep track of people who live on the fringe of society, as labourers, refugees, settlers, or sojourners? What does the law say about who is able to reside legally within Thailand, and how can people seeking refuge or employment ensure they comply?

The Immigration Detention Centre (IDC) in Soi Suan Plu off busy Sathorn Road in downtown Bangkok is a central holding area for illegal or undocumented migrants. The detainees are mostly migrant workers, who are arrested, processed, and repatriated once transport and documents can be arranged. It is essentially a small prison that can hold several thousand people, but was never intended or built for the purpose of holding people for long periods of time. In the IDC there are large numbers of Burmese and Lao migrants, many of them victims of people traffickers, (also North Koreans)8 stranded in a byzantine legal purgatory. It is a revolving door that a number of people may pass through several times; others might stay there for several years rather than be repatriated.

The researcher visited the (IDC) in Bangkok as an administrator almost every week (sometimes several times a week) for over four years9. One of the officials charged with managing the IDC confided that this was an enormous responsibility he took very seriously, as “nobody there had committed a crime.”10 It was important, he said, to reinforce this point to prevent inhumane treatment of detainees. Several hundred women were placed in one room with barely enough space to sit down, fluorescent lights turned on day and night, and CCTV cameras monitored the room constantly for safety reasons. There was a psychologically disturbed man with a blue helmet (like UN soldiers wear)

8 On 4 September 2003, in scenes reminiscent of the incident in Shenyang, China in May 2002 where asylum seekers tried (and failed) to enter the Japanese Consulate, a group of 4 North Koreans claimed political asylum in Thailand. The UNHCR office in Bangkok issued 64 ‘Person of Concern' cards to North Koreans seeking asylum. Ten of these asylum seekers departed in August 2003 after taking refuge for almost two months in the Japanese Embassy in Bangkok. Thailand is used as a transit point for Koreans from the DPRK assisted by missionaries and other groups. There is a quota to accept DPRK citizens as refugees in South Korea. This issue is worthy of further study and research.

9 From 1993-2010, the researcher was a government employee (Consular official) responsible for issuing identity documents and providing protection to Australians (including deportees detained in the IDC).

and a military uniform, who had apparently been there for years and saluted all visitors when they visited his cell. The Nigerian Government chartered aircraft to repatriate nationals. Other foreigners just needed a ticket and a travel document to escape.

This research draws from extensive experience with citizenship and migration cases in Thailand, Laos, Indonesia, Ghana, Japan, and Cambodia. In some tragic cases, ambiguous citizenship status resulted in statelessness, where families (most often children) were detained and deported, or live without access to basic services, as they were ineligible to obtain citizenship documentation. The researcher resolved people smuggling and trafficking cases, and trained law enforcement and airline officials on document fraud issues in capacity building projects in several developing countries.

Thai detention facilities are overcrowded; full of thousands of migrants awaiting deportation, only to return again seeking employment in a vicious cycle of exploitation and misery. Debt bondage, people smuggling, trafficking, and statelessness, are the inevitable result of chronic poverty and inequality. Thai authorities simply wait until they have enough detainees to fill big black metal cages on large trucks, pile the people in, and drop them at various border crossings\textsuperscript{11}. The detainees inevitably return to Thailand to seek economic opportunities. Thus continues the self-perpetuating merry-go-round of human misery. Thai prisons, particularly near border regions, are also overflowing with migrants from neighbouring countries serving sentences for illegal entry and other apparently minor offences. Movement is restricted and controlled.

The critical theme of this thesis is to consider how Thailand has kept track of citizens and outsiders. This thesis explores this question by examining historical records and exploring the methods of surveillance employed by the Thai State to keep track of outsiders, and by outlining the experience of several outsiders in a series of interviews.

\textsuperscript{11} The researcher witnessed this practice from October 2004 to December 2008 and spoke to many officials and detainees regarding this method of repatriation. Migrants said they turned around at the border and came back again. The process was designed to satisfy the need to keep people out of detention while at the same time applying the law to ensure illegal migrants were detained and deported. From time to time, Thai authorities introduced longer periods of detention as a deterrent to undocumented or illegal migrants. This practice clogged up prisons with foreigners completely innocent of any serious crime.
The interviews presented in this thesis are not intended to provide an empirical or exhaustive analysis of the circumstances of the Shan, they are included to supplement other sources to highlight contemporary attitudes to citizenship and discrimination in Thai society. The normative objective of the thesis is to explore issues surrounding citizenship and identity documentation to develop recommendations on how Thailand might objectively improve policy in these areas to promote a more harmonious society.

In separate chapters, the thesis compares and contrasts historical and contemporary debates on citizenship and nationality, and chronologically examines the introduction of documentary evidence of nationality marked by key events in Thai history. The abolition of slavery and the corresponding decay in traditional methods of social stratification; the influx of large numbers of Chinese; relations with colonial powers; Thai nationalism and the reasons behind the change from Siam to Thailand; conflict and refugee crises; and finally Thailand's emergence as a regional labour and migration hub set the scene for the contemporary citizenship struggles and debates12.

2. Review of Literature on Thai Citizenship

This chapter acknowledges and places in perspective existing knowledge and previous studies on Thai citizenship issues by examining the available literature. In subsequent chapters, the thesis shows how Thailand fits within a broader international discourse about citizenship and migration, the circumstances of specific groups, attitudes about citizenship, why Thailand has adopted a differentiated citizenship model, how this is creating conflict, and how things might be improved to create a more inclusive society.

The diversity of literature and different approaches to this field is testimony to its complexity. The primary objective of this thesis, however, was to focus on contemporary attitudes to citizenship and how this impacts on how Thailand keeps track of access to social services. It became necessary to narrow the avenue of enquiry from an initial project concept encompassing the collective experiences of all migrant labourers and ethnic groups in Thailand, to a targeted analysis of the evolution of nationality law in a Thai context, with a few case studies situated around the experience of Shan migrants.

This group was selected as it is ethnically and linguistically close to Thai, and has long been considered part of the broader Siamese-Thai nationalistic realm. This has not provided unfettered access to citizenship rights, however, and the Shan people remain on the fringes of society in Northern Thailand, where they make up the majority of unskilled labourers. The Shan, for their part, don’t consider themselves Thai any more than they consider themselves Burmese, even though technically they might hold the citizenship of that country if they have documents at all. They are trapped, like many other groups (Mon, Hmong) in a limbo beyond national boundaries. The youth, however, are growing up in a new country with stronger connections and identify more with Thailand.

The objective of analysis was redefined to focus more closely on contested perceptions of citizenship, and the documentary methods employed by the state to differentiate between categories of Thai and non-citizens. Many scholars writing about migration in South East
Asia, for example, only refer to Thailand in passing or as a source country for labourers travelling to the Middle East, Taiwan, Singapore, or Japan\textsuperscript{13}. The reality is that Thailand has historically been both an important source and destination country for labour and migration.

There is a wealth of material on Chinese migration to Thailand, primarily because Thailand hosts the largest ethnic Chinese community in South East Asia\textsuperscript{14}. The combination of technological advancement (the invention of the steamship), and historical events in China contributed to the mass migration of millions of Chinese, permanently changing the demographic nature of the polity and introducing new challenges for the Siamese State and society. Chinese migration contributed to future conflict through ethnic stratification and the progressive differentiation of citizenship. While ethnic Chinese were at various stages excluded from Thai citizenship and society on legal and other terms, they now constitute an elite group capable of redefining a new model of citizenship. Political unrest in 2009 and 2010 could perhaps be linked to this struggle to redefine Thai society through new elites and conflicting power bases.

Documentary evidence on the scale of the problem is scarce, however, and it is difficult to determine accurately how many migrants reside in Thailand. Anecdotal evidence is available, however, in frequent news articles about the experience of migrant workers in Thailand, many of which have been cited in this thesis. Other useful evidence in mapping out historical decision-making processes, include instructional handbooks of on nationality legislation produced by the Department of Administration\textsuperscript{15}. These handbooks or manuals describe the process of deciding who is eligible for citizenship.

Periodic political pressure from certain groups at different stages to expel unregistered migrants highlighted the sense of urgency in coming to terms with the nature of the problem. In July 2004, for example, following a pattern of threats probably intended to


\textsuperscript{14} Skinner, 1957).

\textsuperscript{15} Department of Local Administration, 1999. (,}
bolster the registration program, former Prime Minister Thaksin announced that all unregistered migrant workers from Myanmar, Cambodia and Laos would be deported. Thaksin also challenged the UNHCR over registration and possible forced relocation and repatriation of refugees, and in a contentious move that had ramifications for other groups stirred up unrest in southern Thailand by threatening to cancel the Thai citizenship of dual citizens in border areas. This decision proved to be impractical, impossible to implement, and was subsequently never comprehensively enforced.

The National Library in Canberra boasts an excellent collection of Thai language material. The library holds useful evidence of Siam’s first population census conducted in 1910 (coinciding with the introduction of Thailand's first nationality law). The census data and categorization of ethnic groups is indicative of the racial schematics prevalent in that era. The census data was also particularly interesting as a snapshot of Siam’s early dependency on opium taxation as the most significant sector of the economy. Census data, however, must be sensitively interpreted, as different criteria and definitions have been used to measure ethnicity over time. In 1970 and 1980 some attempt was made to measure ethnicity by asking about ‘languages spoken at home’ and a rather problematic category designated ‘country of nationality.’ Arrival and departure records, an indicator of general migration trends, also provide poor evidence of residency, as they do not adequately take into account people routinely crossing borders and exclude undocumented migrants or refugees. The objective of examining this evidence was to situate the current circumstances in the context of historical census data. Census records highlighted that different terminology has influenced ethnic categorization over time. But the same groups appear to remain on the periphery.

The census record for registered aliens by nationality in 1973, for example, records a handful of European, American, and African ‘aliens,’ and in a bizarre twist there are two separate categories for ‘Australian’ and ‘other Australian.’ Entirely different registration processes were adopted for minorities such as the ‘Highlanders’ (Hmong,

---

16 The Nation, 25 July 2004, Migrants to be Deported.
Akha, etc). The first national survey of upland minorities was apparently only conducted in 1979\textsuperscript{19}. These groups are subject to discrimination through opaque legislation detailing inconsistent and sporadic access and a differentiated entitlement to citizenship.

Census records offer useful evidence of the changing official attitude to outsiders at different times. Census data shows how definitions of nationality and citizenship have changed and indicates when historical changes have taken place. In legal terms, according to the Nationality Act and census data, a Thai person is simply one “who has Thai citizenship,” and an alien “is any person who is not of Thai nationality under the Nationality Act.”\textsuperscript{20} These definitions will be examined in further detail, as they are relevant to the language selected by the Thai State to delineate status and introduce complex social boundaries, effectively institutionalizing historical discrimination.

Census records did not provide accurate or detailed historical data on the number of migrants from surrounding countries entering and residing in Thailand. It appears that nobody in Thailand, neither the National Statistics Office (NSO), nor the Immigration Bureau, can accurately confirm at any time how many outsiders remain unregistered beyond the formal state-defined boundaries of citizenship. The scale and shape of the hierarchical differentiated model of citizenship therefore remains unclear.

Thai language sources consulted were very useful, particularly theoretical work on the origins of Thai nationality and citizenship, as well as practical legal handbooks on citizenship and identity documents. There is considerable interest in this topic in the Thai media, occasionally presented in a jingoistic and confrontational tone, but there is a significant gap in the quality and quantity of analytical Thai scholarship on citizenship.

Following an examination of available literature on this topic, there appears to have been limited effort by Thai scholars or policy makers to consider in depth the long-term implications of migration and citizenship for Thailand. There has also been limited

\textsuperscript{19} Department of Local Administration, 1999.
\textsuperscript{20} Ministry of Interior, 1980, p. 125.
access to influence the results of study and research. This has resulted in the absence of a cohesive citizenship policy taking into account the multi-ethnic origins of the Thai State. On the whole, the evidence confirms that citizenship policy in Thailand has most often been formulated in a reactive fashion following tragic events or conflict. Prejudice, politics, religion, and porous borders have contributed to the problem. Fortunately, there are also helpful indications that more attention could be devoted in future to address the issues associated with the millions of refugees and migrant workers in Thailand.

Thai authorities appear to view citizenship issues in the context of security implications. There is considerable pressure placed upon Thailand as a first asylum country accepting large number of refugees from conflict in neighboring countries. But this does not discount the need for Thailand to urgently develop humane policies to deal with the very large number of migrant labourers and ethnic minorities residing along and within border regions with a stake in the country’s future.

The National Security Council has historically played a prominent role in decisions affecting migrants and refugees in Thailand, which have inevitably been perceived through the prism of regional conflict and border security. Where security and citizenship issues are intertwined with porous and ill-defined border regions, drug trafficking and insurgency, the Security Council and the military will continue to play a prominent role on committees and commentary about citizenship in Thailand. There is strong evidence, however, of a relatively recent shift towards a broader administrative democratic and socially-focused overview of citizenship, nationality and the rights of migrants where this has become the domain of the Department of Public Administration21. The issues arising from migrant labour and citizenship in Thailand require greater attention from a humanitarian and socio-economic viewpoint.

The Department of Public Administration promulgated useful handbooks intended to assist practitioners at the district level making decisions about citizenship and nationality by providing wider access to legislation and instructions. This research dissected the

---

21 Department of Public Administration, 1991, p.5.
nationality guidelines in several volumes of these handbooks, with particular attention to the minute changes in historical legislation at various key junctions, hinting at specific shifts of emphasis by the administration on different principles of law (the inclusion of women, for example). In reality, however, practical administration can be hampered by the vested interests of certain officials and the perceptions of who should be included or excluded from the national polity, regardless of long-term residency or practical access to the benefits of citizenship, such as education, health, and so on. Serious analysis or scholarship on the hazards and challenges to society from retaining a large segment of the population with limited rights and access to citizenship was not easily available. Some Thai scholars, mostly those writing from abroad, were more lucid and philosophical.

Thongchai Winichakul has presented a comprehensive and wonderfully subversive account of the history of Thai nationhood. He informs us that Siamese peoples were labeled according to a predetermined set of Western colonial ethnographic criteria. Through a process of ‘ethno-spatial ordering,’ the Siamese adopted a differentiated social structure with the ‘superior space of Bangkok’ overseeing “the others within”: the chao pa, or forest dwellers, and the chao ban nork, or villagers.22

The Siamese elite claimed a superior place at the top of the pyramid, ordering their subjects in a new “linear cosmic order called civilization.”23 The distinction between subjects and outsiders was thus predicated upon anthropological distinctions between occupants of a ‘civilised’ world (chao muang) and those subjects inhabiting the wild expanses beyond (chao pa). These same attitudes exist today and direct much of the debate and enquiry on access to citizenship. The word ‘Thai,’ which has been adopted as a description of the inhabitants of the territorially bounded space now recognised as ‘Thailand,’ became “a homogenous and homogenising term, an essential identity… a national trans-historic agency” drawing together disparate groups into a national whole and uniting them in sovereignty24.

22 Winichakul, 1994, p. 41.
24 Turton, 2000, p. 12.
Thongchai Winichakul accurately sets the scene for the emergence of Thai citizenship through the transformation of the Kingdom of Siam. He shows how Siam evolved into Thailand through the application of Western scientific knowledge and the corresponding fixation of territorial geographic boundaries at the end of the 19th century and the beginning of the 20th century. He describes the tension inherent between the “discourse of nationhood” in establishing the identity of a nation and its opposition to ‘others’ not included inside the immediate circle.

Thongchai Winichakul emphasises the importance of Khwampenthai (or Thainess) as an abstract marker of virtue to differentiate between positive and negative criteria deciding the parameters of inclusion and exclusion within the national project that has now become Thailand. Any invocation of Thainess inevitably stirs emotional images, historical battles, and tales of ancient victories against neighboring foes (particularly Myanmar, but also Vietnam and to a lesser extent Laos and Cambodia for different reasons). Winichakul suggests that a Thai “self” was created in opposition to the ‘others’ by the introduction of geographical boundaries across ethnic identities. The construction of a seemingly homogenous Thai State has emerged from a poly-ethnic quilt, and the new hierarchy is based on historical (and often hysterical) assessments of past conflict.

Similarly, Pavin Chachavalpongpun, in his book, A Plastic Nation, on Thai–Burmese relations, is scathing about the influence and abuse of the notion of “khwampenthai.” The Thai State deliberately fosters ambiguity over what it means to be Thai, or “Thainess,” for its own ends to reinforce social hierarchy and the cycle of discrimination:

Dominated by its shifting hegemony, the Thais comply with this variable nationhood and perceive it as though it is a part of their chit winyan or ‘spirit.’ This is why they never look beyond the boundaries of Thai nationhood, and why it always remains predominant, ultimate and supremacist. The Thai power holders realise this potential of khwampenthai, and employ it to gain public trust.

---

(in whatever policy and activity they make), public agreement and public legitimacy. The changing attitude towards Myanmar has been carried out under these conditions. The supremacist nature of *Thainess* as an expression of dominance makes Thai people less aware of how their leaders only pretend to be Thai even though their real actions are illegitimate. *Khwampenthai* has been loosely adopted by the Thai power holders as a thin veneer over the repulsiveness of local politics which is also domestically glossed as *Thai.*

Pavin Chachavalpongpun claims that “Thainess and otherness were without substantive definition and thus malleable.” So the ambiguity, deliberate or unintended, about what constitutes Thainess has contributed to broader confusion about Thai citizenship and identity. The ambiguity is exploited to support and maintain the differentiated hierarchy.

Somchai Prichasilapakul from the University of Chiang Mai takes a similar approach, drawing largely from David Streckfuss’s analysis of the historical origins of Thai citizenship. Like David Streckfuss, Somchai Prichasilapakul introduces key issues in the historical evolution of Thai citizenship, focusing primarily on the history of French efforts to annex Siamese territory and subjects. These events effectively resulted in the establishment by the French of the entity known as ‘Indochina.’ His analysis is more or less accessible, but simplistically defines citizenship in traditional nationalistic terms, without any effort to apply inclusive approaches to the Thai context. He appears satisfied to accept existing definitions without a thought for the implications of this model for millions of migrant workers, refugees, and disenfranchised minorities in Thailand.

Kritaya Archavanitkul, from Mahidol University, on the other hand, investigates the status of various categories of outsiders in Thailand with a statistical assessment of the changing demographics, especially the circumstances of migrant workers in a changing economic environment. Kritaya Archavanitkul correctly identifies the need for

---

28 Chachalpongpun, 2005, p. 29.
examination of the citizenship dilemma through assessment of the status of different categories for 2.43 million foreigners, and advocates the establishment of a national organisation to identify major problems and suggest suitable steps to create a more inclusive citizenship model.

Several years after these positive suggestions, there has unfortunately been no sincere attempt to establish a dedicated national body to work through the citizenship question. The issues continue to be dealt with on a reactive and piecemeal basis. There has been some limited improvement, however, in processes for registration of migrant workers. NGOs are active in some areas, particularly in Northern Thailand. The establishment of a national body to investigate citizenship education and access to social services for migrants on a humanitarian basis appears, sadly, to be a distant objective. So while employers and the nation as a whole benefit from the labour of migrant workers and refugees living on Thai soil, there does not appear to have been consistent application of rules or humanitarian principles in determining a more inclusive citizenship model.

Aihwa Ong suggests newly industrial regimes like Thailand develop systems of “graduated sovereignty” or “flexible citizenship.” In order to “meet capitalist requirements, citizens in zones that are differently articulated to global production and financial circuits are subjected to different kinds of surveillance and in practice enjoy different sets of civil, political and economic rights .” By “calibrating control over sovereignty to the challenges of global capital,” the state has developed a system of “graduated zones” to protect against “pockets of social unrest.”

Sukchai Jaroenwongse examines some of the citizenship and other issues confronting Thailand’s ‘forgotten’ ‘Highland’ minorities (the so-called ‘hill-tribes’).31 Resource scarcity, and increasing competition for available agricultural land, he points out, have exacerbated ethnic rivalries in Northern Thailand. A critical outcome of this unresolved struggle is a reassessment of the status of various ethnic minorities residing within

---

Thailand's borders. Sukchai Jaroenwongse identifies the ‘bureaucratic labeling of ethnic identities’ as a fundamental source of confusion associated with access to citizenship rights. He confirms the assessment in this thesis that ‘the devil is in the detail’ of the definition of various groups. The dilemma for the Thai State lies in differentiating between recently arrived migrants, and those who have resided within Thailand’s current geographical space for decades or even centuries. This is now achieved through legislation and documentary evidence of identification.

Citizenship can be granted to aliens provided they meet certain legal requirements, but the category of citizenship entitles them to an identity document links to a certain group with a defined (limited) status. This process of ethnic categorisation, or differentiation, places restrictions on participation as full members or ‘citizens’ of the community, such as restrictions on travel, access to education, health services, employment and political participation. The house registration may identify citizenship (sunchat) as ‘Thai,’ but the next field is ‘race or ethnicity’ (cheuachat) and identifies them as Chinese, Burmans32, highlanders, Vietnamese and so on. These terms are not widely understood, or understood differently by different people and agencies. There is also perhaps a cultural content and different understanding between ‘Western’ and Thai appreciation of ‘ethnicity’ and ‘citizenship.’ The researcher conducted ten interviews in this thesis for the purposes of illustrating various attitudes to citizenship in a Thai and Shan context.

Discrimination stems from unequal access to social services based on ethnicity. Thailand's differentiated citizenship model discriminates on ethnic origins. So while someone may have been granted Thai nationality (or citizenship) in a legal document, they can’t go to school, travel outside a certain radius, purchase or inherit land, go to hospital, or participate freely in political decisions.

32 Most ethnic groups in Thailand from the geographical identity known as Myanmar are not ‘Burmese’ (a description of an ethnic group inside Myanmar) and would perhaps be insulted by this identification. Karen, Mon, Shan, Arakanese, and others proudly identify with their own cultural origins and ethnic identity, no matter whether they were born in Thailand or Myanmar. This becomes problematic as the Thai State recognizes them as ‘Burmese’ (or ‘Burmans’) in official dealings, even though they may not speak a word of Burmese and may have never set foot inside Myanmar.
Analysis of Thai newspapers over the past decade on illegal and migrant labour, citizenship, registration and nationality, highlights the extent of the problem and the level of community debate surrounding citizenship issues. This thesis draws from detailed analysis of The Nation and Bangkok Post (English language), Thai Rath, Daily News, Matichon (Thai language). A key theme emerging from these sources is that the number of labourers arriving in Thailand is steadily increasing. Regional conflict contributes to a continuous flow of refugees from neighboring countries. Myanmar is the largest source of both migrant labour and refugees. These issues are raised periodically by certain actors, including politicians and welfare groups, with little coordinated effort to tackle root causes of migration and displacement, or introduce inclusive citizenship policy.

The Thai State at different times haphazardly applies different standards and measures to groups and individuals seeking access to citizenship as decision makers have reacted to specific social and political events, conflict, and other challenges. While recognizing the right of States to protect sovereignty, a broader, more objective, and positive approach to citizenship and nationality is required for the protection of human rights in Thailand.

Contemporary developments in this field of public policy are generally characterized by a combination of prejudice, intolerance, racism, a lack of appreciation of the benefits of diversity (both economic and social) and “compassion fatigue.” The willingness of and capacity for developed countries (like Thailand) to accept larger numbers of permanent migrants is dwindling. Social pressures highlight problems linked to migration and access to dual citizenship (strain on public utilities - especially health services and education, crime, poverty and unemployment). The associated move towards stricter border controls and myriad methods of surveillance to cope with the (potential, perceived, and real) security, social, and economic threats encouraged by large-scale migration practices is evidence of the level of concern shared by policy makers in dealing with these challenges. These are very real concerns, and the principles are important.

33 Shawcross, 1984, p. 405.
Ironically, however, the reluctance to deal effectively with issues associated with large-scale migration is matched by a corresponding competitive global demand for flexible and cheap labour. This is especially acute in unskilled sectors in developing countries. Poverty, conflict, income disparity, labour migration, and people smuggling and trafficking networks encourage movement across boundaries. Thailand is surrounded on all sides by land and navigable sea and riverine borders. Labourers and other migrants, including refugees fleeing conflict in neighboring Myanmar, Cambodia, Laos, and Vietnam are able to simply walk into Thailand and reside there permanently without documentation. This is becoming more difficult as the Thai authorities improve border and movement controls through regular checkpoints, but it is still possible to enter Thailand as an undocumented migrant and engage in paid employment. The global market for migration has responded to economic imperatives that require sources of labour that might not be available in some areas. Workers move across international boundaries in search of better economic prospects and to meet the demand for specific shortages. Some may return to their place of origin, while others may seek to settle permanently in their destination. This is a global phenomenon with little acknowledgement or recognition in the legal framework of international sovereign states.

This brief review of literature demonstrates that the evolution of discourse within and beyond Thailand on substantive issues surrounding citizenship and labour migration is developing in a positive direction, particularly in relation to international norms. Thailand is receptive and can respond to external criticism because it has democratic institutions and sufficient freedom of speech, compared to its nearest neighbors, to enable meaningful discussion to take place. There will continue to be problems, however, associated with classification of migrants, acceptance of the burdens caused by illegal and undocumented migration, and complex regional relationships. The next chapter examines the methodology used in this thesis to investigate the parameters of Thai citizenship and the means used by the Thai State to keep track of citizens and outsiders.
3. **Methodology: How does Thailand Differentiate?**

The methodology adopted in this thesis includes an analytical and critical review of literature and other sources, particularly news and reporting on migration and citizenship issues, to identify historical patterns and contemporary discourse on citizenship and migration. To identify important influences over time, it was useful to develop a chronology of key events that impacted on the development of citizenship and nationality law in Thailand and internationally. It was helpful to unpack a significantly detailed conceptual and theoretical framework, juxtaposing and reconciling contemporary (Western) citizenship theory against the historical establishment of Thai nationhood, especially in relation to the ambitions of colonial powers versus the traditional methods of subjugation used by the Siamese State. Thailand’s geographical and political position in relation to China’s overwhelming influence and large population, particularly through important political events, and the introduction of the steamship, are explored in detail for the critical importance these events bring to the narration surrounding the evolution of contemporary Thai society and citizenship. The language of citizenship is important.

Different actors also perceive citizenship and nationality differently, even within apparently unified government agencies or entities. This can limit or prohibit rational advancement of clear policy objectives in determining administrative procedures on citizenship and nationality law. Citizenship is often confused, sometimes due to the selection of key terms in translation, as relating to possession of identity documents, rather than the broader inclusion of people within society based on rights, obligations, and privileges. This confusion is a perennial issue for any discussion of citizenship, and can limit access for certain groups of people where authorities deliberately, unwittingly or accidentally, obscure the more positive social benefits of tolerance and acceptance.

In this thesis, the *differentiation* of citizenship is defined as the process of dividing and documenting different groups and allocating a hierarchy of social rights. Differentiation, placed in another context, can also apply to a brand or relationship between entities. Social differentiation examines “economic, political, and normatively defined relations
that underlie the construction of social categories.” It confirms that differentiation is “embedded in inequalities of power, status, wealth, and prestige, affects life chances of individuals as well as the allocation of resources and opportunities.” Specific strands of differentiation resulting to inequality include gender, age, race/ethnicity, and locality.

This thesis demonstrates through analysis of historical and contemporary examples drawn from the researcher’s own experience, media articles, official reporting, and select interviews, that Thailand has established a complex hierarchical structure of differentiated citizenship, delineated both by ethnicity, but also by class. It is difficult to breach the barriers of citizenship as the Thai State has implemented a complex web of modern forms of documentary evidence, such as identification cards, to replace more traditional methods, such as tattoos, of keeping track of citizens and outsiders. The research outlines the history of the development of nationality law and census data in Siam and Thailand to show how labeling and ordering of subjects and citizens brought about the modern equation of Thai citizenship, and the exploitation and exclusion of millions of people living in close proximity to their ethnic origins.

In exploring modern methods of keeping track of citizens and outsiders, and to set the context for the Thai-State’s nationalistic approach to maintaining a misguided and questionable attempt at racial purity, it was necessary to briefly open the historical record in relation to Siam’s defeat by Burma and later conquest of neighbouring city-states (Angkor and Vientiane). Thailand, like many countries, is the product of conflict, conquest, and migration. The prevailing evidence in the literature strongly suggests that is completely unrealistic to propose any pure racial definition of citizenship in Thailand, as the population is simply too diverse and arguably always has been. Any efforts to introduce and justify a purist racial ordering of society are therefore dubious or subject to a modicum of self interest from certain groups. At the same time, certain individuals or groups were able to gain access to documentary evidence of citizenship through political or economic means. Thailand is continuing to experience violent conflict based on factors related to geographical, ethnic, and class boundaries, and the resulting inequality.

To clearly illustrate the concept of *differentiation* in the context of Thai citizenship, in relation to the exclusion of certain groups from access to social services (medical treatment and education, but also freedom of movement), the researcher conducted a series of informal interviews to contrast contemporary attitudes to citizenship. Subjects often readily verified the simple proposition that differentiation and hierarchy define contemporary citizenship models in Thailand through their experience as migrants, or efforts to obtain identity documents to enable access to social services (or simply avoid being locked up by police). This exercise in interviewing a range of migrants, officials, and ordinary Thai people on attitudes about access to citizenship was successful in confirming that stereotypes and informal barriers, such as a lack of information or confusion over entitlements, limit access to basic services and citizenship rights, even for people who have resided in Thailand for generations and their offspring.

Most participants in these interviews were born in Thailand or had lived in Thailand for most of their lives, but many still did not consider they were Thai citizens, and explained that they did not consider themselves eligible for citizenship in their understanding of the term. The project was almost exclusively limited to Shan migrants, as this group constitutes a significant majority of the undocumented or illegal workers in Northern Thailand. This group was also relevant because Tai Yai (‘Big Thai’) or (ไทยใหญ่) are culturally similar to Thai notions of Thainess, perhaps also for political or strategic purposes. They are ‘outsiders within.’ They are ‘almost Thai,’ and closer linguistically than other ethnic groups residing in Thailand, but many do not have the identity documents to participate fully in Thai society as Thai citizens.

Prior to the interviews the project was explained, and consent forms were provided to participants. Interviews were therefore conducted with the prior informed consent of all participants in accordance with the ethical guidelines for research set out by Deakin University and the Australian National University. The ethical issues and potential risks of conducting interviews on this topic were considered carefully and the interview proposal was approved through Deakin University’s Human Research Ethics Committee.
Participants were not identified in the interviews or documentation to protect them against possible retribution for any comments against the interests of the Thai State. Nonetheless, it could be concluded that any negative comments were limited and moderated by the fact that this is a ‘taboo’ subject and would require a greater level of trust between the interviewer and the subject to obtain a more accurate sample response. A more comprehensive research project incorporating a larger group would be likely to identify a broader range of attitudes and issues on citizenship. The purpose of the interviews in this thesis was to not to provide an empirical set of statistics to measure citizenship or participation, but to supplement the analysis with an indicative sample of attitudes on citizenship in the Shan community.

Subjects were approached through, and included university students and migrant labourers and their families in the Northern Thai province Chiang Mai, to obtain a cross section of views where people had different experiences of citizenship and access to social services or Thai society. Other informal interviews were conducted in Nong Khai (near the Lao border) and in Bangkok in the Immigration Detention Centre (IDC). These locations were selected for different reasons. Chiang Mai was selected due to the presence of a large number of Shan migrant labourers and residents. Chiang Mai is a hub for migration in Thailand’s Northern region and home to a diverse ethnic population. In the case of Nong Khai, it is an important transit border location with the Lao PDR and Thailand, where there is a large proportion of Vietnamese settlers and Lao migrants.

Questions were open ended, and further ‘follow up’ questions were asked where interviewees were interested in certain aspects of the research or volunteered additional information. In some cases interviewees did not answer some questions, generally because the questions were not relevant to their individual circumstances. In some cases, participants appeared to misunderstand questions, or provided meandering incoherent responses. As the objective of the study was to determine attitudes about citizenship, this was not moderated and answers were accepted at face value. In other words, no effort was made to correct imperfect or incorrect responses.
In many respects the answers themselves demonstrated a variety of views about citizenship and the level of misunderstanding, apprehension, and confusion in the community. The responses were useful as the objective was to show how attitudes about citizenship impact on access to rights. Many respondents did not understand the law (or could not be expected to), but most had views about persecution or discrimination.

Other informal interviews were conducted in Nong Khai, Chiang Mai and Chiang Rai, but as the context was very different, particularly in regard to the Vietnamese experience in Nong Khai, the interviews were not recorded in this study. The results from all the interviews, however, overwhelmingly supported the contention that Thailand has adopted a differentiated citizenship model where various groups have more or less access to citizenship and social services dependent on their identity documents.

The interviews were conducted on the basis of informed consent, most participants declined to provide their personal details, and most participants were pleased to contribute. The questions were intended to open the discussion to elicit views on citizenship and highlight the contemporary issues faced by migrant workers. Participants were encouraged to elaborate and explain their views about citizenship and access to social resources, and outline why they thought different groups should or shouldn’t have access to identity documentation.

The questions (provided to participants in Thai language) were as follows:

Are you a Thai citizen? If not, would you like to get Thai citizenship?

Why do people need citizenship?

What do you get from Thai citizenship?

Do you think Thai citizens should have equal access to education, health and other services? Should these services also be available to non-citizens or residents?
Having obtained (Thai) citizenship, in what way does this feel different from not having citizenship?

How does nationality (racial or ethnic origin) affect citizenship?

What criteria should demonstrate who should be eligible for Thai citizenship; a person born in Thailand, long-term residency, or someone born to Thai mother or father?

Participants selected included migrant labourers, university students at the University of Chiang Mai, and members of their families in 2010 and 2011, with a focus on Shan respondents. Several Thai citizens were also interviewed for comparative purposes. All participants were provided with information about the research project and were able to make informed decisions regarding the extent of their participation. Other interviews were conducted by the researcher on an ad hoc basis with officials and migrants to gain a broader view of the attitudes about citizenship and challenges in meeting standards. To protect identities and encourage open debate, participants’ personal details were not recorded during the survey. All participants were very positive about participating in the research project and many others were interested. A much larger project on attitudes and barriers to citizenship and access to identity documentation would be a valuable exercise to demonstrate the boundaries of prejudice and contemporary climate of exclusion.

The next chapter examines the theoretical basis for citizenship and nationality in an international context, and moves towards a more detailed discussion regarding the historical issues that have contributed to the unique set of circumstances in Thailand. We are now starting to unpack the key concepts and terms associated with citizenship and nationality to introduce more detailed case studies and situations facing people in Thailand, so we might consider how these issues impact on resolution of problems associated with granting citizenship to people fleeing conflict, or seeking economic opportunity. There is also a need to carefully consider the implications of this research for people trafficked to Thailand as labourers or enforced sex workers, and how the Thai authorities might best respond to resolving these cases in a humanitarian way.
Unfortunately, as the examples explored in this thesis demonstrate, the record has been damaged by human rights violations and discrimination, often resulting in violence.

The method employed in this thesis is to contrast the contemporary theoretical debate on citizenship, particularly from a Western viewpoint, against the actual experience and attitudes of refugees and migrant workers in Thailand. This approach aims to demonstrate how to the Thai State has managed to maintain a differentiated approach to keeping track of citizens and outsiders. The analysis now moves from an international viewpoint to a more specific study of how surveillance and citizenship have evolved in a Thai context. The historical foundations of citizenship are very detailed, as we shall see in the following pages, and the meaning of citizenship can prove to be highly contested. The language of citizenship, and the way it is applied in different countries, is not uniform, and this has contributed to misunderstanding and cultural application of alien concepts. Thailand has adopted documentary evidence (house registrations and identity cards) so it can label and order subjects, citizens, and denizens within a linear space extending beyond its historical and present-day borders. Imagined communities extending beyond existing boundaries are a consistent factor of irredentist nationalistic politics, and this practice has unfortunately also informed the stratification of citizenship into a layered model where Thailand takes advantage to exploit a large pool of cheap available labour.
4. Theoretical Analysis: What are Citizenship and Nationality?

This chapter links the theoretical thread of the thesis by defining contested terms such as citizenship and nationality. The objective is to situate the scope of the research within the broader contemporary discourse on citizenship to establish a framework for analysis of the facts about Thai citizenship. Citizenship implies much more than just nationality or allegiance. It includes certain social rights, such as access to education and medical care, as well as political participation. Many people in Thailand do not have identity documents. They are stateless; unable to go to school, seek medical care, travel, or make representations on their condition. They are subject to arbitrary arrest and detention, exploitation, and in the more serious cases on the record, torture and even murder and sexual abuse. Attitudes about, and awareness and understanding of citizenship are important, as these terms ultimately guide public policy responses, and can limit the choices available for migrants and others through interpretation in law.

There is an emotional public policy debate in Thailand associated with granting citizenship to the large numbers of second and third generation migrants that have settled in Thailand from surrounding countries, bringing with them different cultures, allegiances, languages and ways of life. The response to date has been to issue various identity documents or informal permission granting differentiated rights to some groups depending on the circumstances. Documents and identities can be bought and sold, and different groups face discrimination in different ways. Some of this prejudice is historical and difficult to resolve, but there is also a vested interest in perpetuating the economic exploitation of migrant workers on an enormous scale to fuel development.

The definition and understanding of citizenship in Thailand evolved through the establishment of Thai nationhood in context of French colonial expansion. The Kingdom of Siam was replaced by the Thai Empire, or Thai-Land. To compete with the French, Siam developed a new vocabulary or infused old terms, such as the 1902 word for
government, ratthabaan, or the word for nation, chaat. Traditionally, the meaning of chaat was ‘lineage.’ However, during this key period, the word assumed its modern meanings: citizenship, ethnicity/race, nation, naturalization, and so on. Armed with a language “capable of expressing precise formulations of the legal status of persons, and possessing a racialist consciousness,” the Thai elite could challenge French domination of the people placed under French control. So the language of citizenship and nationality, introduced by the colonial powers, established the boundaries of legal status for individuals, and defined the space where various groups were included or excluded. Language determined eligibility and the new documentary evidence codified citizens.

Different groups still perceive citizenship in different ways today, contributing to some confusion over entitlements and rights. According to a 2011 study by the United Nations International Labour Organisation’s (ILO) Office for Asia and the Pacific, for example, most Thai people would offer only “limited support” for the rights of migrant workers. Tragically, 84 per cent of Thai people interviewed for the ILO survey believed migrants had “broken the law” and “could not expect any rights.” Considering migrant workers comprise about only five per cent of the population, such attitudes confirm the depth of the problem in perception created by the use and abuse of language on legal status.

Thailand is now, more than ever, a vibrant multi-ethnic political entity. Akha, Hmong, Mon, Malay, Lao, Lisu, Lue, Khmer, Karen, Shan, Wa, and other groups, co-exist within its borders. Migrant labour has become absolutely essential to the Thai economy, and many migrants contribute meaningfully as citizens (in the moral, if not the legal sense) of Thailand, even if they might not have access to Thai nationality. The large factories established in border towns (particularly in Mae Sai and Mae Sot) employing hundreds of

---

40 Between 2006 and 2009, approximately 8,000 Hmong people were forcibly repatriated from Thailand and resettled by the Lao Government. Concerns regarding living conditions and access to fundamental human rights have been raised by Amnesty International (2009) and Human Rights Watch (2011). It is believed a number of Hmong people remain internally displaced, fearing persecution (IDMC 2012).
thousands of migrant workers are testimony to this fact. Systems to register and classify people along ethnic origins through identification cards have introduced discrimination, conflict and tension. Access to citizenship is not equally available to all, and citizenship can be interpreted differently – or differentiated - to deny access to basic rights.

The modern discourse of citizenship has established a complex vocabulary to discriminate between and categorise human beings according to a hierarchy of perceived social status. We may be labelled citizens, denizens, subjects, (temporary and permanent) residents, dual-citizens, non-citizens, aliens, foreigners, outsiders, guest-workers, illegal and irregular migrants, seasonal migrants, slaves, indentured-labourers, refugees and so on. The individual is essentially a citizen, and each individual should have access to citizenship rights. This is the basis of modern democracy and the international system of sovereign states, where citizens are divided into ‘nationalities.’

Some people and groups exist in a space straddling several of these categories simultaneously, and others carry multiple identities beyond national boundaries. The criteria for inclusion in society and the state are becoming increasingly complex. The idea of citizenship can mean different things to different people, and, more importantly, it is also understood differently from place to place. Citizenship can also be interpreted differently, often with disastrous consequences, by states and officials tasked with implementing policy such as registering migrants. The problem is different people have different understandings of and racialist or class-based attitudes about what constitute citizenship and nationality. This can become even more complex when social, cultural and linguistic interpretations of these terms become tangled with historical and ethnic categorisation. Terms like ‘race’ and ‘ethnicity’ further complicate efforts to define citizenship and nationality within geographical boundaries, particularly when translated into other languages with older meanings. Possibly the most widely understood element of citizenship is the legal definition.
States have a legal “sovereign right” to devise nationality laws and immigration requirements as they see fit\textsuperscript{41}. People may be categorised by receiving States as nationals (citizens); legal aliens (foreigners legally in the State under its immigration laws); illegal aliens; stateless persons (with no state of nationality); asylum-seekers; and refugees. Some of the people in these categories may have more than one nationality. The full advantages of citizenship, including right of entry and access to the full range of public benefits and services, are usually accorded only to nationals. Nationality, on the other hand, (a completely separate but related concept not to be conflated with citizenship), signifies the terms of the legal relationship between an individual and a State. It marks the legal link between the individual and the State. Nationality is the legal categorisation of citizens allowing them to reside and identify themselves as members of a State.

Nationals are also entitled to State protection, which is of increasing significance in the globalizing world with its large-scale movements of people. States have a corresponding duty, in international law, to admit their own nationals and allow them to reside in their territory. These principles become blurred, however, where nationality can be ceded on departure without ‘proper’ notification.\textsuperscript{42} The unqualified right to hold the passport of the State is also a function of nationality. Some states, however, restrict movement by denying access to a passport, or making it difficult to obtain one.

Nationality is the legal basis for the exercise of citizenship. Although frequently used interchangeably with nationality, the term citizenship has a broader meaning, and denotes a status bestowed on full members of a community. In most countries, access to civil, political, economic, social and cultural rights is predicated on nationality. Nationality determines whether individuals are entitled to participate fully in the political process, including through voting, and to exercise the right to work, the right to education and the

\textsuperscript{41} United Nations, 2003, p.2.
\textsuperscript{42} The Lao PDR has an inconvenient clause in its nationality legislation, which insists that a person who departs the country without permission is no longer a Lao citizen. In practice, however, this is often overlooked, especially when repatriating undocumented labour migrants from Thailand. Some other States (DPRK) automatically remove nationality, and others never withdraw nationality (Lebanon etc) no matter the circumstances. This often creates consular problems with conscription and national service obligations.
right to health services. And the right to access these services, and fulfil one’s obligations as a member of society, is where the boundaries of modern citizenship begin.

Citizenship is about participation, membership, belonging and identity. It implies access to a set of rights and privileges as well as obligations and duties. Confusion arises when we compare citizenship as a legal status; membership of a political or ‘national’ community (or nationality); and citizenship as a normative process; a desirable activity; a model of how individuals conduct themselves in society. Citizenship gives us the right to contribute to society as an equal partner, not as a labourer forced to perform a function.

Citizenship in a global context, is a “mechanism of closure,” a legal and ideological basis for an enormous “filing system,” distributing human beings among nation states. The criterion for inclusion or exclusion is not always black and white. It is the shades of grey where citizenship is not clear and the consequences can become a matter of life or death that are most problematic. These shades may be highly personal, linked to an individual, a single family, or a particular group or groups, and may distinguish between people in a single family unit. The better we understand the problems associated with access to citizenship, acknowledge their complexity, and act from a position of fundamentally protecting the rights of citizens within a broader framework of rights and obligations, the better equipped we are to introduce policy in the long-term interests of society.

Ethnicity and race, the most oft-cited criteria for exclusion from a nation-state, are highly contested. Weber, for example, dubbed racial identity a “particularly problematic source of social action” and highlighted the inevitable political association in determining common “inherited and inheritable traits” that actually derive from common descent. Members of a ‘race’ need to consciously identify themselves subjectively as a group on the basis of shared political goals or actions, while outsiders who are “obviously different” are despised or “viewed with suspicious awe.” Physical differences are only one marker of social exclusion. Cultural and linguistic differences are also significant.

Thailand encompasses many different ethnic groups, and distinguishes and differentiates between them on the basis of race, occasionally on an arbitrary and restrictive basis.

Prem Rajaram takes the modern notion of the outsider one step further in relation to the perceived harsh treatment and arbitrary detention of refugees by Thailand, labeling irregular migrants *homo sacer*, a legal term of ancient Roman origin employed to describe a condition or form of life that is essentially ‘bare’ or destitute. Rajaram likens the encounter between irregular migrants and sovereign states as one between the detritus (or refuse) and the ‘interiorised’ (of humanity). He perceives refugees as not only a product of the international nation-state system, but an integral part of it. It is impossible to look at these terms and issues in isolation. Nationality, ethnicity, race, citizenship, and class, are all inextricably linked, but not interchangeable.

John Torpey coined the useful phrase “a monopoly on the legitimate means of movement” to describe how, in just a few centuries, states “successfully usurped” the right to restrict travel and habitation rights from rival claimants such as lords, monarchs, churches and private enterprises. These developments enabled states to claim control over the identity of their inhabitants, and place restrictions upon outsiders. The introduction of documentary evidence, such as passport and immigration controls, dramatically altered the allocation of group identification within societies and across the globe. Nation-states were handed unprecedented control over regulating the movement and identity of their subjects. This is how Thailand and the modern international system of sovereign states maintains track of citizens and outsiders. The provision of documents such as identity cards and passports has been the cause of much conflict in the previous century (South Africa’s pass system is a case in point), and some States disallow travel within boundaries without documentation (China and North Korea spring to mind).

There is a growing field of literature, prompted by the increasing security and administration requirements imposed by states on their citizens, on the subject of

---

46 Rajaram, 2004, p.35.
47 Rajaram, 2004, p.35.
surveillance and the technological means of monitoring individual identity. John Torpey shows how the need for identification of individuals evolved rapidly during the French Revolution when passports and certificates of residence were introduced and eventually became “a way of life.”\textsuperscript{49} Then, as now, such systems were linked to an intricate register of births, residency, and State administration. Such documents were originally intended to restrict the travel of peasants into the cities, and up until recently this was still the case in modern China. Debates continued in the context of the revolution about the “individual liberty” of each citizen to move about “within and outside the kingdom, without permission, passports or other formalities.”\textsuperscript{50} The screws were quickly tightened by the revolutionaries following the flight of the French king in June 1791 when he escaped using a single passport covering the entire entourage of a noble. The resulting anger, exacerbated by fears he might rally his followers to seize control of the fledgling state prompted the introduction of a strict regime of documentary identity, passport, and border controls in order to control movement. From these humble beginnings we inherited the modern passport system.

Torpey coined the useful phrase; “\textit{a monopoly on the legitimate means of movement}” to describe how, over the course of a few centuries, states have “successfully usurped” the right to restrict travel and residency rights from “rival claimants such as Lords, Monarchs, churches, and private enterprise.”\textsuperscript{51} These documents and developments enabled states to claim control through new methods of surveillance over the identity and movement of their inhabitants, and importantly place restrictions upon the entry of outsiders. The introduction of documentary evidence, such as passport and immigration controls, dramatically altered the allocation of group identification within societies and across the nation system throughout the globe. Nation-states were handed unprecedented control over regulating the movement and identity of their subjects.

The key message derived from these texts is the shifting emphasis by the state, in response to various stimuli of socio economic factors and events at various times, in

\textsuperscript{49} Torpey, 2000, p. 21.
\textsuperscript{50} Torpey, 2000, p. 22.
\textsuperscript{51} Torpey, 2000, p. 1.
seeking to limit and restrict the movement of insiders and outsiders. Whether or not this has been successful, or if we can place a value judgement on the benefits of surveillance to society or the State, depends on an analysis of specific historical events. But I would argue that despite the best efforts of nation-states to restrict travel and movement by documenting individual identity, nothing has prevented further migration where such a strategy meets the needs of individuals, or the economic needs of the State.

The principle behind the practice of documenting individual identity is perhaps not entirely new. The tattoo, for example, has been employed for centuries to document ownership and allegiance. As Jane Caplan illustrated, the practice of “writing on the body” at one stage occupied “a kind of boundary status on the skin.” This practice has been used in Siam and many other countries as a means of surveillance and to ensure that slaves and subjects performed service. Tattooing slaves was an important ritual; “an affair of State.” The means of surveillance has changed from ink and needles towards modern documentary evidence like identification cards, but the principle in denoting inclusion and exclusion from a polity, or denoting a certain status in a differentiated social stratification, remains roughly the same. States continue to document identity in innovative methods to keep track of citizens and outsiders.

Aside from a marker of exclusion, however, citizenship has an important social context. It is also about participation, membership, belonging and identity. Further difficulties emerge where modern nation-states are formed in the coalescence of competing loyalties and rival identities. There are nation-states formed through struggle and social revolution (China), religion (Israel, Bangladesh and Pakistan), and political entities hewn from the map by colonial powers with scant regard for ethnic and cultural orientation (India, Myanmar, Indonesia, and much of Africa). Citizenship boundaries are as diverse as the cultures and countries they represent. Defining citizenship, and migration, in nationalistic and sovereign-territorial terms tends to exacerbate the sense of confusion, and the modern nationalist historiography highlighting the sovereignty of an international

52 Caplan, 2000, p. xiv.
53 Rabibadhana, 1969, p. 57.
system of nation-states contributes to the problem. It is difficult to ascertain if historical, social, and political events have influenced the foundation and development of nationality legislation, or the other way around. Either way, we have developed complex methods of surveillance for keeping track of citizens, dividing residents, and excluding settlers.

Access to citizenship therefore implies much more than possession of documentary evidence of a nationality; an identification card, or a passport. It determines eligibility to access a range of economic, social and political rights. It provides people with the necessary credentials to participate as members of society and dictates the conditions under which that participation takes place. Citizenship confers rights to access legal and social services; it can make it possible to send our children to school, to move about freely as we wish, and to participate in politics. Citizenship is therefore a multi-dimensional concept which guarantees the liberty of individuals to enjoy access to democratic processes as equal partners with a stake in the future of the collective. It provides the basis for an equitable and stable society. More research is needed on the impact of the imposition of citizenship over traditional social systems to develop solutions to problems associated with statelessness and dispossession.

Citizenship is almost universally acknowledged as a benchmark for admission not only to these national communities, but also to an intimately interconnected framework of sovereign states. Attempts at emancipation and unification by codifying ‘universal’ citizenship have normally resulted in criticism of a “lowest common denominator” approach, “an enforced homogeneity of citizens.” The very idea of what constitutes a citizen and citizenship is not universally understood or applied. It is therefore subject to cultural and other interpretation.

Defining citizenship, and migration, in purely nationalistic, ethno-racial, and sovereign-territorial terms tends to exacerbate this sense of confusion. The nationalist historiography has contributed to the problem. Anthropologists acknowledge the existence of somewhere between 5,000 and 8,000 so-called ethnic groups around the

54 Young, 1989.
world. Most states are shared by “more than one ethnic group and often by dozens.”

States were often formed, or have evolved, over the past few centuries for strategic reasons with little concern for traditional ethnic origins or practical boundaries.

Two key legal principles guide citizenship entitlements: *jus sanguinis* (or blood law), and *jus soli* (or law of the soil). In some countries - Germany for example – citizenship status is determined by blood (by descent or *jus sanguinis*). In France, for a range of historical reasons, factors such as length of residency and being born within the state’s territory are more important (the right of territory or *jus soli*). Other countries, especially migrant-settler societies like Australia and the United States for example, legislate between citizens and aliens using a combination of both principles, the adoption of cultural criteria such as language, and the utterance of an oath of allegiance.

Citizenship, therefore, implies more than nationality, race, or ethnicity. It cuts through class, culture and identity as a marker of inclusion, a ticket for admission to a dominant group. This group or groups determines who is eligible for citizenship, and who is a foreigner: an alien, by applying legal, racial, social, cultural, economic, political, historical, religious or ideological benchmarks. The difficulty is situated in the existence of multiple pluralistic societies and modern nation-states formed in the coalescence of competing loyalties and rival identities. There are nation-states formed through struggle and social revolution (China), religious identity (Israel, Bangladesh and Pakistan), and political entities hewn from the map by colonial powers with scant regard for ethnic composition (India, Myanmar, Indonesia etc.). Citizenship boundaries are as diverse as cultures and countries.

The notion, therefore, of what constitutes ‘ethnic groups,’ ‘race’ and ‘ethnicity’ is thoroughly contested. Globalisation, conflict, disaster, and the exodus of greater numbers of people across international boundaries, facilitated by quantum leaps in communication and technology, have virtually eroded the myth of the unitary sovereign

---

56 Jenkins, 1997.
nation-state based on a pure ethnic or racial schema. As nation-states seek to maximise comparative advantage in a global economy, differentiated associations of convenience imitate citizenship for some groups; the boundaries between citizens and denizens, outsiders and aliens, have become blurred. At the same time the universal adoption of an international system of ‘national’ enclaves requiring documentary evidence of citizenship has accentuated the gap between citizens and aliens.

States are therefore seeking to devise new methods to identify citizens and protect national borders through revitalised migration and citizenship policies. DNA testing, biorecognition technology, holograms, ultra-violet symbols, magnetic strips and watermarks are soon to become the standard rather than the exception. States and governments alike are concerned with the practical and theoretical challenges posed by dual and multiple citizenship, ‘refugees’ fleeing persecution and conflict, people trafficking, labourers and so-called ‘economic’ migrants. These problems are not new, conflict and disaster having been a constant factor in the human condition, but the dimensions and the scale of the problem have changed.

One of the most commonly advanced principles of international law by states is the 'sovereign' right to restrict entry to all but their own citizens: the principle of sovereign inviolability. But the reality of global migration in the 21st century ensures that this principle, and the states that espouse it, are constantly confronted with hundreds of millions of people seeking residency or asylum every year. States ultimately determine who is eligible to enter, just as societies or football clubs, in theory at least, determine eligibility criteria for inclusion and exclusion. On what basis do we decide who has a right to become a citizen and who should be excluded?

Citizenship models have traditionally followed a template emphasising the centrality of

---

57 Denizens are persons who dwell within a country, as opposed to foreigners who reside outside its limits, who may have similar, but not the same, rights, obligations and privileges as citizens.
58 Aliens are outsiders in the strictest sense, belonging to a foreign nation, allegiance or place.
the sovereign nation-state. Individuals and groups balancing on the edge of national boundaries are therefore dependent on the political will and capacity of states to either include them, or leave them to wander unrestricted. States, for their part, seek to adopt and adapt citizenship rhetoric to cope with the demands of ethnically heterogeneous, multicultural societies and a correspondingly pluralistic landscape. In the past, borders, states, and nationalities were not strictly defined. The problem is not so much the international system of sovereign nation-states, but the misguided perception and conceit that this present geographical model always existed and will exist throughout eternity.

Ethnic minorities, women, the poor and disadvantaged, migrants, refugees, and their offspring are all, in theory at least, as human beings, inherently and inalienably, entitled to dignity, freedom, equal rights and justice under international law. In practice, however, human existence is bound within hierarchies of rights, locally, nationally and internationally. The government of citizens within states and the governing of states are connected. Citizenship is affected by global as well as local standards. Despite vigorous efforts to assert ideals like 'universal' citizenship and 'human' rights, there has only ever been partial agreement on how this might be achieved. In assessing the complexity of these arguments, it is important to contrast the cultural and political differences between individuals, groups, and states. Consider the right (or restriction) to have children, access safe abortion, the abhorrence of corporal and capital punishment, torture and arbitrary imprisonment, forced labour, slavery and so on. Traditional methods of organising society and defining citizenship have impinged upon modern attempts to classify citizens where we opt to disagree on the forms and boundaries of inclusion. But the politics of exclusion by the victors of conflict and control over the historical record of inclusion by the State sets the standards for restrictions on nationality.

Citizenship is about participation, membership, belonging and identity. One of the first hazards for researchers in attempting to analyse citizenship is the potentially enormous, even limitless, scope of the equation. Debates about ‘citizenship theory’ can prove to be

---

63 Hindess, 2002.
immeasurably vast, because almost every political issue inevitably involves some assessment of the relations between individuals and society, citizens and the State. The second danger is the tendency to conflate two interrelated, and yet separate, aspects of citizenship: citizenship as a legal status, membership of a political or ‘national’ community (nationality); and citizenship as a normative process; a desirable activity; a model of how individuals conduct themselves in society. Aside from a measure of who is accepted in or rejected by a country (or countries), citizenship also implies membership of a political community with expectations and obligations of participation.

Nationality and citizenship are often uttered in the same breath as if synonymous, but they are in fact closely related ideas that should not necessarily be conflated. Put simply, 'nationality' refers to an individual’s legal status in relation to any given society, and 'citizenship' to social status and the level of participation in, and membership of, a community. Herein lies one dilemma in defining and debating citizenship. Nationality, it seems, implies little more than possession of a passport and the utterance of an oath of allegiance. It has become a choice of convenience for many people seeking to improve their personal circumstances by pledging multiple allegiances, while for others it remains a matter of life and death.

Citizenship, on the other hand, implies the existence of a notion of all that is good about society: political participation, unity, shared obligations, and communitarian values. Citizenship is a normative concept - a utopian ideal - a set of criteria for inclusion in a model society. The most important element for this research project is the grey area where citizenship cannot readily be determined: the gap between humanity and the human condition, those groups for whom the rules do not apply. States make these definitions in isolation and apply them by using forms of surveillance and documentation like identity cards and passports. States therefore determine who is eligible for citizenship and the documentation needed to differentiate between citizens and outsiders.

The popular move by some states in the late twentieth century towards ‘e-citizenship,’ or

---

64 Kymlicka (quoted in Beiner), 1995, p. 284.
maintaining individual records electronically using bio-data implants, smart cards, computer records, DNA, face, and biological recognition checks, has exemplified the latest technological attempts by modern states to limit fraud, define national identity and ‘nationality’ in legalistic terms, and ensure the exclusion of unwanted outsiders and aliens. The more sophisticated the system, the more open it is to compromise by those determined to circumvent regulations. This notion would appear to be supported by the evidence. People smuggling and identity fraud have become an international growth industry parallel only to the drug trade and the illicit trade in flora and fauna. Passports (and therefore citizenship) from Belize, Nauru, the Dominican Republic, and other fledgling states are available on the market for those who can afford them. The black-market system, like the legal channels for obtaining citizenship, often does not differentiate between legitimate asylum-seekers, so-called ‘economic migrants,’ terrorists, criminals, and identity-shoppers.

Citizenship, like most political ideas, is therefore a 'cultural construct' and there are many different conceptions of citizenship. Global capitalism and labour markets show no respect for national sovereignty or boundaries, and so-called 'economic migrants.' Aihwa Ong eloquently describes the existence of a kind of 'flexible citizenship' among the Chinese diaspora in Asia and in the West. Some industrialised states, or certain elements in their midst, initially encouraged immigration as a source of cheap labour, but later appear unwilling or unable to cope with the subsequent social obligations associated with making 'good citizens' out of masses of migrants. Citizenship has a timeframe and some groups appear to be expendable or burdensome when it comes to concluding entitlement.

Aihwa Ong sets up a welcome paradigm of the type of citizenship that transcends territorial boundaries, enabling the bearer multiple identities and access to different

---

65 Thailand’s former Prime Minister, Thaksin Shinawatra, allegedly holds a passport issued to him by the State of Montenegro, which he acquired through a promise of investment (BBC, 17 March 2010, “Deposed Thai PM Thaksin given Montenegro Citizenship”). According to news reports, he was required to invest one billion dollars to obtain this citizenship of convenience.

66 Milner, 1993, sets out a useful comparison of perceptions of Asian and Australian citizenship.

67 Ong, 1999.
societies on their own terms. This accurately applies to the Chinese diaspora, but may not be so readily acceptable for more exclusive nation-states such as Thailand or Malaysia. Ong’s account of mobility, identity, and multiple allegiances among the global Chinese community was enlightening evidence of the dangers associated with accepting a limited definition of citizenship tied within national boundaries. Ong’s thesis shows how Asian societies can exist independently of the nation-state while claiming the nationality of whichever most suits their purpose. In a number of cases this results in multiple identities across geographical boundaries.

The ideology and principles of citizenship, as well as the traditions from which modern representative political systems are derived evolved from ancient Greek and Roman city-states. Athenians in the fourth century B.C. distinguished between citizens, slaves, metics, and travellers, to establish ranks of peoples under the sovereign. Ancient Romans were divided into “enfranchised Roman citizens” (cives Romani), "disenfranchised citizens” (cives sine suffragio), and individuals “too dangerous to be left independent, even under a treaty of alliance." By the second century A.D, all free subjects in Rome were connected by citizenship acquired by birth, adoption, or gift of the magistrates. Women and children, like slaves, were considered chattels and remained outside the spectrum of those persons eligible for citizenship. Plato, of course, had much to say about the status of male and female citizens, particularly with regard to access to education, and the right to follow a range of occupations.

Universal suffrage is a relatively recent institution: women were politically enfranchised in Australia in 1902, in 1918 in Britain, in 1920 in the United States, and in 1944 in France. The links between gender relations and national construction are covered elsewhere, but control over women’s reproductive role through jus sanguinis has always been absolutely crucial to nationality and eligibility for citizenship. This explains why nations discriminated against the children of women marrying foreigners being eligible

---

68 Plender, 1988, p. 10.
69 Plender, 1988, p. 11.
70 Plato, 1955, p. 106.
71 Castles, 2000, p.35.
72 See Davis, 1999, for example.
for citizenship. The same was not always true for men, whose children were generally entitled to citizenship without question.

The ancient Greek city-states of Aristotle and Plato’s day, however, were structured around small close-knit societies united by kinship and blood relations. Being a citizen depended on blood connections over at least two generations on both sides of a “citizen-parent” and the State resembled a “family writ large.” Ancient Athenians excluded the majority of society by disenfranchising women, slaves and foreigners. As Saul wryly puts it, while citizenship is a “reality inherited from Athens,” we have little choice but to accept it since democracy cannot function properly without it. “But if the individual is not first a citizen, then the obligations and privileges that go with that status are effectively lost and the person ceases, to all intents and purposes, to be an individual.”

As a definition of legal status ‘nationality’ is relatively modern term. According to Koessler, the ‘matrix’ of the word *nationality* evolved from the French *nationalité*. The labelling of individuals as *citizens* rather than *subjects* has its genesis in the French Revolution, which marked the important shift from absolutism towards republicanism. Prior to this, everybody was *subject* to the monarch or *sovereign*. Afterwards, *citizens* owed allegiance to the *nation*, rather than obeisance as *subjects* of the sovereign in person. Nationality introduced new methods of surveillance and allegiance to replace the links to a sovereign with links to the state. There is residual confusion over the terms citizenship and nationality (as with ethnicity and race), which are often conflated, but are not interchangeable. As demonstrated in the interviews conducted in this research, attitudes and awareness of citizenship rights, and what citizenship means, can vary.

The difficulty in searching for a ‘universal’ definition of citizenship is also complicated by the fact that citizenship means very different things to different people. This dichotomy is best illustrated through the dual relevance of citizenship as simultaneously a legal status (nationality) and a normative goal (participation as a member of society on all

---

73 Davidson, 1997, p. 16.
75 Plender, 1988, p. 9-11.
levels; political, social, cultural and economic). Nationality, the first step, denotes the status of an individual, or ‘legal person’ in relation to society; a sovereign state, or a political system. It is the fundamental legal bond between an individual and a state that gives rise to “reciprocal rights and duties.”

Membership, or participation, the second step, delivers the means to access a ‘trinity’ of political, cultural and social rights. It outlines the boundaries and rules of belonging. Citizenship is therefore more than a legal claim to membership, or bundle of rights; it is a mode of incorporating society.

The theoretical basis for this research is the assertion that citizenship is more than possession of nationality, an identification card or a passport. Citizenship, most importantly, implies eligibility to access a range of economic, social and political rights. It provides people with the necessary credentials to participate as members of a given society and dictates the conditions under which that participation takes place. Citizenship also offers rights to access legal and social services. It can make it possible to send children to school, to move about as we wish, and participate in politics. Citizenship is a multi-dimensional concept, which guarantees liberty to join in the activities of the society, to enjoy access to democratic processes as equal partners with a stake in the future of the collective. Citizenship is therefore, theoretically, a universal right.

It is widely assumed that whether one qualifies or not can be instantly and objectively determined by application of a simple formulaic eligibility test. It all appears fairly straightforward, black or white. In practice, however, there are hierarchies and different types of citizenship. Citizens may be grouped according to membership of a limited national community, and as members of mythical or “imagined political communities.”

Benedict Anderson, who emphasised the importance of print media in guiding and forming modern nationalism, introduced another key paradox that has “perplexed and irritated” theorists of nationalism: “the formal universality of nationality as a socio cultural concept - in the modern world everyone can, should and will ‘have’ a nationality,

76 Fox, 1997, p. 214.
as he or she has a gender” as opposed to the “irremediable particularity of its concrete manifestations.”

Nationality, according to Anderson, is therefore an ‘imagined’ grouping, dependent on access to language and culture, and compliance with social norms. Exactly who is entitled to membership is then dependent on a range of factors. And to further complicate matters, all nations are pluralistic in racial, religious, and political composition. Thanks to migration, too, societies are becoming more diverse.

Membership - citizenship - of a national community implies acceptance of both rights and obligations. To quote Coleridge (1772-1834): “there are no rights whatsoever, without corresponding duties.” Modern citizenship models attempt to balance rights and obligations to realise a ‘common good.’ Rights may be limited, differentiated, and dependent, not least upon the political will of states to provide for citizens. The development of citizenship theory has inevitably hinged upon the Anglo-Saxon centric narratives of a gamut of predominantly British thinkers with the associated relativist notions of the ethical, moral, historical and theoretical tradition of the ‘collective’ good. The way we view citizenship is also linked to our view of human nature and individual rights as opposed to society’s needs. Thailand’s model of citizenship, understanding and application of the principles, will be different to Germany, China, or India.

The enormous economic, social, and political changes that took place through the colonial period, the industrial and technological revolutions, and the devastation caused by both the World Wars and other cataclysmic ideological battles such as the Cold War, sponsored a new type of citizenship. Notions of ‘global citizenship’ are far from being realised, but more work on the division of ‘citizens’ along racial and territorial lines and the implications this holds for the nation-state is required. Citizenship is inextricably linked to migration, as border and immigration controls arose as a relatively recent effort to restrict access to migrants for a range of reasons. Migration is increasing for various reasons in spite of restrictions on the right to move between different regimes.

80 Stauffer, 1951.
The Thai State has adopted a *differentiated citizenship model*, where human beings are ordered according to a complex hierarchical scheme of social stratification. Thailand is not unique in this regard; many modern states including immigrant societies like Australia and the United States, have also established complex social hierarchies of citizenship entitlements linked primarily to the period of migration and duration of settlement, but also to other more implausible and imperceptible criteria such as ethnicity, race, and notions such as claimed allegiance and perceived levels of assimilation.

Thailand, which has historically employed large numbers of migrant workers and, like many other countries, has built a modern nation through internal and external migration, appears to employ a combination of *jus sanguinis* (right of blood) and *jus soli* (right of the soil). Thailand has simultaneously transformed ancient methods of keeping track of subjects and citizen, and adopted modern legislative principles using documentary evidence to separate and distinguish between citizens, aliens and outsiders. In the process, it has created a complex hierarchy of *differentiated* overlapping layers of citizenship, best represented by a mathematical structure like a Venn diagram (see Figure 1), where different groups emerge in and out of legal, illegal and semi-legal status. In this model, there are different rules and rights for Thai citizens, aliens, migrant labourers and refugees. Some groups merge in and out of others, and individuals and families may straddle both worlds across geographical boundaries.

Citizenship status is not well defined by the Thai State, which does not officially recognise ‘refugees’ in the legal definition applied by the United Nations, perhaps due to the potential precedent this might create. The public policy formulations developed by Thai decision-makers to deal with the complexity of a poly-ethnic society with ambiguous migrant labour practices and porous borders are mostly, therefore, reflective of national security challenges. Policy has historically not followed a consistent pattern, but has been guided instead by elite actors and key events, historical prejudice, and the occasional tendency towards reactive political fixes. Citizenship policy in Thailand is also influenced by bilateral relationships with other regional countries, particularly in respect of historical issues, national security, and social concerns.
Thai authorities have publicly offered Thai citizenship to individuals with special merit—such as the Thai Miss Universe, Vanessa Mae the violinist, and Tiger Woods.\footnote{Tiger was granted ‘honorary’ (rather than full) citizenship due to Cabinet concerns about dual citizenship. He was also reportedly reluctant to accept this honour, claiming Thailand discriminated against him and his family. After his public admission regarding ex-marital affairs, however, Thai newspapers published headlines stating ‘Tiger Woods Really Is Thai’ (Bangkok Post, 30 January, 1997).} Thailand is certainly not alone in seeking to grant citizenship to sporting, musical, or social leaders, as it could be reasonably argued that such decisions contribute beneficially to enhancing the social fabric of the nation. But concurrently there remain significant segments of the population who may have resided in Thailand for generations whose children are not citizens and are therefore not able to enrol in school, travel, visit a hospital, or participate in political processes. The next chapter examines the theoretical importance of migration, identity documents, and surveillance to citizenship.
Figure 1. The Differentiation of Thai Citizenship – Relationship Diagram

This Venn diagram represents an abstract model of the relationship of key groups residing in Thailand and their proximity to the central goal of citizenship. The inner space where the circles overlap represents those groups entitled to Thai citizenship. Outer circles signify groups at the extremity, who may be excluded from access to social, political, and economic rights by the State. The overlap between the circles is intentional, as some groups do indeed overlap. Some individuals and groups occupy several circles or chambers simultaneously. A Hmong or Yao person, for example, working illegally in Thailand, fleeing China to have several children, might theoretically straddle all external circles without access to the centre.
5. **The Importance of Migration: Surveillance and Identity**

Migration is central to citizenship, and citizenship laws in most countries have always been influenced by migratory practices. But citizenship debates do not always revolve around matters of migration. There are other factors and influences. Migration is itself a complex field of analysis. Just as the idea of citizenship implies two processes; membership of a national community, and the corresponding existence of a set of rights and obligations: migration incorporates the physical act of movement, leaving one place in search of work or a better livelihood; and the act of settling and deciding to stay; becoming a citizen in the new place and not returning to one's place of origin.82

It is helpful to set out some of the events and milestones in the history of migration at this point, as it contributes to a broader picture of Thailand’s current diverse ethnic composition as a factor of conquest. This migration is in many ways a product of international or external events, and efforts to mitigate these through the development of nationality law and citizenship policy have met with limited success. It is precisely because migration is a normal, and predictable, process that policy makers should seek to develop innovative and inclusive means of humanely incorporating outsiders and aliens.

We inhabit a complex interrelated global society with a framework for the protection of human rights, but many international institutions are weak and ineffectual. Border controls have failed to stem the increasing tide of migrants seeking economic success in more developed and affluent countries. As the senior legal adviser to the UNHCR has stated, even if developed countries “were prepared to betray the very values on which their societies are based, by building new iron curtains and Berlin walls around their common territory, the human flood would still find its ways.”83 Similarly, many new migrants will seek better employment conditions in the work force in Thailand. This flow of people will continue to test the processes in place to keep track of citizens and outsiders in Thailand, and place a considerable burden on existing social services.

---

82 Wang Gungwu, 1985, eloquently describes the duality of migration in the context of Malay history.
83 UNHCR, 2000.
Compared to its neighbours, Thailand is an oasis of democracy and (relatively) a powerhouse of economic opportunity. Indeed, in the decade from 1987 to 1997, Thailand was the world’s “fastest-growing economy.”

Between 1985 and 1990 foreign investment increased tenfold. Investors from Japan and other ‘Tiger’ economies moved to take advantage of the attractive combination of cheap labour and a competitive climate. Local firms joined an orgy of investment in export-oriented manufacture. Demand for workers, combined with Thailand's high standard of social services and relatively open political system, enhanced the ‘pull factor’ for labourers from surrounding countries. Development transformed Thailand from a net exporter to an importer of labour in a relatively short period. Of course, migration is both an internal and external phenomenon. Large numbers of people move within Thailand to take advantage of seasonal labour shortages.

Large scale migration from Asia to the Middle East reached a peak in the 1980s. By 1985 there were more than 3.2 million Asian workers in Gulf States; more than 2 million in Saudi Arabia. The number of Thai workers overseas jumped rapidly from 20,000 to 125,000 in a decade.

Thai migrant workers migrate to the Middle East, and Thai women are engaged in significant numbers Brunei, Hong Kong, Taiwan and Japan. Taiwan is one of the world’s most populated countries, yet shortfalls have sponsored the large-scale importation of foreign labour. In 1992 a foreign labour policy allowed greater access for foreign workers and about 68 per cent of foreign workers in Taiwan (around 150,000 people) originated from Thailand. Thai consular officials assigned to provide consular services to their citizens in Japan, Taiwan, and Singapore regularly recounted stories of abuse and exploitation. There are approximately 40,000 Thai workers in Japan, only half of which have legal status to remain in the country and the number of abandoned

---

85 Fuller, 1990, pp. 534-562.
87 Castles, 1998.
children without citizenship continues to rise. These issues are also experienced by other South East Asian labour exporters, such as the Philippines and Indonesia.

Thai women are regularly trafficked to the sex trade, and many children from resulting liaisons end up stateless with limited access to services or identity documents. The tragic case of Ms Puangthong Simaplee, a highlander from Chiang Mai, smuggled to Australia as a sex worker at the age of twelve, is a sad example. Ms Simaplee died fifteen years later in Villawood Detention Centre “in a pool of vomit” after immigration officials raided a Sydney Brothel. She was originally smuggled into Australia using a fake Malaysian passport. Thai consular officials told the researcher that arrests involving sex workers in Australia were often difficult to resolve as the documentation used to transport women to Australia was invalid, making identification and repatriation problematic.

The International Organisation for Migration (IOM) reports that Thai emigration is routinely characterised by “trafficking in women, illegal recruitment of workers, excessive placement fees that leave workers in virtual bondage, and other abuses.” The exodus has resulted in labour shortages and gaps in Thailand, filled by migrants from Myanmar and Laos. There is a hierarchy of suffering based on comparative perceptions of wage and other advantages across different economies.

The number of illegal migrants in Thailand is variously estimated at between 2 and 4.5 million. The majority of illegal labourers in a registration drive were from Myanmar (81.7 per cent), with smaller numbers from Cambodia (8.7 per cent), Laos (3.7 per cent), and a trickle from China, Bangladesh, Sri Lanka (many of whom travel onwards to Malaysia and other countries). Some are fleeing persecution, poverty, and ethnic conflict. Others are seasonal agricultural workers. Migrant labour is encouraged in

---

90 Blackburn, 1994.
91 Sydney Morning Herald, 13 March 2003.
93 US State Department, 2012.
certain sectors (fisheries, agriculture, and construction) for economic purposes. The circumstances and conditions of labourers on Thai fishing boats are particularly brutal:

*Men remained at sea for up to several years, were not paid, were forced to work 18 to 20 hours per day for seven days a week, and were threatened and physically beaten. 58 per cent of migrant fishermen trafficked aboard Thai fishing boats reported witnessing a fellow fishermen killed by boat captains in instances when they were too weak or sick to work.*

Migrant labourers, provided they can locate a sponsor willing to comply with legal registration requirements and pay required fees, are free to work and reside in Thailand temporarily. Despite repeated registration efforts, large numbers of migrants remain beyond state control (or protection). 328,122 migrant workers were registered in 1996, and about 260,000 were repatriated (mostly to Myanmar). Many later returned to Thailand. There are many barriers to registration, which we will explore further.

Migration has always been a natural occurrence in human existence. It must be understood as normal and permanent, rather than unusual and temporary. Solutions to the challenges of migration must reflect this fact. Human beings spread out and settled tens of thousands of years ago in response to a broad range of environmental and other stimuli. Migration has accelerated at peak times in association with certain key events. Forced migration due to institutional slavery, imperialism, colonisation, industrialisation, the decline of absolutism (Russia and China), the two ‘World’ Wars, the ‘Holocaust’ and its aftermath, the so-called ‘Cold’ War, the Indochina Wars, the change in Hong Kong's status to a Special Administrative Region, and the ‘War on Terror’ have all presented key landmarks in the mass movement of people. There will no doubt be more to come.

---

96 Us State Department, 2012, p. 338.
97 Bangkok Post, 19 July 1997.
The rise of commercial slavery as an institution in the 15th century, for example, witnessed the forced migration of hundreds of millions of human beings across continents. It permanently altered the demographics of receiving states, in many cases decimating, displacing, or outnumbering the original ‘native’ occupants, and source societies, particularly in Africa, were profoundly and irreparably damaged by the tragic impact of the forced removal of so many of their members. The researcher has visited refugee camps in Africa as well as historical sites such as Cape Coast in Ghana, where the slave trade reached its peak. European nations, notably the Netherlands, and England, made economic fortunes and became large powers on the trade in slaves.

From a Siamese perspective, King Chulalongkorn’s landmark legislative reforms to abolish slavery reflected international social changes, including the abolition of slavery, and aligned Siam with other ‘civilised’ nations, to protect Siamese sovereignty from foreign colonial predatory interests. The reforms introduced by Chulalongkorn also succeeded in establishing a plausible legislative framework, paving the way for the introduction of a constitutional monarchy in 1932. King Chulalongkorn’s preoccupation with Western (British) manners and customs profoundly influenced his efforts at reforming Siamese institutions. In 1871, three years after his coronation, the young king (at the age of 18) travelled to British colonies in Singapore and India, and the Dutch colony of Java. His exploration of the outside world and the experiences her contributed on return permanently altered the Siamese worldview, resulting in the introduction of documentary evidence to keep track of citizens and outsiders.

In 1971 the war leading to the establishment of Bangladesh forced 10 million people to flee to India, the ‘largest single displacement of refugees in the second half of the twentieth century.’ Over two decades since the mid-1970s, two million Vietnamese, Lao and Cambodian refugees were resettled in other countries, “around 1.3 million of them in the United States.” Nine million people went on the move following the

---

100 UNHCR, 2000, p. 6-10.
101 UNHCR, 2000, p. 7.
dissolution of the Soviet Union in 1991. Ethno-nationalist claims for independence in former empires (like Russia and Indonesia) and humanitarian emergencies in Africa and the Middle East have accelerated trends. Half a billion people pass through America's borders each year, including at least 8 million suspected illegal immigrants. In 2000, the UNHCR estimated that 20 million 'persons of concern' were seeking asylum around the world. By 2012, this figure had jumped to nearly 30 million. One in every hundred people around the world now lives outside their country of birth. The evidence confirms that migration, particularly within Asia, is increasing at a rapid pace, and will continue to do so. This movement will place increasing pressure on governments to introduce more inclusive citizenship policies to maintain social stability.

As the scale of migration has peaked and waned at certain times, the role and practices of states in monitoring and controlling the means of movement has also changed. Up until the twentieth century, labour was considered a scarce and sought-after commodity. The need to establish a work force, maintain military capacity, and extend the state’s influence through population growth in outlying areas encouraged and promoted migration as a tool, including by coercion and force if necessary. Large populations were valuable for economic purposes. Identity was monitored by appearance and cultural characteristics, and outsiders labelled accordingly. People were bought and sold.

Papers were not required and migration from Europe to the ‘New World’ in North America and Australia was actively encouraged. It was not until 1793 that restrictions were first placed on migration when England introduced an ‘Alien Bill’ to provide protection for local labour markets. America followed suit with the introduction of the ‘Chinese Exclusion Act’ in 1882 to restrict the large influx of Chinese labourers, heralding the start of a more restrictive international migration regime. The 1880s witnessed the advent of mass transportation and the facilitation of labour migration

---

102 UNHCR, 2000, p. 9.
105 UNHCR, 2012.
106 Los Angeles Times, 6 April 1998.
through the introduction of the steamship. The combination of a decline in the Chinese
dynastic state and the economic opportunities available abroad witnessed the movement
of greater numbers of Chinese labourers at the turn of the century. States reviewed their
policies in response to the influx of Chinese and immigration controls became the rule
rather than the exception.108

During World War I, states began to take a more active interest in the movement across
borders of potential enemies, systematic immigration controls were introduced, and the
passport became a necessity. After the war, immigration controls were sustained to
protect labour markets from unwanted foreign competition. The same protectionist
policies that hampered trade and contributed to global depression were effectively applied
to limit migration. The exodus of large numbers of refugees during and after World War
II coincided with an increasing demand for labour in industrialised states.

By the mid to late 1970s, the world witnessed the wholesale introduction of more
stringent immigration controls. Legal migration to industrialised countries was limited to
family reunification and those persons seeking political asylum. The repercussions of the
‘Vietnam’ War witnessed the largest organised migration in history since the abolition of
institutional slavery. Legal labour migration to Europe declined as the demand for
labourers decreased, and the flow of illegal migrant labourers increased. The late 1970s
up to the end of the 20th century witnessed the end of the Cold War, the decline of the
Soviet empire, and the fragmentation of states in Eastern Europe. Overpopulation,
environmental degradation, natural disasters and resource mismanagement, (most of
which are interlinked and related) further stimulated international migration.

Migration is a constant phenomenon that has waxed and waned at different stages in
human history. Likewise, the scale of the challenge posed to states by migration is
steadily increasing. The majority of these changes have taken place over the past 50
years, and migrants have faced varying degrees of acceptance in destination countries.
The way outsiders and aliens are viewed by society has also changed over time. While

accepting the need for labour, particularly at the bottom end of the social scale, many societies and states are suspicious of migrants, and have introduced new methods of surveillance and restrictions on access to citizenship. Let us now take a look at the history of attempts to define citizenship and the efforts of states to provide a justification for determining who should be accepted and excluded from a given polity.

Migrant labourers are often the most vulnerable and least protected members of society. They are subject to abusive, exploitative and discriminatory treatment and are required to perform the so-called “three-Ds” (dirty, difficult and dangerous) jobs shunned by locals. Fortunately, an international framework exists which offers some protection, and recognises that workers and migrants have certain fundamental and inalienable rights, regardless of their legal status. Unfortunately, implementation of these instruments is often a matter of political will, and is limited by a range of historical, social and economic factors. This thesis is primarily about Thailand’s experience with defining citizenship, but the theoretical analysis of citizenship and migration apply equally to most other modern countries with a significant number of migrant labourers.

Hollywood is churning out blockbusters about action heroes valiantly rescuing shipping container-loads of helpless immigrants, victims of rent-seeking syndicates and vicious people-smugglers rather than their own agency. Tragically, of course, these images do have a basis in reality. In June 2000, 58 Chinese migrating from Fujian Province suffocated in a shipping container abandoned in Dover. In October 2001, an Indonesian fishing boat (now known as the SIEV X) with 397 asylum-seekers on board disappeared en route to Australia. There were only 44 survivors. In December 2001, Irish Police discovered 8 Eastern Europeans, including two children and an infant, dead inside a furniture container shipped from Milan. In March 2002, the bodies of 13 Burmese labourers, their necks broken by unscrupulous employers who refused to pay their salaries, were discarded in rice sacks at a rubbish tip in Bangkok, Thailand.

---

110 A common theme in movies: ‘The Transporter’ (2002) is one example.
111 The Guardian, 8 December 2002.
month before, the mangled bodies of 17 ethnic Karen workers were found in a stream in Tak.\textsuperscript{114} Despite the grave risks, more and more people are making the journey. Each new story appears to eclipse the horror of the previous tale. The economic advantages outweigh the dangers so people are still moving to follow economic opportunities.

As we enter the 21st Century, citizenship and migration rate among our most contentious political, economic and social issues. Trafficking in human beings and people smuggling are a massive global industry\textsuperscript{115}. The United Nations estimates human trafficking generates around 10 billion dollars each year, second in scale only to narcotics and arms trafficking.\textsuperscript{116} The flow-on profits associated with this phenomenon, in sexual servitude and debt bondage, exceed hundreds of millions of dollars. It is estimated that approximately 27 million people worldwide are subject to some form of slavery or debt bondage, and the majority of these are women and children.\textsuperscript{117} Displacement of human populations has been necessary to make way for infrastructure projects from the Great Wall to hydro-electric dams, or as a result of natural disasters. Many states, particularly net exporters of labour like the Philippines, Bangladesh, and Myanmar, are now highly dependent on remittances: income generated by citizens labouring abroad. The next chapter examines the historical and other factors that have contributed to the present situation in Thailand. What have been the primary causes of migration in Thailand?

\textsuperscript{114} Bangkok Post, 6 March 2002.
\textsuperscript{115} These terms are often confused and conflated. Facilitating illegal entry to another country (people smuggling) does not, in itself, constitute trafficking, although large-scale transfer of illegal migrants may offer evidence of human bondage.
\textsuperscript{116} Abella, 2002.
\textsuperscript{117} US State Department, 2012.
6. Slaves, Tattoos, Mandalas and Migrants

This chapter explores the categorisation of society in pre-modern Siam. In the space of a few decades around the end of the nineteenth century and the beginning of the twentieth century, Siam was notionally transformed from a feudal society heavily reliant upon slave labour, to a modern nation-state with a dynamic economy and wage labour system. In the early twentieth century the Kingdom of Siam evolved into the Kingdom of Thailand and permanently changed the means of monitoring and keeping track of people. To appreciate current circumstances and the implantation of a differentiated citizenship model, it is important to acknowledge of historical developments. In many respects, contemporary social structures and class barriers continue to be influenced by ancient methods of stratification. Debt bondage and other forms of slavery are still widely practiced, and the current differentiation of Thai citizenship on ethnicity, class, and other criteria are not recent phenomena.

In early Siam, the populace was divided into ‘muang,’ or 'cities' of varying greatness. Within these disparate but interrelated polities, subjects claimed allegiance to and protection from a sovereign, or sovereigns. To conceptualise the muang, the sovereign, the subject, and the nature of their interaction, it is useful to first focus on early Siamese social formations. Tambiah’s “galactic polity” and Wolter’s “mandala” could more accurately depict geo-spatial realities in ancient Siam than terms like ‘cities' or 'states.'

The mandala, a Sanskrit word for ‘circle,’ denotes the metaphysical representation of a sacred realm, the abode of a deity, or deities, in heaven. In a Siamese political context, it offers a mode of human rather than geographical investigation. According to Wolters, the mandala is “a vaguely definable geographical area without fixed boundaries where smaller centres tend to look in all directions for security.” It epitomises a dispersed yet structured model of political organization, and represents an attempt to classify and modulate the unique pattern of political organization and citizenship in early Siam. The

---

introduction of geographically marked territorial boundaries by colonial powers marked the displacement of shifting networks of kingdoms and empires linked by blood and allegiance within and beyond Siam.

The subjugation by the Siamese of the Khmer empire at Angkor, and the subsequent adoption of Khmer systems of social organization and notions of kingship, for example, permanently altered the relationship between sovereign and subject in Siam. The Khmer Empire relied on captive labour to achieve the important infrastructure projects extending the ability of the monarch to support large populations. In the fifteenth century the Siamese kingdom of Ayuthaya conquered the Khmer at Angkor Thom. In addition to a treasure of looted silver and gold, the Siamese returned with “civil servants, philosophers, legal advisers and the whole system of government of that great empire.”

The accomplishments made possible by systems of social organization in Khmer civilisation, impacted significantly on Siamese society.

The gap between the monarch and subject in Ayuthaya was expanded. Ayuthayan kings were deified; as incarnations of divinity they were “absolute monarchs who wielded all powers, executive, judicial and legislative.” The character of the Siamese state and the nature of kingship were transformed. ‘Devarajas,’ or God-Kings, and Chakravartins - “Universal Sovereigns” - exercised absolute power. Siamese rulers inherited a boundless capacity to guide and protect subjects, the legal system, and the prevailing social order. The king embodied righteousness, justice, and law. The language of a 1740 royal decree clearly illustrates his absolute power:

Only the king is the highest in the land, because he is Godlike. He can make the superior person (phu yai) be the subordinate person (phu noi) and vice versa. When the king gives an order, it is like the axe of heaven. If it strikes trees and mountains, the latter cannot withstand it, and will be destroyed.

---

122 Rabibhadana, 1969, p. 42.
123 Rabibhadana, 1969, p. 44.
Siamese subjects were forbidden to gaze upon the face of their rulers for fear of severe punishment. When the king left the palace, subjects were obliged to lower their heads lest an earthenware pellet be shot into their eyes by the king’s guard. Men, women and children were “chattels,” who could be bought or sold at will. In an account of his mission to Siam in 1821, the British envoy, Dr John Crawfurd, reported:

Among the Siamese, the distinction of castes has no existence, and in so far as religion is concerned, there is no hereditary privileged order. Except official rank, which is entirely personal, the only civil distinctions among them are of freemen and slaves. Slavery is an established institution, and it is thought that about one-third part of the Siamese nation is bondsmen. These are of three descriptions, namely prisoners of war, parties sold for a consideration by their parents under a written contract, and parties who mortgage their services in liquidation of a debt. The second class is the only one not redeemable, and the last the most numerous. We are assured by the bishop of Siam, that the Siamese treat their slaves with kindness and humanity, exacting from them no severe labour, and treating them rather as domestic servants than bondsmen.

Wars were fought for the purpose of capturing slaves to build cities. Populations were captured and relocated to be put to work (as slaves, corvée or bonded labourers). Corvée was a form of labour, often unpaid, imposed on people of lower social standing by the state or elite (noble). Corvée differs from slavery as the worker is not owned outright, but required to provide labour. The worker is not, or may be partially, compensated and may only work on a specific task. People, not territory, were the object of battle, the building blocks to create a stronger state. The purpose of warfare was not to capture territory and hold it, or, as it appears today - to control markets or resources and enforce a dominant ideology of economic and social organization – it was to capture populations to serve as subjects and labourers.

---

125 Ponlawan, 2001, p. 112.
126 Crawfurd, 1971, p. 386.
In a dissertation on the institution and abolition of Siamese systems of slavery, Chatchai Panananon observed: “Rarely do we see the victor control the land of the loser as a result of his victory; instead those captured in wars were placed into bondage.” Bruno Lasker, in a description of the character of human bondage in Southeast Asia accurately wrote: “Only one condition seems to be present wherever human bondage survives in any form. Always there lies back of it a history of war and conquest.” The practice of conquest and slavery introduced a system of social stratification that survives today.

Indigenous systems of bonded labour or slavery were not uncommon in the Philippines before the arrival of the Spanish colonialists, and war captives were also employed in public works in seventeenth century Java and Myanmar. During the colonial era (c. 1840 – 1940) slavery was well established as a ‘legitimate’ global economic activity and a significant source of revenue. In a complex process of ethno-spatial ordering, ‘slaves’ were drawn from a pool of war captives; human tribute in a civilizing mission to modify ethnic groups in Siam for the economic benefit of the state.

While there is evidence of the use of bondage, corveé, and slave labour before the Ayuthaya period, the use of slaves reached its zenith during the period of reconstruction after the Burmese destruction of the Kingdom of Ayuthaya. The defeated Siam was sparsely populated and desperately in need of workers to boost economic capacity in a new era of vigorous international trade. The Siamese therefore conducted deliberate ‘slave raids’ against the Lao and other minorities to rebuild the population. King Taksin’s “search for regalia,” for example, provoked a series of bloody battles, culminating in the sacking of Vientiane, not once, but twice, in 1779 and 1827.

Forced migration after this “conflagration” has been estimated at between five thousand families (in French chronicles), one hundred thousand people, and more than three

---

127 Panananon, 1988, p. 42.
128 Lasker, 1950, p. 16.
hundred thousand people (according to the Chiang Mai chronicles).\textsuperscript{131} The long war and the “systematic displacement” of the Lao from the east bank of the Mekong provided Bangkok with “abundant manpower” and ethnic Lao residing in Thailand outnumber their cousins in Laos two to one.\textsuperscript{132} The slaves and conquered populations were brutally chained together and marched to Bangkok in convoy from different directions, creating hostilities that remain exposed and unresolved with neighboring countries to this day.

The basis for social organization in the early Bangkok period (1782-1873) stemmed from the idea that the sovereign owned “not only all the land within the kingdom, but all the people who owed allegiance to him.”\textsuperscript{133} Siam’s legal system was inextricably linked to the system of kingship, as the purveyor of justice and holder of supreme merit (\textit{bun}), and other moral concepts in Buddhism. Codification and enactment of Siamese law, central to the monarchy’s key role as upholder of ‘sacred’ law, was the \textit{Thammasat}, a complex legal code inspired by the Hindu \textit{dharma-sastras} inherited from the Mon civilization.\textsuperscript{134} The \textit{Thammasat}, a fundamental source of legitimacy in pre-modern Siam, sets out the moral basis of laws and the origin of kings. It defines the relationship between the individual subject and the ruler in religious terms, and proscribes the norms by which rulers, societies, and individuals might be morally governed in their actions. This basis for law has developed significantly in modern Thailand, but existing principles and prejudices ensure class and ethnicity guide responses to citizenship and other legal rights.

In response to dissatisfaction with the outcome of a divorce case involving allegations of adultery with a judge, a Royal Commission was convened to recommend and implement a systematic revision of Siamese law. The result, introduced in 1805, was known as \textit{Tra Sam Duang} or the Law of the Three Seals. This revised legal code formed a basis for the introduction of modern statutes and principles, many of which are in circulation today. The code was divided into 39 chapters, or \textit{laksana}, such as \textit{laksana rap fong} (law of plaints), \textit{laksana phua mia} (law of husband and wife), or \textit{laksana that} (law on slavery).

\textsuperscript{131} Ngaosyvathn, 1998.
\textsuperscript{132} Ngaosyvathn, 1998.
\textsuperscript{133} Rabibhadana, 1969, p. 77.
\textsuperscript{134} Rabibhadana, 1969, p. 41.
Siam gradually enhanced its interaction with European powers, and slavery (that) was formally abolished in 1905. The Court established new systems of social and political control to increase economic activity. The system of periphery states paying tribute (song suay), for example, was continued until the late nineteenth century when it was discontinued and replaced by an economic and social system dependent on taxes. Education and taxation models were introduced along with modern bureaucratic methods. Bureaucratic reforms placed limitations on the power of officials. The influence of the Siamese State spread further to outlying regions using a modern military and weapons

Chinese influence in South East Asia pre-dated European settlement, and there is solid evidence that Chinese merchants were active in Siamese ports since the fifteenth century. The Chinese junk trade vastly outstripped British (East India Trading Company) international commerce of the era and the period 1740-1840 was feted as ‘The Chinese Century.’ Chinese immigration to Siam increased at an exponential rate due to a combination of political unrest in China and the wealth of economic opportunities available in Bangkok. King Taksin (1767-1782), himself the product of a Sino-Siamese union, provided “extraordinary encouragement” to the voluntary immigration of hundreds of thousands of Chinese to fuel Siam’s recreation. From around 10,000 in 1660, the Chinese population reached 230,000 by 1825, and 300,000 by 1850. In 1802, three quarters of Bangkok’s population were of Chinese origin. Thailand’s modern prejudice and differentiated citizenship model is the product of the establishment of these historical patterns of influence.

The influx of large numbers of people posed complex organisational challenges. Intricate systems of social stratification and identification were developed out of the traditional framework of patronage systems. Siamese subjects were thus cast in a hierarchy of nai

---

135 While the institution of slavery was formally abolished in 1905, the legacy of early practices survives intact in forms of bonded labour. The sordid practice of debt bondage contributes to people trafficking.
137 Reid, 1997, p. 11.
138 Skinner, 1958, p. 4.
139 Skinner (2), 1958, p. 4.
140 Skinner (2), 1958, p. 4.
(masters), *phrai (corvee)*, and *that* (slaves). Men, women and children were bought and sold in a market.\(^{141}\) The system was militaristic in intent. *Nai* were responsible for mobilising *phrai* under their charge for battle. The corresponding number of *phrai* assigned to each *nai*, denoting their relative power and influence in society, was determined by the *sakdina* principle. *Sakdina*, or ‘dignity’ marks offered a scaled method of determining a male human being’s worth and social rank by the amount of land allocated to them.\(^{142}\) It was one of the various systems of “honorary tokens, such as the great array of ranks and titles, the system of paraphernalia such as fans and betel boxes, and the practice of allowing a person to adopt a new name as he rose through the administrative hierarchy.”\(^{143}\)

The position of women was subject to their relative status. Rabibadhana notes that offering a daughter to the palace was considered the “highest form of gift-giving.”\(^{144}\) It was important in “keenly competitive circles” to have a member of one’s kin “as close as possible to the source of the royal power.”\(^{145}\) Women of noble birth were afforded royal titles, but children of slaves were born into perpetual servitude and bondage.

Tattooing or ‘marking the body’ was widely employed as a method of determining identity and status. The tattoo designated a “*boundary status on the skin.*”\(^{146}\) It was a “marker of difference, an index of inclusion and exclusion to mark off entire civilisations from barbarian or ‘savage’ neighbours.”\(^{147}\) The only extant decree of King Taksin was that of 1774 requiring every *phrai* be tattooed with the name of their *nai* (*master*) and town of residency. The regulation prescribed death for daring to use a counterfeit tattooing needle, or falsely tattooing *phrai* to claim ownership. There is no prior evidence of tattooing as an identification of status in Siam.

The stated reason for this practice was to ensure all subjects performed *ratchakan* (royal

---

\(^{141}\) Ponlawan, 2001, p. 112.
\(^{142}\) Terwiel, 1983, p. 122-123
\(^{143}\) Terwiel, 1983, p. 123.
\(^{144}\) Rabibhadana, p. 131.
\(^{145}\) Rabibhadana, p. 131.
\(^{146}\) Caplan, 2000, p. xiv.
\(^{147}\) Caplan, 2000, p. xiv.
service; military and corvée labour). The tattooing of *phrai* was considered an extremely important ritual, “an affair of state.” The practice of tattooing was not discontinued until the nineteenth century.

In the Ayuthaya period (1350-1767), Chinese migrants were ordered within a structured system of identification marks. “Everyone fitted into the system, so that local born Chinese had to remain under the Chinese master of their father or seek out a Thai patron.” Thai were subject to corvée and tattooed by their masters, while Chinese, in lieu of corvée, were subject to a tax, which was identified by a wrist tag. The two groups were easily identified by either a tattoo, cropped hair, or a wrist tag and a ponytail. The Thai was required to perform corvée, and the Chinese paid the triennial tax. “It was impossible to do neither or mix up the components of the alternatives.” The system employed visual (tattoos, wrist bands, ponytails, and clothing etc.), rather than documentary (identification cards, passports, house and migrant registrations) evidence to distinguish and differentiate between subjects, citizens, and outsiders in a hierarchy.

After establishment of the capital in Bangkok, social controls were restructured with a view towards increasing economic activity on a European model. Public education and taxes were introduced. Bureaucratic reforms placed limitations on the power of officials and diminished the status of the nobility. Bangkok’s influence spread through the provinces with the establishment of a disciplined military using Western weapons and standards. Corvée was replaced by hired labour, and slavery eventually became an anachronism. The decision to abolish slavery in 1905, partly a gesture to impress upon Europeans the level of Siamese sophistication, was also motivated by the realisation that slavery could no longer serve the state’s long-term economic requirements. The Siamese rulers became highly successful in emulating colonial states by constructing railroads,
centralising administration, and extending Bangkok’s influence to regional centres. Siam became a modern nation with new methods of surveillance.

The superimposition of foreign political ideas permanently changed Siam. While colonialism in the nineteenth century “manifested itself in the abrogation of unequal treaties, seizures of territory, and the breakup of royal monopolies, the most profound menace (for Siam) was ideological.” Europeans arrived armed with “legal, anthropological, political, and geographical categories more challenging in the long-run, than gunboats and cannons.” Siam changed, not by the invasion of a foreign military power, but the introduction of Western ideas about surveillance and political structures.

Siamese peoples were organized and labeled according to a pre-determined set of Western ethnographic criteria. The Siamese adopted a differentiated social structure with Bangkok overseeing the ‘Others Within.’ The state and elites developed a system of tattoos and other visual evidence along ethnic and class boundaries determining the criteria for inclusion and exclusion. The Siamese elite claimed a superior place, ordering subjects in the new “linear cosmic order called civilization.” Class became a factor in determining access to citizenship by denoting certain ethnic groups as uncivilized and unworthy. The same perceptions created from this exclusionary principle have persisted and moderate access to Thai citizenship today by differentiating between eligible groups.

Siamese relations with the French deteriorated into territorial conflict in the late nineteenth century as the French colonialists sought to acquire areas traditionally under Siamese control and influence. In a dramatic stand-off known as the ‘Paknam Gunboat Diplomacy’ incident, France threatened to bomb the royal palace in Bangkok from a warship in 1893. The Siamese monarch was pressured (under extreme duress) into relinquishing all formerly sovereign territory ‘East of the Mekong.’ The Franco-Siamese

---

155 Winichakul, 2000, p. 41.
Treaty of 1907 awarded Siamese tributaries in Laos and Cambodia to France and established the modern borders of all of these countries.

Another challenge emerged in the foreign, unfamiliar battleground of legal terminology and anthropological determination. Under Article 4 of the 1893 Franco-Siamese treaty, the Siamese were ordered to “hand over all French, Annamite, and Laotian subjects of the left bank, as well as Cambodians detained under any pretext whatever.”\textsuperscript{156} The French aimed to cast the Siamese as usurpers, gain control of Lao and Cambodian subjects residing in Siamese territory, and claim sovereignty over the territory that these people might have inhabited within Siam. The French negotiated hard for the Siamese to accept the status of French protégés and the Siamese rallied strongly against the proposition.

The draft treaty specified that any people under French jurisdiction who wished to do so could register at a consulate and receive French protection.\textsuperscript{157} The language of race was invoked by the French colonialists to reclassify the Siamese as a “race mixed with the Chinese,” unworthy of the control they held over the population.\textsuperscript{158} The Thai elite emerged “armed with the medium of a newly infused language capable of generating the nationalist consciousness, rhetoric and world view that have defined the boundaries of modern Thai thought and identity.”\textsuperscript{159} Thailand was forced to adopt the language of nationality and citizenship and restructure society accordingly.

The invention of the steamship and the introduction of regular passenger-steamer traffic to Bangkok in 1882, coupled with a demand for labourers to build roads and railways, and dramatic political unrest in China and Indochina (including the end of Absolutism in China following the overthrow of the Manchu dynasty by the nationalists in 1911), greatly accelerated the pace of Chinese migration to Siam\textsuperscript{160}. Siam’s treaties with Japan and Britain influenced its reception and treatment of Chinese migrants following the

\textsuperscript{156} Streckfuss, 1993, p. 135.
\textsuperscript{157} Streckfuss, 1993, p. 135.
\textsuperscript{158} Nicolas (1900) quoted in Streckfuss, 1993, p. 131.
\textsuperscript{159} Streckfuss, 1993, p. 126.
\textsuperscript{160} Skinner, 1957.

The Siamese State effectively assimilated Chinese migrants by enforcing a decision in a “clear and conscious choice” regarding nationality. It was incumbent upon children and grandchildren of Chinese migrants to make a decision regarding Siamese nationality. This avoided the creation of an “intermediate Sino-Thai society separate from the majority Thai society.” So where other colonized countries in Asia, such as Indonesia and Malaya, created complex hierarchies where ethnic Chinese existed in a social position superior to native inhabitants below the colonial powers, Siam encouraged full assimilation of Chinese migrants to ensure cohesion. Siam gradually inherited Chinese cultural and social customs and adopted business and other practices that exist today.

Chinese labourers paid a moderate tax once every three years by visiting the nearest police station. They received a receipt in the form of a wax seal, which they wore on their wrists to show the authorities, “who were extremely active for a few months” that the tax had been paid. In 1910, Chinese labourers rioted over the imposition of a new head tax. The steady increase in Chinese immigrant labourers, merchants and their entourage encouraged debate on the introduction of a nationality law to clarify the “official and legal status of Chinese residing within Siam” and resolve the threat posed by French claims on ethnic Vietnamese, Cambodians and Lao residing on Siamese soil.

International events and alliances undoubtedly played a large part in the establishment and development of nationality law in Siam. There is evidence that bureaucratic reforms introduced by King Chulalongkorn emulated not only the Western model, but also followed a strikingly similar path to the Japanese Imperialist and militaristic ideology introduced during the Meiji restoration in Japan 1868. Siam’s alignment with the Japanese during the Second World War was historically important, but the process of

---

161 Skinner, 1957, p. 239.
162 Skinner, 1957, p. 239.
163 Landon, 1941, p. 32-33.
164 Angkinang, 1972, p. 5.
political alignment actually commenced many years before. Siam’s restrictions upon the rights of foreign nationals in the Kingdom were guided by this alliance.

The following chapter outlines the development of identity documents and the legal processes used by Thailand to keep track of outsiders and citizens. The establishment of national identity was crucial to this process and determined the criteria for inclusion exclusion. The introduction of identity cards followed a long process of alternative methods of surveillance. Nationality laws, as in most countries, were determined in response to specific historical events. The next chapter sets out the development of various documentary forms of evidence that have evolved into the current system of keeping track of citizens and outsiders in Thailand.
7. Documenting Nationality and Citizenship in Thailand

This chapter highlights the historical changes to nationality law, and other important events leading to the present circumstances in Thailand in determining who is entitled to nationality and citizenship. The purpose of this chapter is not to provide a detailed analysis of all the legislation, but to emphasize the timing of key changes, how this was linked to various historical events, and how this impacted on the population for various reasons. The objective is to place the current difficulties faced by outsiders in achieving basic citizenship rights within the context of the historical data on legislative changes.

Siamese historical attempts to introduce nationality laws and place restrictions upon the immigration of aliens from abroad must be seen against the backdrop of similar activities abroad. In 1882, for example, European immigration to the United States peaked as improvements in mass transportation led to cheaper transatlantic passage. The United States adopted the Chinese Exclusion Act prohibiting the importation of Chinese contract labour for ten years and an Immigration Act was introduced to exclude “persons likely to become public charges.” Australia adopted the racist ‘White Australia’ Policy in 1901.

At the start of the 20th century Siamese citizens were still considered ‘subjects.’ The word “nationality” was expressed as “under the dependence of” and, in the absence of any treaty provisions to the contrary, all residents were considered to be under the authority or “dependence” of Siamese Kings. Land and other possessions (including people) belonged to the sovereign. Individuals had limited rights over their own destiny:

Mr Masao, acting judicial adviser to His Siamese Majesty writing in 1906 to Mr Westengard, acting general adviser to His Siamese Majesty, said that, "we have so far neither a law of citizenship nor a naturalisation law." This must be taken to mean that there were no express legislative enactments. Practice had established the following rules: All Asians residing in Siam were considered Siamese until

\[165\] Torpey, 2000, p. 96.
\[166\] Flournoy, 1929, p. 522.
there was proof to the contrary. All Europeans were foreigners, even those born
and established in Siam for generations. The word "nationality" in Siamese is
expressed by the phrase "under the dependence of..." and all persons, from the
Siamese point of view, were under the dependence of Siam if there was no treaty
provision to the contrary. The effect of marriage on nationality was not very
clear, though as a general rule the wife followed the condition of her husband.\textsuperscript{167}

Mr Masao’s insightful efforts were rewarded when a naturalisation law (No. 130) was
passed on 18 May 1911. A nationality law followed soonafter on 10 April 1913. In the
original 1911 naturalisation legislation, the power to determine nationality was vested in
the Minister for Foreign Affairs. Thailand’s Nationality Act of 31 January 1952 passed
this role to the Minister for the Interior, recognizing the importance of the legislation for
social cohesion and internal security.

Before 1911, no formal legal framework existed to differentiate between Siamese
subjects and foreigners. Europeans were considered ‘foreigners’ (regardless of whether
they were born in Siam and had lived there all their lives or not).\textsuperscript{168} Siamese were
peremptorily labelled ‘Siamese of Chinese origin’ or what (one scholar) confusingly
labels ‘Nationality: Thai, Sovereignty: Chinese.’\textsuperscript{169} They were considered Siamese by
virtue of the fact that they were, in all respects, subjects, under the authority of the king.

\textbf{The Naturalisation Law No. 130 of 18 May 1911}

The turmoil associated with changing economic conditions in Siam, contributed to the
introduction of a Naturalisation Law (No. 130) on 18 May 1911.\textsuperscript{170} The Minister for
Foreign Affairs was responsible for charge and control of the law and aliens could apply
to be naturalised as a Siamese subject provided they could demonstrate that they were:

\begin{itemize}
\item \textsuperscript{167} Flournoy (ed.), 1929, p. 522 – 525.
\item \textsuperscript{168} There are a number of foreigners who have adopted Thai citizenship. The American William ‘Bill’
Heinecke now runs a large corporate enterprise.
\item \textsuperscript{169} Flournoy (ed.), 1929, p. 522 – 525.
\item \textsuperscript{170} Flournoy (ed.), 1929, p. 522 – 525.
\end{itemize}
1. Of full age according to Siamese law and to the law of his (sic) nationality;
2. Residing in Siam at the time of application;
3. Residing in Siam for not less than five years; and
4. A person of good character and in possession of sufficient means of support.

Under Article 12, the wife (or wives) of a naturalised subject became “as of right” Siamese subjects. Under Article 15, every Siamese subject who became the subject of a foreign state lost the “special rights attached to the status of a Siamese subject.”

Chinese residents were previously accustomed to a moderate tax once every three years, when they were required to pay a visit to the nearest police station. They received a receipt in the form of a wax seal, which they wore on their wrists to show the authorities, “who were extremely active for a few months” that the tax had been paid. In 1910, the Chinese rioted over the imposition of a new capitation (head) tax.¹⁷¹ The steady increase in Chinese immigrant labourers, merchants, and their entourage encouraged debate on the introduction of a nationality law to clarify the “official and legal status of Chinese residing within Siam” and resolve the threat posed by French claims on ethnic Vietnamese, Cambodians and Lao residing on Siamese soil.

The Nationality Law of 1913 (B.E. 2456)

On 10 April 1913 Siam introduced its first ‘Nationality’ Law. The Minister for Foreign Affairs retained control and eligibility for Siamese nationality was limited to:

1. Persons born to a Siamese father on Siamese territory or abroad;
2. Persons whose mother is Siamese and whose father is unknown;
3. Persons born on Siamese territory
4. Women of foreign nationality married to a Siamese;
5. Aliens who have acquired Siamese nationality by naturalisation.

¹⁷¹ Landon, 1941, p. 32-33.
Under Article 4, a Siamese woman who married an alien lost her Siamese nationality if by his national law she acquired the nationality of her husband. Under Article 5, Siamese subjects could not relinquish their nationality without state sanction, probably so they could not be arbitrarily declared French citizens. The Act contained adequate provisions for acceptance of both *jus sanguinis* (by descent through a Siamese parent) and *jus soli* (for persons born on Siamese territory) to obtain nationality. Notably absent from this particular legislation, however, was any reference to the description of ‘alien.’ Nor is there any guidance on who might be considered ‘Siamese.’ It is assumed that Siamese mothers and fathers knew who they were at the time the legislation was introduced.

The Nationality Act of 10 April 1913 granted citizenship to persons born with a Siamese father. This Act was fundamentally revised in 1952, and again in 1965. On 13 December 1972, coup members led by Field Marshal Thanom Kittikachorn introduced the Revolutionary Act 337 revoking the citizenship of children born in Thailand to ‘alien’ parents. Aimed at countering the threat of communism, the Act specifically targeted Thai-born children of Indochinese parentage. This highly offensive rule was only annulled as recently as 1992, after extensive lobbying by community groups and activists.

Prior to the 20th century, most Siamese and immigrants used only one name. On 1 July 1913, King Vajiravudh introduced a requirement for all citizens to adopt surnames (*nam sakun*) in order to resolve confusion associated with population increases. Mr Bua, the Ambassador’s secretary in the Thai Embassy in Germany, was credited with this initiative. During his time abroad, a Mr Bua apparently recognised the need to adopt surnames in keeping with European tradition and selected his own surname from his mother’s ancestors (Bua Tong In). Chinese residents combined ‘clan’ or guild names with Thai surnames (Sae-Ang etc), and later adopted Thai names. Most Thai citizens now have a first name and a surname in the European tradition, as well as a nickname. This ordering process was an important part of the steps leading towards the introduction of identity documents and modern surveillance, resulting in contemporary citizenship.

King Vajiravudh's reign (1910 - 1925) introduced an entirely new perspective on the utility of Chinese immigrants. Fear of Chinese economic and political dominance
encouraged a series of administrative and social reforms. Suspicion of Chinese intentions capitulated in 1911 following the overthrow of the Manchu Qing Dynasty and the proclamation of the Chinese Republic in Nanking on 1 January 1912. Presumably there were concerns that Republicans amongst the Sino-Siamese might influence local views and the Siamese elite would meet a similar fate. Racism reached a spectacular peak in 1914 when King Vajiravudh published an infamous tome under a nom de plume (‘Asavabahu.’) denouncing the Chinese influence entitled “The Jews of The East.”

As previously noted, World War I (1914–1918) brought a swift end to ‘laissez faire’ migration. Foreigners were no longer perceived as benign, and suspicion of outsiders mounted with the rising conflict. Documentary evidence of nationality, such as a passport, was universally required. This was a global phenomenon not unique to Siam.

Chinese society in Siam, and local perceptions of the success of their assimilation, changed again with the arrival of larger numbers of Chinese-born females. Before 1914, Chinese women were forbidden from leaving China, and Chinese male immigrants to Siam could apparently ill afford to bring their wives. Chinese males had previously intermarried exclusively with the local population.

In 1910 a Chinese woman was a rare sight in the streets of Bangkok; twenty years later there were hundreds of them to be seen. By 1937, the number of (Chinese Born) Chinese females was, according to the census, 189,000 as compared with 336,000 (Chinese Born) males.

Before 1911, all children born in Siam were considered Siamese “unless registered by their parents with the legations of the powers with which Siam had treaty relations.” This was a dilemma as China and Siam did not establish treaty relations until 1946, and there were no consulates where children could be registered. Children of Chinese

172 Torpey, 2002, p. 117.
173 Angkinang, 1972, p. 108.
174 Angkinang, 1972, p. 108.
175 Purcell, 1951, p. 104.
nationals born in Siam before 1946 were considered Siamese. By 1929 the number of Chinese descendants in Siam had reached around 113,050.176

In the wake of World War II, Siam changed its name to Thailand (Prathet Thai) for the second (and, so far, final) time, reinforcing a new national consciousness. The tide of millions of refugees spilling across Europe led to the establishment of the United Nations High Commissioner for Refugees with a correspondingly European outlook. The communist rebellion in China culminating in the proclamation of the Peoples' Republic of China on 1 October 1949, witnessed a new wave of Chinese migrants arriving in Thailand without papers or proof of nationality.

After initial concern over the potential anti-state - especially republican - activities, of Chinese nationalists, the Siamese political and security apparatus shifted focus towards the potential threat posed by the Chinese communists. Revolution in China had effectively polarised the Sino-Siamese community, which was split into factions sympathetic to communists and nationalists, each with its own political ambitions. Political events in Thailand were undoubtedly also influenced by the dramatic transformation taking place in China. Extreme nationalists like Phibun Songkhram managed to retain control in the face of more democratic opposition. Fear of communism fuelled suspicion of outsiders and influenced the prevailing political climate.

The Korean War from 1950 to 1953 turned up the heat on the Cold War. Communism was banned in Thailand. In 1951, agrarian reform in China, the San Fan (Three Anti) and Wu Fan (Five Anti) movements unleashed violent campaigns affecting millions of people in China. The Kuomintang army, their families, and others associated with the nationalist movement fled in haste to Myanmar and Northern Thailand, arriving progressively in Chiang Mai, Chiang Rai, and Mae Hong Son, where many of their descendants remain today. A number of interviews with their descendents were conducted for this thesis.

176 Purcell, 1951, p. 104.
Thailand's Department of Local Administration documented the following movements:

- In 1954, Thai authorities registered and issued white identity cards to 13,143 Chinese nationalist former soldiers;
- Between 1950 - 1961, yellow identity cards were issued to 7,814 'Jin Hor' migrants, claiming to be descendants of the nationalist soldiers, and;
- Between 1962 and 1989, orange identity cards were issued to a further 16,581 'Jin Hor Issara' - or Free 'Hor' Chinese claiming to be descendants of the nationalist Chinese soldiers and the earlier 'Jin Hor' migrants.\(^{177}\)

**The Nationality Act of 1952**

The enormous social and political changes that had taken place over thirty-nine years since the enactment of Thailand’s first nationality laws, not least the change of the country’s name from Siam to Thailand, prompted the Thai government to introduce the 1952 Nationality Act (B.E. 2495), superceding the Naturalisation Act No. 130 of 1911 (B.E. 2454) and the Nationality Act of 1913 (B.E.2456)\(^{178}\).

Responsibility for application of the Nationality Act was removed from the Minister of Foreign Affairs and provided to the Minister for the Interior (Mahathai), whose power was exercised through a delegated ‘competent official.’ The tone of the 1952 Nationality Act reflected social and political changes that had taken place in the country, and the need to more closely define eligibility for Thai citizenship. There would be no further significant changes to the legislation for forty years until the issuance of the 1992 Act.

The 1952 Nationality Act introduced the following definition outlining the difference between Thai citizens and aliens:

'Thai' means a person who has Thai nationality;

'Alien' means a person who has not (sic) Thai nationality.

---


This was the first time that the Act had attempted to procure a strict definition of ‘Thai-ness,’ and the definition itself can only be described as absolutely brilliant in its simplicity. The second component part of the definition, that of the ‘khon dtang dao’ or ‘aliens,’ also makes it clear who is eligible and who is not eligible for citizenship and who constitutes an outsider for the purposes of the law.

Under Section 7, the following persons were eligible to acquire Thai nationality:

1. Persons born of Thai fathers, whether born in the Kingdom or elsewhere;
2. Persons born of Thai mothers, whether born in the Kingdom or elsewhere, whose lawful fathers are not known or have no nationality;
3. Persons born of Thai mothers in the Kingdom.

Under Section 8, foreign women who marry a Thai national would acquire Thai nationality, but not alien men who marry Thai female citizens or their descendants. Thai women who married aliens would automatically relinquish Thai nationality provided that they were eligible to acquire their husband’s nationality.

Under Section 9, aliens could apply for Thai nationality under the following conditions:

1. They must have attained the age of sui generis in accordance with Thai laws (21 years of age) and the laws of their own nationality;
2. They must have been domiciled in the Thai Kingdom continuously for not less than ten years up to the day of filing the application for naturalisation;
3. They must have knowledge of the Thai language as prescribed in the Ministerial regulations.
The Nationality Act of 1965 (B.E. 2508)

The Nationality Act of 1965 was introduced during of the Cold War and the associated Indochina conflict, which witnessed the unprecedented migration of large numbers of refugees into Thailand. There is nonetheless little substantive change between the 1952 and 1965 Nationality Acts. The 1965 Act provides for some gender equality by introducing the word ‘mother’ in the first point of eligibility for nationality in Section 7, so “persons born of fathers and mothers who are Thai nationals, inside or outside the Kingdom of Thailand” are eligible for Thai nationality by descent. The interpretation of this clause, however, resulted in denial of Thai nationality to many of the children of mixed relationships as persons born of a Thai mother were not considered eligible.

The Nationality Act of 1992 (B.E. 2535)

The 1992 Nationality Act sought to incorporate the many social changes that had taken place in Thailand since 1965. The biggest change was not the introduction of new legalistic language or ritualistic rhetoric about what it means to be Thai, but the introduction of a single two-letter participle – the word ‘or’ – which effectively provided retrospective eligibility to Thai nationality for thousands of children born to Thai mothers. Thai nationality was now available for persons born of Thai fathers or mothers.

The increasing number of foreign males resident in or passing through Thailand during the ‘Vietnam’ era and the subsequent tourism boom of the 1980s and 1990s produced a large number of mixed-blood children (‘luk kreung’), the offspring of a union between Thai mothers and foreign (mostly Caucasian) fathers. This dilemma was (im)politely referred to in Thailand as the problem of the ‘kao nork na,’ or ‘rice growing outside the fields.’ These children were excluded from education, medical and other social services due to their ineligibility to apply for documentation proving their identity. They were born ‘non-citizens’ and the difficulties associated with their condition only increased as they came of age. The Nationality Act of 1999 introduced a significant change to allow persons born of Thai mothers in or outside the Kingdom to obtain citizenship.
Nationality is often perceived in terms of defending racial purity or sovereignty and security. There is a sense of confusion expressed overtly in the Thai nationalist discourse, evident King Vajiravudh’s writings, to over-emphasise the need to “re-assert, and re-discover Thainess.” This same emphasis continues to be an important objective for the Thai State.

In a scandalous display in 1996, for example, then Prime Minister, Banharn Silpa Archa, was ridiculed and (eventually) removed from office as a result of negative publicity about his Chinese ancestry, his own, and his family’s uncertain Thai citizenship status, and his lack of formal education. Prime Minister Banharn was subjected to intense scrutiny following opposition claims to being in possession of documents providing that Banharn’s father, a Chinese migrant by the name of Seng Kim, had originally migrated to Thailand in 1937 (instead of 1907, according to the Prime Minister). The issue centred on the question of whether Prime Minister Banharn was born in China in 1932, and was therefore excluded from holding political office, or was born in Thailand of Chinese parentage. The government produced photocopies of alien registration documents allegedly proving the Prime Minister’s citizenship status by demonstrating that his father had migrated to Thailand in 1907, but these were considered by the opposition parties to be of doubtful authenticity. The original documents were never tabled. Prime Minister Banharn resigned in September 1996 in the face of opposition to his economic management credentials, questionable citizenship status, and lack of educational qualifications.

Identification cards and house registrations

In 1963 (B.E.2506), in response to the perceived Chinese threat, the Interior Ministry (Mahathai) introduced a national identification card system, documenting and identifying those with a legal right to reside within Thailand. The identification card system is

---

180 Bangkok Post, 21 September 1996.
181 Bangkok Post, 1996.
182 Sor Playnoy, 2002, p. 52.
linked to a nationwide system of household registrations (*tabian baan*), which uniquely identify all occupants of a certain address. To obtain an identification card, a person must first present a copy of their household registration documents. This presents a number of problems, particularly where people cannot demonstrate their right to land, or where they are homeless or stateless. In 1995, the Thai government introduced a national computer-based registration system in an attempt to eradicate identification card fraud.

Identification cards in Thailand are the most important signifier of status, and the key to understanding the differentiation of citizenship into categories. Without an identification card, it is legally impossible to travel, engage in employment, attend school, seek medical treatment, or participate in political activity. Of course, many people manage to perform many of these activities and operate on the fringe of society as ‘stateless’ individuals. They are subject to arbitrary arrest and detention, exploitation, and abuse by authorities and employers alike due to their illegal status. Registration provides for a series of temporary documents for migrant workers, which are similar to identification cards. The process for gaining access to these documents is difficult and can be subject to corruption or discrimination, depending on the circumstances. In the past it was possible to obtain false documents, but this has become more difficult with technological advancements.

Identification cards are uniquely numbered, and all Thai authorities know the meaning of the numbering system that classifies migrants and citizens into the differentiated hierarchy. It is possible to determine, simply by examining the registration number on a person’s identification card how they obtained citizenship, if their parents are Thai, when they obtained the card, and therefore their place in the social strata of Thailand. The numbering system on the cards is the key to understanding the differentiation of Thai citizens and migrants.

Each identification card has a series of unique numbers, each of which has a meaning known to the officials who examine them. The numbers identify the category of the

---

183 Ministry of Culture (a description of the full range of numeral categories are outlined in detail at the following site: [http://www.pattanakit.net/index.php?lay=show&ac=article&Id=525611&Ntype=120](http://www.pattanakit.net/index.php?lay=show&ac=article&Id=525611&Ntype=120))
person and their status in Thailand. A person can change their name if they wish, but the number on the identification card can never be changed. Identification cards are used as a means to access all social services, including bank accounts, schools, hospitals, and for identification in case of police checks and so on. The identification cards include a 13 digit sequence of numbers that clearly identify the category of person.

The chart at Appendix 3 lists the various categories of identification cards, denoted by the first digit in the sequence (and easily recognizable to any person with knowledge of the categorisation process). Identification cards are mandatory in performing day to day transactions, and are often required to enter restaurants, hotels, or other establishments.

On 8 December 2001, then Interior Minister Purachai Piusombun announced that obtaining Thai citizenship would be more difficult in the future as the government sets “stricter criteria for naturalization.” The government will be "tougher and more careful" in bestowing Thai citizenship, as it provides eligibility for public benefits, including hospital care and village-fund loans. Restrictions on citizenship increase along with the demand for access to social services and governments seek to protect sovereignty.

In March 2002, Purachai announced a bold initiative to introduce a new "era of e-citizenship" where "all-purpose identification cards will carry essential information about Thai citizens, including digital codes of fingerprints and DNA." The new cards, which will remain valid throughout a person's lifetime, will replace identification cards, household registrations, tax ID cards, social-security cards and driving licences. In Bangkok plastic identification cards are now issued with magnetic strips, like a visa or MasterCard, but in the provinces the older cardboard laminated cards are still in circulation. This system has placed a new social stratification template over urban and rural dwellers. The Labour Ministry is encouraging migrants from rural areas to register in Bangkok so they can participate more fully as citizens in the community. Unfortunately, many people will never be able to take advantage of the new opportunities, or comply with the demands for documentation.

---

184 The Nation, 8 December 2001.
185 The Nation, 23 March 2002.
Citizens and outsiders are therefore labelled according to a unique documentary system denoting ethnic exclusion and the fortune (or otherwise) of having been born and registered in a particular place in a particular time. Children whose parent or parents might not meet the full criteria may be falsely registered by other relatives to attempt to circumvent the system and ensure they have access to social services. The next chapter examines the circumstances of different ethnic groups in Thailand in order to highlight the diversity of approaches towards classification and codification of citizenship in line with Thailand’s differentiated citizenship model.
8. Ethnicity and Citizenship in Thai Geo-Politics

This chapter will briefly describe the circumstances facing some groups of migrants in Thailand. It is not intended to provide a detailed comprehensive historical survey of the circumstances of each ethnic group in Thailand. The objective is to offer a summary of key developments and add context to the case studies and interviews on Shan experiences to illustrate the different ways individual cases have been managed by the Thai State. There are also significant groups not included in this chapter (such as the Mon, for example). A detailed treatment of each group has been the subject of independent research in other studies, but little has been done to place all these issues in context from the perspective of access to social services and citizenship.

Since the 'Indochina' wars officially ended in 1975, several million people from Vietnam, Laos and Cambodia fleeing conflict in their homelands have sought asylum in Thailand. Some 370,000 Indochinese refugees were repatriated from Thailand within a year following the Paris Peace Agreement. In addition, the Thai Government is also cooperating with the UNHCR to process over 110,000 refugees in 11 camps along the Thai-Myanmar border. While it offers sanctuary before resettlement in third countries, Thailand is not a signatory to international refugee conventions and tries not to accept refugees as permanent settlers. Outsiders are therefore classified as 'migrants,' 'illegal workers,' or 'registered aliens.' While a number of refugees inevitably end up in factories or building sites in Bangkok and the provinces as illegal labourers, they cannot legally look for work and are subject to detention, or residing in legal limbo awaiting resettlement in third countries like Australia, Canada, France or the United States.

At various stages, for strategic reasons, Bangkok has been comfortable with the ambiguity surrounding the status of migrants and minority groups. As relations have

---

186 In many countries, armed conflict continued well into the 1980s and Hmong insurgents are still active in Laos, for example, so the instability resulting from these events has contributed to further migration.
187 Bangkok Post, 2 April 2002.
188 Bangkok Post, 2 April 2002.
189 There have been exceptions where limited numbers of Vietnamese, Lao, Cambodian, Chinese and Nepalese refugees have been granted permanent residency.
190 Department of Local Administration, 1999, (in Thai).
improved, and 'battlefields' have transformed into 'marketplaces' there are signs that this policy is gradually being dismantled.

In a revealing admission in 2002, for example, then Prime Minister Thaksin declared an end to the ‘buffer state’ policy, where military support was clandestinely provided to rebel groups in border regions. Thaksin subsequently rescinded his remarks, claiming he was misquoted by a media keen to 'sensationalise.' Defence Minister, General Chavalit, attempted to come to the Prime Minister's aid with an explanation that the buffer-state policy, which he had himself exploited in the 1980s, was “old, outdated and long discarded.” Former Prime Minister Chuan Leekpai weighed in with criticism of Thaksin's statement, but agreed the buffer policy was ancient history, which had been abolished when Gen Prem Tinsulanonda was Prime Minister in the 1980s. Chuan added that “Thailand helps refugees for humanitarian purposes, but does not favour rebel forces over neighbouring governments.” The changing political circumstances resulted in less sympathy for the remaining refugees, who had become a burden to Thailand’s new regional relationships and economic ambitions.

Political expediency contributed unwittingly to refugee policy and Thailand’s approach to migration and citizenship was formed through its objectives in regional conflict and related security issues. These events have resulted in a complex series of migratory patterns and residual problems with long term refugees. The following sections focusing on different groups identify some of the complex circumstances and key events that identify the need for a broader and more inclusive citizenship policy in Thailand.

**Myanmar**

Thailand’s stormy relationship with, and the political and economic situation inside, Myanmar, has contributed to mass migration and difficult circumstances for a number of significant ethnic groups now residing inside Thailand, including Mon, Karen, Shan, and others. The history of violent border conflict between Myanmar and Thailand (similarly
with Cambodia and Laos) has resulted in a complex web of citizenship and migration issues, which will be examined briefly in the following pages. Thailand has benefited economically with a flourishing border trade at the border towns of Mae Sai and Mae Sot providing a wealth of consumer goods to Myanmar.

Thailand’s relationship and strategic interests in Myanmar have changed from historical enmity towards promoting peace and prosperity. The researcher watched at Thailand’s strategic border with Myanmar at Mae Sot as long convoys of trucks passed through with emergency assistance during cyclone Nargis in 2008. Thailand officially despatched US$100,000 in food and other supplies, thirty tonnes of medical supplies and twelve tonnes of food supplies from the Red Cross. On behalf of the Thai Government, Health Minister, Chaiya Sasomsap, sent medical supplies valued more than one billion baht ($31.3 million) to Myanmar and dispatched twenty medical teams and disease suppression units193. These were the first medical and food supplies to reach Myanmar after the cyclone and contributed to emergency response after the disaster. The relationship between Myanmar and Thailand, however, has not always been amiable.

Myanmar’s history and struggle for independence, and the relationships between various ethnic groups within and beyond its borders, have created significant conflict, particularly along Thailand’s Western border regions, where there has consistently been a level of ambiguity regarding nationality and citizenship. Groups like the Mon, Shan, and Karen, reside in significant communities across both countries with cultural links transcending geographical borders. The longstanding brutality of the regime in Myanmar in attempting to resolve issues surrounding ethnic identity and insurgency through forced labour, forced relocation, rape, and murder, is well documented194. This has contributed to the problems faced by Thailand in keeping track of outsiders and providing citizenship rights and basic services to the population.

194 See, for example, Thornton, 2006.
A fundamental principle of the current global economic system is that capital almost always moves towards the location where there is the cheapest production (other factors being equal). Unfortunately this can mean that those jobs will also disappear the moment a better alternative is located, or the status quo becomes uneconomical or unviable. Thailand’s borders with Myanmar have become increasingly saturated with factories taking advantage of the availability of a seemingly unlimited supply of cheap unregulated labour. Enterprises can employ many thousands of workers in a variety of trades. Workers from Myanmar are permitted entry to Thailand under a registration scheme, involving payment of a bond, but many simply cross the border without documentation and many employers do not bother to go through the registration process.\footnote{195}

Since the economic crisis in 1997, workers from Myanmar have been made scapegoats for conditions in Thailand, accused of “stealing jobs,” and presenting a threat to national security.\footnote{196} They are labeled “thieves, murderers, rapists, drug traffickers, prostitutes, and blamed for spreading infectious diseases.”\footnote{197} Employers rarely comply with registration requirements, placing workers in a precarious position with regard to documentation and access to basic services, such as medical treatment. Under the guidelines issued by the Local Administration Department, hospitals are unable to issue birth certificates for children born in Thailand to foreign workers.\footnote{198} The inability to obtain identity documentation exacerbates and perpetuates injustice and discrimination against millions of people residing permanently in Thailand. According to Professor Vitit Muntabhorn of the Law Faculty, Chulabhorn University, the Interior Ministry’s policy to deny documentation to children violates international human rights treaties and their rights by “denying access to education, health care and other basic services, which makes them vulnerable to exploitation.”\footnote{199}

\footnote{195 Phil Thornton, 2006, provides an excellent analysis of the situation facing refugees and migrant workers on the Thai-Myanmar border.}
\footnote{196 Koetsawang, 2001, p. 22.}
\footnote{197 Koetsawang, 2001, p. 22.}
\footnote{198 Bangkok Post, Children’s Rights Advocate: Issue Birth Papers, 17/9/2002.}
\footnote{199 Bangkok Post, You Don’t Exist, 23/10/2002.}
Over a period of several years, the researcher regularly visited the Mae Tao Clinic established by Dr Cynthia Maung to provide assistance to migrants and refugees on Thailand’s border with Myanmar in Mae Sot. The clinic was recently successful in organizing 20,000 birth certificates for children born to Burmese parents “to inform the relevant Thai and Burma authorities, lawyers, to ensure these children are eligible for Burmese citizenship at some point in the future.” All children born at the Mae Tao Clinic were entitled to receive birth certificates. The birth certificates enabled the children to study in schools in the Mae Sot area. Such triumphs are few.

Thailand’s hospitals are regularly overwhelmed, not only due to chronic insufficient funding resulting from populist health schemes, but with the influx of aliens needing emergency medical treatment. As these clients do not have identification cards, they are not eligible for subsidized treatment or health care, and many simply do not have the money to pay for treatment. Hospital workers and administrators complain repeatedly that many of their worst cases involve communicable diseases that had previously been eradicated through treatment or vaccination programs, but are now resurfacing due to poverty and overcrowding. Similarly, social workers are working hard to raise additional funds to manage the costs of complications associated with large sectors of the population requiring medical treatment. Hospital budgets are allocated depending on the number of registered voters in the district. In one case a Burmese migrant woman suffered complications during pregnancy and the hospital provided emergency treatment. The accounts increased to several million baht, and this money was found through the social security network, placing additional strain on existing social services.

Generations of workers with limited rights and access to social services or safety networks are employed on tenuous labour contracts. In the best cases, workers are adequately registered by their employers, with documented status and access to social security services and health insurance. In the most extreme examples, however, workers are trafficked debt bondage ‘slaves,’ who have little or no say about the type of work they

---

will be doing or the industry they enter. They have no identity documents, limited bargaining power, and there are literally millions of others waiting to take their place if they do not accept the restrictive and exploitative working conditions on offer. This applies to many other categories of migrants listed below (but most notably Shan, Karen, Khmer, and Lao). Thailand emerged from an investment boom in the late 1980s and several debilitating economic crises in the late 1990s as an enormous factory economy producing low cost goods in competition with China by exploiting migrant labourers.

This situation has been encouraged one way or another for decades by the Thai State (and tolerated by Myanmar for the sake of remittances) in an effort to boost export-led economic recovery following the financial crisis in 1997, but also by those with a direct interest in enriching themselves from the sweat and tears of unregulated and undocumented workers. There have been multiple well-documented cases where migrant workers have been arrested and deported, or simply killed and their bodies dumped unceremoniously, to avoid payment or scrutiny. The following examples of incidents and events demonstrate the extent of animosity and difficulties associated with granting limited residency rights or full citizenship to migrants from Myanmar.

The fishing industry in Thailand, both at sea and on land in the gigantic canneries and processing plants along the Isthmus adjacent to the Gulf of Siam, also rely almost exclusively on (Burmese) migrant labour. So if the system were to change tomorrow, all of these activities would be out of business. This is unlikely to happen in the medium term. The long term social costs, however, of millions of new migrants without adequate provision for their welfare or citizenship rights, have not been added to the equation. Crime, poverty, drug and people trafficking, smuggling, insurgency, prostitution, slavery, gun running, disease, and the tragedy of several long running complex and violent ethno-nationalistic conflicts along the border are testimony to the scale of the problem.

In 1998, 5,736 displaced Burmese nationals of Thai origin were granted citizenship as part of a bid to reintegrate ethnic Thais living inside Myanmar’s territorial boundary. The ethnic Thais were “lost to Burma along with pockets of land as a result of an unfair
Anglo-Thai treaty in 1868.” Descendants of Thais taken to Burma as slaves following Thai-Burmese wars more than two centuries ago were considered eligible for citizenship. “This is part of Thailand's policy of assimilation. We are getting our people back and they do not threaten our national security,” said a Thai official. Applicants were required to “provide evidence of Thai origin, and have been resident in Thailand for 20 years, look Thai, speak and understand the Thai language, revere the monarchy, and observe Thai customs.” The people involved were required to provide evidence of their status to receive the citizenship, which would no doubt be problematic for many. The lack of documentation results in desperate efforts to cross borders and exploitation, often resulting in grave consequences.

The Embassy of Myanmar on Sathorn Road in Bangkok was taken over by armed activists in October 1999. Several tourists and passers by were held hostage by a group known as the ‘Vigorous Student Warriors.’ A drawn-out confrontation was eventually resolved by then Deputy Foreign Minister, Sukhumphand Paribatr (now Governor of Bangkok), who selflessly offered himself in place of the hostages and accompanied the terrorists in a helicopter to the border where they escaped. The mood following this incident was critical of the military’s perceived lack of action in responding forcefully to violent incidents, and this precipitated the heavy handed response in Ratchaburi Hospital.

In January 2000, patients and staff at Ratchaburi Hospital were taken hostage by a heavily armed group of ten Karen rebels. The crisis was resolved following a raid, when the rebels were executed by Thai commandos, allegedly in an extra-judicial execution to serve as an example to other would-be hijackers. Some of those killed had their hands tied behind their backs and their heads covered with sacks. This was widely acknowledged in the local media as an extrajudicial execution, but there was little sympathy at the time for those involved as it followed several other incidents that had increased the level of distrust. Police involved told the researcher that the rebels had originally entered the hospital to seek medical assistance for an injured colleague in

201 Bangkok Post, 30 August 1997.
Myanmar, but the doctors had refused to go with them to provide help. They had then threatened to kidnap the doctor and force them to provide assistance, and this resulted in the difficult stand-off that ended in tragedy with the execution of people originally seeking medical assistance.

In November 2000, Thai commandos killed eight Burmese jail escapees holding three hostages in Kanchanaburi. The Foreign Ministry blamed the presence of illegal migrants on Thai soil as the "root cause" and called on Yangon to cooperate in tackling the problem of illegal migrants. Three teenagers died and more than a dozen were wounded when masked gunmen sprayed a school bus with bullets in Ratchaburi in June 2002. Thai authorities claimed the shooting was carried out by a 'third party.' The Karen National Union quickly denied involvement. Jobi, a Karen suspect arrested for the crime, later denied guilt claiming he was forced to confess. These few incidents illustrate the tension along the border and the reasons for some of the ambiguity surrounding ethnicity, citizenship, and the motivations for migration.

In March 2002, the bodies of 13 Burmese labourers, their necks broken by unscrupulous employers who had refused to pay their salaries, were found discarded in rice sacks at a rubbish tip in Bangkok, Thailand. The previous month, the bodies of 17 Karen workers were dumped in a stream in Tak. Migration from Myanmar, which is by far Thailand's largest source of aliens, refugees and illegal migrant workers, is complicated by ongoing political unrest in Rangoon, conflict in border regions, the violent intentions and actions of certain groups, and deep-seated historical prejudice in Thailand which tends to unfairly lump ethnic groups together as 'Burmese conquerors.' Ambiguities associated with ethnic diversity in Myanmar, the highly profitable cross-border activities of drug barons and enforcement agencies, and attempts to enforce geographical boundaries have contributed to a climate of conflict, confusion and surveillance. Some communities like the Mon, Karen and Shan, for example, which have straddled the territorial and cultural space

between these two nations for centuries, exist in a perilous state. There are several hundred thousand refugees in camps along the Thai border with Myanmar.

There have been numerous cases of protest after Thai authorities removed citizenship by deleting names from house registration books following allegations of corruption. In the most serious examples, in Mae Ai District in Chiang Mai, and in Suan Peung District in Rayong, several thousand Mon, Karen, and other groups had their citizenship and identity documents taken away with a stroke of a pen. Many of the people in these cases were born in Thailand, and some had received tertiary education on scholarships provided by Thailand’s royal family. Thai authorities requested those affected reapply for citizenship with full documentation, not travel, maintain a low profile, and in some cases the applicants were required to submit DNA evidence of family connections.

These few examples demonstrate how Thailand’s relationship with Myanmar has contributed to confusion and discrimination on eligibility for citizenship and access to rights. Migrant workers contribute positively to the economy in Thailand in many sectors, and many people have resided in Thailand for several generations without access to citizenship. Thailand differentiates access to citizenship rights based on historical prejudice and security grounds, and needs to take a more progressive approach. Demands for documentation do not always produce results where people are unable to register births or locate evidence of citizenship. More flexible processes are needed to register and protect the rights of the millions of workers inside Thailand from Myanmar.

Shan (Tai Yai)

An important group in Northern Thailand, another category of ‘the others within,’ is the Shan, who are often described as the Tai Yai or ‘Big Thai’ (ไทยใหญ่). The Shan are considered Burmese for immigration purposes, as they nominally reside or originate from the Shan States inside Myanmar’s Northern border with Thailand. Significant numbers of Shan have migrated to Chiang Mai Province in Thailand, but not all of them migrated

---

permanently and many regularly travel to and from Myanmar. This thesis includes a number of interviews with Shan who have lived in Thailand for many years to explore contemporary attitudes to citizenship and barriers to achieving basic citizenship rights.\textsuperscript{208}

Shan State is situated in Myanmar, with borders on Northern Thailand. It occupies a territory of 62,500 square miles, with a population of between six and ten million people.\textsuperscript{209} The name \textit{Shan} is considered a corruption of the word \textit{Siam}, and the Shan people are ethnically closer to the Thai and Lao than to their Burmese hosts.\textsuperscript{210} The Shan are ethnically and linguistically related to \textit{Tai Lue}, \textit{Dai}, and other groups stretching through modern Myanmar, Laos, Thailand, Vietnam and China. The Shan State was ruled by a line of princes or ‘\textit{Saobhas},’ and was a nominally independent kingdom in the mandala of South East Asian city-states, under the protection of Ava (Burma), and was closely affiliated with the Lan Na Kingdom, until it was subsumed as part of the British colonial empire until after World War II.

On 12 February 1947, the Shan State unified with Burma and gained independence through the ‘Panglong’ Agreement. Shan rulers insisted on a clause allowing Shan State independence after ten years, but the agreement was not honoured, and the clause omitted from the final treaty.\textsuperscript{211} The capital city of Shan State is Taunggyi, a small city of some 150,000. Other important cities in Shan State include Thibaw, Lashio, Kentgung, and Tachilek, across the border from the busy checkpoint at Mae Sai in Thailand.

In the 1950s, the Saobhas were a product of British colonial rule, having grown up in English boarding schools in Taunggyi, with imported headmasters.\textsuperscript{212} They were gentlemen who “combined the best of Eastern and Western manners,” and for several decades, the Shan States “seemed to enjoy an almost idyllic peace and prosperity.”\textsuperscript{213}

\textsuperscript{208} See Appendix 1.
\textsuperscript{209} The Nation, 14 January 2002.
\textsuperscript{210} Bertil Lintner quoted in the Nation, 14/1/2002.
\textsuperscript{211} The Nation, 14 January 2002.
\textsuperscript{212} Myint-U, 2006, p. 286.
\textsuperscript{213} Myint-U, 2006, p. 286.
After the Burmese Army took over in 1962, however, all the Shan chiefs were imprisoned, and many of them were never seen again.\textsuperscript{214}

The history of the Shan State’s struggle for independence is intertwined with the experience of the Kuomintang (KMT) Army, which also settled in the area following the triumph of communism in China after 1949. The KMT operated with Thai and Taiwanese support, as it was thought at the time that a Shan insurgency would create a “legitimate façade,” as well as a buffer against Thailand’s traditional enemy, the Burmese\textsuperscript{215}.

The links between these groups and the Thai military resulted in a lengthy period of involvement in the global drug trade, producing opium and heroin for trafficking\textsuperscript{216}. Drug barons have dominated the politics of Thailand’s border regions for decades, and conflict is continuing with the new drugs, Amphetamine-Type Stimulants (ATS). Born in 1934, of a Shan mother and Chinese father in Shan State, the legendary ‘Khun Sa’ or ‘Chang Shi Fu,’ ruled the global heroin trade from the 1960s through to the 1990s.\textsuperscript{217}

He emerged in 1984 as the leader of the Muang-Tai Army (MTA), and his influence grew until 1994, when Myanmar’s SLORC (State Law and Order Restoration Council) cracked down to reduce his influence.\textsuperscript{218} Khun Sa cultivated close relationships with the military and politicians in Thailand and Myanmar, and in 1996, facing arrest for involvement in drug trafficking, eventually surrendered, laundered himself, and retired ‘honorably’ to run ‘legitimate’ hotel and other businesses in Yangon.\textsuperscript{219}

\textsuperscript{214} Myint-U, 2006, p. 286.
\textsuperscript{215} Myint-U, 2006, p. 287.
\textsuperscript{216} Alfred McCoy’s 1972 book, \textit{The Politics of Heroin in South East Asia}, documents historical ties between various actors, and explores CIA complicity in the global heroin trade. Similarly, Myint-U, 2006, p. 288, confirms the importance of Thailand and the Shan States as “a bulwark against communist advances.” Anything Thailand did “to help Burmese rebels or facilitate the drug trade would be fine with Washington.”
\textsuperscript{218} The Nation, 14 January, 2002.
\textsuperscript{219} Chachavalpongpun, 2005, p. 102.
The various Shan armies united in 1996 to form the Shan United Revolutionary Army under the leadership of (then) Major Jao Yord Seuk. SLORC responded by forcibly relocating 22,000 households from 605 villages at gunpoint over 5,000 square kilometers. People were forced to abandon their belongings and houses, crops, animals, and move to the dry barren location offered by the government. Their stated intention was to “wipe out the rebel group, their unstated intention was ethnic cleansing of the Shan people” claimed Kham Harn Fa, of the Shan Human Rights Foundation.²²⁰ Hundreds of thousands of Shan fled to Thailand to escape persecution. More have followed.

In 2001, Thailand’s National Security Council refused to offer protection to 300,000 Shan refugees fleeing conflict in Myanmar. Shan leaders called on the government to grant them refugee status and build a holding camp.²²¹ National Security Council Chief, Kachadpai Buruspat, declared this request “unacceptable” as the group “came to look for jobs and avoid hardships at home.”²²² So yet another group that was formerly of assistance to the Thai military, like the Hmong, became expendable ‘economic’ migrants.

This is only one example of several incursions by large numbers of Shan seeking refuge in Thailand from conflict in Myanmar. Thailand has been unsympathetic, and official acknowledgement of the humanitarian condition of the people concerned, has been negligent. Thailand apparently views humanitarian concerns and obligations through the prism of national security, resulting in further social problems where migrants are undocumented and have limited or no access to social services. Thailand has not lived up to its commitments to the Shan as neighbours, as siblings, and as former instruments in Thailand’s strategic efforts to resist communism and engage in conflict with Myanmar.

Between 2005 and 2008, the researcher visited Wiang Hang District in Chiang Mai Province several times. It is an isolated valley through a steep mountain pass near the Burmese border in Chiang Mai province. The last fifty kilometers of the journey takes over one hour by road in good weather because the highway curls and winds its way up

and down steep hills at an elevation over one thousand metres above sea level. The road travels through ethnic highland villages marked by animistic totems. These are designed of sticks and string in bright colours, intended to ward off evil spirits. The villagers line the route with baskets selling fruit, sweet potatoes, and other agricultural produce. The area is populated by many ethnic groups including; Lisu, Muser, Akha, Karen, and Shan.

In a clumsy attempt at ethnic classification, both presumably to exercise pretensions of cultural superiority, but also to group outsiders in a single category for ease of administration, all of these groups are designated by Thailand, along with various others, as *Chao Khao, ‘Hilltribes’* or 'upland minorities'. Some are Thai citizens with normal identification cards, able to participate in society more or less to the same extent as other citizens, while others live beyond the law in statelessness and poverty. Fortunately, local officials insisted upon universal access to education for the children. Otherwise, "they don't understand Thailand," and can't work or participate in society. Some Shan obtained Thai identification cards, allowing them access to Chiang Mai, and even Bangkok. There is little method to issuing identification, as some people are unable to prove either the fact of their birth, or their residency in Thailand, and there is much anecdotal evidence to suggest that documentation can be obtained for a bribe.

There is a sense of isolation and fragmentation in this area, which is not altogether uncommon in other parts of Thailand, and for the most part people just get down to business, farming, trading, labouring, as they have always done. The main problem is the geographic demarcation of the borders. The control of villagers with identity documentation is another cause for exploitation, as it limits their ability to travel and access services. The researcher assisted in one case where a foreign man died of illness after being moved to hospital in Chiang Mai, and his (Shan) wife was unable to attend to his remains in the traditional manner as she was not entitled to travel out of her immediate area in Wiang Hang. She did not have identity documents in Thailand.

---

223 Researcher’s interview, 2005.
224 Researcher’s interview, 2005.
225 Bangkok Post, 30 September 2011, Stricter ID Process for Migrants. The article quotes Somphong Sakaeo, Manager of the Labour Rights Promotion Network. Somphong claims police “demanded money from” and “pressed false charges” against alien workers in order to extract significant bribes.
was concerned that she might be arrested by the police for travelling to her husband’s funeral in Chiang Mai, and did not attend.

Police in Chiang Mai informed the researcher that robberies and motorcycle gangs comprised of Shan bandits are endemic. While they make some arrests, the culprits have little documentation, so even if they are caught they often flee across the border to safety, or reside in the border regions to avoid detection. The prisons in Chiang Mai and Chiang Rai are full of Shan and other ethnic groups from Myanmar. The restriction on movement even with limited documentation, and the potential risks involved, including arrest, was a consistent theme in interviews conducted by the researcher. Participants expressed concern about the lack of identity documents held by migrants and the corresponding difficulties faced by police if they needed to apprehend criminals.

Up till about 10 years ago, Wiang Haeng was considered very unsafe for travel, as bandits and insurgents moved effortlessly in the space across national boundaries. Before asphalt roads and modern communications reduced the isolation and distance from regional centres and large towns, it was not safe to travel after dark on these roads. Much travel was undertaken by helicopter, four-wheel-drive and on foot. Now the roads are all sealed and the major barrier is the time it takes to drive across the mountain ranges. Military checkpoints with armed soldiers and jeeps, looking like a relic from previous wars, with 50 calibre machine guns, sandbags, barbed wire, and other accoutrements of conflict are placed at key intersections. Soldiers look sleepy in the heat, but keep a watch on suspicious vehicles. While border security is a problem, the soldiers are interested in bandits and drug traffickers. At one stage this was a key opium growing area and various powerful and influential figures were in direct competition for control of the region. Agriculturalists introduced substitute crops with the support of the administration and

---

226 Private discussion with police, Chiang Mai, 2008. Shan women and girls are also frequently exploited through the commercial sex industry and trafficked as debt slaves.
228 Researcher’s interview with District official, 2005.
Thailand’s royal family.\textsuperscript{229} Coffee, oranges, chillies, and other crops well-suited to the altitude replaced more lucrative illegal narcotics.

The researcher visited this area several times, staying in the local agricultural research facility, a government guesthouse and an orange farm. The isolation was welcome, as was the rural atmosphere, and the friendliness of all the people. The local officials, including the district chief and the head of the agricultural facility related many stories. The district head was well versed in the history and politics of this part of Thailand even though he had migrated there himself decades ago from another province in the North of Thailand. He was a useful informant on the human rights and citizenship issues faced by the Shan. His wooden house was aesthetic in the traditional Thai sense, with outdoor living areas sporting fantastic views. The collection of memorabilia inside the house, in a small but practical bedroom, showed his former status. The gardens around the house were beautiful and various water features were built around places to sit and enjoy the view. A training centre, with a blackboard and a number of seats for local meetings, agricultural education events, and project management with detailed maps of the vicinity, was perched a little higher up commanding a strategic view of the valley below. The valley is situated in a remote mountainous area adjacent to the border with Myanmar.

Just next door, a little higher up the incline, in a small bamboo hut, lived a retired Shan soldier and his wife, assigned to provide security to the district head. Not living up to his ‘Big Thai’ classification, this diminutive man and his cheerful spouse, bustled about preparing lunch. They killed a black chicken and turned it into soup and various other dishes with mushrooms and herbs, boasting of the medicinal qualities. The soldiers were provided as ‘guards’ to the District Head by General Jao Yord Seuk.

The District Head explained that trade moves freely through the border towns, and people travel across to work in local farms or to seek their livelihood further afield. The District Head said that Shan and Burmese would just walk through the temple and could attend festivals and other important events on either side of the border. He explained that the

\textsuperscript{229} Interview with agriculturalist who introduced coffee as a substitute crop.
district officials were obliged to reason with the Burmese, in particular regarding the passage of goods and people across the border. As soon as some kind of agreement had been reached and a truce brokered concerning the interests of the villagers on either side of the border, the officials on both sides changed frequently, and much of the good work was undone. The situation was always in a state of flux depending on the mood of the officials on either side, but trade was brisk.

Officials provided various accounts regarding the leader of the Shan State Army (SSA), General Jao Yord Seuk. He holds legendary status as a fierce fighting man, with over 20,000 troops under his command. He travels freely and maintains houses in Bangkok, Chiang Mai, and Wiang Hang, in addition to his ancestral territory inside Myanmar in the Shan State. Fighting commences every cold season, and the intricacies of allegiances between the different government agencies, ethnic groups, and outside influences are complex. Thailand maintains a close watch and actively steers events in the national interest. The SSA has been fighting the Wa for many years inside Myanmar. The conflict is fuelled by proceeds from narcotics and funds from abroad. Thailand historically supported a proxy conflict to extend its influence and create a buffer zone.230

Artillery attacks were not uncommon in the area, both sides lobbing shells into villages indiscriminately. The conflict has forced hundreds of thousands of ethnic Shan into Northern Thailand, where many have resettled permanently. The cultural and linguistic similarities of the group, as well as the historical ties and strategic priorities have facilitated a natural alliance between the SSA and the Thai military, and resulted in some acceptance in Thailand of Shan as quasi-Thai with limited citizenship rights. Jao Yord Seuk is widely considered to be ‘cautious,’ and was described as “generous and warm.”231 He is well respected and retains a position of status in Bangkok and Yangon.

231 Researcher’s notes from interviews with district officials, Wiang Haeng, 2005.
Chiang Mai is home to millions of Shan migrant workers. Some are now second and third generation with children and grandchildren born and raised in Thailand. Some of the members of the next generations have access to citizenship or identity documents, but many of their elders do not. As the younger generation grew up in Thailand they have more or less become Thai, adopted Thai customs and modern practices, and many identify themselves exclusively as Thai.

The researcher interviewed a number of Shan to seek a cross section of the community’s views and attitudes on identity and citizenship, particularly with respect to access to social services. These interviews, explored in the following chapter of this thesis (and presented in full in Appendix 2), provide solid evidence of the hardship faced by one significant ethnic group, prevalent in Thai society and fundamental to the economy of Northern Thailand, resulting from the differentiated citizenship model.

It was beyond the scope of this project to interview all of the ethnic groups disadvantaged by Thailand’s current citizenship model. This would, however, be a very worthwhile and valuable project for further research in this field of citizenship studies.

---

232 Informal discussions and interviews by the researcher with Thai immigration and district officials, 2010.
233 Interviews conducted for this thesis (Appendix 2 refers) specifically cover this common scenario.
234 Interviews, Appendices.
Chinese Migration and The Kuomintang (KMT)

The majority of Chinese settlers migrated to Thailand from Southeastern coastal areas of China by sea in the second half of the 19th century and the first half of the twentieth century as traders or labourers. Significant groups included Teochiu, Hokkien, Hakka, and Hainanese. The descendants of these groups have experienced some success in assimilating and integrating into Thai society and have delivered a strong economic and social contribution to the country. This group is most often referred to as ‘Sino-Thai.’ The integration of Chinese migrants has not been without turmoil, however, as political affiliations and the divisions between pro-Nationalist and pro-Communist groups resulted in friction within and beyond Thailand’s borders.

The influx of Chinese as merchants, administrators, labourers and their entourage in the nineteenth century prompted King Chulalongkorn to herald the need for an official nationality law providing an official and legal status for Chinese persons residing within Siam. Large scale Chinese migration to Siam in the modern era commenced in between 1865-1910 when large numbers of Chinese merchants moved to Thailand as a result of wholesale political unrest in China and what was then referred to as Indochina. Migration was facilitated by unfettered access to Bangkok by boat from Swatow via Singapore and Penang. The reason Siam accepted large numbers of Chinese migrants at that time was the pressing need for additional construction labourers to build roads and railways to fuel development in the kingdom as it began to emulate the Western path to development and modernisation. By 1802, some three quarters of Bangkok’s population were of Chinese origin. This enormous migration and the corresponding social changes guided the ethnic and social differentiation of Thailand.

The Siamese state had planned that the financial benefits of the migrant labourers would remain as much as possible within Siam. Chinese labourers were required to pay hefty

---

236 Angkinang, 1972, p. 5.
238 Skinner, 1958, p. 81.
taxes. In a pattern that has been repeated consistently into modern times, early Chinese migrants met at a central location where they were assisted to find work by a Tao Gae (or Agent). It was generally accepted that the new aspirant “coolies” would be indebted to the agent for the work assignments they had been given and would pay back a large debt before they could earn any money of their own. The Chinese trade and labour networks, clan systems, and agents of this era continue to exercise considerable political and economic influence in modern Thailand today. This system of indentured labour is common today in modern Thailand for Burmese, Lao and other foreign labourers, and the new network of agents are not always Chinese, but Thai, Lao, Burmese, and Cambodian.

Chinese migrants were not regulated as much as the Siamese, who were forbidden to smoke opium or engage in other nefarious social practices (opium smoking was illegal for Siamese, but not for Chinese residents). As a result, many Siamese males apparently took to shaving their heads, adopting the pigtail hairstyles worn by the Chinese coolies, so that they, too, could behave in a relatively unrestricted manner.239 The Siamese maintained a monopoly on prostitution, gambling and the opium trade, the majority of which was managed (by Chinese middlemen) as a superbly profitable business venture for the state and a few individuals (largely at the expense of the new Chinese migrants).

The historical movement of the Chinese Nationalist Army or Kuomintang (KMT) in Thailand highlights a number of issues relating to citizenship. Special provision has been made for access to citizenship, albeit on a limited basis, by the members of the forces who fought against the Chinese communists. Unfortunately, however, the administrative process for documenting citizenship has resulted in ambiguity and suffering for many families. The KMT remnants, created their own folklore, fighting energetically against the Communist Party of Thailand (CPT), and took control over opium production and trafficking in Northern Thailand. They maintained connections, but declined to accompany their political counterparts in Taipei, preferring to remain close to Yunnanese origins with the advantages of proximity. The KMT intermarried with local highland women, and continued to fight against communists in China (with the encouragement of

many other countries, including Thailand) for many years. Despite several efforts to repatriate the demobilized soldiers to Taiwan, many of them remained in Thailand as settlers and their offspring have had some limited success in obtaining access to Thai citizenship. The various militia groups at various stages comprised over 16,000 soldiers, who retain close links to Northern Thailand and reside in the border regions.240

The researcher visited the ‘Martyrs Museum’ on Doi Mae Salong in Northern Thailand in 2009 and several other KMT villages near Mae Hong Son in 2012 to conduct research on citizenship. Sixty years after the events that resulted in their establishment, the KMT villages retain limited autonomy. Elders promote Chinese culture and language, particularly elements of ancestor worship and other familiar customs, and administration is conducted both through the Chinese villagers themselves in cooperation with Thai authorities, as it would be in remote Thai villages of similar size. Depending on the size and (often remote) location of the village, a number of ethnic minorities may reside together, and intermarriage has blurred some of the ethnic boundaries, encouraging a new integration and acceptance towards Thai customs, language, and administration.

During one visit, the researcher interviewed the female curator of the Martyrs Museum about citizenship. While she was born in Thailand to Chinese KMT parents, she explained that she had been arrested and placed in prison for six months after travelling to Chiang Rai to go to hospital. As she could not present identification documents she was unable to convince authorities of her status. She later struggled to obtain identification documents following repeated requests to local officials. So while the earlier generations were permitted to reside in Thailand for reasons of political convenience and strategic purposes, the generations that follow still struggle to obtain citizenship rights and access basic services.

Her case was similar to the experience of many descendants of the KMT army who migrated to Northern Thailand, many of whom still reside in Chiang Mai and Chiang Rai. Many of the younger generation, however, have now moved into Thai cities seeking

employment and better circumstances. They identify themselves as ‘Sino-Thai’ descendants of earlier Chinese migrants and try not to reveal their KMT or Yunnanese origins due to negative perceptions in Thailand about the historical involvement of these groups in illegal activities such as drug trafficking and armed conflict\textsuperscript{241}. The experience of the Yunnanese KMT is linked to the complex history of ethnic conflict in Myanmar and at various stages has become intertwined with the fate of other ethnic minorities residing in Thailand and fleeing persecution, or simply seeking better economic conditions. While there has been some effort by the Thai State to recognize the contribution made by these groups and integrate them into broader society, there is continuing evidence of discrimination. The documentation provided to confirm citizenship is insufficient or loaded with struggle. Efforts to obtain Thai citizenship have been successful for previous generations due to their contribution to national security, but their children and new migrants are experiencing significant barriers to integration.

**Vietnam**

In November 2001, the researcher attended to a sumptuous wedding in Nong Khai Province between two wealthy and Vietnamese influential families. The provincial governor was in attendance, as were leading members of the local business community. The Thai Ambassador to Laos drove over the friendship bridge from Vientiane in his Mercedes Benz. The guests were resplendently outfitted in Vietnamese traditional costumes and were treated to a night of Vietnamese cuisine and musical entertainment in an open field in the center of town. The street was crowded with passers-by enjoying the immensely colorful spectacle. It was significant that an enclave of Vietnamese culture was conspicuously on display in a small Thai town on the Lao border. There is evidence that Vietnames have crossed in and out of Thailand for centuries, and many have established permanent settlements in the border towns of Nong Khai, Nakhon Pathom, and Sakhon Nakhorn. Udorn Thani also has a significant ethnic Vietnamese population.

\textsuperscript{241} Chang, 2001, p. 1097.
The researcher interviewed the groom’s older sister, who owns a successful Vietnamese restaurant in Nong Khai. She confirmed that Ethnic Vietnamese own ninety per cent of the businesses in (the Thai town) Nong Khai. This concentration is particularly evident in the Tha Sadet border market along the river. This initially seemed surprising, but several other provinces (Mukdahan and Sakhon Nakhorn, for example) boast a similar ethnic composition. Her father, who worked as a clerk for the French regime in Vientiane, made a decision to move to Thailand for economic reasons when the French regime in Indochina began teetering on the brink of collapse.

Her brother, the groom, said he identified with other Vietnamese in Nong Khai, but had only been to Vietnam once, where his relatives were apparently annoyed at his inability to communicate properly in Vietnamese. He said he had no intention of returning to live in Vietnam, other than for business reasons to purchase stock. He thought of himself first and foremost as a Thai citizen, while Vietnamese ethnicity provided a cultural context to his life in access to religious and social activities within the broader ethnic Vietnamese community in Thailand. As a second generation Vietnamese migrant born in Thailand, he had managed to obtain Thai citizenship.

The groom explained the differences between his generation, who were born in Thailand, and older generations of ethnic Vietnamese in Thailand, some of which had only recently migrated. He indicated that he believed his generation was ‘100 per cent’ Thai. He explained that in the past it had been very difficult as the identification card distributed to Vietnamese had the words ‘Vietnamese refugee’ in bold type on the front and this brought with it certain social and travel restrictions. Things had improved since new identification cards were issued which do not identify the holder as a Vietnamese migrant. But in a case of very subtle social surveillance, the alpha-numerical prefix on the cards clearly identifies the holder as Vietnamese, is common knowledge to immigration officials and police, and this apparently results in ongoing discrimination.

While there have clearly been genuine efforts by Thai authorities to provide permanent sanctuary and grant citizenship to descendants of long-term Vietnamese migrants in
Thailand, the stigma associated with being labelled as a ‘refugee’ continues, even for those who may have migrated decades and generations ago. It is also clear that Vietnamese migration has enriched Northeast Thailand economically and culturally. The ability of ethnic Vietnamese in Thailand to interact as full members of society, indeed as Thai citizens, has not yet reached the stage for many people where they can comfortably participate in politics or fully access social services, but the degree of acceptance by the authorities and the broader community is improving. The following example also highlights the bureaucratic barriers experienced by many ethnic Vietnamese in their efforts for recognition as Thai citizens.

In May 2004, a gifted teenager, Yuttana Farmwan, (more affectionately known by his nickname ‘Nong Kung’) from Sakhon Nakhorn was awarded, on the basis of academic merit, a scholarship to study medicine at the prestigious Chulalongkorn University in Bangkok. Nong Kung and his parents were born in Thailand with Vietnamese heritage and his family had resided in Sakhon Nakhorn for generations. He was initially prevented from accepting the scholarship due to his uncertain citizenship status, and the corresponding restrictions on his right to travel outside a certain radius – including Bangkok where he would need to attend university. Citizenship was also an important factor in this case because medical scholarships in Thailand are only available to Thai citizens. A loan must eventually be repaid by ‘return of service’ – by serving the community. His case was elevated by the media and, after the benevolent intervention of the Thai Prime Minister, Nong Kung was granted Thai citizenship and permitted to accept the scholarship in Bangkok. This case, which was no doubt cause for jubilation for the family and the Vietnamese community in Sakhon Nakhorn, provided an excellent illustration of the difficulties experienced by ethnic Vietnamese in Thailand. It highlighted the uncertain circumstances of people whose grandparents may have been born in Thailand, but who are unable to access services others take for granted.

The Prime Minister’s comments were indicative of the historical and institutional prejudice associated with Vietnamese in Thailand and the whimsical inconsistencies in the nationality law. In a meeting with ministers to request more details he said:

The mother and father lived in Thailand for decades and were born here, and a child of this quality we should keep – I mean, we allow people who sneak into Thailand illegally and beggars to stay here – we should investigate the legal possibilities, but even then if we need to change the rules in this case that would not be a problem because we can do this by making this a special case. Because this child has been offered a medical scholarship then it would be better if we can include him in the Thai population. Let’s not be too straight on this – our weak point in the bureaucracy is following the rules too strictly.243

The experience of Vietnamese immigrants in Thailand, and their treatment by the Thai authorities, has been strongly influenced by historical prejudice associated with conflict. There appears to be a widespread perception that most Vietnamese migrants in Thailand appeared in the wave of turmoil after America’s war in Vietnam, probably because this era is still in the relatively recent memories of many people, and because much literature on this subject addresses the refugee phenomenon.244

Peter Poole divides the Vietnamese minority in Thailand into three major groups, which are useful to enhance our understanding of eligibility for Thai citizenship. The first group, “old Vietnamese,” include seventh generation descendants of those Vietnamese who arrived in Thailand to escape the wars of the eighteenth century or the organised anti-Catholic persecution of the nineteenth century.245 Most of this group has been accepted as Thai citizens. The second group include “first-generation refugees”: those who sought refuge in Thailand from their domicile in Cambodia or Laos during the various conflicts that have taken place after World War II, particularly between the

244 Poole, 1970.
245 Poole, 1970, p. 2.
French and the Vietnamese nationalists, but also later after Poole’s book was published, when Laos and Cambodia were liberated by the Khmer Rouge and the Pathet Lao.

Most of this group, which Poole estimated at around 15-25,000 people at that time, was given sanctuary by the Thai Government but was initially not considered eligible for Thai citizenship. The third group is the Thai-born children of the postwar refugees, many of whom - like Nong Kung - are now eligible for Thai citizenship. These categories have now become less relevant as new waves of ‘economic migrants’ and other family members have swelled the ranks of the Vietnamese community in Thailand, but they are illustrative for the Thai Government’s purposes in determining citizenship eligibility.

There is evidence to support the view that while many families actively worked towards, and others fled, the collapse of the French administration in search of economic opportunities, and others were ‘displaced’ in the massive unrest following the collapse of the Saigon regime, Vietnamese migration and permanent settlement in Thailand predates both Indochina wars. It is clear that early nineteenth century Siam was “highly cosmopolitan” - Mon settlements lined the Chaopraya River close to the capital and Vietnamese, Malay, Lao and Khmer war captives and immigrants settled in “an arc” stretching along the northern and eastern fringes of the delta. Goscha cites reports from French missionaries in Ayuthaya in 1662 who noted the presence of around 100 Cochín-Chinese families. So there have been several stages of Vietnamese migration, and corresponding delineated patterns of assimilation and acceptance in Thailand.

Vietnamese migrants originally arrived in Siam at the end of the eighteenth century following the period of political unrest associated with the Tay Son rebellion (1771-1802) when Prince Nguyen Phuc Anh, who subsequently ruled Vietnam as Emperor Gia Long, arrived in Bangkok with an army to seek French military assistance and attempt to recoup military strength and alliances. Nguyen Anh presented his sister to the Siamese King.

Rama I (r. 1782-1809) as a bride in order to cement relations between the two states. When Anh returned to Vietnam in 1787, the majority of his troops stayed behind in Siam. King Rama allowed Prince Anh and his men to reside around Samsen and Bangpho, now part of the greater Bangkok metropolis, and areas where the Vietnamese demographic remains significant.

Nguyen Huynh Duc led a further contingent of 5,000 troops through Laos to rejoin Prince Anh. When he discovered that Anh had already returned home, Duc petitioned the Siamese for assistance so he and his soldiers could follow him. Transport was provided on the condition that those soldiers who wished to stay with the Siamese armed forces could do so. Approximately two-thirds opted to stay behind in Bangkok. In 1802, with the assistance of troops and materiel provided by the Siamese monarch and Chinese, English, French and Portuguese merchants, Nguyen Anh crushed the Tay Son rebellion, ending the civil war and reuniting Vietnam. He proclaimed himself Emperor Gia Long (r.1802-1820). Many of the troops he left behind in Siam joined the Siamese army, while others worked as traders, police, doctors, lawyers and officials and over time through intermarriage, many were assimilated into broader Siamese society. Unlike later groups, which were comprised of complete families, these first migrants were all men. They married Thai or Chinese women, and few of their descendants speak Vietnamese.

A further group of Vietnamese émigrés arrived in Thailand in the mid-nineteenth century as the Siamese and Vietnamese courts wrestled over Cambodian sovereignty. The new arrivals included thousands of prisoners of war captured by Siamese armies in Cambodia and southern Vietnam. As half of these migrants were Christians they established a church, Saint Xavier, which still stands rebuilt on the original site in a residential area known as ‘Vietnamese village’ or ‘Ban Yuan’ in Bangkok. A French census in 1887 indicated that there were as many as 5,000 Vietnamese in Bangkok.

249 Goscha, 1999, p. 16.
250 Goscha, 1999, p. 16.
251 Goscha, 1999, p. 29.
Other Vietnamese émigrés, predominantly seafarers and traders, also took the coastal route to Siam to escape social and political dislocation in Vietnam\textsuperscript{252}. Two Vietnamese officers, Thong Dung Gian and Ho Duong Dac, were appointed 'head of the Vietnamese military community' and established the first Vietnamese pagoda in Thailand; Wat Anamnikayaram. The number of Vietnamese Catholics in Siam grew considerably in the early eighteenth century, when they were employed by French missionaries to rebuild their mission following the expulsion of the French when the Siamese king was dethroned in 1688\textsuperscript{253}. In 1765, however, the Burmese invasion put an end to the mission. During the Vietnamese Emperor Minh Maung’s reign (1820-1841) and before the French conquest of Tonkin in 1884, Catholics were singled out for rough treatment in Vietnam, and as a result many fled to relative safety in Siam at a time where freedom of religion was broadly tolerated\textsuperscript{254}. A French Diplomat (Garreu) based in Nakhon Phanom noted both the diversity and spread of Vietnamese settlements in Northeastern Thailand fostered by overland migration:

\textit{Near Roi Et, the Vietnamese allegedly dominated the local markets. As in southeastern Siam, mixed with the traders and the jobless were numerous Catholic exiles, who had crossed the Annamese chain to escape persecution in the 19th century. As of 1916, a small Catholic Vietnamese community lived in Tha Hae, a village located near the Mekong River. Thabo, another small village across from Vientiane, was home to around 2,000 (Vietnamese) Christians. Opposite Thakhek, in Nong Saen, around 100 Vietnamese Catholic families prospered. Even the Governor of Nong Khai, Phra Borihan, surprised Garreu with his mastery of the Vietnamese language}\textsuperscript{255}

The next wave of Vietnamese immigration from the late nineteenth to early twentieth century followed a pattern of resistance to French rule in Indochina. Vietnamese nationalists, with encouragement from a Siamese government wary of French territorial

\textsuperscript{252} Goscha, 1999, p. 29.  
\textsuperscript{253} Goscha, 1999, p. 13.  
\textsuperscript{254} Poole, 1970, p. 30.  
\textsuperscript{255} Goscha, 1999, p. 20.
intentions, regarded Thailand as a place where they could be comparatively “safe from French police.”256 Thai resistance against French rule in Vietnam, Laos and Cambodia was coordinated through émigré communities operating out of the region that is now Northeast Thailand. The remnants of these later formed the basis for the first independent governments in Vietnam and Laos. In 1929, Ho Chi Minh, operating from Siam, established the Annamite Fraternity of Siam (Hoi Than Ai Nguai Annam O an Xiem) to organise armed resistance against French rule in Indochina.257

The Vietnamese independence leader Ho Chi Minh was accepted by Thailand as a collaborator during Vietnam’s war of independence against French colonialism. Thailand supported Vietnamese nationalists against the French with the intention of regaining territory ceded by force in Laos and Cambodia. Ho Chi Minh established a resistance base at Sakhon Nakhon to fight the French and was aided by Thailand in his efforts to seek independence and banish the French. At that stage of history, the mutual interests and links between the Vietnamese nationalists and the Thai State coincided and Vietnamese incursion was tolerated and encouraged. A significant number of Vietnamese migrated to Laos and North East Thailand in the period following WWII and the decisive battle of Dien Bien Phu that routed the French forces in Indochina. Many of the Vietnamese who migrated to Thailand in this period stayed and did not return.258

A group of 46,700 Vietnamese refugees fled into Thailand when the French reoccupied Indochina in 1945-46.259 The Thai Government provided refuge and allowed them to settle. Subsequently, the Thai Government became concerned about the “subversive potential” of the refugees and began to try to repatriate them.260 40,000 were sent to North Vietnam from between 1960 and 1964. Many of the returnees were born in Thailand and had never seen Vietnam. In Nakhon Phanom, which has the largest concentration of Vietnamese in Thailand, about 600 refugees married Thai citizens and

---

256 Poole, 1970, p. 29.
257 Poole, 1970, p. 29.
258 This group was not granted Thai citizenship until 1996.
259 Poole, 1970, p. 886.
260 Poole, 1970, p. 886.
resettled. Many of the estimated 30-50,000 children born to Vietnamese parents in Thailand since 1946 were able to obtain citizenship as they had one Thai parent.

With the collapse of the Saigon regime in 1975 hundreds of thousands of Vietnamese transited Thailand, most of them were en route to semi-permanent resettlement in Western countries like Australia, Canada, France and the United States. The politics of Thailand’s reception, resettlement and repatriation of Vietnamese refugees are worthy of several volumes of historical analysis. The Thai Government’s key objective was to provide assistance to the United Nations to assist with the short-term humanitarian needs of the refugees, and facilitate their resettlement abroad in third countries such as Australia, Canada and the US. There was little done to encourage settlement of these communities in Thailand, quite the contrary. Despite the active discouragement of Vietnamese settlement through forced resettlement and other questionable practices, a significant numbers of Vietnamese again decided to stay in Thailand.

First generation Vietnamese, the most recent migrants who moved to Thailand after cessation of hostilities in 1975, are still treated with suspicion and are not eligible to apply for Thai citizenship, but second and third generations, which have adopted Thai language, customs, culture and beliefs, have been eligible for Thai citizenship since 1996\textsuperscript{261}. Thai law regards Vietnamese as ‘refugees fleeing the Indochina conflict with France.’ Restrictions were placed on the movement of Vietnamese in Thailand, generally limited to a 50-100 kilometer radius from their place of registration. I heard anecdotes about efforts to thwart this level of control and supervision by young Vietnamese wishing to experience the sights and smells of Bangkok. They claimed to have avoided detection during the 600 km journey to Bangkok by keeping a very low profile, and speaking perfect Thai to police when questioned along the way.\textsuperscript{262}

Citizenship rights, however, were not won without struggle. In 1954, a rumour that police planned to forcibly relocate the refugees to another part of Thailand resulted in a

\textsuperscript{261} Department of Local Administration, 1999, p. 1.
\textsuperscript{262} Interview, Vietnamese wedding, Nong Khai, 2001.
large demonstration where hundreds of women squatted, wailing, in front of the provincial offices; some cut their hair in protest and lay in the street blocking traffic. After a series of further protests, which capitulated in a spectacular demonstration against forced repatriation where thousands of Vietnamese residents of Nong Khai lay down on roads and train tracks en masse in 1989, then Prime Minister Anand Panyarachun, finally agreed in 1992 to grant citizenship to the grandchildren of those Vietnamese who migrated after 1945. The Vietnamese in Thailand were granted white identification cards with blue boundaries in 1996. These cards originally had the words ‘Vietnamese Refugee’ stamped in bold type across the photograph on the front.

All first generation ‘Dien Bien Phu’ migrants were granted residency status in 1996, allowing them to return to Vietnam and travel freely throughout Thailand. In 1997 the Interior Ministry threatened to deport the children of Vietnamese refugees living in several provinces (Nong Bua Lamphu, Amnat Charoen, and Yasothon) if they did not apply for naturalisation under a Cabinet Resolution and Ministry Regulation dated 11 September 1993.264

In 1996, in response to complaints about the slow process of applications and demands for kickbacks by officials, the National Security Council, the Interior Ministry and the Internal Security Operations Command announced that Vietnamese refugees eligible to apply for Thai nationality would be allowed to resubmit applications to governors of provinces in which their domiciles are registered. The Interior Ministry later announced that children of Vietnamese refugees would be granted an extension until 30 April 1997 to apply for citizenship. This decree applied strictly to those Vietnamese born in Thailand and living in Nong Bua Lamphu, Amnat Charoen and Yasothon in the Northeast; Prachin Buri and Sa Kaew in the East; and Surat Thani and Phatthalung in the South. Those in Nong Khai, Udon Thani, Sakon Nakhon, Nakhon Phanom, Mukdahan and Ubon Ratchathani, which have a larger number of Vietnamese refugees, could also apply for citizenship but were not subject to any deadline.

263 Poole, 1967, p. 889-890.
In 1996, 9,100 children of Vietnamese refugees were granted citizenship and approximately 17,000 did not apply and about 8,000 of the original refugees are ineligible because they were not born in Thailand. The Internal Security Operations Command considered issuing them residence permits or alien certificates. In 1999, following the closure of Sikhiu camp in accordance with the Comprehensive Plan of Action designed to eliminate the residual refugee burden the last of the Vietnamese ‘refugees’ remaining in camps were repatriated to Vietnam.

While Laos is a popular destination for seasonal Vietnamese labourers, and porous borders easily allow access, as well as established Vietnamese communities, there is limited evidence of Vietnamese labour migration to Thailand. The inability or apparent unwillingness of Vietnamese labourers to take up economic opportunities in Thailand is a product of historical enmity and linguistic and cultural disparities. These same factors, however, have not prevented millions of migrant workers from Myanmar, perhaps due to geographical proximity and the lack of economic opportunity in that country, particularly in border regions. The low number of Vietnamese as opposed to Burmese migrant labourers in Thailand is possibly also related to the ongoing conflict in the border regions in Myanmar. So while Lao (and Khmer) migrant workers share language and culture and can ‘blend in’ to society to a limited extent, Vietnamese workers face a number of cultural barriers. In October 2012, the violent murder of his Thai employer by a Vietnamese worker in Thailand over entitlements highlighted public perceptions and prejudice regarding Vietnamese in Thailand.

According to a Thai police official the Thai Government had previously treated the Vietnamese migrants with suspicion (and many harbour this view), fearing they might use their links with the Vietnamese state to undermine Thai security. Other grounds for prejudice were mostly economic, based on perceptions regarding Vietnamese ingenuity, capacity for hard work, and business acumen. First generation Vietnamese, the most recent migrants, are still treated with suspicion are not eligible for citizenship,
but second and third generations, which have adopted Thai language, customs, culture and beliefs, have been eligible for Thai citizenship since 1996.

Thailand considers Vietnamese migrants as refugees fleeing the Indochina conflict with France. These are divided into three groups:

- The mothers and fathers; meaning those Vietnamese who originally migrated to Thailand in 1945-1946;
- The children; meaning the descendants of the mothers and fathers who migrated to Thailand, and who were born in Thailand after 1945, and;
- The grandchildren; meaning those children whose mothers and fathers were born in the Kingdom of Thailand and were the children of those mothers and fathers that migrated from Vietnam.

The responsibility for registering these groups was placed in the hands of provincial officials (office no. 114) until 1989, when this was transferred to the 'Committee for the Registration of Vietnamese Migrants.' Restrictions were placed on movement, which was limited to a radius within around 50-100 kilometres. After a series of protests, including one incident in the where the residents of Nong Khai lay down on the roads and the train tracks to protest against forced repatriation, they were granted white identification cards with blue boundaries in 1996. These cards originally had the words 'Vietnamese Migrant' stamped across the photograph. A group of Vietnamese refugees were repatriated as recently as 1999 following the closure of Sikhiu camp.

Identification cards no longer identify the holder as a Vietnamese migrant, but in a case of very subtle control, the prefix on the cards is common knowledge to immigration officials and police, apparently resulting in discrimination on a continuing basis. Today, most of the earlier Vietnamese migrants and refugees living on Thai soil and their descendants have been granted Thai citizenship\textsuperscript{268}. All of the first generation has been granted residency status, allowing them to return to visit their homeland. Vietnamese migrants now play an important part in the economic and social fabric of Thai society,

\textsuperscript{268} Interview, Nong Khai, 2010.
particularly in a number of North Eastern provinces where they are more prolific and have assimilated to a greater extent. It is important to acknowledge the historical events that resulted in diversity and promote acceptance of difference to enable social harmony.

**Laos and Cambodia**

Lao villagers regularly travel to Thailand in search of paid employment. There are approximately 90,000 Lao migrant workers in Thailand. Sometimes these workers return home periodically, particularly those who are engaged in the agricultural sector in surrounding provinces, while others apparently depart with little intention of returning to Laos. Border controls between the two countries are not strictly enforced and avenues for sneaking across otherwise porous borders by boat, or on foot in the dry season, are plentiful. Some of these sojourners are seeking a decent wage in Thailand through their own agency; others are subject to a form of debt bondage when a sum of money is paid to their parents. The Lao newspapers referred to this practice as ‘slave labour’ in reporting the return to Laos of 20 young women discovered working illegally in Thailand. This was the fifth group of Lao workers repatriated by the Thai labour ministry under a United Nations project addressing Trafficking in Women and Children in the Mekong sub-region. On 16 October 2002, Thailand and Laos signed their first agreement on border security, providing for cooperation in joint operations against illegal migration, narcotics trafficking, terrorism and the activities of anti-Vientiane resistance groups.

In 1992, Ban Vinai refugee camp, the largest in South East Asia at the time, was closed by the UNHCR (17 December 1992). About 55,000 refugees (mostly Hmong) passed through Ban Vinai at some stage, and only a fraction of these people were repatriated to Laos. In 1993, 15,000 Hmong refugees sought refuge at a temple known as Wat Tham Krabork in Saraburi rather than face repatriation. Their fate continues to present a pressing political issue for the Thai and Lao governments.

---

269 Bangkok Post, 1 December 2002.
Lao workers in Thailand are consistently subject to cruel and inhumane treatment and abuse. Many arrive as debt bondage workers (a sum of money is normally paid through a broker to their parents), are smuggled or trafficked. Several cases of abuse were documented and published by the Foundation for Child Development: 271

Mee, 15, from Laos worked for the owner of an Isan food restaurant. She worked from 4am to 1am the next day, every day, without a day off. She never got paid in over two years. She was hit with a stick on her face, shoulder, and body. She was detained and threatened so she could not run away. The employer was charged with physical assault, and required to provide compensation.

Ton, 14, was abducted by a human trafficking racket and sold to an employer in Nakhon Pathom. He ran away after being beaten up. He did not know the employers address or name. He only remembered the employer had a big house surrounded by high fences.

Tam, 13, worked as a child servant. Her eyes were swollen from beatings. Her body was pierced by sharp objects. She was constantly scolded and traumatised from being unable to keep the house and 30 dogs clean as required by her employer.

Wan, 22, began working as a child servant at the age of 15. She said she never got paid. Punishments included beatings with long sticks, squeezing Wan’s tongue with a pair of tweezers and pouring hot water on her body. She ran away and later rescued two friends from the house. They have scars from having a hot iron placed on their skin. They said they only received one meal per day, and worked from 6am to midnight. There were three houses and six cars in the compound.

On 30 September 2002, 621 Cambodian illegal migrants, apparently beggars, were rounded up from the streets of Bangkok, fingerprinted and photographed, given a bottle of water, some medicine, and a vomit bag, and flown to Phnom Penh aboard three military transport planes. This was not the first time foreign mendicants in Bangkok had been rounded up and repatriated by the authorities, but it was the first time aircraft have been used. Cambodian gangs often recruit beggars and kidnap children to travel to Thailand, where they seek alms on the street. The Thai police round them up periodically and repatriate them at the border, but like many of the migratory stories, many of the gangs bring the people back to Thailand again. It is a vicious cycle of abuse.

The horrific history of Cambodia’s recent conflict resulted in millions of people seeking refuge in Thailand. From the 1970s to the 1980s a massive relief effort took place to support unprecedented migration and large refugee camps along the border regions. Many of these people later returned to Cambodia, or were resettled abroad, but a number took advantage of the ambiguity to blend in to Thai society and take advantage of cultural similarities in the border regions. The experience of Cambodian refugees has in Thailand been well documented. Many Cambodians settle in the border provinces and work illegally in Thailand as agricultural labourers.

Thailand’s borders with Laos and Cambodia, in particular, are easily navigated, and migration has been a constant factor throughout their combined history. Cambodians and Lao are culturally and linguistically closer to Thais – ‘the others within’ – and for that reason are more readily assimilated and included in Thai society (especially in rural areas) than other minorities. Many Lao now study legitimately in Thai schools and the exchanges between these countries, including the links between governments and institutional ties, are going some way to improving access to support services and cooperation on people trafficking networks. The borders are still poorly managed, however, and there is little scrutiny of many migrants. Lao visitors to Thailand only need a border pass (not a passport) to cross borders, and can travel as far as Udorn Thani (but no further). There is now visa free entry across ASEAN borders, but the process of

272 See, for example, William Shawcross, The Quality of Mercy, 1984.
obtaining travel documents and permission to travel still prevents many people from using legitimate means to travel for work purposes.

**Highlanders**

In 2002, a disabled Thai athlete known as ‘Nat’ was unable to participate in the FESPIC games in South Korea because he could not produce documentary evidence of his citizenship. The nineteen year old weightlifter, crippled by polio, had no evidence of his parentage or where he was born, so was classified by an orphanage as a “hilltribe” member due to his appearance only. He was therefore not able to gain sufficient documentary evidence to prove his Thai citizenship and was denied an education and the chance to compete internationally for Thailand. He won a bronze medal at the National Games for the Disabled in Bangkok. The Sports Authority of Thailand requires all competitors representing the country to hold Thai citizenship, so Nat was also excluded from competing in the Inthanon Games in Chiang Mai and was not permitted to travel. His case is similar to the experience of many people born in Thailand without access to citizenship or identity documents, who can not travel or access citizenship rights.

The history of struggle between highlanders and the Thai authorities, where there has been sufficient power available to advocate on their behalf, has become violent. In May 1999, the Thai Government was accused of applying “double standards” when Thai Police violently dispersed 3,000 “hill-tribe people” protesting in Chiang Mai to demand equal citizenship entitlements. 1,600 police dispersed 3,000 protesters in front of the provincial hall. Their protest was organised to pressure the government to “speed up issuing citizenship cards” and “resolve conflict over natural resource management.” So people demanding their rights in accessing documentation are routinely subject to arrest and violence from the authorities. Bribery and corruption are barriers in obtaining citizenship documents, and complaints about rent-seeking officials are common.

Ms Meeju, an Akha leader reported: "All we ask is equal rights with Thai citizens. We have long suffered discrimination because we lack citizenship." She claimed officials

---

274 Bangkok Post, 9 July 1999, Clampdown on Tribesmen Violates Rights.
extorted money by accusing hill-tribe people of immigration or narcotics violations. “It is estimated that 40-60% of 834,000 hill-tribe people lack citizenship cards.”

Meeju alleged officials also exploited people by taking their money: “If there is 100 baht, they take it. If there is 1,000 baht, they take it.” If there is more, that person is likely to be branded a drug pusher and put into jail.” The identity cards issued by the government restricted people to residing within their villages - a practice she described as “no different from keeping animals in zoo cages.”

The often-used ethnic descriptor ‘hill-tribes’ or ‘highlanders’ is problematic, covers a broad spectrum, and is also potentially discriminatory. Many people classified as ‘highlanders’ can also be identified in other ethnic categories as ‘Shan, Karen, Hmong, Lisu,’ etc. One Shan respondent interviewed by the researcher accurately identified the complexity and confusion created by using topographical markers of identity.

At the time my status was complicated as I had two different identification cards. I first registered as a ‘highlander.’ I was also registered as a migrant labourer, so I had two concurrent identity documents. One was as a ‘highlander’ or foreigner. The other was as a registered foreign labourer. The two were not consistent or linked.

However, Thailand is not the only country to designate ethnicity by altitude or topography. Vietnamese often refer to ‘montagnards,’ and the Lao PDR officially classifies ethnicity according to three notional altitudinal categories of Lao Loum (or lowlanders), Lao Theung (or uplanders) and Lao Soung (or ‘highlanders’). The intention is not always derogatory, and the definitions are by no means exclusive (ie there are ethnic groups classified as highlanders who live in cities and vice versa). The term ‘hill-tribes’ is still frequently used to describe a range of people living at altitude in Thailand.

275 Bangkok Post, 9 July 1999.
Thailand’s Nationality Act of 1913, which confirmed receipt of citizenship from a Thai father reflects the nationalistic intent that rights would be conferred and inherited from Thai parents. This effectively alienated and changed attitudes towards Karen, Hmong, Yao, Shan, and other groups. While Karen and others were subject to draft, tax and other obligations of citizenship, this changed following efforts to draft a group of Hmong and Yao in 1921. A Thai official recommended chasing them out of the country by “burning their villages” because “they were not Thai.” Fortunately other authorities intervened, suggesting it would be more appropriate to leave them alone, and those groups that were not already enrolled as citizens were completely ignored.

Around 1.2 million people from various upland minorities reside in Thailand. According to the University of Chiang Mai, only 150,000, or around twelve per cent of these ‘highlanders’ have Thai citizenship. About 650,000 reside in Thailand temporarily with ‘blue’ identification cards, which restrict travel beyond a certain radius. Another 400,000 have no legal status whatsoever. Chutima Morlaeku, a leading member of the Thai Assembly of Indigenous Tribes, highlights a survey result indicating ‘citizenship’ as the foremost priority for highlanders, without which they would be “deprived of their right to education, employment and travel, in short to live free and fair on Thai soil.”

The devil is in the detail of the definition. ‘Full citizenship’ can be granted to aliens provided they meet certain requirements, but the category of their citizenship entitles them to a certain type of document/s (ID cards - bat prachachon and house registrations - tabian baan), which uniquely identifies them as belonging to a certain group and places some (legal some social) restrictions on their actual participation as full members of the community. So while the part of their house registration that says 'citizenship' (sunchat) says 'Thai' - the next field on the form is 'race or ethnicity' (cheuachat) and identifies them as Chinese, highlanders, Vietnamese, or whatever. So while they have been granted Thai nationality in a legal sense, they are not fully Thai citizens in a social sense.

277 Turton, 2000, p. 79.
278 Turton, 2000, p. 79.
279 Chiang Mai University, March 2003.
According to a collection of legislation collated by the Department of Local Administration there are two references for highlander - one for 'pookhon bon peun ti soong' (or 'highlanders') and 'chum chon bon peun ti soong' ('highland communities'). The first group 'pookhon bon peun ti soong' (or 'upland dwellers') is divided into two categories: 'chao kao dang derm' (originals) and 'chao kao nork' (outsiders).

1. The ‘chao kao dung derm,’ or 'original highlanders' comprise Thai people (researcher's emphasis) who possess no official evidence of registration documents. This was either because they were excluded from census data or resided in isolated or remote areas where government officials could not make contact. Upon consideration, a decision was therefore made to grant citizenship to this group in the 'tabian baan chao Thai pookao' highland dweller house registrations enacted under the provisions of the Royal Decree (Nationality Act) of 2535 (1992) amended and revised in 2539 (1996).

2. The ‘chao kao nork,’ or 'outside highlanders,' meaning those highlanders who had migrated from outside the country from Myanmar, Lao(s), or China. This group was not born in Thailand, but after migrating to reside in Thailand produced descendants, who were not eligible for Thai citizenship according to the provisions of the Royal Decree (Nationality Act) of 2535 (1992). In accordance with a Ministerial regulation issued in 2538 (1995) on the 'status of highlanders who had migrated to Thailand' in 20 provinces, these groups were issued with blue identification cards with limited access to services.

The NESDB (National Social and Economic Development Board) requested an accurate survey of highland communities, which was completed in twenty provinces in the same way as the highland dwellers. The survey was limited as only statistics were provided and no historical data of highland communities was gathered. Therefore, the responsible committee produced historical data for 1,975 families, 7,303 people in 2542 (1999) in the

---

281 This was performed in accordance with the aforementioned Ministerial regulations regarding the policy of the “Master Plan for Community Development for the Environment and the Control of Narcotic Plants.”
twenty provinces, and agreed that the persons in the directory of highland communities would receive green cards with red borders.

The purpose of providing the above statistics is to illustrate the complex task of registering and keeping track of minorities within Thailand. The process is discriminatory and unclear. Participants are subject to restrictions on movement, harassment, detention, discrimination, and are required to pay bribes to obtain documents. The highlanders continue to struggle with bureaucracy and discrimination in seeking to assert citizenship rights. They continue to be associated with security issues such as insurgency and drug trafficking. The organisation of support groups, with funding and monitoring from the international community, to seek greater government support for citizenship rights, and protection from corrupt or inept officials, has improved the situation. Large numbers of people continue to live beyond the legal boundaries of the Thai State, without access to education, medical treatment, and protection of employment rights. Highlanders stand accused of destroying the environment through swidden farm practices, and the solutions to the citizenship and empowerment struggles they face are linked to forest management and land use planning.282

Malaysia and Southern Thailand

Thailand’s three southern provinces (Yala, Pattani, and Narathiwat), and four districts in Songkhla Province, are predominantly Malay-Muslim. Historically these areas were notionally independent Malay Sultanates. The known history of the region extends back to the kingdom of Langkasuka, around the first century AD. Three southern provinces – Patani, Yala and Narathiwat – and four districts in Songkhla, became known as Patani or Patani Raya (Greater Patani) from around the fifteenth century. Patani was a regional trading power, one of the leading centres of Islam in Southeast Asia, and an important component in the politics of the Malayan peninsula. The factors and events leading to the violent insurgency in this region are complex and have contributed to a vigorous debate on citizenship issues and identity.282

The southern regions also maintained a significant relationship with the powerful Siamese kingdoms of Ayuthaya and, from the late eighteenth century, Bangkok. For much of the time Patani enjoyed a degree of independence under what was often a loose tributary arrangement. However, after the founding of Bangkok, Siamese forces crushed Patani in 1786 and took control. There were several rebellions in subsequent years, but Siam still managed to assert strong influence over local affairs. In the late nineteenth century King Chulalongkorn introduced a policy of centralization, and in 1902 the area was annexed under Siamese sovereignty, confirmed by the Anglo-Siamese Treaty of 1909 when Thailand ceded Kedah, Perlis, Kelantan and Terengganu to British Malaya.

In 2001, the researcher visited the palace that once belonged to the Sultan of Patani and met his grandson, who still retains a measure of symbolic hereditary authority. The palace was run down and sheep roamed freely in the grounds. The ground was sandy and the gardens sparse and well kept. The researcher was escorted by a local historian, a former insurgent, who had returned to the city from the mountains and exchanged his gun for a pen to write the history of Patani.283

We visited Muslim cemeteries and ancient mosques. The historian pointed out facts of interest and explaining the history as we went. We paid our respects at important grave sites, and spent a day talking to the imam at the Krue Se Mosque. On 28 April 2004, this site was desecrated in fighting after militants attacked several police stations. The military stormed the mosque and killed all of the militants. The mosque suffered considerable damage from grenades and machine-gun fire. Acknowledging the significance of the site, the government later spent millions attempting to restore it to its former glory. The Imam at Krue Se mosque painted a vivid picture of the original conquest in the area between Siam and Malay Sultans. He described scenes of elephants crushing people with their feet, and lines of slaves chained together, with the chains pierced through their Achilles tendons marching to the capital. The symbolic

283 I later discovered in 2006 that he was attacked and shot one day in front of his house by unidentified gunmen. He survived the attack, but the experience illustrates the fragility of the southern region where the violent insurgency continues to claim many lives.
significance of the Krue Se massacre has had grave consequences for stability and citizenship in southern Thailand.

The southern insurgency is a sad legacy of historical enmity, party, and personality politics staged like a deadly chess game. It suffers from decades of neglect and ignorance from inept officials sent to what they perceived was a miserable backwater, determined to make the most of the situation by abusing their authority. International actors and insurgents from other countries have exacerbated the problem as part of the broader international ‘War on Terror.’ The insurgents are demanding an independent state.

The potential political solution could perhaps include a mixture of limited autonomy, economic development, and intelligence. Thousands of people have been killed in the violence, which sharply escalated in 2004. Excesses by a government and military attempting to show a strong hand, have worsened the situation. On 25 October 2004, at least eighty five youths were brutally murdered by Thai soldiers, stacked on top of each other, hands tied behind their backs, into military trucks after a riot was forcibly put down by the authorities in a place called Tak Bai. The evidence of the incident is shameful and horrific. Most of the victims died of suffocation, but any others were beaten to death, and a number were shot in the head. Anybody looking for the source of anger and frustration and the roots of violence perpetuating the insurgency need search no further than these events.

Around 70% of Satun is also Malay, but the province was previously linked to Kedah not Patani, and its more integrated, Thai-speaking population has never been the centre of violent resistance to Bangkok. According to the 2000 census Narathiwat has around 546,450 Muslims (82% of the population), Patani 482,760 (81%), Yala 286,005 (69%) and Satun 168,640 (68%); Songkhla also has 291,392 Muslims, and although this is less than 25% of the provincial population four Malay majority districts adjacent to Malaysia have also been caught up in the recent conflict. In total Malay-Muslims in the five southern provinces number around 1,775,247, and 2,345,800 for the 14 southern provinces as a whole.
Malays in Southern Thailand and Malaysia maintain close ties despite political divisions. Families cross the border to visit extended links on either side. The language in Southern Thailand is identical to the dialect in Kelantan and Terengganu States – though many Thais describe it as ‘Jawi,’ which correctly refers to the written Arabic-based script. Most Southerners are poly or bilingual, and Malay is widely spoken in the three southernmost provinces. Many Southerners identify themselves as ethnically Malay with Thai citizenship. The conflict has persisted for centuries.

The researcher interviewed a senior Thai Police General responsible for security in the southern provinces. At first he presented a military perspective; “the area had a violent history for many decades.” He acknowledged military excesses and administrative and bureaucratic errors. The perceptions created by politicians keen to present an image of control did not help to improve the situation. He did not advocate violence, but emphasised the need for understanding and a measured approach taking into account the diversity and needs of local people.

The police had difficulty with ‘hot pursuit’ of terrorists and bandits, particularly in relation to cooperation with Kelantan State across the border in Malaysia. The leaders of the former sultanate were opposed to the current government in Kuala Lumpur and either actively or tacitly supported the insurgents. This was creating problems for law enforcement, and little could be done until the local political situation in Malaysia evolved. Security operatives could not perform their duties overtly in Kelantan as they were in danger of being discovered and killed. It is likely that more radical Islamic elements in Kelantan had some sympathy for the separatists seeking to return the three southern provinces to Malay States.

Thais regularly cross the border for trade purposes and for education in Malaysia, while some Malaysians study at renowned Islamic schools (Pondok) in Thailand. Islamic teachers and Imams cross the border as the exchange in language and religious teaching in the area is close. Large numbers of Thai Muslims have also sought employment in Malaysia. The border between the two countries has never been a barrier to movement.
A large number of people on both sides of the border have dual nationality. In theory Malaysia does not allow dual citizenship, but in practice this is not an obstacle. Dual nationals may be counted in the tens or hundreds of thousands. In practice, it is not always people with dual citizenship that are involved in the insurgency and removing citizenship is not likely to resolve the security issues in Southern Thailand\(^{284}\).

Border residents without dual citizenship are able to cross over with a border pass valid for six months rather than using a passport. But many do not even bother with this. According to a recent report in 2006 1,468 crossed the west side of the border legally to obtain employment, while at least 50,000 crossed illegally. Another report on the east side of the border notes that despite a legal crossing at Sungai Kolok, many commuters prefer to cross illegally, and authorities do nothing to stop them. In August 2004, the two countries agreed to replace the border pass with new ‘smart cards’ being introduced in each country, but the date for commencing this scheme has yet to be announced.

The violent insurgency is continuing to destroy lives in Southern Thailand. It is clear that one of the many reasons for this is the exclusionary politics and limited citizenship resources applied on a differential basis to the people in the provinces of Yala, Patani, and Narathiwat. Reconciliation will require a combination of diplomacy, intelligence, resources, and the recognition of citizenship rights in an autonomous region of Thailand.

\(^{284}\) Bangkok Post, 17 and 28 July 2002, Violence in the South, and Best of Both Worlds.
9. Interviews and Case Studies – Shan in Northern Thailand

The researcher conducted an informal sample series of twelve interviews with Shan who had recently migrated to Thailand and their descendants to explore contemporary attitudes to citizenship and access to social services. The interviews were conducted in 2011 and 2012 with the informed written consent of participants, who were provided with details of research objectives in the Thai language. Most participants were labourers or students contacted through university students and other contacts in Chiang Mai. A range of age groups was sought to provide a sample cross section of attitudes. Interviews were conducted in the Thai language, and translated into English by the researcher. Some Thai citizens were also interviewed to provide a contrasting view, to highlight stereotypes and explore broader awareness on citizenship and the experience of migrants in Thailand.

The researcher acknowledges limitations associated with a small sample group. The primary objective of the case studies and interviews, however, was not to offer detailed empirical data or analysis of the combined circumstances of Shan migrants, but to introduce common themes regarding attitudes to citizenship, discrimination, and confirm restrictions in access to social services. These same interviews could perhaps be conducted with other groups in Thailand with very similar, if not identical, results. The interviews were successful in confirming the existence of confusion and prejudice in Thai society regarding citizenship, both within the target sample, and among Thai people more generally. The results from interviews clearly confirmed the core proposition of this thesis that Thailand has implemented a differentiated citizenship model to keep track of citizens and outsiders using identity documentation.

The view of citizenship corresponding with ethnicity was demonstrated clearly through one respondent, who had lived and worked in Thailand for 23 years, by his statement:

I don’t feel that I am Thai at all because it is not easy to become Thai. I just need documentary evidence to prove that I am able to reside in Thailand and that would be enough. I would like to obtain Thai citizenship so that I don’t feel that I
am disadvantaged, and so other people don’t look down on me, and so it is easier and more convenient to find work.

This statement shows outsiders don’t automatically consider themselves eligible for citizenship, regardless of length of stay. They expect to be excluded on racial grounds regardless of their contribution to society or other factors. Documentary evidence is required for a utilitarian purpose, to make it ‘easier and more convenient to find work’ or ‘so other people don’t look down on me’ rather than to become a full member of society. Migrant groups often do not feel they are eligible for citizenship, or any right to access social services such as medical facilities or education. This attitude, which appears prevalent among migrant labourers from Myanmar, including the Shan, demonstrates that Thailand has a long way to go in ensuring a cohesive social framework with generations of migrants seeking access to citizenship. The creation of large numbers of ‘outsiders’ within Thailand, who have no expectation or hope of achieving a degree of citizenship, is a serious social problem, particularly over time for future generations.

There was, perhaps surprisingly, evidence of some understanding on the issues limiting access to citizenship, but also wide expectations that citizenship should be forthcoming where children are born in Thailand. Several respondents, for example, acknowledged the questionable perception that foreigners are responsible for crime, and will not face justice, because they don’t have identity documents. This is a common perception, but there appears little evidence one way or another to support the proposition that foreigners in Thailand are responsible for more crime than Thai citizens.

It is a problem for Thailand because of all the foreigners. It is impossible to register them all and find their whereabouts, so when they commit crimes it is not possible to make them accountable. The government should investigate everyone who does not have citizenship and register them to protect society.

---

285 The researcher discussed the availability of crime statistics, particularly for violent crimes, with the assistant to the Commissioner of the Royal Thai Police in 2007. He confessed that the Thai police do not keep accurate statistics, but this information might be available through journalists or other sources. He suggested that the best place to hide from police was in Bangkok, where it was relatively easy to become anonymous due to the large transitory population. Many murders and other crimes were never resolved.
It is an important problem for Thailand because if people don’t have citizenship and commit crimes it is difficult to bring them to justice. There is no evidence to show where the person comes from or who they are. The way to resolve this is for the government to investigate people in each area and provide registrations for foreigners.

There appeared to be broad, almost unanimous, agreement among respondents that citizenship should permit access to social services such as education and health care. This was clearly an issue for most of the respondents, who identified that they had experienced discrimination. One participant suggested that children of migrants had a greater degree of eligibility.

People should have the same rights, as people without citizenship also need access to medical services. Diseases don’t differentiate between people of different citizenship or background and affect all of us. Therefore people without citizenship need to pay extra to access medical services. This is not equitable.

Maybe they should have the same access in some circumstances. Especially children born in Thailand from outsiders who have been here a long time should have the same access to education and medical facilities. This would be a good outcome for their children.

People should have the same access to services as we all live in the same society. It doesn’t matter where people come from, or if they don’t have citizenship, everyone should have the same access to social services as this makes society run effectively. These services should be provided efficiently by the authorities.

Some respondents, however, generously suggested migrants should be made to pay a ‘higher price’ for access to education, medical, or other social services.

I think there should be some access to social services, such as medical treatment, by outsiders, but perhaps they should pay a higher price to access these services.
It is not possible to make it equal, because the system does not allow people to be treated equally. It might be possible to enable access for highlanders, but they need to pay a higher price to access social services.

Respondents echoed popular perceptions about foreign workers taking jobs from Thai citizens. In reality, the researcher would argue that the dangerous, dirty, and difficult jobs taken by migrants have increased the size of the Thai economy and the labour force, and Thai workers would not take up these positions if all the migrants suddenly departed tomorrow. As outlined in previous chapters, many of the migrant workers are also fleeing persecution in other countries, and would have difficulty returning. So a job in Thailand with poor conditions and limited access to citizenship and social services is better than no economic opportunities in a conflict situation where it is possible to be

Illegal migrants are coming to Thailand in larger numbers and trying to find work. This is taking work from Thai citizens. When there is bad news about migrants and people without citizenship this is a problem because we don’t know who is good and who isn’t and it encourages people to think of migrants in a bad way. We should solve this problem by limiting the number of outsiders or migrants in Thailand. People without citizenship or outsiders, or illegal migrants, should all be made to live together so they can be monitored.

Simple responses provided evidence of an educated and balanced view of citizenship as defined in the introduction to this thesis, as a right of access to social and other services.

Citizenship is useful because you can use this for different things such as to study, to attend the hospital for medical treatment, and for democratic participation.

The interviews were not intended to be representative of accurate views on citizenship or policy. In fact, the confusion represented in the responses regarding citizenship reflects different cultural attitudes about citizenship and access to rights, as well as broader community attitudes and confusion regarding complex legal and political concepts. That
people might not always know their rights or obligations as citizens, and how to access the system, is illustrative of a lack of availability of basic information on registration and citizenship rights for migrants. That is the most revealing conclusion to be drawn from these interviews, and the basis for further action in raising awareness to improve access.

Some respondents nonetheless demonstrated a reasonably good grasp of how to access rights, the obstacles to gaining access to services, and how to address them. It is also possible that in some cases participants may have been (too) polite in their responses and not comfortable enough to go directly to the point about access to social services or citizenship. Responses also need to be viewed in a cultural context, where participants might answer in a certain manner to avoid controversy or creating offence, in weighing up the value of a positive response. One respondent adopted a rather cryptic, suggestive, approach, hinting at the expectation that Thailand become more flexible and generous in its approach to migration and equity.

_Thai citizenship is a good citizenship. Thai people are sometimes kind and helpful to others from other citizenships. This is evidenced by the assistance of some kind people who help others who need medical assistance; even if they came from another country they would receive the same access to medical services. Thai people should also provide the same wages to people from other countries for the work they perform._

While there are some positive developments, particularly with access to education for descendants of migrant workers through issuing birth certificates and identification cards, the interviews identify key trends in confirming a lack of access to health and other social services. Migrants are limited in where and when they are able to travel, and face arbitrary arrest and extortion, or ‘rent-seeking behavior from police selectively enforcing regulations. As one person pointed out, ‘disease does not differentiate’ and it is in the interest of society to ensure better access to medical services for migrants. There was evidence of what could be described as ‘normal’ confusion about the different between citizenship, ethnicity, and nationality. One response linked citizenship to religion,
indicating that self-identification and identity is a critical component of determining citizenship.

Responses from children of migrant parents demonstrated various levels of confusion and understanding regarding access to citizenship and social services. Some responses were sophisticated, highlighting that there is some community awareness of citizenship issues, and the means to acquire full citizenship.

*Citizenship decides the nationality of a person. Nationality can sometimes show the roots of citizenship, which might come from different reasons, like people who were not born in Thailand but lived there for a long time so are able to acquire citizenship.*

*I think I am a Thai person with citizenship because I was born in Thailand, and I have Thai blood. I think Thai citizenship is an excellent thing, and I am proud to be Thai even though my mother was not Thai.*

*I have Thai citizenship, but if I didn’t I would need to get it because it is not possible to safely live your life in Thailand without Thai citizenship. It has a benefit for your safety, various rights and needs in society that Thai citizens can get. People living in Thailand therefore need to obtain Thai citizenship.*

The final chapter draws together conclusions based on the data and interviews in this research project, and offers some recommendations for further research. It also offers some normative recommendations on possible improvements to citizenship policy in Thailand to more effectively include disenfranchised groups and migrant workers.
10. Conclusion - Differentiated Citizenship: Blood Sweat and Tears

In conclusion, the above evidence confirms that Thailand has adopted a *differentiated* citizenship model to keep track of citizens and outsiders. This model discriminates between various groups and individuals residing in Thailand on the basis of security, historical and racial prejudice, class and ethnicity. Millions of people living in Thailand, including many who were born there and have lived there for generations, speak Thai, and contribute meaningfully to society, have limited or no access to medical services or education, are subject to arrest and violence, and can not travel freely in the country. The procedures surrounding access to identity documentation are archaic and inconsistent, and nationality law is applied inconsistently by different departments and officials in different places, depending on the situation.

In some respects, perhaps, a differentiated approach may appear to make logical sense, given the varied experience of groups living near Thailand’s borders with Malaysia, Myanmar, Cambodia, and Laos (and the Vietnamese and Chinese migrants). Each group brings a different set of humanitarian and security circumstances and associated challenges for the Thai Government. Thailand’s Southern provinces (Yala, Pattani, Narathiwat), for example, are engaged in a violent secessionist insurgency where the politics of culture, language, and ethnic nationalism are critical weapons used by both sides. Perhaps a more inclusive approach to citizenship could be the key to resolving this conflict and others. But the introduction of a structured system of documentary evidence to classify human beings in a hierarchy of access to social services reeks of inequality.

Differentiation of citizenship, like discrimination based on rural origins explored more deeply in the first chapter, is also a geographical phenomenon. In Bangkok, economic opportunities are seized by Chinese and Indian traders and merchants. Labourers in Southern Thailand, from Samut Prakarn to the Malay border, particularly in fisheries, are overwhelmingly from Myanmar, with an estimated 2.5 to 4 million people in this
category, many of them working illegally. In Northern Thailand, the Shan (Tai Yai) dominate the migrant labour and unskilled workforce, making up the large number of labourers in garment and other large factories situated along the border. And, in the arid North East, Vietnamese migrant and settlers gravitate to trading and market economies, while Khmer, Lao, and other minorities compliment the agricultural labour force.

Furthermore, there is a lack of awareness about access to citizenship. Migrants are not encouraged to participate in politics, and any protest can result in violence or legal action. Migrant labourers are particularly vulnerable, and subject to exploitation and debt bondage by agents and employers. This is particularly acute where women and children are trafficked in the sex industry from neighbouring countries. The ambiguity present in the system encourages ‘rent seeking’ by officials, and ensures that a significant number of migrant workers in Thailand exist in an unsafe space beyond legal or other protection. The officials assigned with protection of migrants are in the best position to exploit them.

A (formerly) well respected senior doctor at the Police General Hospital, for example, was recently arrested for murdering a Thai couple and “at least four of his Myanmar workers.” The doctor kept a large armoury of guns and was accused of torturing and tormenting his workers. The terrifying and chilling reality about the case is not only that this criminal behavior could take place over a period of many years without detection, but that the perpetrator was a senior public official who managed to maintain a level of impunity without being called to account for his actions. In fact, it was only when several ‘Thai’ victims later went missing, that he was eventually brought to justice.

In seeking to explain how Thailand determines who is entitled to citizenship we need to continue to assess the historical methods employed by Siamese sovereigns to keep track of subjects; and the impact of foreign ideas such as the superimposition of the territorial

---

287 Bangkok Post, 23 September 2012, Police Seize Doctor.
nation-state over the Siamese geo-body. The interplay between these events, native reactions to this process, and the aftermath of social changes associated with these phenomena have established the boundaries of modern Thai citizenship. The imposition of documentary controls, such as identification cards and registration certificates, have further complicated the process of determining entitlement to citizenship.

Historical events, conflict, and powerful economic and social forces have shaped the development of Thai citizenship and set the parameters for inclusion and exclusion. The future will be determined by the ‘nam jai’ or ‘generosity’ of leaders and the general population. Thailand needs to redefine citizenship, so that ‘the outsiders’ inside Thailand are included on equal terms rather than exploited as expendable labour. This is a serious human rights problem, as evidenced by the record of abuse and deaths of migrant workers. The fishing industry alone would benefit from a detailed study. Other industries and groups have specific issues that may require more detailed analysis.

The differentiation of citizenship is enforced through the system of documentary evidence used to categorise people in a complex hierarchical system of social stratification. Identification cards adopt a discriminatory numbering and colour system to classify ethnic origins, limiting movement and access to social services. The identification cards are linked to a system of household registration forming documentary evidence of origins and family ties. These documents replaced tattoos and wristbands in identifying social categories in a new complex differentiated hierarchy of citizenship.

The impact of the Asian economic crisis in 1997 was manifested in increased internal migration. About 180,000 people left urban centers for rural areas. In 1998 the Thai government set a target for the repatriation of 300,000 illegal foreign workers. 298,480 migrants were rounded up and deported and many found their way back again illegally. Complaints from employers deprived of a workforce brought a reversal of the policy for

---

288 Thai legal historiography divides the development of a legal system into two distinct phases: the ‘pre-modern’ and ‘modern,’ roughly coinciding with the introduction of Western influence and the decline of absolutism, A Legal History of Thailand, 2000, p. 43.
289 The categories of the identification cards are described in Appendix 3.
certain industries. 95,000 Burmese, Lao and Cambodian migrants were permitted employment in rice mills, cane and rubber plantations, pig farms and fishing vessels.  

The introduction of higher minimum wages by populist regimes increases the pressure on migrants by pushing undocumented workers further underground. Rather than promoting responsible labour practices, this may result in increasing exploitation. There is widespread evidence of exploitation by employers, recruitment agents, and the authorities. Migrant workers work in difficult and dangerous conditions, are often not paid, are subject to arrest, detention, deportation, and have been killed in transit or by their employers. They are not entitled to join unions and have limited access to courts. While specific international instruments protect the rights of both migrant and illegal workers in principle, this is entirely dependent upon local circumstances.  

Labour migration in Thailand continues to be spurred by conflict and poverty in neighboring Myanmar. Citizenship policy is based on the erroneous expectation that workers might simply return home once the work is complete. In 1996 the Thai government initiated a registration program allowing employers to register migrants. The majority (over 70 per cent) did not participate either due to ineligibility or because employers were “unwilling to shoulder the government-imposed registration fee (US$40) and bond (US$200).” It is not yet clear how democratic and economic reform in Myanmar will improve the situation. One Shan worker in Chiang Rai reported to the researcher in 2012 that she returned to Myanmar following positive news reporting regarding democratic and economic changes. She discovered ongoing violent conflict in border areas and quickly returned to Thailand.  

Interviews conducted in connection with this research project demonstrated how small alterations to current policy can potentially have a great positive or negative impact. For example, participants noted the ability to obtain a driving license had improved  

292 See Koetsawang, Pim, In Search of Sunlight, Burmese Migrant Workers in Thailand, and Lang, Hazel, Fear and Sanctuary, Burmese Refugees in Thailand, for well-documented examples.  
confidence through the capacity to move around and seek employment without fear of arbitrary arrest. The ability of the government to provide registration services, however, is limited by a combination of factors including inadequate or inefficient bureaucracy, existing prejudice, unscrupulous employers, and a lack of knowledge or education. Corruption ensures that it is possible to ‘buy’ identification and citizenship documents. Many migrants interviewed were not aware of the process for obtaining identification documents. Lack of information and access to clear instructions about rights and obligations for migrants is a problem that could be rectified with modest resources.

The Thai government has determined that everyone in Thailand requires some form of identity document. The identification card has become an important measure of access to society. It is essential to take this document everywhere and present it to obtain access to social services. Even if you change your name and identity, the numbering system on the identity cards still identifies the ethnic origins of the bearer. The numbers in identification cards denote the level of access available to people living in Thailand to travel, go see a doctor, attend school or university, gain employment in certain sectors of the economy and so on. This numerically differentiated system of citizenship is the method adopted by Thailand for keeping track of citizens and outsiders. It has evolved from ancient methods of keeping track of subjects. The system is now sophisticated and involves electronic recording of data and biometrics (such as fingerprints).

There is still a measure of exclusion and discrimination in the hierarchical citizenship model adopted by Thailand that places some groups at the bottom of a very tall pyramid. There are complex historical reasons for many of these determinations, some of which are based on prejudice and lingering attitudes about ancient conflict that are largely irrelevant today. Thailand would benefit from a more inclusive approach. Criteria for allowing access to citizenship for children born in Thailand to foreign parents could be relaxed, for example. This will, in time, create a more inclusive society.

Thailand will be an attractive destination for migrants for as long as poverty, persecution, and political instability remain a fact of life in neighboring countries. It is therefore
critical for Thailand and the international community to continue to contribute meaningfully to the development and stability of the region. Migration has always been a constant factor in economic development, and it is important to demonstrate leniency and tolerance to include those persons fleeing conflict who have spent generations living in Thailand, including the Shan, Karen, Hmong, Lao, and Khmer migrants, among others.

Instead of perceiving entitlement as a national security issue, Thai authorities are encouraged to consider citizenship in a much broader context, to acknowledge the contribution of migrants, and develop more equitable methods to ensure access to social services. Citizenship should be offered not only to the children born of mixed marriages with Thai citizens and outsiders, but also to persons who have resided on Thai soil for all or most of their lives who can demonstrate allegiance and a connection to the country. Further research and consideration of the means to modify the complex differentiated model of citizenship adopted by Thailand should also be encouraged to seek more inclusive solutions where broader access is tolerated for the benefit of society.
Bibliography


Charnvit Kasetsiri (2), 1998, ‘Mon Ny Muang Thai’ (The Mon in Thailand), Thailand’s Neighbours in Southeast Asia series, Foundation for the Promotion of Social Sciences and Humanities Textbooks Project, Thailand Research Fund, Bangkok.


Cushman, Jennifer, 1975, *Fields from the Sea: Chinese Junk Trade with Siam during the Late Eighteen and Early Nineteenth Centuries*, PhD Dissertation, Cornell University.


Internal Displacement Monitoring Centre (IDMC), 2012, Lao People's Democratic Republic: Lack of independent access to resettled ethnic Hmong raises concern about achievement of durable solutions, viewed 8 April 2013, www.internal-displacement.org


Panananon, Chatchai, 1988, *Siamese “Slavery”: The Institution and Its Abolition*, (PhD Dissertation), University of Michigan, UMI.

Phongpaichit, Pasuk, Piriyarangsan, Sungsidh and Treerat, Nualnoi *Guns, Girls, Gambling, Ganja, Thailand’s Illegal Economy and Public Policy*, Silkworm, Bangkok


Pongkoon Angkinang, 1972, (in Thai), *Botbat Chao Chin nai Phathet Thai*, ‘(The role of the Chinese in Thailand), Prasarnmit University, Bangkok.


Pramoj, Kukrit, 1953, Four Reigns (Si Phaendin), Silkworm Books, Chiang Mai.


Reid, Anthony, 1996, Soujourners and Settlers, Histories of Southeast Asia and The Chinese,’ Allen and Unwin, St Leonards, NSW.


Rogers, Peter, 1969, Northeast Thailand from Prehistoric to Modern Times, Duang Kamol, Bangkok.


Stauffer (ed.) Selected Poetry and Prose of Coleridge, Random House, New York, 1951


Wanlipodom, Sirisak, 2001, Khwam Ru Reuang Muang Thai (Knowledge of Thailand), Pathanakan Tang Sangkhom-Wathanatam Thai (Socio-Cultural Development in Thai History), Amarintr, Bangkok.


Appendix 1: English Translations of Interviews

Category – Lived in Thailand for 23 years (name withheld).

Background

I moved to Thailand in the year (BE) 2531 (1988) as a contract labourer for 37 baht (about $1.30) per day. This was insufficient wage for my needs so I moved into the city (Chiang Mai). I can’t remember what day it was, about ten years ago. I recall it was the day the registry changed their procedures, and I was unable to obtain registration documents or legalise my status. I therefore worked without any documents as an undocumented illegal labourer.

I later moved to Bangkok for about a year to work. I faced problems there as I did not have proper documents and during crackdowns on illegal labour, I decided to move back to Chiang Mai to avoid detection. One day my sister in Wiang Haeng (on the Burmese border), advised me that Thai authorities were registering the occupants of houses. As my sister had obtained an identity card as a ‘highlander,’ and I had no legal status or documents, I decided to go there (in the hope of getting a registration). At that time it became possible for me to attempt to legalise my status. My child (daughter) purchased some land with a loan from the bank, and I was required to travel there to finalise the matter and regulate my legal status.

Answers to Questions

Are you a Thai citizen? If not, would you like to get Thai citizenship?

I don’t feel that I am Thai at all because it is not easy to become Thai. I just need documentary evidence to prove that I am able to reside in Thailand and that would be enough. I would like to obtain Thai citizenship so that I don’t feel that I am disadvantaged, and so other people don’t look down on me, and so it is easier and more convenient to find work.

Why do people need citizenship? Why is it useful?

Because citizenship for each person tells your true roots. Citizenship is a thing that tells where each person comes from.

Do you think Thai citizens should have equal access to education, health and other services? Should these services also be available to non-citizens or residents?

People should have the same rights, as people without citizenship also need access to medical services. Diseases don’t differentiate between people of different citizenship or background and affect all of us. Therefore people without citizenship need to pay extra to access medical services. This is not equitable.
Who do you think should be eligible for Thai citizenship (born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance etc)?

People who have lived in Thailand for a long time or those whose parents are Thai, as both of these should be able to provide evidence of their citizenship.

Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?

I think that this is a problem in some places as we can’t always perceive people without Thai citizenship as ‘bad’ people all the time. Thailand should be governed in a way that Thai people don’t always act in a selfish manner and take advantage of everyone else. Thai people sometimes take advantage of people who come to Thailand. Agents who find work for people without citizenship create problems as they take advantage of migrants. Selfish people use migrants and take advantages of them as they entered illegally. If Thai people were less selfish then the country’s development would improve.

How do you feel when people talk about people without citizenship in different ways, expressing views negatively?

If people speak of me in a positive way, then I am pleased. If people speak of me in a negative way, then I am discouraged as I have worked hard and contributed my fair share. If people speak badly of me, I find this discriminatory and unfair.

In your view, what is Thai citizenship?

Thai citizenship is a good citizenship. But Thai people are sometimes kind and helpful to others from other citizenships. This is evidenced by the assistance of some kind people who help others who need medical assistance; even if they came from another country they would receive the same access to medical services. Thai people should also provide the same wages to people from other countries for the work they perform.
Category – Mother is Thai, Father is Tai Yai (Shan). Has Thai citizenship.

Background

I was born in Mae Hong Son Province. My mother is Thai, but my father was Tai Yai (Shan) and does not have Thai citizenship. My mother registered my birth normally with the Thai authorities, but I didn’t receive Thai citizenship until I was three years old. My father passed away before he could obtain Thai citizenship. My mother took me to Chiang Mai after my father’s death, so could I finish High School.

At present I am still studying. I feel that part of my body is Shan and part of me is Thai, but I never expected this, or my father being Shan, would lead to discrimination.

Questions

Why do people need citizenship? Why is it useful?

Citizenship makes other people know which country we are part of, and what religion we adhere to. Everybody needs citizenship as this says who we are.

How does nationality (racial or ethnic origin) affect citizenship?

Citizenship is the letter of the law about where people are born. Some people may be born outside their country of nationality. Nationality is something that people have since they were born, from their ancestors. It is not something that can be changed.

Do you think Thai citizens should have equal access to education, health and other services? Should these services also be available to non-citizens or residents?

Maybe they should have the same access in some circumstances. Especially children born in Thailand from outsiders who have been here a long time should have the same access to education and medical facilities. This would be a good outcome for their children.

Who do you think should be eligible for Thai citizenship (eg. born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance etc)?

People born in Thailand should have Thai citizenship. People who were not born in Thailand should be able to apply for citizenship from the authorities.

Why do people need citizenship? Why is it useful?

Citizenship is useful because you can use this for different things such as to study, to attend the hospital for medical treatment, and for democratic participation.
If someone talked about the citizenship of your father, how do you feel?

If people speak of my father in a good way, that is OK, but if they speak badly, that’s too bad because I never thought my father’s origin or citizenship was a bad thing for me.

**How would you feel if you didn’t get citizenship from your mother?**

I would feel very bad. If I had to go to school and feel that I was strange because I didn’t have Thai citizenship I would be ashamed.

**Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?**

It is a big problem because illegal migrants are coming to Thailand in larger numbers and trying to find work. This is taking work from Thai citizens. When there is bad news about migrants and people without citizenship this is a problem because we don’t know who is good and who isn’t and it encourages people to think of migrants in a bad way.

We should solve this problem by limiting the number of outsiders or migrants in Thailand. People without citizenship or outsiders, or illegal migrants, should all be made to live together so they can be monitored and they can help each other.

If people without citizenship, migrant workers, or outsiders marry Thai people, the number of children should be limited to two in the family. If they have many children this will be a burden for the government in needing to look after them.
Category – Mother is Tai Yai (Shan) and child (interviewee) has a Thai identity card (Thai citizenship)

Background

My mother fled as a refugee and came into Mae Hong Son from Shan State (Myanmar) many years ago. She fell in love with my father. Their life was very difficult so my father left for another woman and I was left alone with my mother.

My mother took me to Chiang Mai to find work, but did not have any other identification for me, other than an identity card as a ‘highlander’ as my father did not originally register my birth or take any responsibility. My mother had identification as a ‘highlander.’

One day, I reached the age to attend school, but did not have any identification. In the end my father was Thai, and we were able to register my citizenship. Fortunately another relative assisted us to find other Thai citizens in the village and make a statement that I could be included in the registration of the village. Therefore I was able to obtain Thai citizenship because of the assistance of this person, who we considered a close family member. I was very lucky and grateful to be able to do this so owe a large debt of gratitude to the man who helped us at the time.

Questions

Are you a Thai citizen? If not, would you like to get Thai citizenship?

I think I am a Thai person with citizenship because I was born in Thailand, and I have Thai blood. I think Thai citizenship is an excellent thing, and I am proud to be Thai even though my mother was not Thai.

I have Thai citizenship, but if I didn’t I would need to get it because it is not possible to safely live your life in Thailand without Thai citizenship. It has a benefit for your safety, various rights and needs in society that Thai citizens can get. People living in Thailand therefore need to obtain Thai citizenship.

Why do people need citizenship? Why is it useful?

Because having citizenship as a member of the population identifies who you are, where you come from, and what access you have to political participation and social services.

What access to services does citizenship provide? What do you get from Thai citizenship?

The first thing I get from Thai citizenship is I have a Thai identity card. It gives me the approval of society, to be able to participate in education, and other rights.
I feel proud of the good things that other Thai people built, because I am a Thai person too and wish to contribute to this as well.

Do you think Thai citizens should have equal access to education, health and other services? Should these services also be available to non-citizens or residents?

I think there should be some access to social services, such as medical treatment, by outsiders, but perhaps they should pay a higher price to access these services.

Having obtained citizenship, how is this different from not having citizenship?

I feel that I am Thai in my heart and soul. It makes me more confident that I have citizenship.

How does nationality (racial or ethnic origin) affect citizenship?

I feel that citizenship decides the nationality of a person. Nationality can sometimes show the roots of citizenship, which might come from different reasons, like people who were not born in Thailand but lived there for a long time, so be able to then obtain citizenship. Citizenship and nationality determine the customs and culture of people.

Who do you think should be eligible for Thai citizenship (eg. born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

I think this is not a simple issue. Citizenship should be given to people who deserve it. Those who have been in Thailand for a long time, those who were born in Thailand, or those whose parents were born in Thailand should have access.
Category – Shan (Tai Yai) woman married to Thai citizen

Background

I moved to Thailand in BE 2547 (2004). I moved to Chiang Mai with my older sister. I worked as a domestic maid in a house, but the wage was very low, and the employer had a difficult routine so I resigned. One day someone suggested I seek proper registration so that I could work more freely, so I did. At the time I only had a foreign identification card that showed that I was a migrant worker. I met a Thai man during my studies at the Wat Pa Phao temple school in Chiang Mai. I was learning Thai language. I studied for two years so I could read and write and fell pregnant to my Thai husband.

At the time my status was complicated as I had two different identification cards. I first registered as a ‘highlander.’ I was also registered as a migrant labourer, so I had two concurrent identity documents. One was as a ‘highlander’ or foreigner. The other was as a registered foreign labourer. The two were not consistent or linked.

So when my child was born, I went to register the birth at the district office. I was advised my identity as ‘highlander’ was not valid as it had expired, and I was told to quickly update it. So in the registration of my child’s birth, I wrote that his father is a Thai citizen, and mother Shan. I was proud that my child was able to be a Thai citizen as my husband was a Thai citizen. I did not extend my migrant labour certificate any more as I have a new identity card that says ‘no status in registration’ (or ‘stateless person’).

Discussion with the participant showed that she initially experienced great difficulty obtaining Thai citizenship registration for her child, even though the birth was properly registered and the father was Thai. She explained that the Thai authorities originally denied the application and refused to issue the documents on the basis that she might have been lying about the father’s citizenship. She remained at the registry office in the district all day, cried, and protested until the certificate was duly issued.

Questions

Are you a Thai citizen? If not, would you like to get Thai citizenship?

I feel that I am a Thai person, because I have lived in Thailand long enough, and spent my time as a Thai person, but in reality I am not a Thai (citizen).

Why do people need citizenship? Why is it useful?

Citizenship helps to show the person’s citizenship (sic), and where they come from.
What access to services does citizenship provide? What do you get from Thai citizenship?

Yes I need Thai citizenship because it would allow me access to social services. It would allow me to travel freely. It would allow me to access loans, and other services that Thai people take for granted. It would enable me to obtain a driving license. I am often arrested by police and need to pay bribes and fines to ensure my release as I do not have a Thai driving license, and I am not eligible to obtain one.

Do you think Thai citizens should have equal access to education, health and other services? Should these services be available to non-citizens or residents?

It is not possible to make it equal, because the system does not allow people to be treated equally. It might be possible to enable access for highlanders, but they need to pay a higher price to access social services.

Who do you think should be eligible for Thai citizenship (born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

I think people who are born in Thailand should be able to get Thai citizenship. They might not have both parents as Thai citizens, but they should be able to present documents to enable them to get Thai citizenship. Being born in Thailand with one or other parents as Thai citizens should allow the children to be Thai citizens.

I am confident that my child would get citizenship because my husband is Thai.

Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?

It is a problem for Thailand because of all the foreigners. It is impossible to register them all and find their whereabouts, so when they commit crimes it is not possible to find them and make them accountable. The government should investigate everyone who does not have citizenship and register them to protect society. There should be emphasis on truthful answers, as this would protect people who come into Thailand.

How do you feel when people talk about people without citizenship in different ways, expressing views negatively?

I feel sad if I hear that, because I want to be Thai so nobody can look down on me. But I know that can’t be so I need to accept the things that will happen.
Category – Tai Yai (Shan) woman married to Thai citizen

Background

I was born in Chiang Dao District in Chiang Mai Province. My mother and father had ‘highlander’ (Tai Yai, Shan) registration. When I was born my mother and father did not register my birth as they did not think it was necessary.

After that I learned in a school near my house until I completed primary school but was not able to study further due to family problems. Therefore I could not study and traveled to Chiang Mai. A friend invited me to work in Mae Hia, so I met my husband and lived with him as husband and wife.

I had an identity card beginning with the number ‘6’ so I was not sure if I could get Thai citizenship. My husband said it did not matter and we could be happy whatever the case. My child was born and was able to get Thai citizenship because his father was Thai. I was very proud that my child was able to get Thai citizenship.

Questions

Are you a Thai citizen? If not, would you like to get Thai citizenship?

In my heart I feel that I am Thai, but I know that in reality I am not.

I need Thai citizenship for convenience, so that I can travel wherever I want, find work, and will not have people take advantage of me.

Why do people need citizenship? Why is it useful? What access to services does citizenship provide? What do you get from Thai citizenship?

Citizenship enables people to do business, buy a car and house, and travel freely.

Do you think Thai citizens should have equal access to education, health and other services? Should these services be available to non-citizens or residents?

People should have the same access to services as we all live in the same society. It doesn’t matter where people come from, or if they don’t have citizenship, everyone should have the same access to social services as this makes society run effectively. These services should be provided efficiently by the authorities.

Who do you think should be eligible for Thai citizenship (eg born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

All three: people should be able to get Thai citizenship. It depends on each case. There should be consideration of each case on its merits as to whether the person deserves to get
citizenship. Children born in Thailand, like my child, should get citizenship because the father is Thai, and they are eligible for citizenship.

**Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?**

It is not a very big problem, if people came into Thailand legally, do the right thing, and are good members of the population then there should not be any problems.

**How do you feel when people talk about people without citizenship in different ways, expressing views negatively?**

I feel very sorry as what is the difference between people who don’t have Thai citizenship? They are people too! We should help each other and not discriminate as we are all part of humanity.
Category – Person who was initiated as a monk and studied in Thailand but does not have citizenship

Background

I came to Thailand 18 years ago with my parents to Mae Hong Son. I later moved to Chiang Mai. When I was 12, I was ordained as a novice and lived in a temple. I don’t have any identity documents whatsoever to prove who I am. But I have a paper that shows that I stay at the temple. Now I am a monk and study in a religious university. ‘Another part of me, I am a normal person (sic),’ who is included in the house registration of my aunt as a ‘person without status’ (undocumented migrant).

Questions

Are you a Thai citizen? If not, would you like to get Thai citizenship?

I don’t think I am a Thai person at all, but I have good intentions for Thai society, religion, and the monarchy. I think all of us are the same, and the only difference is the citizenship category we are placed in.

I don’t think I am Thai. I need to get Thai citizenship so I can gain a higher education, find employment, and seek access to medical services. It is needed for all of that.

Why do people need citizenship? Why is it useful?

People need citizenship because it is a symbol of the person’s place in society to establish unity. It is the law of each country that governments require. The people in each country need to provide evidence they belong to that country.

If one day you get Thai citizenship, how will it feel different?

I will be glad if I get Thai citizenship. At least, I will be one person in Thailand with a proper legal status. I hope the Thai government will have the humanity to give me citizenship to recognize my contribution to Thailand.

Do you think Thai citizens should have equal access to education, health and other services? Should these services also be available to non-citizens or residents?

Everybody should have the same access to social services, as everybody who lives in Thailand has feelings and has a life. There should be order to avoid problems later.
How does nationality (racial or ethnic origin) affect citizenship?

It is related and important. I am Shan. They are related as citizenship is more than a piece of paper and should ultimately reflect reality.

Who do you think should be eligible for Thai citizenship (eg. born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

All three apply. People born in Thailand should get citizenship. People who have lived in Thailand should also get citizenship as they understand society. People born in Thailand should citizenship.

Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?

It is a problem because people don’t have any education and create social problems for Thailand. The government should help the population in a measured way to improve awareness and allow people to live their lives. If people live in society without citizenship this will be a problem. We should encourage them to study about Thailand once a week. The government should consider giving rights to these people.

How do you feel when people talk about people without citizenship in different ways, expressing views negatively?

In my opinion, people shouldn’t say things like that. There is separation in Thai society. People without citizenship are discriminated against and perceived in a negative way. This is not good for the society.
Category – Person living in Thailand with a foreign identification

Background

I came to live in Thailand (from Shan State in Myanmar) eight years ago. When I arrived in Mae Hong Son I was scared to go anywhere in case the police arrest me. After that I came to live in Chiang Mai when brokers took me to find work there. I worked at a restaurant, but was forced to resign as I could not understand Thai and had to work too hard. After that I found work in Lampang. At the time I was an undocumented worker. I faced the same problems in Lampang, as I had no documents.

So I returned to Chiang Mai again to work in a factory. I had no identity documents and requested help from my employer. My employer responded that it was not necessary to have documents. I resigned from that job and found another broker who offered to help me register as a foreign worker. By that time my understanding of Thai had improved and I obtained registration as a foreign worker. I worked as a housemaid in a hotel, where I met a man and fell in love. The man took pity on me and took me to work with him. We lived together after that, but did not marry.

Questions

Are you a Thai citizen? If not, would you like to get Thai citizenship?

I don’t have Thai citizenship, but if I had the chance I would get it.

Why do people need citizenship? Why is it useful?

People need citizenship to know what citizenship they are.

What access to services does citizenship provide? What do you get from Thai Citizenship?

Citizenship is good so you can travel freely wherever you want. You can live in Thailand, and have better employment prospects. You can marry a Thai person, and can conduct business in your own name, instead of in the name of other people.

Do you think Thai citizens should have equal access to education, health and other services? Should services also be available to non-citizens or residents?

People don’t have the same opportunities because citizenship is important in giving access to rights. If people don’t have Thai citizenship they don’t have the same access to rights as those who do.

Having obtained citizenship, how is this different from not having citizenship?

I would be very glad if I could receive a Thai identification card.
Who do you think should be eligible for Thai citizenship (eg. born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

Children born of Thai mothers or fathers should get citizenship as this is their right.

Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?

I think this is a problem for the country. It will follow people because they don’t have any evidence of where they came from. It has an impact on people who didn’t do anything wrong, and because of this it makes Thai people view foreigners in a negative way from the very beginning. It creates mistrust.

The way to solve this is for the Thai government to register people who enter Thailand without identity documents. The people without documents and the brokers should be registered to make it easier. This would assist in resolving many of the problems faced by foreign workers in Thailand as well.
Category – Holder of ‘highlander’ identification card, but is an employer of foreign workers.

Background

I came to Thailand in 2538 (1995). I came through Mae Hong Son Province and started work as a construction labourer in the refugee camp. At that time I had no identification documents whatsoever. In one year, my employer was able to register me as a foreign worker. At that time the Mae Taeng District gave the opportunity for ‘highlanders’ to normalize registration. I therefore registered my entire family, with brothers and sisters.

My relatives and I combined our resources to purchase land as evidence of a place of abode. I then obtained a ‘highlander’ registration document as evidence of my identity. After that I worked as a gardener, but the pay was very low. I was always a hired labourer. My employer was kind, however, and allowed me to take up additional jobs after hours. My life improved through hard work. Later I was able to get a driving license and access to the hospital. This was a good thing for me, and I was able to become a useful person in Thai society.

Questions

Are you a Thai citizen? If not, would you like to get Thai citizenship?

I don’t think I am Thai. I know my ancestors were not Thai and I was born outside Thailand.

Why do people need citizenship? Why is it useful?

Everybody needs citizenship to prove who they are.

What access to services does citizenship provide? What do you get from Thai citizenship?

I would like to have Thai citizenship so I do not face discrimination and I can buy a house in my own name.

Do you think Thai citizens should have equal access to education, health and other services? Should services also be available to non-citizens or residents?

I don’t think people should receive the same access as foreigners should not be able to have the same rights as Thai people.
Who do you think should be eligible for Thai citizenship (eg. born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

People who live in Thailand for a long time should be eligible, but this must be in accordance with the government’s rules from time to time, and there should be consideration of each case to decide whether the person is eligible for citizenship or not. A person whose father or mother is Thai should also be able to have Thai citizenship.

Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?

It is a problem for Thai society, especially for people without any documentation, because if they commit crimes it has an impact on society. But people who behave in a good way don’t present problems. There should be a consistent registration system for foreign workers across Thailand so resolve this problem.

There should be an official whose responsibility it is to provide advice about making a foreign registration certificate, working in Thailand, living in Thai society.

How do you feel when people talk about people without citizenship in different ways, expressing views negatively?

If people don’t have citizenship do bad things then they deserve to be spoken of in a negative way. But if people without citizenship didn’t do anything wrong or receive discrimination, then we shouldn’t pay any attention because they didn’t do anything wrong. If people who don’t have citizenship do the wrong thing then this behavior also has an impact on other people without proper documents living in Thailand.

How do you feel about highlanders being allowed access to driving licenses?

I feel good about this, as I was able to sit the driving license test and pass, which had a positive impact for me in being able to travel and move about more conveniently. I have documents that enable me to travel and drive in the same way a Thai person does, even though I am not a Thai citizen.
Category – Thai citizen by birth (1)

Background – Thai person.

Questions

Do you think people who come to Thailand should be able to apply for Thai citizenship or not (and why not)?

Yes, because Thailand is a country that people want to live in. Thai people are friendly and it is easier to live in Thailand without fear of persecution.

You can keep the money you receive from your efforts to improve your quality of life.

Why do people need citizenship? Why is it useful?

It helps us know where people come from, and which country they came from. This makes it easier to distinguish, both for the population and the government.

If people have identity documents then we can tell which country they come from. If they don’t have any identity documents then we should imprison them, as they may have entered Thailand illegally. Identity cards are important and everybody should have one.

Do you think Thai citizens should have equal access to education, health and other services? Should these services also be available to non-citizens or residents?

People should have the same rights as we are all humans. Even if we have different citizenships, people should have equal rights, because access to social services and political participation are important to continue to improve society and quality of life.

If someone gets Thai citizenship, what do they receive for it?

I feel proud if they get citizenship. I feel that they have received the acceptance of society. I feel that they would then be free to travel as they wish.

How does nationality (racial, or ethnic origin) affect citizenship?

I think that ethnicity has an impact on citizenship, because citizenship can tell what ethnicity the person is from. The most important thing is that a person can change their citizenship if they wish, but they can not change their ethnicity because it is something you are born with.
Who do you think should be eligible for Thai citizenship (eg. born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

People who have a Thai mother or father should receive Thai citizenship as it can be proven that they have a right to citizenship.

Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?

It is an important problem for Thailand because if people don’t have citizenship and commit crimes it is difficult to bring them to justice. There is no evidence to show where the person comes from or who they are. The way to resolve this is for the government to investigate people in each area and provide registrations for foreigners.

In conducting these registrations the government should collect detailed data from people. This should provide evidence about where they come from and how to contact them. There should be an emphasis on providing true information.
Category – Thai citizen by birth (2)

Background – Thai person.

Questions

Do you think people who come to Thailand should be able to apply for Thai citizenship or not (and why not)?

I think people who don’t have citizenship are the same. The only difference is their citizenship. People without Thai citizenship who enter Thailand often come to work and have good intentions without wanting to conduct any illegal acts in Thailand.

Why do people need citizenship? Why is it useful?

People need to receive the same benefits, just like Thai people, including a better quality of life.

Do you think Thai citizens should have equal access to education, health and other services? Should these services also be available to non-citizens or residents?

People should receive the same access, if they behave well. If they do wrong, then they should not receive the access. There should be some consideration of this.

There should be some analysis of the people to avoid problems later. Therefore if Thailand does this people will know the value of Thai citizenship, otherwise there will be too many people coming in to Thailand to take advantage of us.

If someone gets Thai citizenship, what do they receive for it?

They receive the same rights as Thai citizens. They get an identity card.

How does nationality (racial or ethnic origin) affect citizenship?

There is an impact directly from the birth of the person. The persons roots are established during their birth and this can tell their identity. For example, to work for the government it takes time to get the right qualifications. People who were not born in Thailand don’t have access to these positions, and I think that is OK. Some positions are reserved for people who were born in Thailand and are ethnically Thai.

Who do you think should be eligible for Thai citizenship (eg. born in Thailand, long-term residency, born to Thai parents, willing to pledge oath of allegiance)?

Children born of a Thai mother or father should have access to Thai citizenship.
Do you think the issue of people without Thai citizenship is a problem for Thailand? How do you think the government should address this problem?

This is a serious problem for the country because we don’t know if the people are coming in are good or bad people.

There should be a background check on the people coming in to Thailand so they have a registration system. If the people don’t have good character then they should be returned to their country of origin. In each occupation group they should be made to work in a certain area by quota (so as not to take too many positions). Otherwise there will only be people without citizenship coming in to Thailand to take jobs and this will be a difficult problem for the country.
Appendix 2: Categorisation of Identification Cards

The differentiation of citizenship is enforced through the system of documentary evidence used to categorise people in a hierarchical system of social stratification. The identification cards in Thailand use identifiable digits to classify ethnic origins, limiting movements and access to social services. The categories of the identification cards are described here.

The first number on an identity card signifies the category. There are 8 categories as follows:

Category 1 - Includes people born in Thailand with Thai citizenship, whose birth was registered within the required period, meaning any child born since 1 January 1984, which was the first day of the announcement allowing all people to have the 13 digit identification card. When the father or mother or legal guardian register the birth at the district or registration office of residency within 15 days of the birth, as the law requires, that child will be considered a category 1 person and have an identification card beginning with the sequence 13 1006 01263 52 2.

---

Category 2 includes people who were born in Thailand with Thai citizenship, whose birth was registered after the required period. Meaning any children born after 1 January 1984 whose guardians forgot to register the birth within the required 15 days. Once they are registered, these people will be listed as category 2 on the house registration and their identification documents will commence with the number 2.

Category 3 includes Thai people and foreigners that have important identity documents and have been registered in a house registration since the beginning of the registration process (that is since before 31 May 1984). Meaning that whoever was registered in the house registration, whether Thai or foreigners without identity documents, before 31 May 1984, that person will be a category 3 person and their identity documents shall commence with a number 3.

Category 4 - This category includes Thai people and foreigners that have important foreign identity documents, but don’t have an identity number and didn’t register their presence after the initial period. Thai people or foreigners that possess foreign identification cards who might belong in category 3, because they are listed in the house registration but don’t yet have a personal identity number or moved before 31 April 1984, will be considered in category 4.

Category 5 - includes Thai people who have been granted permission to be added to the house registration certificate because they were initially excluded or for other reasons, such as people with dual citizenship.

Category 6 - people who have been granted permission to be added to the house registration certificate because they were initially excluded or for other reasons, such as people with dual citizenship.
Category 6 - This group includes people who entered Thailand illegally or people who entered legally but are only residing in Thailand temporarily. For example, people who are living in Thailand but don’t yet have Thai citizenship because they have not yet received official recognition. This includes ethnic groups situated on borders and upland minorities. These groups are considered to have entered illegally. In the case of people who entered legally, but are residing temporarily, such as tourists or foreigners who travel to Thailand, even if they have a foreign passport but may be married to a Thai person, they may be entitled to register their history and be included in the house registration as a husband or wife. These people comprise category 6.

ประเภทที่ 7 - คือบุตรของบุคคลประเภทที่ 6 ซึ่งเกิดในประเทศไทย บุคคลกลุ่มนี้ในทะเบียนประวัติจะมีเลขประจําตัวขึนต้นด้วยเลข 7

Category 7 includes those people in category 6 who were born in Thailand, who will be entitled to be registered in their identification card as category 7.

ประเภทที่ 8 คือคนต่างด้าวที่เข้าประเทศไทยโดยถูกต้องตามกฎหมาย คือผู้ที่ได้รับใบสําคัญประจําตัวคนต่างด้าว หรือผู้ที่ได้รับการแปลงสัญชาติเป็นสัญชาติไทย และคนที่ได้รับการให้สัญชาติไทยตั้งแต่วันที่ 31 พฤศจิกายน พ.ศ. 2527 เป็นต้นไปจนปัจจุบัน คนทั่วไปในประเภทนี้จะมีเลขประจําตัวเลขสูงสุด 5 และ 4,3 ประจําตัวประชาชนได้ก็ถือว่าเป็นบุคคลประเภทที่ 8 โดยจะมีการออกบัตรประชาชนได้ใน 15 ปีแรก เว้นแต่บุคคลประเภทที่ 6 ประเภทที่ 7 หรือประเภทที่ 8 ไม่มีการออกบัตรประชาชนได้

Category 8 - includes foreigners who entered legally. That is, people with valid foreign identity documents, or those who have been granted Thai citizenship, and those who have been granted citizenship after 31 April 1984. Of these eight categories, only categories 3, 4, and 5 will be entitled to an identification card. As for categories 1 and 2, they will only be entitled to receive an identification card once they have reached mature age (15 years). As for those people in categories 6, 7, and 8, they will only be entitled to a yellow registration certificate and will not be entitled to receive an identification card.
Appendix 3: Chronology of Historical Events

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1259 – 1317</td>
<td>Reign of King Mengrai in Lan Na; Kingdoms of Sukhotai, Lampang and Phayao founded by his cousins.</td>
</tr>
<tr>
<td>1351</td>
<td>Founding of Kingdom of Ayuthaya</td>
</tr>
<tr>
<td>1462</td>
<td>King Tilok of Lannathai (Chiang Mai) conquers 11 Shan municipalities and relocates 12,328 people.</td>
</tr>
<tr>
<td>1638 – 1695</td>
<td>Apogee of Lao Kingdom; Lane Xang Era; First evidence of European influence in Laos; Siamese expedition to capture rebel town of Khorat (1691).</td>
</tr>
<tr>
<td>1733</td>
<td>Chinese uprising against palace in Ayuthaya; 40 ringleaders (out of 300 rebels) captured and executed.</td>
</tr>
<tr>
<td>1767</td>
<td>Sacking of Ayuthaya in Siam by Burmese forces. Burmese troops destroy the city and take thousands of captives. Migration of Siamese to Bangkok; Start of King Taksin's reign and Siamese campaign to conquer Cambodia and Laos and capture slaves.</td>
</tr>
<tr>
<td>1771</td>
<td>Founding of Siamese capital at Thonburi following conquer of Ayuthaya.</td>
</tr>
<tr>
<td>1778 - 1779</td>
<td>Siamese invasion of Vientiane; Deportation and mass migration of Lao; Capture of Lao ‘Prince’ Somdet Phrachao Anouvong (Chao Anou) by Siamese; Vientiane declared a vassal state of Siam;</td>
</tr>
<tr>
<td>1781</td>
<td>Over 10,000 Chinese colonists slaughtered by Vietnamese.</td>
</tr>
<tr>
<td>1785</td>
<td>Vietnamese Prince Nguyen Anh (subsequently Gia Long) arrives in Bangkok with the remnants of army defeated by Tay Son rebels. In an effort to cement Vietnamese-Siamese relations, Prince Anh offers his sister in marriage to King Rama I.</td>
</tr>
<tr>
<td>1782</td>
<td>Siamese capital moved from Thonburi to Bangkok; Bangkok Era. King Yotfa appoints Bunnag as Kalahom (Minister for Defence); The term ‘subject’ ceases to be synonymous with the term ‘citizen’ under US law. Prince Nguyen Anh returns to Vietnam and many of his soldiers remain in Siam in the Siamese armed forces. Nguyen Huynh Duc arrives in Bangkok with 5,000 soldiers seeking to join forces with Prince Anh, but finds he has already returned to Vietnam. He negotiates transport back to Vietnam, but two-thirds of his soldiers stay behind permanently in Siam.</td>
</tr>
<tr>
<td>1787 - 1788</td>
<td>Bloody suppression of workers' revolt in Taiwan.</td>
</tr>
<tr>
<td>1816</td>
<td>East India Company increases opium trade with China.</td>
</tr>
<tr>
<td>1820</td>
<td>Death of Vietnamese Emperor Gia Long; Decline of Annam; Siam-Annam conflict over Xieng Khouang (now part of Lao PDR).</td>
</tr>
</tbody>
</table>

295 (Plender, 1988, p.10).
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1824</td>
<td>Religious persecution provides French with justification for military involvement to protect Christians in Vietnam.</td>
</tr>
<tr>
<td>1824</td>
<td>Chinese Revolt in Chantaburi (Siam).</td>
</tr>
<tr>
<td>1824 - 1826</td>
<td>First Anglo-Burmese War.</td>
</tr>
<tr>
<td>1826 - 1827</td>
<td>Ascendancy of Chakri dynasty in Siam; Siam suppresses Lao rebellion led by Chao Anou and sack Vientiane for second time; Six thousand families removed from Laos to Siam as slaves.</td>
</tr>
<tr>
<td>1839</td>
<td>Opium War between Britain and China.</td>
</tr>
<tr>
<td>1842</td>
<td>Treaty of Nanking concluded between China and Britain Chinese mass-migration to Siam (and British colonies in Malaya and elsewhere) by sea. Chinese Revolt in Siam at Nagor Chaisri against tax and working conditions. Prussian Law of 1842 replaces terms 'subject' and 'allegiance' with 'national' and 'nationality'.</td>
</tr>
<tr>
<td>1843</td>
<td>Hong Kong ceded to Britain; Canton, Shanghai, Amoy, Foochow, and Ningpo opened to British opium imports.</td>
</tr>
<tr>
<td>1844</td>
<td>Commencement of steam ship trade between Siam and China.</td>
</tr>
<tr>
<td>1845</td>
<td>Chinese Revolt in Langsuan (Siam).</td>
</tr>
<tr>
<td>1848</td>
<td>Chinese Revolt at Chieng Sao (Siam).</td>
</tr>
<tr>
<td>1850</td>
<td>Taiping Rebellion breaks out in eastern Kwangsi (China).</td>
</tr>
<tr>
<td>1851</td>
<td>Beginning of King Mongkut's reign (r. 1851 - 1868).</td>
</tr>
<tr>
<td>1852</td>
<td>Second Anglo-Burmese War.</td>
</tr>
<tr>
<td>1853</td>
<td>Birth of Chulalongkorn (r. 1868-1873); Discovery of gold in Victoria; First Chinese settlers land in Victoria, Australia.</td>
</tr>
<tr>
<td>1856</td>
<td>&quot;Arrow&quot; War, China in conflict with the West.</td>
</tr>
<tr>
<td>1857</td>
<td>British and French troops occupy Canton.</td>
</tr>
<tr>
<td>1858</td>
<td>French troops seize Saigon; China signs treaties with Britain, France, Russia, and the United States, extending foreign privileges.</td>
</tr>
<tr>
<td>1860</td>
<td>Chinese renge on treaty terms; British and French troops occupy Peking; Convention of Peace between China and Great Britain; Chinese are free to migrate; Thousands of Chinese labourers employed in mines and rubber plantations of British Malaya.</td>
</tr>
<tr>
<td>1861</td>
<td>French Navy attacks Saigon (Cochinchina).</td>
</tr>
<tr>
<td>1862</td>
<td>Saigon Treaty; France takes control of Cochinchina.</td>
</tr>
<tr>
<td>1863</td>
<td>Protectorate Treaty between France; Prince Norodom requires Khmer to hand over to France conduct of the country's foreign relations and prohibits the King from receiving foreign consuls without French authorization; In return, France pledges to &quot;protect&quot; to the kingdom, maintain order, and guard against external attack.</td>
</tr>
<tr>
<td>1864</td>
<td>Cambodia is proclaimed French Protectorate.</td>
</tr>
</tbody>
</table>

---

296 Jules Harmand interviewed survivors from the carnage and described the massacre as "la grande guerre" (Ngaosyvathn, 1998, p.60). The surviving population of Vientiane was dispersed and members of towns on the east bank were displaced to the west bank of the Mekong to prevent further rebellion.  
297 (Parry, 1957, p. 4).  
298 Two thousand Chinese ‘coolies’ could now travel on a single ship as opposed to the small numbers that could previously travel on Junks (Landon, 1941, p. 198).  

---

180
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1868</td>
<td>End of King Mongkut’s reign (r. 1851-1868); Chulalongkorn becomes King of Siam at the age of 15 (r. 1868-1910); Siam abandons territorial claims over Cambodia but retains Battambang and Siem Riep; Commencement of Meiji Restoration in Japan; Founding of Tokyo (Edo) as capital city.</td>
</tr>
</tbody>
</table>
| 1870 | Conclusion of treaty between the United Kingdom and the United States to “regulate the citizenship of the British subjects who have emigrated … to the United States of America”
| 1871 | King Chulalongkorn visits British colonies in Singapore and India, and Dutch colony in Java; Chulalongkorn introduces court reforms; First announcement (Siam Repository July 1871) that Siam would abolish slavery (that) (did not take effect until 1905). |
| 1872 | First Chinese students go abroad. |
| 1877 | Restrictions on Chinese access to goldfields in Australia. |
| 1878 | China sends first ambassadors abroad. |
| 1884 | Sino-French War; Annam (Vietnam) becomes a French protectorate. French conquest of Tonkin. |
| 1885 | Third Anglo-Burmese War; Myanmar becomes part of British Empire; French Mission established to “protect the rights of the Court of Hue over Laos.” |
| 1887 | French Government establishes Vice-Consul at Luang Prabang; Vietnamese invade Luang Prabang under Deo Van Tri; Cambodia and Vietnam (Cochinchina, Annam, and Tonkin) united under the Indochinese Union; Laos is added six years later. |
| 1888 | Franco-Siamese Agreement after a stand-off at Thaeng (Dien Bien Phu) establishes crude borders between Siam and Annam. |
| 1890 | Treaty between the United States and China sets out terms on which the United States could restrict admission of Chinese labourers. China's early industrialization: Han-yang foundaries; Li Hung-chang establishes China's first modern textile factory in Shanghai. |
| 1891 | Institute of International Law at Hamburg (1891), Geneva (1892), and Lausanne (1898) indicated that the first of the restrictions of international law is that a state "cannot isolate itself from foreign states or their subjects." |
| 1892 | Anti-foreign writings prohibited by Peking; floods, famine in China; Sun Yat-sen founds China Resurrection Society |
| 1893 | Treaty between France and Siam establishes French sovereignty over Laos after gunboat diplomacy at Paknam; Franco-Siamese treaty; Siam abandons claims to territory east of the Mekong; Siam pays an indemnity of three million francs to France; China's first newspaper founded; Mao Tse-tung is born (26 December). |
| 1894 | Tung-hak Rebellion in Korea unleashes Sino-Japanese War. |

299 (Plender, 1988, p. 10).
300 (Panananon, 1982, p. 197).
301 (Gunn, 1988, p. 27).
302 (Plender, 1988, p. 2).
1895  
China defeated; Treaty of Shimonoseki; Japan obtains Taiwan, the Peng-hu Islands (Pescadores) and Liaotung Peninsula in Manchuria; China pays war damages to Japan.

1896  
Anglo-French agreement on Siam. England recognizes France's 1893 territorial gains; Both guarantee Siamese independence.

1899  
Boxer rebellion begins; John Hay proclaims "Open Door Policy"; French annex the Chan-chiang region in western Kwangtung.

1900  
Boxers occupy Peking and besiege foreign embassies; Boxer-led anti-foreign influence spreads; international expedition to Peking and declaration of war on China; allied nations occupy Peking; pace of industrial development in China increases.

1901  
Immigration Restriction Act (basis for White Australia Policy).

1904  
Franco-Siamese treaty on Cambodian frontier; Russo-Japanese War breaks out; fighting in Manchuria; Japanese are victorious.

1905  
Act on the Abolition of Slavery introduced by Rama V (King Chulalongkorn). Introduction of Military Conscription in Siam.

1906  
Franco-Siamese Commission established to demarcate Cambodian border; Constitutional government proclaimed in Peking.

1907  
Treaty between France and Siam establishes borders of present-day Laos and Cambodia; France relinquishes three Cambodian provinces - Battambang, Sisophon and Siem Reap - to Siam.

1910  
End of Chulalongkorn's reign (1868 - 1910); Commencement of King Vajiravudh's (Rama VI) reign (r. 1910 - 1925); Chinese residents in Bangkok riot against new taxation law; evidence in census of larger numbers of female Chinese migrants in Siam raises concern; New Siamese taxation law introduces a capitation (head) tax on all residents, regardless of race; Division of north-east China into Russian and Japanese spheres of influence.

1911  
Naturalization Law (No. 130) introduced in Siam (18 May 1911); Republican insurrection of Wu-chang (10 October 1911); Manchu Dynasty (1644-1911) overthrown in China.

1912  
Dr Sun Yat-sen inaugurates the Chinese Republic in Nanking (1 January 1912); Sun Yat-sen soon yields power to General Yuan Shih-kai who transfers republican government to Peking.

1913  
First Nationality Laws passed in Siam (10 April 1913); Yuan Shih-kai President of China; Sun Yat-sen flees to Japan.

1914 - 1918  
World War I.

1914  
King Rama VI publishes racist tome denouncing Chinese influence entitled “The Jews of The East” under nom de plume (Asavabahu).

1915  
Japan presents Twenty-one Demands to China; anti-Japanese demonstrations; Yuan Shih-kai proclaims himself Emperor.

303 Turton, 1980, p. 284, points out the importance of these two Acts being introduced in the same year.
304 The Chinese were accustomed to paying a moderate tax once every three years, and were required to report to the nearest police station. They received a receipt in the form of a wax seal, which they wore on their wrists to show Thai police, “who were extremely active for a few months, that the tax had been paid” Landon, 1941, p. 32-33.
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1916</td>
<td>Thousands of Cambodians march on Phnom Penh to protest taxes and forced labour imposed by French; 500 arrested and imprisoned.</td>
</tr>
<tr>
<td>1917</td>
<td>Canton government declares war on Germany in World War I; China declares war on Germany; Russian Revolution begins.</td>
</tr>
<tr>
<td>1919</td>
<td>Paris Peace Conference gives Japan former German possessions in China; violent anti-Japanese demonstrations in China; Mao Tsetung organizes Hunan Students Union to direct strikes and boycott Japanese goods; Students protesting against civil war massacred in China; Census records 54,727 Chinese (born) women in Siam.</td>
</tr>
<tr>
<td>1920</td>
<td>Chinese Communist Party founded in Shanghai.</td>
</tr>
<tr>
<td>1921</td>
<td>Kuomintang revived; Sun Yat-Sen President of Kwangtung; Mao Tse-tung at First CCP Congress; Comintern contacts Sun Yat-Sen.</td>
</tr>
<tr>
<td>1923</td>
<td>Unification of Kuomintang and Communist Party under Dr Sun Yat Sen. 200 strikers massacred during general strike led by the Chinese Communist Party against Peking-Hankow railway.</td>
</tr>
<tr>
<td>1925</td>
<td>End of King Vajiravudh's (Rama VI) reign (r. 1910-1925); Beginning of King Prajadhipok's (Rama VII) reign (1925 - 1935); Death of Sun Yat Sen. General strikes in Shanghai spread to other cities; Protesting students massacred in China; Chiang Kai Shek's power grows with the assistance of Soviet advisor Borodin.</td>
</tr>
<tr>
<td>1927</td>
<td>Introduction of Siam’s (first) Immigration Act and border controls; Split between Chinese Communist Party and Kuomintang; Chiang Kai-shek launches &quot;White Terror&quot; against Communists in Shanghai; Kuomintang-Wuhan government overthrown; Mao Tsetung leads insurrection in Hunan; Canton commune crushed; Mao Tse-tung establishes revolutionary base in Chingkang Mountains.</td>
</tr>
<tr>
<td>1929</td>
<td>Ho Chi Minh visits Siam as Comintern representative and establishes resistance against French. Siamese Census records 131,510 Chinese (born) women in Siam.</td>
</tr>
<tr>
<td>1930</td>
<td>Chiang Kai-shek conducts &quot;bandit extermination&quot; campaigns against Communists.</td>
</tr>
<tr>
<td>1931</td>
<td>Siamese Immigration Amendment Act significantly increases fees for residence certificates and establishes a literary test to discourage Chinese labour migration; Japanese forces take Manchuria; Nanking government prohibits anti-Japanese demonstrations; Chinese Republic formed in Kiangsi.</td>
</tr>
<tr>
<td>1932</td>
<td>Abolition of absolute monarchy in Siam (November); Establishment of constitutional monarchy; National Assembly is created; New Constitution states: “the supreme power of the country belongs to the people;” Japanese take Shanghai; Japanese found 'Manchukou;' Communists declare war on Japan; Kuomintang sign armistice with Japan.</td>
</tr>
</tbody>
</table>
| 1933 (and 1936) | Siamese government closes Chinese schools; Japanese advance in northern China; Minister of Economy, People's Party member Pridi

305 Thailand, Official Yearbook, 1964, p.28.
Panomyong (1900 - 1983) presents a National Economic Policy based on a liberal "socialist" pattern and is accused of being a communist; Communist tendencies are punishable by 10 years imprisonment; resignation of cabinet members including Pridi Panomyong, who escapes into exile abroad.

1934
King Rama VII. leaves for Europe; Pridi Panomyong is allowed to return to Bangkok and is cleared of charges of being a communist.

1935
King Prajadhipok (r. 1925 - 1935) abdicates leaving no successor; National Assembly proclaims his nephew, Prince Ananda Mahidol, a boy of 10, as heir to the throne; As the new monarch (given the title of Rama VIII) (r. 1935 - 1946) is underage and staying with his family in Switzerland where he attends school, the National Assembly appoints a Council of Regency to act on his behalf; Student demonstrations against Japanese occupation of China.

1936

1937
Siamese Immigration Act of 1937-38 increases fees to two hundred baht; 188,534 Chinese (born) women in Siam; War breaks out in China; Chiang Kai-shek captured by Manchurian troops.

1938
Pridi Panomyong, aided by the army group of Phibul Songkhram, a key military leader in the suppression of the attempted coup d'etat of 1933, oust Prime Minister Bahol; Phibul Songkhram is appointed Prime Minister by the Council of Regency; He concurrently takes the post of Minister of Defense; Pridi Panomyong becomes Minister of the Interior. ‘Siam’ renamed ‘Thailand;’ Combined impact of the new Immigration Act and the closing of Chinese schools prompts departure of 12,000 Chinese from Siam.

1939
Amendment to the Alien Registration Act introduces an annual registration fee (replacing ‘head-tax’) and requires aliens to register every year with the authorities; World War II begins; Thailand declares neutrality, then signs a treaty and becomes ally of Japan.

1940
Non-aggression pacts concluded by Siam with Britain and France; Thailand launches an offensive against French forces in Indochina. Thai Airforce bombs French troops in Vientiane, Pakse, Savannakhet, and Saravane.

1941
Japan and Thailand sign an agreement that Tokyo will assist Bangkok to regain territories lost to Britain and France; Thailand undertakes to assist Japan in the war against the US and the United Kingdom; French Airforce reciprocates by bombing Ubon, Sakhone and Udon; Japan demands free passage to attack British forces;

---

306 This attempt at revenue raising was extremely profitable, delivering 2,931,875 baht into a total government revenue of 108,908,502 baht. The new law also placed the responsibility for the entrance of the alien upon the carrier, making it a serious (and costly) offence to smuggle aliens into Siam. Immigrants were required to provide evidence of an independent income or means of support. These changes radically altered the movement of foreigners (especially Chinese) into Thailand and the number of new arrivals was for the first time less than the number of departures (Landon, 1941, p. 211).
Thai Navy is defeated by French (800 killed and fleet destroyed) in naval battle near Sichang island. (7 January 1941).

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1942</td>
<td>Phibul Songkhram takes control; Communist forces operating in Siam since 1927 found the Communist Party of Thailand (CPT).</td>
</tr>
<tr>
<td>1943</td>
<td>Pridi Panomyong organises resistance against the Japanese in co-operation with the Free Thai Movement in the US, founded by the Siamese Ambassador to Washington, Seni Pramoj, who refused to deliver Prime Minister Phibul Songkhram's Declaration of War against the US to the US Government.</td>
</tr>
<tr>
<td>1944</td>
<td>Phibul Songkhram's government is toppled by National Assembly; Khuang Aphaiwong (1902-1968) is appointed Prime Minister; restores titles of nobility; political prisoners are released.</td>
</tr>
<tr>
<td>1945</td>
<td>Declaration of Lao independence under Japanese rule (8 April 1945); Atomic bomb is dropped on Hiroshima and Nagasaki; World War II ends; Siam's Declaration of War on the US and Great Britain is repudiated by Pridi Panomyong, Regent of Siam on behalf of King Mahidol (studying in Switzerland); Ho Chi Minh proclaims Democratic Republic of Vietnam (2 September 1945); Prime Minister Khuang resigns and founds Democrat Party; Seni Pramoj becomes Prime Minister; Founding of the United Nations.</td>
</tr>
<tr>
<td>1946</td>
<td>Diplomatic relations with US and Great Britain re-established; French recapture Laos; Royal Lao Government (RLG) is formed. Lao Issara Government flees to exile in Thailand. Pridi Panomyong becomes Prime Minister and attempts to purchase Laos from France with US assistance for USD$50,000,000. King Mahidol shot dead (9 June); His brother, Bhumiphol Adulyadej, is proclaimed King Rama IX; Pridi Panomyong relieved as Prime Minister.</td>
</tr>
<tr>
<td>1947</td>
<td>Sarit Thanarat (1908-1963) stages coup d'etat; Khuang Aphaiwong becomes Prime Minister; Phibul Songkhram becomes, Commander-in-Chief of the Army; Laos is proclaimed an independent state within the French Union.</td>
</tr>
<tr>
<td>1948</td>
<td>Khuang Aphaiwong forced to resign; Phibul Songkhram becomes Prime Minister again; Myanmar achieves independence from Britain (4 January 1948); Founding of the Union of Myanmar; Myanmar joins United Nations. Communists go on the offensive in Manchuria, North, North-west, and Central China; anti-American student demonstrations; China's first National Assembly in Nanking, Chiang Kai-shek elected President, Nationalists abandon Manchuria; China Aid Act restores limited U.S. assistance to China; formation of a people's government in North China.</td>
</tr>
</tbody>
</table>
| 1949 | Pridi Panomyong attempts a coup d'etat, but it is violently crushed by Phibul Songkhram's forces; Pridi flees to China; Establishment of the People's Republic of China (1 October 1949); Movement of Nationalist Army (Kuomintang) into Northern Thailand; Start of Cold War. Mao Tse-tung proposes eight-point peace plan to Nationalists; People's Republic of China proclaimed in Peking on 1
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>186</td>
<td>October; Nationalists establish government in Taiwan; Siam once again changes name to Thailand (Prathet Thai).</td>
</tr>
<tr>
<td>1950</td>
<td>China and Soviet Union sign Treaty of Friendship; Korean War begins (1950-53); China enters Korean War; China invades Tibet.</td>
</tr>
<tr>
<td>1951</td>
<td>Naval officers kidnap Phibul Songkhram; negotiations held on a new form of government; although crushed by government soldiers, this event impacts on Phibul's influence and power passes to (rivals) General Sarit Thanarat and General Pao Sriyanonda; the pair dissolve the National Assembly; The event is known as the &quot;radio coup&quot; as it is simply reported on the radio without further elaboration; The new leaders restate the 1932 constitution and rule rather from the background, keeping Marshall Phibul Songkhram as Prime Minister; Agrarian reform and re-distribution of land in China; San Fan (Three Anti) and Wu Fan (Five Anti) movements unleash violent campaigns in China affecting millions of people. Communism is banned in Thailand.</td>
</tr>
<tr>
<td>1953 - 1957</td>
<td>First Five Year Plan in China' Industrialisation, collectivisation of agriculture and political centralisation; First National People’s Congress. Mao Tse Tung elected Chairman (1954).</td>
</tr>
<tr>
<td>1954</td>
<td>Thailand becomes a founding member of the Southeast Asian Treaty Organization (SEATO) along with the US, Great Britain, France, Australia, New Zealand, the Philippines and Pakistan; SEATO headquarters located in Bangkok; French troops surrender in Dien Bien Phu (7 May 1954); Yunnanese civilians resettled in villages on agricultural land in Chiang Rai and Chiang Mai.</td>
</tr>
<tr>
<td>1955</td>
<td>US military advisors provide training to Lao Army.</td>
</tr>
<tr>
<td>1957</td>
<td>Army chief Sarit Thanarat seizes power and ousts Phibul Songkhram and Pao Sriyanonda. Phibul flees to Japan (where he dies in exile in 1964); Pao flees to Switzerland where he remains until his death a few years later; Pote Sarasin serves as caretaker Prime Minister.</td>
</tr>
<tr>
<td>1958</td>
<td>Thanom Kittikachorn is elected Prime Minister of Thailand. Another coup d’etat by army chief Sarit Thanarat; Military Party proclaims a new constitution and forms a National Assembly which nominates Sarit Thanarat (1908-1963) as Prime Minister.</td>
</tr>
<tr>
<td>1961</td>
<td>Sarit Thanarat government announces first 6-Year Plan; the Association of Southeast Asia (ASA) is organised by Thailand, Malaysia and the Philippines; it will be enlarged and later becomes the Association of Southeast Asian Nations (ASEAN); The Communist Party of Thailand launches a &quot;people's war&quot;; Suspected Communists are arrested and executed.</td>
</tr>
<tr>
<td>1962</td>
<td>United Kingdom imposes immigration controls on Commonwealth (Sri Lankan) citizens for the first time.</td>
</tr>
</tbody>
</table>
| 1963 | Sarit Thanarat dies of liver malfunction; Thanom Kittikachorn is appointed Prime Minister by King Bhumibol; U.S. President
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>China tests first atomic bomb.</td>
</tr>
<tr>
<td>1969</td>
<td>Mao Tse Tung launches Cultural Revolution; Palace guard coup in Indonesia fails; Indonesian Communist Party is destroyed; First official census of Thailand's highland population in 16 provinces (1969-70); 120,000 people are listed, but did not obtain Thai citizenship; 90,000 sorties flown from Thai bases make Laos &quot;most bombed country in history;&quot; Ho Chi Minh dies; Nixon announces troop withdrawal from South Vietnam; Sino-Soviet military clashes over Chenpao island; mass anti-Soviet demonstrations in China; anti-China demonstrations in Moscow.</td>
</tr>
<tr>
<td>1970</td>
<td>Cambodian (Lon Nol) coup; King Sihanouk establishes government in exile in Peking.</td>
</tr>
<tr>
<td>1971</td>
<td>U.S. supported South Vietnam invasion of Laos; China warns of possible use nuclear weapons; Ping Pong Diplomacy (American Ping Pong Team visit); Kissinger visits China; Mao says Nixon is welcome to visit China; Nixon visit announced.</td>
</tr>
<tr>
<td>1972</td>
<td>Nixon visits Peking; Detente in US-China relations.</td>
</tr>
<tr>
<td>1973</td>
<td>October 14; A student “pro-democracy” rally leads to violent confrontation; more than 400 people are killed, thousands are wounded; King Bhumiphol persuades Prime Minister Thanom Kittikachorn and his two closest associates, Deputy Prime Minister Field Marshall Prapass Charusatiara and Colonel Narong Kittikachorn (Thanom's son), to leave the country; Thammasat Rector, Sanya Dhammasakdi, appointed Prime Minister.</td>
</tr>
<tr>
<td>1974</td>
<td>A bloody 3-day riot begins in Bangkok's Chinatown when a Thai policeman issues a parking ticket to a Sino-Thai taxi driver; 30 killed, hundreds injured; Myanmar is proclaimed a Socialist Republic.</td>
</tr>
<tr>
<td>1976</td>
<td>Death of Mao Tse Tung.</td>
</tr>
<tr>
<td>1978</td>
<td>After economic reform, China promotes labour exports as means to earn foreign exchange and to ease unemployment; 130,000 to 200,000 Chinese workers move abroad, mostly in Asia.</td>
</tr>
<tr>
<td>1979</td>
<td>Vietnamese forces liberate Kampuchea from Pol Pot (January 1979).</td>
</tr>
</tbody>
</table>

---

307 Does not include bombing runs on Laos originating in Vietnam or from aircraft carriers (Ngaosyvathn, 1994, p. 67).
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>Second census of highland tribal people in 20 provinces (1985-88); Registration of 580,000 hill tribe people; many did not obtain citizenship; some already included in the first national census.</td>
</tr>
<tr>
<td>1986</td>
<td>Lao refugees flee for Thailand as news breaks that UNHCR will 'screen out' remaining refugees and close camps.</td>
</tr>
<tr>
<td>1989</td>
<td>'Burma' changes name to 'Myanmar.'</td>
</tr>
<tr>
<td>1990</td>
<td>Thai Cabinet issues &quot;residence cards&quot; (known as blue cards) to allow 247,775 highland people to reside in the country (June).</td>
</tr>
<tr>
<td>1992</td>
<td>Ban Vinai refugee camp, the largest in South East Asia, is closed by the UNHCR (17 December 1992). About 55,000 refugees (mostly Hmong) passed through Ban Vinai. 60,000 Lao refugees remain in camps in Thailand, roughly half of which are Hmong.</td>
</tr>
<tr>
<td>1993</td>
<td>Last Cambodian refugees repatriated to Cambodia by UNHCR; Bill Clinton elected U.S. President; 15,000 Hmong refugees escape Thai camps rather than face repatriation; 10,000 seek refuge in Thai Buddhist Temple Wat Tam Krabork.</td>
</tr>
<tr>
<td>1994</td>
<td>The Chinese Ministry of Foreign Trade and Economic Cooperation, reports 200,000 migrant workers abroad. Remittances to China generated an estimated USD$8 billion in China[^309].</td>
</tr>
<tr>
<td>1995</td>
<td>UNHCR deadline for 'phased repatriation' of remaining Lao refugees in Thailand.</td>
</tr>
<tr>
<td>1997</td>
<td>Asian economic crisis. Decline of regional currencies against the US dollar. Coup d'etat in Cambodia renews refugee movements to Thailand. SLORC changes name to SPDC[^310].</td>
</tr>
<tr>
<td>1999</td>
<td>Laos agrees to accept repatriation of remaining refugees in Thailand (1,346 Lao in Napho camp, Nakhon Phanom); Thousands of highlanders staged violent protest in Chiang Mai to demand citizenship rights (April - May); Cabinet establishes &quot;Highlanders Personal Status Committee&quot; to review the issue of Thai nationality and registration of tribal people. State survey provides &quot;red-bordered green cards&quot; to 186,929 tribal people; these do not carry automatic citizenship and each bearer has to prove eligibility. Highlanders born between December 13, 1972 to February 26, 1992 and those who can prove they have been residing in the country for generations are eligible for citizenship.</td>
</tr>
</tbody>
</table>

[^308]: State Law and Order Restoration Council (SLORC).
[^310]: State Peace Development Council (SPDC).
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>Thai Cabinet issues resolution to grant residence cards or certificates of alien registration, which constitutes permanent or temporary residence, to tribal people in Thailand; Authority to grant citizenship to highlanders in 20 provinces is devolved from provincial governors to district chiefs (from 1 June).</td>
</tr>
<tr>
<td>2001</td>
<td>Increased violence signals the resurrection of the southern insurgency in Patani, Yala and Narathiwat Provinces.</td>
</tr>
<tr>
<td>2002</td>
<td>Thirteen Burmese “illegal migrant labourers” found murdered, their bodies dumped at a waste disposal site. A diplomatic row erupts between Thailand and Taiwan over the signing of the first ever labour agreement with Taiwan; The row threatens the livelihood of 140,000 Thai workers returning 50 billion Baht a year in remittances; The agreement planned to cut brokerage fees by supplying workers through state-to-state contracts or contracts between the Thai government and companies in Taiwan to prohibit unscrupulous brokers from cashing-in on job seekers; The Taiwanese Labour Minister is refused a Thai visa after initially receiving an invitation to attend a signing ceremony; The Thai Foreign Minister issues a banal statement denying pressure from China, but confirming that “under the one-China policy,” contact with Taiwan is “limited to economic matters only” hence the need to “reconsider the level of people needed to sign or witness the agreement”… “We do not recognise Taiwan as a country because of the one-China policy”… “We have no political connection with Taiwan”… “If a Taiwanese Minister is coming for economic matters we have no objection”… “We have to weigh that up against labour issues and international relations;”</td>
</tr>
<tr>
<td>2004</td>
<td>28 April – Krue Se Mosque Massacre. 100 militants attack 10 police stations in Patani and retreat to the Krue Se mosque. After a seven hour stand-off, government forces attack the mosque, killing all militants. Some militants were executed by the military after the attack. The circumstances around the event and its aftermath</td>
</tr>
</tbody>
</table>

---

311 Bangkok Post, 29 August 2002.
312 Bangkok Post, 6 March 2002, 13 Murdered Burmese Found at Dump Site.
resulted in deep rifts within the Thai military establishment and provoked a dramatic escalation in the southern insurgency.

25 October – Tak Bai Incident. Following protests at police stations after the arrest of six men for allegedly providing weapons to insurgents, Thai authorities assaulted and detained protesters. In the process at least 85 people, mostly youths, were killed, either shot, beaten to death, or died from suffocation after being placed in trucks and moved to a military base in Patani. The Thai Prime Minister at the time, Thaksin Shinawatra, insensitively suggested that the deaths took place because the men were ‘already weak’ from fasting during Ramadan.

December 26 - Indian Ocean Tsunami resulting in the deaths of hundreds of undocumented workers from Myanmar in Southern Thailand. Efforts by Thai officials to liaise with Myanmar on identification and repatriation of deceased remains prove fruitless and hundreds of unidentified remains are interred at Ban Maruan cemetery in Takua Pa. The researcher visited there several times in resolving the forensic identification of tsunami victims.

2008

April 2008. 54 Burmese migrant workers hoping to find work as day labourers are suffocated in a container in Southern Thailand as they are attempting to enter Thailand. The survivors are detained and returned to Myanmar as they are considered economic migrants rather than trafficked persons.

2009

December 2009. Amidst diplomatic protest from countries that had accepted some people as refugees, the Thai Government forcibly repatriates 4,000 Hmong to the Lao PDR, several hundred of which, including mostly women and children, were detained for one year in the immigration office on the border at Nong Khai. Thailand is accused of refoulement (returning persons of concern to face persecution in an unsafe environment), but as Thailand is not a signatory to the UN Convention on Refugees, no action is taken.