



# Ethnic Nationalism in Thailand's Migrant Trafficking: Thai Identity and Otherness

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Ethnic Nationalism in Thailand's Migrant Trafficking: Thai Identity and Otherness

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A Thesis in the Field of International Relations  
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## Abstract

This thesis discusses discrimination based on Thai ethnic nationalism. It was found to impact the ways in which migrant workers from Burma, Cambodia, Laos are mistreated in the fishing and sex industries. While exclusionary sentiments affect discrimination on a personal level, the thesis proposes that trade of trafficked migrants is largely dependant on the powerful market and geographic location of Thailand in relation to its neighbouring countries.

Based on my interviews of Thai government officials and NGO workers, I found that the trafficking industry is further perpetuated by the deep-seated institutional corruption that is pervasive throughout Thailand.

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## Glossary of Acronyms

AMLO	Anti Money Laundering Office
ATN	Anti Trafficking Network
BATWC	Bureau of Anti Trafficking in Women and Children
CPI	Consumer Price Index
DKBA	Democratic Karen Benevolent Army
DSI	Department of Special Investigation
FSW	Female Sex Workers
ICJ	International Court of Justice
IJM	International Justice Mission
IOI	International Organization for Migration
IUU	Illegal, Unreported and Unregulated (in the fishing industry)
KMT	Kuomintang
LPN	Labour Protection Network
LRPN	Labour Rights Promotion Network
MoU	Memorandum of Understanding
MOL	Ministry of Labour
NGO	Non-Governmental Organization

## Chapter I

### Introduction and Thesis Structure

In 2019, an estimated four to five million migrants are working in Thailand. Approximately three million of those migrants are registered workers, which means almost two million migrants have entered Thailand through illegal channels.<sup>1</sup> The issue of migrant trafficking in Thailand is widely discussed, primarily as an economic issue. In this thesis, I discuss the two main forms of trafficked workers in Thailand: fishermen and sex workers.

Thailand's commercial fishing industry is the third largest in the world, and has been dubbed the "economic powerhouse" of Thailand's economy. In 2018, Thai seafood exports were reportedly worth US\$5.8 billion, and the industry employed more than 650,000 people.<sup>2</sup> However, the nature of the industry is dangerous and physically demanding, which has resulted in a shortage of labour. This fact, coupled with a low unemployment rate (1.1% in 2018), has required the fishing industry to utilize employment brokers and traffickers to fill the gap with migrant workers.

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<sup>1</sup> International Labour Organization, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva: International Labour Organization and Walk Free Foundation, 2017), 12.

<sup>2</sup> US Department of Agriculture, Foreign Agricultural Service, "Global Agricultural Information Network Report: Thailand Fishery Products." 2018. Available from: [https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=Seafood%20Report\\_Bangkok\\_Thailand\\_5-8-2018.pdf](https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=Seafood%20Report_Bangkok_Thailand_5-8-2018.pdf) Accessed 7 December 2019.



Regarding the sex industry, in 2018 it was estimated to contribute between 2% and 10% of Thailand's total GDP, a staggering 260B baht.<sup>3</sup> While prostitution is illegal by law, sexual services can easily be found in multiple red-light districts, predominantly in urban tourist areas.

From an economic standpoint, the “push” factors in the poorer, bordering countries with existing gender, class, and racial-discrimination practices that have limited job opportunities and social services for their minorities are evident in the huge influx of migrants into Thailand.<sup>4</sup> On the “pull” side, there is great demand for cheap migrant labour in Thailand as a destination country.<sup>5</sup>

But the issue of cross-border trafficking in Thailand is far more complex. While economic forces help to explain how the high demand for Thailand's fishing and sex industries have created vast opportunities for traffickers and brokers to bring in migrant workers, these economic factors are inefficient at explaining why the trafficking industry still thrives despite huge international pressure from foreign governments and NGOs.

Further examination of the push and pull factors is needed in order to formulate policies to stem the cross-border trafficking in Thailand. Specifically, this thesis identifies and assesses the underlying elements that may impede progress in Thailand's efforts to prevent all forms of migrant trafficking. It will also provide an understanding of why the “pull” factor from local demand for workers is particularly powerful in Thailand.

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<sup>3</sup> Chira Bhuvu, “How Much Money does the Kingdom of Massage Parlours Make?” *Sanook Money*, 2018. Accessed 28 June 2019.

<sup>4</sup> J. Chuang, “Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy,” *U of Penn. Law Review*, 158, sections 1 & 2B (2010): 1660.

<sup>5</sup> Chuang, “Rescuing Trafficking,” 1660.

In the 2019 US Trafficking in Persons report,<sup>6</sup> Thailand is in Tier 2 of the human trafficking watch list. The report claims that the state complicity continued to impede anti-trafficking efforts with inconsistent regulation and prosecution in trafficking cases. Moreover, officials found guilty in facilitating trafficking operations were not convicted and punished with adequate sentences. In terms of victim care, it was reported that migrants in shelters were not provided with sufficient care and legal assistance; the Thai government restricted the movement and communication of migrant victims in those shelters. The failure to protect migrant workers in the labour and trafficking industries, together with the state's lack of effort to prosecute corrupt officials and effectively improve labour regulations, are causes for speculation that the lack of commitment indicates a form of social apathy within Thai culture. It may also indicate that trafficking in Thailand is not simply driven by the economic "push and pull" factors of migration. This thesis proposes a cultural component that interconnects how Thais view migrants with the issue of migrant trafficking.

The social apathy that the thesis refers to is grounded on the strong sense of national identity amongst Thai people. The way Thais perceive their own identity relies upon an "other," i.e., those who are "un-Thai," meaning those who do not belong to the explicit Thai in-group membership. The thesis will explore how the group membership of Thai identity is built on the nation-religion-monarchy triad that constructs the powerful Thai moral framework. Thai national identity shares a deep spiritual affinity to the Buddhist religion and the monarch, which greatly consolidates the binary of "Thai-ness" against "other-ness." Due to this formation of Thai identity and how Thais discern

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<sup>6</sup> U.S Department of State, "Trafficking in Persons Report 2019" (Washington DC: GPO, 2019): 30.

morality, it means migrants are excluded from this system. Within the convention of Thai discourse, the cultural framework renders those who are “un-Thai” as outside of any perception of humanity and can therefore be an impediment to making changes in the exploitation and mistreatment of migrant workers.

### Research Objective

This research focuses trafficking in two areas: the sex and labour industries. It begins with an investigation into Thai identity formation that is deeply rooted in Theravada Buddhism, nationhood, and the monarchy, as I explained above. Much like the caste system in India, “Thai-ness” is not just a cultural bias; rather, the concept is written in religious scriptures and nationalist songs, and as such is ingrained in the Thai belief system. This is the basis of a collective identity that is cohesive but also exclusionary in nature.

I also explore Thailand’s history with its neighbours. That enables me to explain the strong emotional and spiritual duty to protect Thailand’s religious nationalism or *sasana* against the threat of the “other.”

### Research Questions

These are research questions for which my research seeks answers:

- Are migrant workers exploited/abused because of their ethnicity or race?
- Do Thais have exclusionary attitudes toward migrants?

- Do exclusionary attitudes toward migrants influence policymaking and improper provision of laws?
- What are other factors that drive the trafficking of migrants in Thailand?

### Research Methodology

My research employed qualitative methodology conducted in two phases. In order to understand the problem of discrimination against migrants in Thailand, a study of the root cause of identity formation is conducted in the first phase. It discussed the historical background of the Thai identity and Thai nationalism. Then I review Thailand's antecedent and present-day relationships with its neighbouring countries, namely Burma, Cambodia and Laos. This help to understand the political implications that may give rise to ethnic division and dissension.

I investigated from a social anthropological perspective to understand the conceptualization of identity and otherness. This section will elucidate why humans tend to be "tribal" by nature, and discusses how cultural convergence threatens the notion of our intrinsic belonging of selfhood since our propensity for group formation and membership to particular groups defines who we are, revealing why as individuals we need to identify with our in-group members in order to gain a cultural cognition of identity. That is, who we think we are relies upon membership to nationhood, traditions and heritage; in other words, the shared identity of similarities of those around us which thwarts those who are dissimilar to us.

In the second phase, verbal interviews were conducted in-person to understand how Thais currently perceive Burmese, Cambodian, and Lao migrants, which may inform

the influence of ethnicity and nationalism regarding migrant trafficking in Thailand. This section of the research aims to investigate the existence of exclusionary attitudes as well as elements of ethnic and racial discrimination that contribute towards policymaking and legislative reforms to the issue of trafficking. Furthermore, the research explores beliefs and practices that hinder potential improvements to protect migrant workers, e.g., poor provision of labour laws and limited state control of unlawful Thai employers.

For this section of the research, participants were split up into two groups: Thai authorities and trafficking-focused NGO workers. To protect the participants' identity, only those who requested the disclosure of their names are included, while some participants' names are entirely anonymous and only their job titles are included.

Thai authorities were asked a series of open-ended interview questions about trafficking in Thailand, which allowed them to share stories they personally knew or had experienced, paying particular attention to any exclusionary attitudes they may hold. Trafficking-focused NGO workers share accounts of trafficked victims they have previously encountered or are currently under their protection who have experienced racially or ethnically-motivated discrimination.

#### Definition of Terms

*Forced Labour:* A forced labour situation is determined by the nature of the relationship between a person and an “employer,” not by the type of activity performed—despite how arduous or hazardous the conditions of work may be, or the legality or illegality under national law. Forced labour concerns persons who have not

offered themselves voluntarily (a criterion of “involuntariness”), and is performed under coercion applied by an employer or a third party.<sup>7</sup>

*Trafficking*: The recruitment, transportation, transfer, harbouring, or receipt of persons, by means of threat or use of force or other forms of coercion. Includes abduction, fraud, deception, abuse of power, a position of vulnerability, or the giving and/or receiving of payments or benefits to allow one person to have control over another person, for the purpose of exploitation.<sup>8</sup>

*Debt Bondage*: Debt bondage is defined as a person being forced to work in order to repay a debt. It usually means being forced to work and not being able to leave because of the debt. The original debt compounds at a rate that renders it unable to be met. The individual (sometimes family members as well) is unable to leave the work as the debt mounts; also the individual is not paid at the same level of compensation as other workers may be getting. The debt can last for years or even generations. Such debts often transfer from one family member to another.<sup>9</sup>

### Research Limitations

My research focuses primarily on qualitative aspects of migrant trafficking. While this study is specifically designed to investigate the problem of migrant trafficking, the research also acknowledges powerful economic factors that drive the trafficking industry.

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<sup>7</sup> International Labour Organization, 2017: 40.

<sup>8</sup> UN General Assembly. “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.” Supplementing the United Nations Convention against Transnational Organized Crime, p. 21. 15 November 2000. Available from: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>. Accessed 30 July 2019.

<sup>9</sup> International Labour Organisation, 2017: 36-37.

It should be noted that this study acknowledges the intricate gender dynamics that apply to the sex work industry. It takes into consideration that the Thai model of authority related to the patriarchal-masculine monarch adds to the violence of gendered persons (women, transgender persons as well as young boys). However, the analysis of this research is focused on the ethnic denigration of the foreign “other.” I examine underlying prejudices in Thailand that may influence much of Thai society’s social and political behaviour—which in this case refers to the state’s failure to protect the welfare of migrant workers.

That being said, the thesis does not imply that Thailand and Thai people in totality are prejudiced against its ethnic minorities. Rather, the research aims to uncover specific groups that do harbour such prejudices and then investigate why.

## Chapter II

### Background

Compared to its poorer neighbours, Thailand provides opportunity, wealth, and the promise of a better life. Thus it is a favoured destination for migrants in both the fishing and sex industries. I discuss each industry below.

#### Trafficking in the Fishing Industry

The majority of migrant workers in the fishing industry are Burmese but some are also from Cambodia and Laos. Huguet notes: “Approximately 2.4 million migrants from surrounding countries residing in Thailand, the majority of whom come from Burma.”<sup>10</sup>

Although Thailand has numerous fishing docks and ports along its 3,219 km of coastline, Samut Sakhon Province is the largest on the Gulf of Thailand. For this reason, it also has the highest concentration of migrant workers. According to the Labour Rights Promotion Network (LRPN): “There are approximately 200,000 Burmese in this region, of which only 70,000 are registered, thus making the region ripe for brokers and traffickers to conduct their highly systematised trafficking networks.”<sup>11</sup>

Migrant workers are often trafficked by brokers through deception—the false promise of decent work and good wages. These workers also experience different forms

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<sup>10</sup> J. W. Huguet, and A. Charmatrithriong, *Thailand Migration Report 2011: Migration For Development in Thailand: Overview and Tools for Policymakers* (Bangkok, IOM, 2011), 17.

<sup>11</sup> S. Sorajakool, *Human Trafficking in Thailand: Current Issues, Trends, and the Role of the Thai Government* (Chiang Mai: Silkworm Books, 2013), 52.



of forced labour: forced overtime, forced work without pay, and salary deductions to repay their “debt.” In fact, debt bondage is common; Kara interviewed one migrant worker who told him that “ship captains then tell the workers that they each have debts of \$1,500 to \$2,500, which they must work off on the ships, after which they will receive the wages they were promised.”<sup>12</sup> But more than not, these workers never receive their wages, or if they do, their salary becomes \$2 to \$5 per day, even though in 2018 Thailand set a minimum wage of THB 325 (\$10.78) per day.<sup>13</sup> Even more horrifying, Suchai Chindavanich, Thailand’s lieutenant for the trafficking police unit, stated in an interview: “At the end of the shipping season many were shot and thrown into the sea—it’s easy to do this because they are undocumented.”<sup>14</sup>

### Trafficking in the Sex Industry

In a 2007 report by the Institute for Population and Social Research at Mahidol University, it is estimated that between 200,000 and 300,000 women are involved in sex work in Thailand. Exact numbers are difficult to retrieve, however, because the industry is illegal, which makes the collection of data difficult. Within this estimate, female sex workers who are migrants are even harder to pinpoint.

Among those who are trafficked, many come from the hill tribes of Burma, such as the Akha, Lahu, Lisu, Palong, and Karen tribes, which are the amongst the poorest and

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<sup>12</sup> S. Kara, *Modern Slavery: A Global Perspective* (New York: Columbia University Press, 2017), 230.

<sup>13</sup> Trading Economics, “Thailand’s Minimum Wage,” 2019. Retrieved from: <https://tradingeconomics.com/thailand/minimum-wages>.

<sup>14</sup> S. Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2010), 169.

often most exploited. As Kara writes: “They have been oppressed by the military regime of Senior General Than Shwe since 1989. . . . One hundred and fifty thousand Karen fled to Thailand, and today there are numerous refugee camps along the Thailand–Burma border.”<sup>15</sup> Another group is the Rohingya, impoverished and stateless Muslim minority people, whose state-sanctioned persecution by Burma plays straight into the hands of slave traders. Kara says:

Like the Karen and other similarly persecuted minorities in Myanmar, the Rohingya have been subjected to oppression, violence, and state-sponsored ethnic cleansing campaigns, and hundreds of thousands have fled the country with little local interest or coverage of their plight.<sup>16</sup>

Violence against these minority groups became the catalyst for a wave of migrants in search of safety. Along these routes, however, lay the peril of slavery and death. Many who choose to flee by land are targeted by traffickers who then transport them through the dense forest and mountain areas of Thailand’s rural provinces. Hence, Thailand’s geographic location, combined with its relative economic development, makes the country a perfect conduit for people-trafficking operations.

Although Thailand was promoted in the latest US Trafficking in Persons Report in 2018 from a watch list Tier 3 to Tier 2, which is meant to show progress in its efforts to eradicate trafficking, it must be said that comprehensive improvements still need to be made. As the report noted, there are still shortages of law enforcement, labour inspectors, and first responders who should proactively be looking for victims: “[Thailand needs to]

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<sup>15</sup> Kara, *Sex Trafficking*, 171.

<sup>16</sup> Kara, *Modern Slavery*, 237.

proactively investigate and prosecute officials allegedly complicit in trafficking, and convict and punish those found guilty with dissuasive sentences.”<sup>17</sup>

### State Complicity and Violence

Regarding the trafficking of migrant workers, it is important to note that these highly systematised and efficient trafficking networks cannot function without the involvement of Thai authorities. Kara found that brokers pay “bribes to Thai government officials at the border to gain entry and absorb the remainder of the costs of bringing the workers to Thailand.”<sup>18</sup> Along the trafficking routes, migrants often experience horrendous abuse, even death. For instance, the Rohingya, an impoverished and stateless people who fled from political persecution in Myanmar, are especially vulnerable to slave traders. In a shocking account, Kara wrote that in May 2015, Malaysian police discovered 139 graves in a series of abandoned camps used by human traffickers on the Thai border. Local human rights activists suspect dozens of similar graves remain undiscovered in the northern forests of Songkhla, filled with hundreds, if not thousands, of Rohingya corpses. The Rohingya who survived these camps report that they fled from Myanmar with traffickers and were held captive in the forest, either for ransom or until they were sold to other traffickers, most likely for forced prostitution or forced labour in the Thai fishing industry. Survivors reported having their teeth pulled out with pliers, women had their breasts chopped off and suffered gang rape, and of course, murder.<sup>19</sup>

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<sup>17</sup> U.S Department of State, “Trafficking in Persons Report 2018 (Washington, DC: GPO, 2018), 67.

<sup>18</sup> Kara, *Modern Slavery*, 230.

<sup>19</sup> Kara, *Modern Slavery*, 239.

While corruption among Thai authorities has contributed to the continuation of trafficking networks, Sylwester notes that the low number of trafficking investigations is also a factor. In 2010, the Royal Thai Navy inspected more than 1,000 fishing vessels and checked thousands of undocumented migrant workers. Nevertheless, “the Royal Thai Navy only investigated three suspected cases of trafficking and did not confirm or prosecute offenders in any of these cases. Again, in 2011, no cases were prosecuted.”<sup>20</sup>

Moreover, the failure not only to reduce the power and outreach of trafficking rings, but also how Thai authorities are directly involved in the mistreatment of migrants, reveals a shortfall in the commitment to combat this issue. As a consequence, a closer look at intimate explanations may be valuable to better understand why this is the case. This thesis undertakes a specific examination of the social foundations of Thai culture: how Thais perceive their own identity, and how Thais perceive those who are not Thai.

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<sup>20</sup> Joanna G. Sylwester, “Fishers of Men: The Neglected Effects of Environmental Depletion on Labor Trafficking in the Thai Fishing Industry,” *Pacific Rim Law and Policy Journal* 23, no. 2 (2014): 423–459.

## Chapter III

### Literature Review

My review of the extant literature focused on immigration from Burma, Cambodia, Laos. The results of my review are found in the sections below.

#### Burmese Immigration

According to the 2014 Burma Census, approximately 1.5 million Burmese residents live and work in Thailand. However, exact numbers are difficult to retrieve due to the massive influx of illegal migration. Migrant workers from Burma enter Thailand through the border provinces of Chaing Rai, Chaing Mai, Mae Hong Son, Tak, Ranong and Kanchanaburi.

Such large numbers occur because of various factors. The “push and pull” phenomenon is especially relevant to the Thai-Burma country profiles. On the “push” side, a crippling economy and deteriorating sources of livelihood triggered by continual political conflict in Burma, induced a large wave of out-migration. Following the 1988 uprising, illegal and legal emigration rose rapidly. Mon writes: “The prevalence of forced labour, political instability and human rights violations resulted in thousands of rural people from the border areas fleeing to neighbouring countries, particularly Thailand.”<sup>21</sup> In addition to state-imposed oppression, the Burmese economy continued to decline and

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<sup>21</sup> M. Mon, “Burmese Migrants in Thailand,” *Review of Indonesian and Malaysian Affairs* 39, no. 2 (2005): 129-150.

growth fell steadily, “from 5.5 percent in the early 1980s to minus 4.0 percent in 1978.”<sup>22</sup> Along with devaluation of the Burmese currency, the national Consumer Price Index (CPI) and inflation rates increased sharply, making financial hardship for Burmese nationals too difficult to endure.

On the “pull” side, the Thai economy continued to grow due to growth in its export industries. In particular, the manufacturing export sector, with 25% annual growth in the early 1990s, attracted huge numbers of skilled and unskilled labourers from neighbouring countries. Mon stated: “Workers from Burma, Laos and Cambodia filled labour shortages of about 300,000–400,000 Thais working abroad.”<sup>23</sup>

However, the difficult process of obtaining passports and documents that enable migrants to enter Thailand legally has pushed many Burmese to migrate through illegal channels. Mon explains:

Burmese migrants have to apply for passports that involve complex procedures, including a letter of appointment from firms in foreign countries. Thus applications for passports must secure guaranteed employment before they are issued with passports. Many encounter problems with resigning from the government sector, including payment of compensation to the government for their education; passport application costs and the like. Large sums of money are also required to pay brokers and some officials for passports. This process takes approximately six months to a year.<sup>24</sup>

Furthermore, additional restrictions to issuance of passports to women below the age of 25 were introduced in 1996, as well as a 10% tax on earnings in the foreign country, which has to be paid to the government and is applicable for all Burmese

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<sup>22</sup> Mon, “Burmese Migrants in Thailand,” 130.

<sup>23</sup> Mon, “Burmese Migrants in Thailand,” 131.

<sup>24</sup> Mon, “Burmese Migrants in Thailand,” 132.

migrants. If this tax is not paid, migrants are denied an extension or renewal of their passports, and are unable to return to Burma since the tax payment receipts must be presented at the airport. As a result, these complicated procedures deter many Burmese, particularly those from lower socioeconomic groups, from leaving the country legally.

Facilitating the movement of Burmese migrants through illegal channels, the geography of the Thai-Burmese border allows for easy access for smugglers and traffickers. Thailand and Burma share a long border of approximately 2,532 km, with much of the areas consisting of dense forests and mountainous terrains that are accessible only by foot. Without little infrastructure, traffickers are able to bring in migrants through the forests without being detected.

For instance, the Rohingya, an impoverished and stateless people who fled from state-sanctioned persecution in Burma, have been particularly targeted by traffickers. Stripped of their citizenship by the Burmese government in 1982, hundreds of thousands have fled the country to escape oppression, violence, and state-sponsored ethnic cleansing campaigns.<sup>25</sup> In 1984, the Burmese government further clashed with other ethnic minority forces, causing a refugee crisis that included the Mon and Karen tribes who also now reside along the Thai–Burmese border. Between 1984 and 1988, more than 300,000 Mon and Karen fled to Thailand.<sup>26</sup> Consequently, these huge number of refugees fall victim to traffickers who exploit their social vulnerabilities with the promise of decent work and a way out of their plight.

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<sup>25</sup> Kara, *Sex Trafficking*, 237.

<sup>26</sup> Mon, “Burmese Migrants in Thailand,” 131.

## Cambodian Immigration

The International Organization for Migration (IOM) estimates that about 180,000 Cambodians are working in Thailand without legal work permits. However, the Cambodian Interior Ministry statistics give figures closer to 400,000.<sup>27</sup> Sharing an approximately 800-km-long border, Cambodians enter Thailand through Sa Kaeo, Chanthaburi, and Trat provinces. Trat province in particular relies heavily on Cambodian migrants in the local workforce, especially in the fishing, tourism, agriculture, and construction sectors.

Similar to Burmese labour migrants, Cambodians struggle to secure employment legally. Under a Memorandum of Understanding (MoU), crossing the border with proper legal documents allow workers access to better welfare benefits than in their home country, plus entitlement to a Thai minimum wage of 300 baht (\$10) daily, as compared to 100 baht (\$3) a day for equivalent labour in Cambodia. It is reported that Cambodians seeking work in Thailand “feel that the process of gaining employment in the country as akin to playing the lottery, with exploitation in the job placement industry rife, and legal protection scarce.”<sup>28</sup>

Seeking work legally in Thailand requires large fees to be paid to employment firms, which forces already financially strained job seekers to borrow from relatives. Rates for passport arrangements vary between \$135, \$150, \$250, and \$280.<sup>29</sup> Thereafter,

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<sup>27</sup> Asia News Monitor, “Cambodia/Thailand: Cambodians Falling Prey to Perils of Migrant Labour,” 2012. Available from <http://search.proquest.com.ezp-prod1.hul.harvard.edu/docview/1111785731?accountid=11311>.

<sup>28</sup> Asia News Monitor, “Cambodia/Thailand,” 2012.

<sup>29</sup> Asia News Monitor, “Cambodia/Thailand,” 2012.



despite handing over the required fees, workers experience huge delays of more than half a year or greater. Workers are also not given details about the type of work, nor are they given names of their employers or welfare benefits before arriving. Upon arrival, workers cannot be guaranteed safe and fair working conditions. The consequences of these difficulties in obtaining legal documentation and obscure/unknown information about their potential employment results in many Cambodians choosing to cross the Thai border illegally.

Much like the Burmese, economic incentive remains a powerful “push” factor for Cambodians. While there has been an increase of “voluntary” migration of Cambodian women to escape extreme poverty, combined with financial motivations, migration to Thailand appears to be institutionalised; it is simply part of what young villagers aspire to do, that is, “go to Thailand to “see the world” and earn money.”<sup>30</sup>

The boundaries of consent or voluntariness become blurry and conflated with trafficking as Cambodian women fall victim to forced prostitution, begging, and other forms of forced labour. Cambodian women enter sex work through a number of different avenues. For instance, women from poor rural villages follow traffickers based on the false promise of well-paid jobs in restaurants, hotels, etc. But upon arrival, the women are instead brought to brothels and forced to work as prostitutes. Another common variant is women who are sold to a trafficker or directly to the brothel owners by their parents and family members, to which the women consent in order to send money home to their

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<sup>30</sup> S. Molland, *The Perfect Business: Anti-trafficking and the Sex Trade Along the Mekong* (Honolulu: University of Hawaii Press, 2012), 13.

families. Others are reported to have been outright kidnapped.<sup>31</sup> The IOM reported that in the brothels, the Cambodian women are highly exploited: “Out of the total amount generated monthly they could only keep between 200 and 1,000 baht or 1 percent to 6 percent. They had to be at the disposal of the brothel for 24 hours a day.”<sup>32</sup>

### Laotian Immigration

The Thai Ministry of Labour published data stating that there are almost 300,000 registered Lao workers in Thailand, but the number of Laos migrants working illegally was not known.<sup>33</sup> The Laos Ministry indicated that as of early 2019, an estimated 30,000 Laos nationals are illegally living and working in Thailand.<sup>34</sup>

Migrant workers from Laos enter Thailand through Nong Khai, Mukdaharn, and Ubon Ratchathani provinces, where they are absorbed into various low-skilled industries such as domestic work, construction, manufacturing, agriculture, and entertainment. There has been slow improvements in Laos’ economic performance and poverty reduction, but GDP growth relies on various uses of natural resources rather than a more diversified economy or one that transitions out of agricultural and subsistence

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<sup>31</sup> International Organization for Migration, *Paths of Exploitation*, 22-23.

<sup>32</sup> International Organization for Migration, *Paths of Exploitation*, 29.

<sup>33</sup> Ministry of Labour, Laos Labour Statistics. Available from: <https://www.mol.go.th/en/>. Accessed 7 December 2019.

<sup>34</sup> Radio Free Asia, “Lao Migrants Fleeing Poverty Defy Dangers to Work in Thailand,” 2019. Available from: <https://www.rfa.org/english/news/laos/migrants-08272019160657.html>. Accessed 9 December 2019.

employment.<sup>35</sup> As a result, labour migration remains an important option for the Lao workforce, illustrated by the fact that the total amount of remittances from Lao migrants in Thailand exceed \$149 million, making migrant labour one of the largest export industries of Laos.<sup>36</sup>

After years of isolationist socialist policies, opening the Laotian borders transitioned Laos as a land-locked country into a land-linked one. With the influence of Lao migration embedded in modernisation and development, the “push and pull” factors are similar to Myanmar and Cambodia, where the flow of workers emigrate from poorer areas to Thailand as the destination point that promises opportunity and income. The “push” factors of poverty, limited job opportunities, debt problems, and homeland environment is fulfilled by Thailand’s “pull” factors of improved working conditions, better opportunities, salaries, and facilities.<sup>37</sup>

Another powerful “push and pull” dichotomy between Thailand and Laos is modernisation, that is, the desire for *chiwit thansamay* or a modern life, which has become a trendy status symbol over recent decades. The allure of Thailand, with its superior standards of living, fashionable public spaces, and advanced infrastructure, elicited an increase in female labour migration from Laos, where a majority of its population is agriculture-based.<sup>38</sup> As a result, traditional concerns of gender morality are

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<sup>35</sup> Radio Free Asia, “Lao Migrants Fleeing Poverty.”

<sup>36</sup> World Bank, “Macroeconomic Stability Amidst Uncertainty,” Lao PDR Economic Monitor, 2019. Available from: <http://documents.worldbank.org/curated/en/818841549314902040/pdf/134324-Replacement-Public-Lem-2019-January.pdf>. Accessed 6 December 2019.

<sup>37</sup> S. Nanthavong, *Expectations and Benefits From Working in Thailand: A Case Study of Young Lao Migrant Workers in Changwat Prachinburi* (Bangkok: Chulalongkorn University, 2013): 4.

<sup>38</sup> Molland, *The Perfect Business*, 11.

reconciled. Communal obligations of women entering prostitution to send money back home to their families becomes normalised through the modernisation process, prompting more and more women from Laos to fall into sex work in Thailand.

Despite the signing of the latest MoU between Thailand and Lao, only a small number of Laotian workers migrated via this legal passage due to high fees, slow processing, and administrative complexities. Also, like the struggles faced by Cambodians, recruitment agencies charge exorbitant fees to deliver their services with little accountability.

## Chapter IV

### Abuse of Migrant Workers

In comparison to legal Thai workers, trafficked migrants are more likely to experience violence and abusive working and living conditions. Due to their illegal status, trafficked people are likely to toil in physically arduous jobs and work extensive hours with fewer breaks—conditions that cause increased rates of injury, morbidity, and mortality. Additionally, exploited labourers are also likely to work in sectors that have very few health and safety inspections.<sup>39</sup>

#### Abuse in the Fishing Industry

In 2017, fishing and fish product exports from Thailand reached \$6 billion, making the sector a major foreign exchange commodity. Products such as frozen shrimp and canned tuna are sought after by primary destinations such as the US, Japan, and the EU countries. In addition, fishery processing—re-exporting of raw fish imported from neighbouring countries—also generates massive revenue for Thailand, thus making the country the third largest exporter of seafood in the global market.<sup>40</sup> Due to these large economic incentives, Illegal, Unreported and Unregulated (IUU) fishing continues to be a lucrative business, with IUU fishing valued between \$10 billion and \$23.5 billion per

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<sup>39</sup> International Labour Organization, *Forced Labour and Human Trafficking: A Handbook for Labour Inspectors* (Geneva: International Labour Organization, 2008), 121.

<sup>40</sup> Kara, *Modern Slavery*, 224.

year, which suggests that billions of dollars worth of seafood are caught and processed by migrant slave labour annually.<sup>41</sup>

The working conditions of migrant workers in all stages of the fishing industry are well documented, including fishing vessels, docks, and processing factories. Men aboard fishing vessels reportedly endure 24-hour shifts with as little as 2 to 3 hours of rest, small living quarters, and constant shortages of drinking water. They are forced to take amphetamines to mask their fatigue and continue working. In addition, they also suffer abuse, torture, and execution-style killings. Prak, a Cambodian worker, told Kara:

The guards treated us like animals. They shouted at us and beat us. We had to work all the time. . . . If we complained, the guards tortured us. They chained us to the deck to burn in the sun. They threw men overboard to drown. They gave us electric shocks. I saw six men killed on those ships. Some men were so afraid they jumped into the ocean and drowned themselves.<sup>42</sup>

Dire labour conditions are also found in the processing factories. In a 2007 police raid of a seafood factory in Samut Sakhon, “they found around 800 men, women, and children from Myanmar imprisoned behind a five-meter-high wall with razor wire and armed guards patrolling the facility.”<sup>43</sup> As they were interviewed, workers reported that “those who asked for a break had a metal rod shoved up their nostrils, 3 women who asked to leave were paraded in front the other workers, stripped naked and had their heads shaved.”<sup>44</sup>

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<sup>41</sup> Kara, *Modern Slavery*, 224.

<sup>42</sup> Kara, *Modern Slavery*, 228-229.

<sup>43</sup> Sorajjakool, *Human Trafficking in Thailand*, 52.

<sup>44</sup> Sorajjakool, *Human Trafficking in Thailand*, 52

Kara highlights the significance of the highly systematized trafficking networks which recruit workers from Myanmar, Cambodia, and Laos with the promise of good wages in the fishing sector. However, once they arrive at the docks workers are sold to ship captains for \$600 to \$900 each into debt bondage.

The ship captains then tell the workers that they each have debts of \$1,500 to \$2,500, which they must work off on the ships, after which they will receive the wages they were promised . . . it would take up to nine months to work off the debt at Thailand's minimum wage; however, the arithmetic is never done correctly (deductions for food, board, etc.), and many workers end up toiling for years with scarcely any income to show for it.<sup>45</sup>

Kara also reported that the Thai police play an integral part in the trafficking process. Protecting the docks and ship captains against inspections, Kara found that "they are always in plain clothes and they take bribes."<sup>46</sup> Moreover, despite the requirement for ships to be registered and licensed under the Thai Vessel Act, B.E. 2481 (1938), most ships operate with fake licenses, meaning almost no one is monitoring the working conditions on the ships.<sup>47</sup>

### Policy Reforms, Regulation, and Enforcement

In 2016, Thailand ratified the Maritime Labour Convention 2006 with the International Labour Organization (ILO), reaffirming the country's commitment to improve working and living conditions for seafarers in compliance with international labour standards. Regulatory changes have been introduced to facilitate the regularization

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<sup>45</sup> Kara, *Modern Slavery*, 230

<sup>46</sup> Kara, *Modern Slavery*, 230.

<sup>47</sup> Kara, *Modern Slavery*, 230.

of illegal migrant workers in the fisheries sector and provide registered workers with greater flexibility in obtaining and extending their work permits. Moreover, the legislation states that all documented workers are to be given protection, welfare, and the right to work. The government plans to extend the length of their work permits to two years, renewable for up to eight years. Further, the Ministry of Labour has revised rules to provide migrant workers with greater flexibility to change employers, thus increasing their freedom and mobility.

While changes have been implemented from the top, severe labour exploitation in the seafood sector still persists, especially because of the lack of ground-level regulation. Two years prior, the Thai Department of Fisheries introduced a plan to implement better oversight and regulation in labour standards across the industry. However, Kara found:

One promising step involved the revocation of 11,700 licenses of fishing vessels in October 2015 for offences relating to labour abuses or other regulatory infractions. Unfortunately . . . the same ship captains whose licenses were revoked were back in business a few months later, either with new licenses or with fake licenses.<sup>48</sup>

This indicates that corruption amongst Thai authorities, and a lack of ongoing systematic monitoring of vessels, is still a problem for reform of effective monitoring in labour practices.

Furthermore, despite signing the ILO's Work in Fishing Convention in the Fishing Sector in 2007 (No. 199)—a convention that is designed to establish global labour standards that apply to all workers in the commercial fishing sector—Thailand's existing laws have impeded the government from instituting recommendations as set by the ILO. Moreover, the lack of enforcement of existing laws indicates that Thailand's

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<sup>48</sup> Kara, *Modern Slavery*, 217.



commitment to truly improve labour conditions for migrant workers appears to be falling short. In 2015, the EU threatened the government of Thailand with a ban on all seafood imports. However, despite government reforms to policies to reduce “illegal, unreported and unregulated” (IUU) fishing, an EU diplomat announced that there remain “deficiencies in the legal and the administrative systems to fight IUU fishing that have not yet been fully addressed.”<sup>49</sup>

### Abuse in the Sex Industry

As an internationally recognised form of gender-based violence, sex trafficking and exploitation of women and girls is closely intertwined with sexual and health reproductive vulnerabilities. In a 2011 study, it was found that in comparison to their non-trafficked counterparts, female sex workers (FSW) who were trafficked as an entry mechanism to sex work poses higher risk for sexual violence at initiation, higher recent workplace violence or mistreatment and higher rate of condom failure usage. As a result of these greater risks, sex-trafficked FSWs showed greater negative reproductive health outcomes. In fact, trafficked FSWs were over three times more likely to have become pregnant since their entry into sex work with over one in five (20.2%) trafficked FSWs reporting this outcome as compared with 7.5% of non-trafficked FSWs.<sup>50</sup> Moreover,

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<sup>49</sup> M. Macan-Markar, “EU Remains Unconvinced by Thai Seafood Industry Reform,” *Nikkei Asian Review*. Available from: <https://asia.nikkei.com/Politics/International-Relations/EU-remains-unconvinced-by-Thai-seafood-industry-reforms>. Accessed 5 August 2018.

<sup>50</sup> M. Decker, et al. “Sex Trafficking, Sexual Risk, Sexually Transmitted Infection and Reproductive Health Among Female Sex Workers in Thailand,” *Journal of Epidemiology and Community Health* 65, no. 4 (2011): 335.

reported abortions during their time in sex work doubled for trafficked FSWs, at 11.8% as compared to 4.7% for non-trafficked women.

While no significant variant was found for STI/HIV prevalence among sex-trafficked women, an increased risk of lesions or warts among was detected. Decker further added:

These findings advance previous work illustrating increased HIV infection among trafficking victims by providing the first quantitative evidence that many mechanisms posited to explain the high HIV prevalence among FSWs appear to be more prevalent among sex-trafficked FSWs than their non-trafficked counterparts.<sup>51</sup>

The higher HIV prevalence among trafficked victims stems from two principal causes. First, trafficked FSWs have less knowledge about HIV compared to non-trafficked FSWs (38.8% to 27.4%), indicating a decreased awareness of HIV risk mechanisms leading to increased HIV exposure and acquisition.

The second cause found that HIV risk mechanisms are beyond the control of trafficked FSWs. Failure or non-use of condoms were found to be more common among trafficked FSWs as well as a higher prevalence of anal sex. To support this finding, Kara's first-hand interviews revealed that trafficked FSWs were far more vulnerable because of their migrant status, thereby reducing their decision-making or negotiation power. Some trafficked migrant FSWs reported Thai men often refused condom use, and the women were expected to oblige, especially when requested by those in a position of authority such as Thai officials, policemen, etc.<sup>52</sup> Barmania interviewed Hunter from the Asia Pacific Network of Sex Workers, who highlighted the close relationship that is

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<sup>51</sup> Decker, et al. "Sex Trafficking," 336.

<sup>52</sup> Kara, *Sex Trafficking*, 116 .

maintained between sex work establishments and the Thai police—typically through substantial amounts of monetary bribes to keep the business going. Hunter adds: “The Thai police are the largest perpetrators of rape and violence against migrant sex workers.”<sup>53</sup>

A 2013 study reinforces the notion that the sexual behaviours of FSWs with their customers were beyond their ability to control: 79% of all FSW participants reported inconsistent condom use with customers for oral and vaginal sex.<sup>54</sup> A massage parlour staffed by FSW disclosed: “Many customers refused (using condoms) because they knew the doctor comes in (this massage parlour) every week and we have a doctor’s report book saying we are safe (not infected with HIV).”<sup>55</sup> In addition, 86% of participants described how they would engage in unprotected sex if they were given additional compensation.

The compromises around condom use and other sexual behaviours and malpractices demonstrate that migrant trafficked FSWs face greater risk of adverse sexual and reproductive health outcomes. As Decker highlights:

Sex-trafficked FSWs showed a threefold increased risk of pregnancy relative to non-trafficked FSWs [and] the observed trend towards increased risk of lesions or warts for trafficked FSWs may reflect a higher prevalence of ulcerative STI and suggests increased risk of further transmission.<sup>56</sup>

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<sup>53</sup> S. Barmania, “Thailand’s Migrant Sex Workers Struggle to Access Health Care,” *Lancet* 382, no. 9891 (2013): 493.

<sup>54</sup> T. Nemoto, et al., “Social and cultural contexts of HIV risk behaviors among Thai female sex workers in Bangkok, Thailand,” *AIDS Care* 25, no. 5 (2013): 614.

<sup>55</sup> Nemoto, et al., “Social and cultural contexts of HIV,” 614.

<sup>56</sup> Decker, et al., “Sex Trafficking,” 336.

These higher risk factors, when compared to non-trafficked FSWs, suggest underlying social and cultural determinants that may be yet another cause for the mistreatment of trafficked migrant FSW.

#### Healthcare and Registration Problems in the Sex Industry

To keep up with its booming sex industry, Thailand has established an adequate structure for the healthcare and STI/HIV screening of sex workers. The Asia Pacific Network of Sex Workers states: “[Thai sex workers] can access health services through the Thai universal health-care system. Thailand is one of the few developing countries which have such a system.” Hunter emphasised that “Thai sex workers have access to full STI [sexually transmitted infection] screening. They are screened at least every 3 months, voluntarily, but highly coerced.”<sup>57</sup>

However, non-Thais are excluded from this system. The women and girls who cross the Thai border describe how “their passports are confiscated by the trafficker, and they have to enter into sex work to pay off a debt imposed by the trafficker or else are threatened or beaten.”<sup>58</sup> Accordingly, as they settle into their new establishments, migrant FSWs do not have an identification card, and are therefore classified as foreigners or illegal immigrants. This foreign/illegal status results in limited access to health information such as HIV/AIDs prevention and health services such as cervical screening and family planning.

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<sup>57</sup> Barmania “Thailand's Migrant Sex Workers.”

<sup>58</sup> Barmania “Thailand's Migrant Sex Workers.”

It is estimated that there are two to three million migrant workers in Thailand. However, since more than half of them are not officially registered through immigration, their only access to healthcare services is through back-alley doctors and local government hospitals. In order to use these services, migrant FSWs are required to pay out of their own pocket.

Another avenue for access to healthcare services for migrants is health insurance, but out of the small number who are eligible, Barmania explains that “only half will purchase insurance, given that the cost of it is far beyond their means.”<sup>59</sup> Given these limitations, it is evident that there is a definite disparity in healthcare for migrants compared to their Thai peers, and a distinct inequality of legality and access.

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<sup>59</sup> Barmania, *Thailand's Sex Workers*

## Chapter V

### Analysis Part I: Thai Identity

This chapter discusses how the Thai identity is intrinsically bound to Thai nationalism, Theravada Buddhism, and the Thai monarchy. The ethnic and cultural cognition of “Thai-ness” requires the necessity of “otherness,” i.e., those who do not share the same national, religious, and monarchical markers in order to define themselves as distinctly Thai. A review of Thailand’s historical and present-day relationship with its neighbouring countries—Myanmar, Laos, and Cambodia—will be conducted to understand the political implications and motivations that give rise to ethnic division and dissension (i.e. the social construction).

#### Thai Identity, Unity, and Otherness

The collective identity amongst Thai people draws distinct polarity and boundaries with its in-group and out-group members; what constitutes “Thai-ness” is the explicit dichotomy between “us” and “otherness.” From an anthropological point of view, Barth posits the notion that boundaries between groups as set by “a shared common culture and interconnected differences that distinguish each such discrete culture from all others.”<sup>60</sup> One of the ways Barth defines ethnic boundaries is by identifying that a group shares fundamental cultural values. However, he argues that these marked differences of

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<sup>60</sup> F. Barth, *Ethnic Group and Boundaries: The Social Organization Culture Difference* (Boston: Little Brown, 1969), 9.

cultural values between groups are artificially created and maintained, since “ethnic groups only persist as significant units if they imply marked difference in behaviour, i.e., persisting cultural differences.”<sup>61</sup> In the case of “Thai-ness,” the cultural values of nationalism, religion, and the monarchy act as boundaries to maintain the social integration of ethnic likeness as well as barriers for the exclusion against deviations of that sameness. Barth expands further: “The identification of another person as a fellow member of an ethnic group implies a sharing of criteria for evaluation and judgement. It thus entails the assumption that the two are fundamentally ‘playing the same game’.”<sup>62</sup>

On the other side of the coin of “us” and “otherness,” outsiders or members of another ethnic groups “implies a recognition of limitations on shared understandings, differences in criteria for judgement of value and performance, and a restriction of interaction to sectors of assumed common understanding and mutual interest.”<sup>63</sup>

Winichakul calls this “negative identification,” where the absolute determinism of “Thai-ness” is the designation of past and present enemies—a discourse that has been inculcated through the powerful political machinery of the ruling class.<sup>64</sup> For instance, the allegory of the Burmese committing the brutal and sacrilegious act of destroying the old and sacred capital of Ayutthaya in 1767 perfectly encapsulates the “negative identification” of “Thai-ness” against “otherness”—a binary of good versus evil. In Thai politics, images like this are often used by political parties to explain and exercise their

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<sup>61</sup> Barth, *Ethnic Group and Boundaries*,” 15.

<sup>62</sup> Barth, *Ethnic Group and Boundaries*,” 15.

<sup>63</sup> Barth, *Ethnic Group and Boundaries*,” 15.

<sup>64</sup> T. Winichakul, *Siam Mapped: A History of the Geo-Body of a Nation* (Honolulu: University of Hawaii Press, 1994), 84.

control over the Thai population. Chachavalpongpun asserts: “Such an image was fed into the effort to stimulate Thai nationalism—serving as a constant reminder that Siam had to live side-by-side with its historical enemies and therefore needed decisive and courageous leaders for eternity.”<sup>65</sup> Hence, the ruling elite could exploit the notion of Thai group membership by employing this “negative identification” of the moral “us” versus the barbaric “otherness,” which in turn strengthens the unity of shared Thai identity.

Accordingly, the doctrine of unity is central to the group membership of “Thai-ness.” Chachavalpongpun states that unity signifies “the quality of oneness, sameness, and agreement. It is often defined as the state of being undivided or unbroken completeness or totality with nothing wanting”, but warns that the absolutism of this principle also means it is entirely dismissive of “otherness” since “unity can be antithetical to diversity, dissension, and pluralism.”<sup>66</sup> The word “unity,” translated into Thai as *khwam samakki*, or *khwam pen an nun an diew kan*, or *ekkachan*, are all terms that have been indoctrinated through nationalist songs composed not only to evoke a sense of oneness amongst Thais, but to also remind that ideologies outside the ethical “Thai-ness” was different and therefore resolutely “un-Thai.”<sup>67</sup> Hence, while unity equates to overall cohesion in shared Thai identity, it is exclusionary and is exceptionally prone to thwarting any other out-group members that are deemed “un-Thai.”

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<sup>65</sup> P. Chachavalpongpun, “The Necessity of Enemies in Thailand's Troubled Politics,” *Asian Survey* 51, no. 6 (2011). Available from: [www.jstor.org/stable/10.1525/as.2011.51.6.1019](http://www.jstor.org/stable/10.1525/as.2011.51.6.1019).

<sup>66</sup> Chachavalpongpun, “The Necessity of Enemies,” 333.

<sup>67</sup> Chachavalpongpun, “The Necessity of Enemies,” 334.



### Thai Identity, the Monarchy, and Buddhism

The overarching figure that brings the Thai identity all together is the monarch. Playing a principal role to the collective identity amongst Thais, the symbolic Deity-king of Thailand is venerated and adored; his divine existence is integral to the formation of Thai identity. He is perceived as the Father, giver of life and abundance, whose kindness and generosity for bringing peace and prosperity for the Thai people and the nation is unquestioned. Author A. Marshall highlights that reverence for the King has been indoctrinated in young Thais through education and political apparatuses. Marshall wrote:

Thais are taught from their earliest childhood that [King] Bhumidol is a prematurely talented and wise monarch who has single-handedly brought progress and development to the nation through more than six decades of heroic effort. This is the story told by daily royal news broadcasts, school textbooks, official histories, newspapers and propaganda films.<sup>68</sup>

In addition to the social and cultural indoctrination in the unity of “Thai-ness,” the totality and cohesion in Thai identity is further entrenched through the country’s predominant religion, Buddhism. Since over 90% of the Thai population follows Buddhism (an nearly all of these are Theravada Buddhists), Thailand has the highest concentration of the Buddhist faith in the world. The divine connection of the monarchy to Buddhism facilitates the acceptance and devotion to the King, and is the necessary condition in which Thais structure their spiritual belief, belonging, and practice. Marshall asserts that the story of the monarch who “possesses particular magical powers and plays a crucial role in ensuring harmony and order not only in society but also in the natural

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<sup>68</sup> A. M. Marshall, *A Kingdom in Crisis: Thailand’s Struggle for Democracy in the Twenty-First Century* (London. Zed Books, 2015), 27.

world . . . the king is *dhammaraja* whose legitimacy is based on his great merit,” is the objective, innate truth for Thais.<sup>69</sup>

The merit that Marshall refers to is based upon the doctrine of “karmic rebirth” in Theravada Buddhism. Of the two main sects of Buddhism, Theravada and Mahayana, Theravada is the earlier and more strict school than the latter. “Karmic rebirth” functions upon a fixed hierarchical ranking within the physical and the metaphysical world. In this way, the orthodoxy of Theravada Buddhism, which Thais faithfully adhere to, plays a central role in their understanding of social status and governance in their actions. Kara describes the doctrine as follows:

Karma is the consequence of all actions and intentions. Positive or moral actions accrue positive karma, and negative or immoral actions accrue negative karma. At the end of life, the sum of these two results carries an imbalance. This karmic residue (*sesa*) dictates the nature of rebirth. Positive residue leads up to ontological hierarchy; negative residue leads down. Through cycles of rebirth, the ultimate goal is to eliminate the residue by extinguishing the self, so that rather than suffer rebirth, the spirit is released. Nirvana is this release, and it is achieved upon the individual’s attainment of enlightened unattachment to the world—no more desire, no more suffering, no more actions that require karmic settlement.<sup>70</sup>

Hence, the karmic merit that is accumulated from the “good or bad” actions of previous lives dictates one’s position in their current life. The immediate earthly existence is the result of past positive or negative deeds, and in this way provides justification to the level of comfort or struggle one may experience in each lifetime. Kara postulates: “Manifestations of wealth and power are evidence of the accumulation of positive karmic merit in past lives, whereas manifestations of poverty, disease, female

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<sup>69</sup> Marshall, *A Kingdom in Crisis*, ” 29.

<sup>70</sup> Kara, *Sex Trafficking*, 173-174.

gender, or slavery are evidence of past negative deeds.”<sup>71</sup> In other words, “karmic rebirth” affirms and affixes one’s position within the social hierarchy, and allows Thais to reconcile the huge wealth disparity and social inequality among its people. For the impoverished, the only way out of their struggle is to “abide their position dutifully and to accrue positive karma” in the hope that they will be “reborn into better shoes.”<sup>72</sup> For the wealthy, their privilege is accepted as the consequence of positive karmic merit from their past lives.

Since the group membership of Thai identity shares a spiritual affinity in religion and the monarch, this consolidates even more the binary of “Thai-ness” against “otherness.” As Handley wrote (citing former Prime Minister Thanin Kraivichien): “The Thai race is not defined by genetic or geographical race, but by Thainess, a concept that cannot exist separate from the king. Without monarchy, the land and its people would fall into some identity-less perdition of the type communists would bring.”<sup>73</sup> In this way, Thais are emotionally and spiritually bound to their monarch. “Thai-ness” is understood as the collective entity against any evil “otherness,” i.e., those who do not recognise the King’s divinity.

Hence, identity formation for Thais is explicitly tied to the trinity of the monarchy, Buddhism, and the nation. That is, the symbolism of the king as a national and religious icon thereby creates a unique and powerful construction. As earlier discussed, the formation of this Thai identity has been used by the political ruling class to exercise

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<sup>71</sup> Kara, *Sex Trafficking*, 174.

<sup>72</sup> Kara, *Sex Trafficking*, 174.

<sup>73</sup> P. Handley, *The King Never Smiles* (New Haven, CT: Yale University, 2006), 256.

their absolute control and engender social distance from “others,” which further inculcates their national ethnic belief. Connors confirms that “building a disciplined self/nation was the aim of national ideology . . . and how conscious Thainess, the nation-religion-monarchy triad and democracy were mobilised for hegemonic and governmental aims.”<sup>74</sup>

Therefore, the creation of “otherness,” of enemies in particular, is required to prolong and legitimise the prevalent political and social control against rivals from within. Hence, survival of the ruling elite is dependent upon the presence of enemies, of “otherness,” which must be constructed, presented, and then discursively sustained.

#### Thai-Burmese Relations

Compared to Thailand’s other neighbours, Thailand’s relations with Burma have witnessed great hostility throughout history, and anti-Burmese sentiments among the Thai public are widespread. The Thai-Burmese historical overhang, which Ganesan defines as “a negative perception that derives from historical interactions and subsequently becomes embedded in the psyche of a state, both at the levels of the elites and the citizen body,”<sup>75</sup> have been kept alive, cultivated, and embellished in order to prolong and solicit emotional responses to them. As explained earlier, it is the Thai political elites who nurture these anti-Burmese attitudes in order to procure desired

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<sup>74</sup> M. K. Connors, *Democracy and National Identity in Thailand* (London: Routledge Curzon, 2003): 129.

<sup>75</sup> M. A. Myoe, “Legacy or Overhang: Historical Memory in Myanmar-Thai Relations,” in: N. Ganesan, editor, *Bilateral Legacies in East and Southeast Asia* (Cambridge University Press, 2015), 107.

outcomes among the Thai public through the implementation of bilateral Thai-Burmese policies.

Historical disputes date back to the early 16th century, culminating in the historic 1767 Fall of Ayutthaya, where Burmese military forces besieged the ancient city capital, massacred its inhabitants, took the Thai royal family prisoner, and stripped the city of all its valuables. The entire city was set ablaze, and holy Buddhist statues were beheaded. As a consequence, any discussion about the Fall of Ayutthaya left a profound impression on Thai perceptions of Burma, with a significant impact on the formation of the Thai identity—religion—that is, the Burmese destruction of Ayutthaya equates to the destruction of the Thai Buddhist faith. In this way, the perception of Burma as an arch-enemy of the Thai nation in Thai historiography, literature, and art have been carefully reconstructed by chroniclers to reflect the commissioned nationalist discourse with anti-Burma thematics. Chutintaranond asserts:

It was not until the fall of Ayudhya in 1767 that Siam's political and intellectual leaders started to realise the unbridled violence of the Burmese and the resultant perils to Thailand, and showed more concern for investing and reconstructing the past circumstances of their hostilities with this neighbour. . . . After the war, the Thai rulers totally changed their political attitude toward the Burmese. The Burmese, who since the death of King Naresuan in 1605, had never been perceived as a dangerous and implacable enemy, were now regarded as Siam's most threatening hostile neighbour.<sup>76</sup>

Hence, the stereotype of the Burmese as evil and inhumane people projects the notion of Burma/Myanmar as an enemy of Buddhism, which is likewise an enemy to “Thai-ness.” Such an image is antithetical to the centrality of nation-religion-monarch in

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<sup>76</sup> S. Chutintaranond, “The Image of the Burmese Enemy in Thai Perceptions and Historical Writings” in: Sunait Chutintaranond and Than Tun, *On Both Sides of the Tenasserim Range: History of Siamese–Burmese Relations* (Bangkok: Chulalongkorn University, 1995), 118.

the Thai identity, which portrays Thais as moral and religious, and the Burmese as immoral and faithless who, because of their inhumanity, committed such sacrilegious acts as beheading the holy Buddhist icon.

Myoe wrote that after the 1932 Siamese revolution, the Phibunsongkhram government of 1938-1944 initiated a nation-building project which incorporated depictions of Burma as Thailand's enemy through state-sponsored socialisation and propaganda such as school textbooks, historical novels, and national songs.<sup>77</sup> Hence, instilling a hostile image of the Burmese in the minds of the people has been instrumental for the ruling class in gaining political legitimacy and social integration during a time when nationalisation was critical.

Even today, Thai propaganda, filled with negative depictions of Myanmar, persist by dissemination through mass media. Movies such as "Bang Rajan" (2001) tells the story of Thai villagers struggling to fend off the Burmese invasion in the 1767 Fall of Ayutthaya. The movie generated intense anti-Myanmar sentiments among the Thai people. Myoe wrote that the film "made many Thai eager for revenge for Burma's destruction of Ayudhaya 234 years ago."<sup>78</sup> Another movie with a similar theme, "The Legend of Suriyothai" (2001), reportedly sponsored by Queen Sirikit and King Naresuan (2007), is a movie based on the liberation of Burma from the control of Myanmar, in the process becoming the most expensive film ever made in Thailand. Governments of the modern Thai state continue to play an important role in institutionalising prejudicial

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<sup>77</sup> Myoe, "Legacy or Overhang," 119.

<sup>78</sup> Myoe, "Legacy or Overhang," 119.

feelings toward the Burmese by distributing such information through channels of oral tradition, historical literature, academia, music, and movies.

In the political realm, bilateral policies such as the buffer-zone policy further reflect anti-Myanmar sentiments. Believing that Myanmar will always pose a potential national security threat, not only did the Thai government grant asylum to all insurgents along the Thai-Myanmar border, it also supplied some of the groups such as the Kuomintang (KMT), Democratic Karen Benevolent Army (DKBA), and other rebel forces with arms and equipment to continue operating. Furthermore, in 2000, the Thai army arranged for 120 villages in districts along the Thai-Burmese border to be enrolled into the “civilian army” programme to act as “self-defence villages.” Under this programme, villagers register with authorities and are issued a household registration, ID cards, and trained to defend themselves using firearms. In 1995 a Thai police general explained the motivation behind the Thai government’s policy toward Myanmar:

The Thai government did not want it [Myanmar] to have unity and peace. Thus the Thai government supported minority groups and provided them with arms. However, the Thai government did not trust the minorities either. Thailand did not want the minorities to win for fear that the conflicts among themselves would have a negative impact on Thailand. In other words, the Thai government did not want any party to win the war. . . . There should be no complete peace in Myanmar. In this way Thailand would achieve security and freedom from the Myanmar threat.<sup>79</sup>

Long-standing conflicts between Thailand and Myanmar underpin the discourse of Thai-Burmese relations beginning with the 1767 Fall of Ayutthaya as the cornerstone of Thai perceptions of Myanmar. An embellished historiography of Thailand was rewritten to present Myanmar as a past and present enemy, and dehumanisation of the

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<sup>79</sup> P. Phongpaichit, S. Piriyaangsan, and N. Treerat. *Guns, Gambling, Ganja: Thailand’s Illegal Economy and Public Policy* (Bangkok: Silkworm Books, 1998), 129.

Burmese people remains a recurring theme in Thai popular culture. As Myoe highlights, “‘Thainess’ is defined by those in power,” and in this way, the conception of “Thai-ness” socialised with negative depictions of Myanmar became intertwined with anti-Myanmar sentiments to serve the political interests of the Thai elite.<sup>80</sup> Because of this, the construction of “Thai-ness” necessitates the crucial element of negative identification with Myanmar as an enemy “other,” that is, to be Thai is to be anti-Myanmar.

### Thai-Cambodian Relations

Due to the purposeful use of nationalism, and political emphasis on historical embeddedness, internal crises between Thailand and Cambodia have been constituted and preserved to give rise to ongoing hostile relations between the two nations. According to Hobsbawm and Anderson, the forming of a nation is socially and historically rooted, and in this way they inevitably include elements of construction through abstract and concrete processes.<sup>81</sup> These processes are identified first through historical narratives. The ancient Sukhothai kingdom, dating to the early 13th century, informs cordial relations between the Siamese and Khmer people, where continual exchanges of culture, art, language, marriage, royal rituals, and trade were commonplace. Wyatt contends that when the Khmer civilization sank into decline and Siam became a major power in Southeast Asia, this imbalance of power eventually culminated into internal conflicts.<sup>82</sup> In 1431,

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<sup>80</sup> Myoe, “Legacy or Overhang,” 128.

<sup>81</sup> E. Hobsbawm, *Nations and Nationalism Since 1780* (Cambridge: Cambridge University Press, 1990); see also, B. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1983).

<sup>82</sup> Chachavalpongpun, “The Necessity of Enemies,” 82.



Ayutthaya's army invaded Angkor, destroying the city and turning the Khmer Empire into one of Siam's vassals. While the destruction of Angkor can be equated to the 1767 Fall of Ayutthaya, Thai historians have been reluctant to disseminate this analogy of Thailand as a colonising villain.

Throughout pre-French colonial period over Cambodia in the 19th century, Thailand and Cambodia deepened their mutual feelings of distrust. Since Vietnam began to expand its influence over Cambodia, Khmer leaders found themselves pressured between to powerful overlords of Siam and Vietnam. As a result, factional fighting within the Cambodian court began in the 18th-19th century. Winichakul found that “whenever a faction sought support from one overlord, the loser sought the other’s protection”, while the Khmer kings attempted to blur the lines of allegiance for the overlords in order to gain a form of independence for the kingdom.<sup>83</sup> As a result, through the historical lens of Cambodia as cowardly, sneaky and opportunistic, Thais have developed a distrust for the Khmer people.

But the most powerful discourse that ferments the hostility in Thai-Cambodian relations is the “lost territories” of Preah Vihear—an ancient temple symbolising a key edifice to the empire’s spiritual legacy. In 1863, the French-Cambodian treaty was signed, assigning France as a protectorate over the Khmer kingdom against two oppressive neighbours, Siam and Vietnam. In 1907, with colonial politics forcing Siam to agree to a treaty with France, the Siamese-Cambodian border was demarcated based on the landmarks as indicated on a 1904 map sketch by the joint committee of Siamese and French surveyors. Following a long period of political dispute over ownership of Preah

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<sup>83</sup> Chachavalpongpun, “The Necessity of Enemies,” 83.

Vihear, in 1962 the International Court of Justice (ICJ) ruled that the temple was within the boundary of Cambodia.

Siam's loss of its territorial integrity to greedy foreign powers and opportunistic neighbours underpins a major theme in Thai nationalism, and has become entrenched in the historiography of Thai-Cambodian relations. Chachavalpongpun adds that bitterness regarding the "lost territories" has been preserved and replicated by state education and media.<sup>84</sup> Thai textbooks chronicle the loss of Preah Vihear (referred to as Phra Wihan in Thai dialect) to promote royalist-nationalist aims. Thai students learn how the Siamese empire fended off outside invaders throughout history, but through diplomacy the nation survived, albeit having to relinquish parts of its territory in the process.

The Preah Vihear issue continues to further the fragile relations between Thailand and Cambodia. More recently, Cambodia broke off diplomatic relations twice with Thailand, in 1958 and 1961, allegedly as a protest against the Thai claim for the Preah Vihear temple. The bitter historical background, coupled with the nationalist sentiment used as a tool of the unfinished nation-building processes in both Thailand and Cambodia, has proven to be an obstruction to any sense of neighbourliness.

In the case of Thai-Cambodian relations, the nationalist bias in each country's history has not ended, but on the contrary has even been reproduced and has recently re-emerged. The manner in which history has been recreated as a political weapon, either to undermine domestic opponents or foreign enemies, has led to perpetual suspicion on the part of Thailand and Cambodia towards each other. Thailand's domestic crisis has harmfully affected its relations with Cambodia since various factions have continued to

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<sup>84</sup> Chachavalpongpun, "The Necessity of Enemies," 89.

treat this neighbour as their political hostage. Kasetsiri identifies the bilateral relation between the two countries as a “love-hate relationship.” He writes that despite similarities in customs, traditions, beliefs, language, and literature, “it seems surprising, therefore, that relations between Thailand and Cambodia should be characterised by deep-seated ignorance, misunderstanding, and prejudice.”<sup>85</sup>

Nevertheless, through the portrayal of Cambodia as one of Thailand’s traditional enemies, the negative stereotype of Cambodia reflects Thailand’s perception of itself as “Thai-ness,” the virtuous and the enduring sharply contrasting to the immoral and opportunistic “other.” Domestically, Thai political leaders have worsened these bilateral tensions, fanning the flame of nationalism through a rekindled historical past in foreign policies against Cambodia. As a result, politically motivated dissonance paved the way for sentiments of distrust and hostility to be disseminated throughout the Thai public, affecting how Thais view and interact with their Cambodian neighbours.

### Thai-Laotian Relations

Thailand and Laos have shared bilateral relations since the time of the Siamese Ayutthaya and Laotian Lan Xang kingdoms in the 15th century. As a unified kingdom from 1353–1707, Lan Xang was one of the largest kingdoms in Southeast Asia, sharing not only a long border with Thailand but also similar linguistics and traditions. As a consequence of their close geographical and cultural proximity, Thailand’s northern region, Isaan has particularly strong Laotian roots. In fact, a third of the Thai population

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<sup>85</sup> C. Kasetsiri, “Thailand-Cambodia: A Love-Hate Relationship,” *Kyoto Review of Southeast Asia*,.3 (March 2003): 1. Available from: <http://www.charnvitkasetsiri.com/PDF/Thailand-Cambodia.pdf>. Accessed 9 November 2019.

speaking the Laotian-derived dialect, Isaan. Despite the relative diplomacy between the two countries, as a land-locked nation between Thailand and Vietnam, Laos has always endured the bitter rivalry between the two arch-enemies, both of which seek allegiance from the Lao kingdom in order to obtain spatial leverage. Because of pressure from Thailand and Burma, Lao's network of alliances in the political and military landscape has shifted repeatedly throughout the 18th century.

However, Laos's obscure loyalty and allegiance eventually came to a head. Following the Burmese conquest of Siam in 1767, in 1778 Siam attacked the Lao kingdoms of Vientiane, Luang Prabang, and others, because of Lao's previous allegiance with Burma. The successful conquest of Laos left the country under Thai military rule while the kingdom of Luang Prabang accepted Thai suzerainty. More importantly however, the Thai invaders looted holy Buddhist images, in particular one of religious importance: the extremely valuable Emerald Buddha. This loss of religious iconography to Thailand became symbolic of the captivity and subjugation of the Laotians themselves, since Buddhist figures are viewed as protective emblems for the kingdoms in Southeast Asia. For the Laotian people, the expropriation of the Emerald Buddha reinforced the Laotian identity as the subjugated, creating a strong undercurrent of anti-Thai resentment. For the Thai people, the seizure of the Emerald Buddha denoted a redemption of sovereignty, since Laotian King Setthathirath took the Emerald icon from the Thai Kingdom of Lanna in 1558.

After conquering Laos, from 1779 to 1826 the Siamese and Burmese were in constant conflict. Siam relied heavily on conscription from Laos, Cambodia, and some areas of Malaysia to strengthen their forces. In addition to military conscription, corvee

labour (unpaid labour) was required to assist in the diggings of canals, dam building, and constructing forts around Thailand's water locales. Moreover, to fill demand for its European exports of sugarcane, more manpower was needed for this labour-intensive work in Thailand's sugar plantations.

Due to the large number of corvee labourers, forced tattooing was introduced. The tattoos were used to take a census of corvee labour and related taxation, whereby the census numbers and village names of all adult male corvee labourers in Siam were etched onto their wrists. The tattoo campaign expanded across Korat, one of the main plateaus of the Isaan region, where much of the ethnic Lao population resided. As a result, politically forced tattooing reduced the kingdoms that initially belonged to Laos in Korat to little more than what the Siamese had, thus shrinking the power and wealth of the vassal Lao aristocracy. Culturally, forced tattooing reaffirmed the hierarchical order, marking the Lao as inferior and the Thai as superior. Petchlertanan further adds that the idea of Thai superiority was further fortified by nationalist education, in which "anti-Communist ideology after the 1950s bolstered the idea of 'Thainess,' and the idea of Thai conquest and dominance over the region."<sup>86</sup>

In a more recent political climate, as a result of economic restrictions imposed on Laos since the Cold War, Thailand has provided much economic assistance to its neighbour. Viraphol writes:

In bilateral trade, Thailand has rendered valuable support to Laos, particularly in the development of energy resources and water

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<sup>86</sup> O. Ward, "They're so Lao": Explaining the Thai sense of superiority," December 2016. Available from: <http://www.aseantoday.com/2016/12/theyre-so-lao-explaining-the-thai-sense-of-superiority/>. Accessed December 7, 2019.

transportation [and] has helped Laos improve its shipping, shipbuilding, and navigation and port facilities along the Mekong River, thus substantially upgrading Laos' communications and economic development as a whole.<sup>87</sup>

Due to Laos' reliance on Thai government aid, this greatly contributed to a feeling of Thai supremacy—with Thailand as the morally good and forgiving toward its villainous neighbours. Ward emphasises that this is pertinent to the Buddhist belief in karma, writing that “many Thais feel their neighbouring countries have seen less development as they have procured less karma and goodwill [because] they lack moral integrity,”<sup>88</sup> i.e., as a consequence of their bad actions, Thais believe that their neighbours who have in the past been immoral and opportunistic, are now receiving their negative karmic ramifications. In the Laos context, the idea that Laos has not prospered (*mai chareon*) the way Thailand has, is a direct result of the accrued bad karma of their past actions where they once sided with Thailand's long-standing enemy, Burma.

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<sup>87</sup> Viraphol 1985: 1264

<sup>88</sup> Ward 2016

## Chapter VI

### Analysis Part II: Trafficking of Migrant Labourers

For this chapter, I conducted a series of interviews with two separate groups: Thai authorities and NGO personnel who specifically focus on trafficking. The Thai authorities were asked open-ended questions about trafficking in Thailand. I encouraged them to share stories they knew of or had experienced, and I also sought to identify any exclusionary attitudes they might hold. The NGO workers were encouraged to share accounts of trafficked victims they had encountered who had experienced racial or ethnic discrimination.

#### Interview: Police Colonel Superintendent

When asked questions regarding the issue of migrant trafficking in Thailand, a high-ranking police colonel superintendent, who is also a Senator in the Thai government, answered questions formally and diplomatically, but was vague in his personal anecdotes. When asked about his personal views on migrants, he responded by making a point that migrants are not bad people, but they simply come to Thailand because of the lack of opportunities in their home countries.

Despite the police colonel's lack of detailed anecdotes, subtle yet crucial comments throughout the interview indicated prejudiced sentiment toward migrants. Given that Thai police are involved in trafficking rings, I inquired, "There have been reports of Thai people working at the border being bribed by traffickers to bring migrants

into Thailand. I'm curious to know if you have any knowledge you can share regarding this problem?" In response, the police colonel did not acknowledge this detail but instead asserted, "It's the [Burmese/Cambodian/Laos] themselves who traffic their own people into Thailand."

One other important note: throughout the interview there was an overall "saviour" narrative in the way he spoke about migrants—Thai authorities would eventually come to rescue and help exploited migrants. I asked: "Could you tell me more about the current policies regarding migrants, more so, trafficked migrants?" The police colonel emphasised that there has been continuous changes in policy reforms to protect migrants, and when illegal migrants come into the country without proper paperwork they do not get arrested but are protected by Thai law and used as witnesses to prosecute traffickers.

While this is true, the police colonel failed to mention that new laws make the condition that if victims are not used as witnesses, they will be prosecuted and deported. Moreover, even if immigrants become witnesses, they are kept in prison cells, thereby treating them as if they are criminals. Notably, he made this comment: "*Puak nee na songsarn*," a Thai phrase that does not have an accurate English equivalent; it refers to an expression of sympathetic pity, meaning "these people are pitiful, we should feel sorry for them."

#### Interview: Ministry of Labour Official

At the Ministry of Labour (MOL), I spoke with an authority who works in the policy office of the human trafficking department. Having worked at the MOL for over 15 years, this official is a key figure in monitoring current policies regarding migrant



workers' rights and labour conditions, as well as the advocacy of policy reforms. Relative to this thesis, the MOL deals only with migrant workers that are legally recognised, and since prostitution is illegal in Thailand, the official could only speak for migrant labourers in the fishing industry.

Using the same question guidelines as were used with the police colonel, I asked the MOL official for his thoughts regarding the fair treatment of migrant workers.

“Thailand is generous in terms of compensation for migrant workers who come to work in the country. We give them the same minimum wage (325 baht/US\$10.70 per day) entitlement as Thai citizens receive,” he responded. He further added: “The higher pay compared to what they receive back in their countries is why they come to Thailand to work.”

I asked him: “There’s been a lot of reports that migrant workers, especially in the fishing industry, are exploited, many who are bound in debt bondage. Why do you think there are high incidents of migrant workers, but not Thai workers?” He promptly replied, “IUU fishing is still a major issue in Thailand, which is where much of the labour exploitation occurs. Because illegal immigrants who come into the country cannot find legitimate employment, they often resort to illegal and dangerous work.” I questioned him about the 2017 law on migrant worker management, which stipulates harsh punishments for people who illegally hire workers from foreign countries. Under the new law, employers could be fined as much as 800,000 baht/US\$26,200 for every illegal migrant. He clarified: “The fishing industry is difficult to monitor, and a problem for the Department of Fisheries [the regulating body].” He further stated that Thailand has made

huge progress in ratifying its policies with international standards. He told me Thailand has moved from Tier 3 to Tier 2 in the U.S. Trafficking In Persons report in 2018.

While the MOL authority maintained that the “push and pull” factor is the primary cause of trafficking, when I raised the question about Thai police at the borders who have either been bribed or are directly working with traffickers, the MOL official rejected such claims: “There aren’t any [bribed Thai police]. The problem is the geographical location of Thailand. The borders are dense forests which makes it easier to smuggle people in and hard to effectively monitor,” he responded.

I was perplexed with his denial since low-level state involvement is widely known by anyone who reads up on the trafficking industry. I can anticipate a number of reasons for this refutation. First, as a state official, admitting to state complicity would reflect poorly on himself and the Thai bureaucracy. The second and more improbable possibility is that as someone who works in a high-level governmental role, it could be that he is (deliberately or inadvertently) unaware. Nevertheless, rejection the notion of Thai police as implicated in trafficking rings is problematic since border police are integral to the point-of-entry in trafficking operations.

Interview: Former Deputy Permanent Secretary, Labour Ministry

When I spoke with a retired Deputy Permanent Secretary from the Labour Ministry, the interview was less formal than the previous two, so I was able to gather more open and interpersonal insight.

“You know these migrants have as much labour rights as Thai workers,” he asserted. Emphasising the same minimum wage entitlement as Thai citizens, he

maintained, “Nowhere else in the world gives so much to its immigrants. Thailand provides them [Burmese/Cambodian/Lao] ample.” Expressive and assured in his statements, he informed me that “back home they are paid less than 100 baht/US\$3 a day. This is why they come to Thailand.”

On the topic of ship workers, he mentioned that Thais do not want to do that type of labour because it’s “very hard work,” but because the Burmese, Cambodian and Lao people are “good workers (*tam ngan keng*),” that’s why they “choose to do it.” This was an interesting remark as it revealed two things. First, it demonstrates a belief that the Burmese, Cambodian and Lao people are innately “good workers.” The phrase *tam ngan* means “to work,” and *keng* has several and broad meanings but when used to describe someone’s ability to work, it translates to “good, “adept” and/or “hard-working.”

The distinction in the migrants’ intrinsic trait demonstrates the belief that they are inherently different than Thais. Moreover, the assertion that migrants consensually come to Thailand to work in the fishing industry (which was said in a matter-of-fact tone) signifies either an ignorance of the trafficking issue, or his belief that Thailand is an attractive destination country for migrants regardless of the possibility for exploitation.

On a side note, during our small-talk, he shared that he was looking for a new house maid (it is common for wealthy Thais to employ maids). “I still can’t find any. I’m looking for a Lao one,” he remarked. In Thailand, menial jobs such as domestic housekeepers and cleaners are filled by female migrants, while male migrants are employed in other unskilled but labour-intensive sectors. I asked him why he was looking for a Lao maid and not a Thai one, he responded, “Thai people don’t want to be house maids. Thais have the option to find jobs with more freedom (because house maids work

6 to 7 days per week).” It’s possible that the condescending nature of the way Thais perceive migrants and speak about them may stem from the lived-experience in the social order that predetermines immigrants as inferior to Thais. That is, from the everyday observation in which migrants work in some of the lowest occupations that not even Thai people want, in this way people from Burma, Cambodia, and Laos are seen as existing in the lowest position of society.

#### Interview: The Labour Protection Network

The Labour Protection Network (LPN) is an NGO seeking to improve the lives of migrant labourers in Thailand by addressing the injustice brought on by discrimination and inequality. The organisation has three core components to their mission: raids, rescue and victim assistance; migrant education centres; and labour rights promotion through media advocacy.

I sat down with Amp, a worker in the rescue and victim assistance section of the operation, to listen to his first-hand experience with migrant labourers on fishing boats.

Amp has personally worked with many rescued migrant labourers. He told me:

The number of migrant workers compared to Thais working in commercial fishing boats is hugely disproportionate,” he told me. I asked him why this was the case, to which he responded, “There are many reasons. First of all, the low pay and long work hours, or should I say days, weeks, and months of continuous work puts Thai people off. It’s understandable—the back-breaking labour would put anyone off. But more than that, many workers in the fishing industry are undocumented since it’s easier for traffickers and boat owners to exploit someone when they’re forced into a corner. Migrants have to pay their *ka hua* [debt bondage], which can leave fishermen working for months or even years without pay. This means less money for the workers and more profit for the perpetrators.

Amp further explained how migrants who end up on fishing boats can come from Myanmar, Cambodia, and Laos. But in his experience, the most common trajectory is as follows:

Many migrants come from Myanmar. They cross the Myawaddy on the Myanmar side of the Moei River, which is joined to Mae Sot on the Thai side. This is the formal border crossing with an immigrant checkpoint, but because the border is inadequately policed, a huge number of migrants choose to illegally cross over. Once they are in Mae Sot, they continue their journey by foot through the dense forest which is the preferred route for brokers to avoid detection by Thai authorities because the road from Mae Sot to Tak is monitored by up to four police checkpoints. When they reach Tak, migrants are loaded into vehicles to continue their journey to other provinces such as Samut Sakhorn, the primary destination for seafood processing, which is also where a lot of Cambodians work ,or Trang, where a lot of Thai fishing boats operate.

“Is this the only way migrants are trafficked into the fishing industry?” I asked

Amp. He replied:

No, some have already been working illegally in Thailand. Traffickers can recruit workers by scouting out places like low-skilled, labour-intensive factories. For example, a Burmese victim who was working in a chicken factory in the north was recruited by a visiting broker who told him that he could help secure a better job in another factory with higher wages. But when he arrived at the destination with the broker, the victim noticed a pier. He was then thrown into a room and locked in with many other men for four months, waiting for a boat to return before he was forced to work at sea.

Amp then proceeded to share the details of what the victim went through during those months of captivity: “The victim witnessed three murders by the *hua na* [boss]. The three men were beaten and killed for getting caught in conspiring to escape. To set an example, they were lined up and shot in their foreheads in front of the others.”

I was curious to know whether the reports on how migrants are being abused on fishing vessels were homogenous with Amp’s experience of working with rescued

victims. He said: “You have to understand the nature of the industry. The fishing boats leave dock for months at a time, but a fisherman can remain at sea for years after that.”

“How does that work?” I asked.

He replied: “When one boat fills their catch load and is ready to dock, instead of taking the fishermen back to port, they move them onto another boat already at sea so they can carry on working right away. So trafficked victims of the fishing industry are treated like *thaat* [slaves].” Amp’s use of the term *thaat* to describe the lives of trafficked fishermen is not surprising, as it is similar to numerous reports that describe forced labour in the fishing sector as “modern-day slavery.”

Historically, Thai society has been divided into a caste system of four levels: royalty; upper class; commoners (peasants); and slaves. Slavery has existed in Thailand since the ancient Sukhothai period (c. 1240–1438), and was theoretically abolished entirely in 1905. However, it is still evident in modern-day Thailand, with centuries of servitude resulting in a stark class divide further fortified by the Buddhist doctrine of karmic merit.

Amp explained how infiltrating the fishing industry’s criminal network is particularly challenging since the Thai police play an integral part in the system. “Notwithstanding the isolated nature of fishing boats, which makes it difficult to monitor what happens on each boat, the docks are heavily guarded with corrupt police dressed in plain clothes keeping a sharp eye. They take bribes to protect the ship captains against inspections.” In one incident while Amp was working on an undercover raid mission to capture Tor, a *hua na* suspected of working with trafficking agents, Amp was able to gather enough details to confirm LPN’s suspicions to green light the raid.

He said “I pretended to be a merchant in the shrimp trade.” Amp explained that there are three types of fishing boats: purse-seiners which operate only at night; tour boats which transport mainly food, supplies, fuel, and load catches from vessels at sea back to dock; and trawlers. Amp described what happened next:

Tor was a ship captain of a large trawler. Trawlers operate day and night, which is why many men are trafficked there. I was able to get past the police guarding the docks to meet with Tor directly. At first he was cautious, but as we came to a business agreement, Tor invited me to eat with him. We sat on his boat’s deck. A few drinks in and Tor began to get comfortable. I directed the conversation to how I employed *puak thang chat* [those migrants], and complained about how good help is hard to find. Tor made a comment that *puak nee* [those people] are lazy and that it’s necessary for him to discipline them. He said in a jovial and nonchalant way that we [collective “we” as in Thai people] are helping them.

I mentioned to Amp about my interview with the Thai authority who expressed a similar saviour-like sentiment toward migrants, to which Amp added: “Tor spoke like he was a god, like he genuinely felt he was doing the fishing migrants a favour by keeping them captive on his boat.”

I asked Amp whether he could share details of the abuse suffered by trafficked migrants while working on board. He told me: “When we take the men in, they all have injuries of some sort — broken bones, missing fingers, burns, cuts. Their wounds always looked fresh because they could never heal properly. Many men told me that when a fisherman at sea was too injured and couldn’t work, he was just thrown overboard.”

That was not all; torture was a common form of punishment: “If they complained, the guards on board would chain them to the deck to burn in the sun. They forced them to take methamphetamines to work for days at a time. Some even use electric rods that are used in slaughterhouses to make scared animals move along the butcher line.”

These horrifying accounts of abuse prompted me to ask Amp whether he believed discrimination against migrants influences the actions of these bad men. Amp did not hesitate: “They don’t see migrants as people. They see them as disposable cogs. It goes without saying that these people are criminals. Criminals have no conscience. Either that or they find some way to justify to their actions.”

I asked: “So do you think these men have fooled themselves into believing that they’re benevolent? Because they don’t see migrants as people?”

“I don’t think they have to fool themselves,” Amp replied. “They already believe it.”

#### Interview: Issara Institute

Issara Institute is an independent NGO formed by a team of anti-trafficking experts from the United Nations, which created an alliance between private sector, civil society, and government partners to address labour issues in global supply chains. Over the past three years, through Issara Institute’s intervention, almost 20,000 workers were freed from forced labour and human trafficking situations.

I asked a social worker who has worked with rescued victims of sex trafficking if there was any differentiation in the mistreatment of migrant victims compared to Thais. She replied: “All girls are mistreated, regardless of race. Poverty is the root of the problem. No girl wants to be a prostitute or work in brothels, but destitute situations drive girls to make bad choices.”

“What do you mean by bad choices?” I said, asking her to elaborate.



She replied by explaining that traffickers find girls by visiting poor rural villages where opportunities are scarce. They begin to build “Good Samaritan” relationships with the girls. “They go to where the girls live to groom them. They first start by buying the girls nice things. Then when the girls begin to trust them, they lie by telling the girls there’s good work in Thailand such as waitressing, and that they can help the girls get set up.” But unbeknownst to the girls, “hidden costs” such as transportation, documentation, accommodation all accumulate into a debt bondage which the girls have to pay back.

She added: “Basically, the girls have to keep working to buy their freedom.” With such large debts, and the nature of the work that forces the girls to resort to dangerous coping mechanisms such as alcohol and drugs, there is little chance of escaping the debt bondage. The social worker added, “In the brothels, bars, bathhouses—the owners force the girls to purchase things like alcohol, cigarettes, drugs, and even condoms from the establishment in which they work to ensure every baht goes to the owners.”

“The people who run the brothels are cunning,” she says. “Sometimes they give new girls the option to not engage in sex work straight away, but offer them other jobs like serving drinks.” However, she told me that soon enough the girls always fall into prostitution. “As a drink server, a girl might earn 500 baht per day. A sex worker can earn five, six, seven times that amount depending on how many customers she has that day. Now factor in the deductions for what she owes her traffickers. She’s not left with much. It gives the illusion that the girls consent to being prostituted,” which is critical for owners to psychologically enslave sex workers. “It makes it easier for a girl to become institutionalised when she feels she’s made the choice of her own accord.”

In her role of providing psychological support, the social worker shared with me that it takes about one month for girls to become institutionalised. “If a girl has been working less than a month, it’s easier to distort her views on providing sexual services. But usually if a girl has been working longer than a month, she becomes accustomed to selling her body because she gets used to seeing the amount of money earned from prostituting.” The social worker said that after six months, it’s much harder to revert the girls’ views on prostitution, which is why many return to sex work even after they have been rescued.

“Why don’t they return home?” I ask her. She responds by explaining: “Girls don’t want to go back home. They stay because of honour and to send money home to their families.” The notion of honour is important in Asian culture, which follows the predominantly patriarchal system of thought. Substantiated in religion, the patriarchy presumes women are inferior to men. In Theravada Buddhism, a religion that is widely practiced in Thailand, Burma, Cambodia, and Laos, females are understood to have accumulated less karmic merit from their past lives in comparison to males, and because of this, parents view girls as burdens, and men as gifts. Consequently, in poor, rural villages where religious belief is more strictly followed, daughters find ways to reconcile this burden. One way is to find work in the city and send money home to support their families. “Therefore,” she adds, “some girls willingly get re-trafficked even after they have been rescued and returned home.”

Interview: Bureau of Anti-Trafficking in Women and Children

I spoke with a representative of BATWC, an NGO that works to protect and rehabilitate trafficking victims. I was able to gather information that helped me to better understand cultural aspects of migrant trafficking. I met with this NGO's head of rehabilitation who told me that in his experience of working with migrants in their centre, there was no ethnic or national distinction in the mistreatment of victims. There was, however, a hierarchy of status between girls who are in more debt than those who have less debt. He told me: "Girls who've been working at the brothels longer are treated better by their owners because they have less debt to pay. They are harsher to girls who owe them more debt."

When I asked if there was any distinction between Thai and migrant sex workers, his response confirmed my hypothesis that there are clear and exclusionary boundaries between Thai perceptions of migrants. "Thai and Burmese sex workers don't mix," he replied. "The [Thai] girls see the Burmese girls as dirty." Because of this, certain brothels only recruit Burmese girls. "The Burmese are seen as more brash."

However, he said, "Thai and Lao sex workers get along fine because they are more similar." In fact, Thai and Lao dialect resemble one another, and in this way "Lao girls have a more gentle disposition than the Burmese girls." This revelation led me to ask: "Do you think race has anything to do with trafficking? Do you think race is a driver of trafficking and exploitation?"

The NGO rep responded by explaining that while race may have a part to play because "Thai people generally look down on migrants," there are more powerful forces that allow the industry to thrive. For example, he told me that economically, Thailand is

the destination country for migrant trafficking. “Thailand simply has economic opportunities that are unavailable in the migrants’ home countries.”

Furthermore, Thailand is the ideal host country for sex trafficking for a number of reasons. First, the strong demand in Thailand’s customer base ensures that business is booming. “European, American, Middle Eastern, Asian – there’s simply all kinds of sex tourists and long-term expatriates that come to Thailand for one thing.” In addition, the variety of girls that are available makes the trafficking industry even more lucrative. “Tai Yai girls [ethnic Shan people from Burma] are particularly popular among Asian customers because of their white skin. There are also girls who sell their virginity for 100,000 to 150,000 baht. But if it’s their second time they can sell it for 80,000 baht, third time for 50,000 baht.” What’s more, he said: “If it’s their fifth time, a girl can easily travel to Malaysia and lie that it’s her second time and sell it for more money,” which shows that the porous borders between Thailand and its neighbour countries allows the trafficking industry to flourish.

But it’s not just an issue with geographical perimeters. Its permeability depends on the weak legal framework within which Thailand operates. The NGO rep maintained that inadequate government regulation and enforcement is still a huge problem. He recounted the lengths traffickers will go to ensure that their business remains profitable. He told of a corrupt policeman who bribed a medical examiner to authorise inaccurate test results: “There was a [hill tribe] Burmese girl whose passport stated that she was 20, but when you looked at her she’s clearly about 15 years old. If a girl’s passport and documents do not match her face, she can get a medical bone and teeth examination to verify her age,” he said. The importance of proving her age is to build a case for

prosecuting traffickers and brothel owners. “But a policeman who was working with a trafficking agent threatened then bribed the medical examiner to rip up the old results that verified her true age. He even flew to Burma to get her father to sign a medical document stating that she was 19 (because exams are valid within a three-year interval).” He added, “Of course, it was the brothel owner who paid for the flight.”

The conversation with the BATWC rep revealed a crucial component in the operations of the trafficking industry: state compliance. In this particular case, it shows the readiness of Thai policemen to collaborate and to be “in the pockets” of brothel owners and trafficking agents which, on a macro level, illustrates a troubling obstacle to anti-trafficking efforts in the country. As I learned later, the story of the corrupt policeman paying off a medical examiner is just a tiny piece of a much larger, more complex network of corruption that exists in Thai society.

#### Interview: Ronnasit Foundation

I learned more about the severity of Thailand’s government corruption when I met with Ronnasit Prueksayajiva, President of the Ronnasit Foundation, and a member of the Anti-Trafficking Network (ATN) and International Justice Mission (IJM). Ronnasit has been working in anti-trafficking for more than 20 years, so he has extensive experience as head of operations that raid illicit establishments, to judicial roles in prosecuting criminals who are active in human trafficking.

As he told me disturbing and detailed insights into the extent of corruption that occurs on every level of the Thai state apparatus, Ronnasit described state personnel as “80% corrupt. It’s not a question of which law enforcer is corrupt — but rather who’s

more corrupt and who's less corrupt." Corruption in Thailand functions in an intricate and systematic network with bribe money flowing up from low-ranking police officers all the way to Supreme Court judges. Ronnasit told me that illegal (and legal) establishments pay the local police to keep their illegitimate businesses running. The money received by low-level police lieutenants is then paid to their superior officers, and so on. "Everything is paid by cash-in-hand in suitcases. They keep this money hidden in fridges full of cash . . . When there is a raid of a policeman's house, they are always full of cash. Nothing is kept in bank accounts," he told me.

"How did all this corruption begin?" I asked. Ronnasit explained that upward mobility of rankings in the Royal Thai Police is predicated upon corrupt money. "If a policeman wants to progress to superintendent level, he has to pay THB 10 million/US\$325,732 for a two-year term in that role. Keep in mind, the salary of a police superintendent averages around THB 30,000/US\$976 a month. They can only make that money back by going corrupt." In this way, corruption and bribes become engrained in the logistics of law enforcement, which at the same time gets normalised as societal convention.

Ronnasit added that several aspects of Thai culture precipitate corruption, such as Thai moral values and the country's inherent fixed hierarchical bureaucracy. "Lower-ranking policemen have to please their boss. They do what their superiors say without question. . . . The Thai value of *kwam top bun khun* has a lot to do with it." A rough English translation is "returning the debt of gratitude." However, in Thai linguistics, prominence is given to the word *bun khun*, which has a deeper moral and religious connotation of merit making. As I discussed earlier in the thesis, karmic merit is a core

precept in Buddhist belief, and making positive merit or contributions is heavily emphasised as a virtuous Buddhist practice.

One recent case that Ronnasit has been fighting is the “Victoria’s Secret” bathhouse. Widely renowned for its large selection of sex services, the bathhouse has been in operation for more than 30 years. “When we raided the place, we found an account book that showed THB 30 million per month paid to both low-level and top-level police officers. It showed the police rankings, the times of handover, and the locations. When we presented this to the anti-corruption unit they said it was not enough evidence since no specific names of the officers were disclosed.” Ronnasit told me that it is common for police officers to transfer into the anti-corruption unit; around 90% do in order to ensure the system runs without interference.

He continued: “The DSI found 9 under-age girls, the youngest a 12-year old girl. It’s a prostitution case if girls are over 18, but if they’re younger than 18, it’s a trafficking case.” The Department of Special Investigation (DSI), a Thai government organisation, handles high-profile corruption cases, particularly those dealing with instances of human trafficking. “The DSI identified 10 different managers listed as share owners and ‘nominees’ of Victoria’s Secret, but the real owner is a guy called Mr. Kampol.” By following a credit card trail for Victoria’s Secret, the DSI proved that profits led to Mr. Kampol where the money was then laundered by his wife and son. “The wife laundered the money as investments in stock, and the son bought the Chiang Rai United football club. All three of them fled the country after they received arrest warrants.”

But as I found, criminals such as Mr. Kampol are powerful given the context of weak governance in the state and corporate apparatuses. It allows corruption and business

conducted with “under the table” payments to be pervasive throughout Thai society. In the case of Victoria’s Secret, Ronnasit told me that because of Mr. Kampol’s “deep pockets,” he has kept his bathhouse empire running for many years. The extent of Mr. Kampol’s criminal influence was showcased in subsequent court proceedings during his prosecution. Ronnasit noted: “The DSI provided evidence to the court that a police general implicated in Victoria’s Secret received THB 300 million from Mr. Kampol, and further linked THB 1 billion from Mr. Kampol to none other than the Anti-Money Laundering Office (AMLO).” AMLO stated that no prostitution or sex services were found within the premise of Victoria’s Secret, yet the price of massages were clearly advertised, ranging from BHT 2000/US\$64 to as much as BHT 100,000/US\$3200.

On top of that, the Courts of First (there are three levels of Courts of Justice in Thailand: the Courts of First, the Court of Appeals, and the Supreme Court) dismissed the trafficking count, and criminals linked to the bathhouse were only prosecuted on the count of prostitution. Currently, an appeal is still being decided by the Supreme Court.

I ask Ronnasit what he thinks about the prospects of eradicating human trafficking from Thailand. He answers half serious, half in jest: “It’s hopeless,” and explains that Thailand has to resolve two main obstacles. First, on both the state and personnel level, there is no real commitment to stop trafficking in the country. “Right now, the system is 80% corrupt and law enforcers don’t care. Most of them aren’t the slightest bit interested in helping the problem. They go to work to punch in the clock.” He added that the deep-seated bureaucracy of Thai governance means that low-level police and other low-ranking authorities have little choice in their involvement. “They can’t say anything or they’ll get killed, so they’d rather go to prison.”



Second, another important issue is the nexus of economic activity that is dependent on the powerful supply and demand of sex services in Thailand. State ignorance of the abundant illicit sex industry means that customers do not get prosecuted for their crimes for the very reason that the government will not profit if customers are punished; if there is a decline in sex transactions, then revenue declines if the activity is stringently prohibited. And because the wealth of Thai authorities is predicated on the amount of profit in the illicit markets, this ensures the industry will remain open for business.

## Chapter VII

### Discussion

Based on my research findings, this thesis considers that, on a personal level, exclusionary attitudes in Thai perceptions of migrants are significant to the issue of migrant trafficking; on an institutional level, anti-migrant sentiments are at most ancillary amongst the constellation of other influential factors. This chapter discusses the varying degrees in which different dominant actors compel the migrant trafficking trade.

#### Thai Identity, Thai Supremacy, and Discrimination

My research found that contempt and disdain toward migrants may impact the ways in which Thais mistreat migrant labourers. However, as abhorrent as these abuses are, exclusionary sentiments are not powerful enough to drive the trafficking industry. Discrimination is a product of the conceptual formation of Thai identity, which relies on “otherness,” namely, those out-group members who do not identify with the Thai nation-religion-monarchy triad. Therefore, the notion that “Thai-ness” is self-preserving and thwarts the foreign “other” is intrinsically exclusionary and discriminatory against migrant groups.

In this thesis, I propose that trafficking activity is largely dependent on economic incentives and geographical locality—with Thailand offering its less-affluent neighbouring Burmese, Cambodian, and Laotian migrants better opportunities than they can find in their home countries. Desperate circumstances give rise to trafficking agents

that exploit the migrants' vulnerabilities. Based on my research findings, discrimination against migrants, which is pervasive throughout Thai society, is fuelled by exclusionary boundary-making. This process is instrumental in the formation of a Thai identity necessary for social integration, nation-building, and political legitimacy. Therefore, while the trafficking industry itself is not motivated by racism or malice, latent discrimination does exist within Thai relationships with the Burmese, Cambodian, and Laotian people. In turn, this exacerbates the mistreatment of migrant labourers.

Furthermore, while historical embeddedness creates clear exclusionary boundaries between Thai perceptions of migrants, these grounds are not compelling enough based on evidence demonstrated in the research interviews. For instance, interviews with Thai state officials revealed a condescending tone when referring to the Burmese, Cambodian, and Lao peoples, which reaffirms the idea of historical embeddedness of past enemies. Disdain against migrants may affect interpersonal interactions but is not a cause of trafficking.

The idea of Thai supremacy, with Thailand as morally good and forgiving to its villainous neighbour, is further strengthened in my interviews with NGO participants who found no variance in the way brothel owners treat migrant sex workers compared to their Thai counterparts. Instead, hostility exists between Thai and Burmese sex workers. In fact, the research revealed that overall anti-Burmese sentiment is markedly striking in Thai personal relations; and while relations between Cambodians and Laotians are more harmonious, Thais look down on migrants from both countries. These ideas were clearly apparent throughout my interviews with the Thai officials and NGO workers, where an overall "saviour" narrative expressed by Thais helping their downtrodden neighbours was

noted. That narrative follows the Buddhist precept of karmic merit, which postulates that the bad merit accrued by Burmese, Cambodian, and Laotians' conspiracy and invasion of Thailand demonstrates those nations' current unfortunate circumstances. Thus, fulfilling the role of the dutiful and virtuous nation, the idea that Thailand as a "saviour" of its neighbours seeps into the lived experiences of Thais and their relationships with others, further augmenting the notion of Thai supremacy in social interactions with its foreign "other."

That said, it is important to recognise the ethnic-based discrimination that is evident in the fishing industry. The ways boat captains treat migrant workers as *thaat*/slaves resembles masters functioning in the master/slave dichotomy, which stems from centuries of servitude and class divide that is exhibited in the modern-day caste system in Thailand. My research proposes, however, that this abuse is not solely historic. Perpetrators justify their dehumanisation of migrant fish workers by believing they are benevolent patrons because of their "Thai-ness"—which in this thesis, I emphasize is innately discriminatory. It can be discerned that the mistreatment of migrant workers is vindicated simply by being Thai, because its group membership has predetermined the exclusion of the foreign "other," that is, the moral "Thai" versus the barbaric "other" substantiates the unity of the shared Thai identity.

### The Market for Migrant Workers

The demand and supply for fishing labourers and sex workers is undoubtedly a prominent factor driving the trafficking of migrants coming from Thailand's bordering countries. In particular, as explained in the literature review regarding Burmese,

Cambodian, and Laos migration, a “push and pull” phenomenon occurs because of the major economic hardships and lack of opportunities in those countries compared to more affluent Thailand. Exploitation takes place when individuals are destitute, which is especially applicable to the millions of undocumented immigrants that cross the border illegally. Because of their illegal status, it is easier for Thai employers to acquire cheap labour by exploiting the migrants’ vulnerabilities. Despite governmental policies enacted to clarify and strengthen immigration processes, the fact remains that many Burmese, Cambodian, and Laotian people do not have the financial capacity to go through the legal steps required in order to work in Thailand.

My research found that demand in the market propels the trafficking trade since desperate conditions force people to take dangerous measures to alleviate their plight. Without the poverty that is widespread throughout Burma, Cambodia, and Laos, migrants would be less likely to fall into the hands of traffickers. By the same token, poverty enables trafficking agents to capitalise on migrant vulnerabilities, luring them into Thailand as indentured workers.

#### Asian-Buddhist Values

This research found that the patriarchal tradition that vindicates Buddhist karmic belief plays an important role in the sex trafficking trade. In poor rural villages where religious belief is more strictly followed, the idea that daughters are burdens pushes girls into illicit ways to earn and send money home to their families.

Moreover, the concept of honour, which is pervasive in Asian-Buddhist culture, is particularly striking in the sex industry. Honour keeps migrants working despite the

dangers and exploitative conditions of their employments. This was illustrated during my interview with the representative from the Issara Institute, who spoke of instances where sex workers voluntarily re trafficked themselves even after they have been rescued.

Furthermore, the Thai value of *kwam top bun khun*, a deeply religious and moral expression meaning “returning the debt of gratitude” (which also applies to the surrounding Theravada Buddhist countries of Burma, Cambodia, and Laos), is central to the notion of honour. Buddhist dharma emphasises paying respect and taking care of one’s parents, because by giving birth to them, they already owe them their lives. In other words, to work and toil for their parents is to “repay the debt of gratitude.” Consequently, customs such as honour are ideal settings for promoting trafficking activities, which perpetuate and maintain the sex trade by giving trafficking organisations a constant supply of potential victims and keeping trafficked workers in their exploitative labour force.

### Systemic Culture of Corruption

As I heard during my interview with the representative from the Ronnasit Foundation, his detailed accounts of corrupt officials and the processes used demonstrate that corruption is a powerful actor in the proliferation of the trafficking industry in Thailand. Institutional corruption ensures that the market exists, allowing the flows of consumer demand and supply to effectively function. The culture of corruption in Thailand exists because the wealth of Thai authorities depends on the profits from illicit markets. In particular, the unwritten rule of “off the record” payments keeps the whole system running. To put forth a show of commitment, Thailand creates a facade of

dedication by ratifying state laws based on international standards set by various external NGOs. Beneath the surface, however, complicit officials and law enforcement personnel continue to make huge amounts of money by exploiting trafficked victims. It goes without saying that unless state corruption is eradicated, there can never be effective regulation of the fishing industry or enforcement against the illegal sex trade. Instead, not only is corruption normalised, but it is socialised as a cultural norm. I must conclude that the future looks bleak for progress in the abolition of trafficking and exploitation of migrants in Thailand.

## Chapter VIII

### Conclusion

The construction of ethnic nationalism, which serves to structure social relations in Thailand, has given rise to discriminatory sentiments and practices toward migrants coming from Burma, Cambodia, and Laos. As a result, my research found that the collective identity among Thai people draws a distinct polarity and boundaries with its in-group members, namely, those who identify with the Thai nation-religion-monarchy triad against other ethnic groups. In the case of “Thai-ness,” the values of nationalism, religion, and the monarchy act as boundaries to maintain the social consolidation of ethnic likeness as well as barriers for the exclusion against deviations of that sameness, which has been inculcated by the ruling elite for social integration, nation-building, and political legitimacy. I found that the abuse of migrant workers in the trafficking trade is legitimized by Thai perpetrators because the notion of “Thai-ness” is intrinsically exclusionary and discriminates against migrant groups.

However, I also recognise that the trafficking industry is largely dependent upon the market, with Thailand as its “pull” economic powerhouse compared to its less affluent neighbouring countries. The widespread poverty in Burma, Cambodia, and Laos acts as the opposing “push” side of this equation. Exploitation occurs in destitute situations, and because of the lack of resources and difficulty in obtaining legal immigration papers, the trafficking trade continues to flourish.



The greatest cause of concern for Thailand is undoubtedly the pervasive systematic culture of corruption. It ensures that trafficking is not simply maintained, but thrives as it continues to be normalised in Thai society and deeply ingrained in the Thai state apparatus. In order to enact effective regulatory policies that ensure ethical practices, protection of migrant labourers, and stringent prosecution of perpetrators, efforts to eradicate trafficking has to occur on an institutional level. Without it, Thailand will fail to fulfil its national emblem as a good and dutiful nation.

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