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Securitizing border-crossing: The case of
marginalized stateless minorities in
the Thai-Burma Borderlands

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ABSTRACT

This paper examines the securitization process of unauthorised migration in Thailand, in particular how the cross-border flows of marginalised minorities, the so-called 'hill tribes' came to be seen as an 'existential threat' to Thai national identity by the state. The paper aims to present a case of societal security by highlighting the importance of national identity. It intends to explore the reasons for portraying cross-border mobility of border minorities as existential threats to the integrity of the Thai state. More specifically, it will investigate the motives of the securitising actor, the Thai state – and examine why the issue evoked security concerns in the wake of the 1997 economic crisis and the way 'emergency measures' were introduced. This paper will illustrate the importance of ethnocized discourses on national identity by broadening the traditional security studies' framework on states and political-military competition at the borderlands.

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Introduction

This paper examines the securitization process of unauthorised migration in Thailand, in particular how the cross-border flows of marginalised minorities, the so-called 'hill tribes' came to be seen as an 'existential threat'[1] to Thai national identity by the state. The paper aims to present a case of societal security by highlighting the importance of national identity. It intends to explore the reasons for portraying cross-border mobility of border minorities as existential threats to the integrity of the Thai state. More specifically, I will investigate the motives of the securitising actor, the Thai state – and examine why the issue evoked security concerns in the wake of the 1997 economic crisis and the way 'emergency measures'[2] were introduced.

The category 'hill tribe' in Thailand was politically constructed in the 1950s and 1960s during a period when there were major concerns about security in the Thailand-Burma border zone. The creation of the category was intended on the one hand to provide a generic term for upland minorities, and on the other, as a way of affirming Thais as the 'core' of the nation-state. In the process of nation building, 'hill tribe' peoples were down-graded to the status of non-Thai and were consequently denied Thai citizenship and proclaimed a threat to the integrity of the state on security grounds. Currently about 40-60 per cent of 'hill tribe' people who have a legitimate claim to Thai citizenship remain without it. As a result of being denied Thai citizenship they are deprived of many associate rights, such as freedom to travel between provinces and access to government health care schemes. Neither do they get an official leaving certificate on completion of school, which deprives them of the opportunity of higher education and a chance of better forms of employment. They are also unable to vote or buy land. And in employment, they are usually expected to accept lower wages than fellow Thai simply because of their 'non-Thai' status.

During the rapid economic boom period in Thailand of the 1970s-90s an influx of low-cost labour, most of it unauthorised, from neighbouring countries helped Thailand achieve a

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[1] Barry Buzan, Ole Weaver and Jaap de Wilde, *Security: A New Framework for Analysis*, Boulder: Lynne Rienner Publishers, 1998, p. 5.
[2] Ibid, p. 21.

'miraculous' pace of economic development. This non-Thai labour then spread out rapidly all over Thailand. It was only in 1994 when the government decided to try to bring them under some form of central control, that the scale of the influx became known. According to the official census, by then the number of unauthorised non-Thai workers, including 'stateless', border peoples, had nearly doubled in less than five years - up from 525,000 in 1994 to 987,000 in 1998.

In the wake of the 1997 economic crisis, unauthorised cross-border migration became a matter of security concern to the national government. as the average unemployment rate surged from 1.5 per cent in 1997 to 4.1 per cent in 1998. The estimated figure of undocumented workers in 1998 was equivalent to almost 70 per cent of Thailand's unemployment. It was therefore suggested that if the government could cut immigration, the employment situation among Thais would improve dramatically[3]. In official eyes, those unauthorised foreigners were 'illegals' akin to criminals, posing a threat to the Thai labour market and Thai national wellbeing. The government's reaction was to arrest and deport large numbers of them. According to statistics of the National Security Council (NSC) the number of 'illegal foreign workers' arrested in 1998 was 298,480, 319,629 in 1999, and was 444,636 in the following year.

These emergency measures aimed at controlling unauthorised non-Thai workers severely hit the livelihood of these 'illegal foreign immigrants'. With their means of living under direct threat, they naturally resisted and did their best to elude official attempts to dislodge them. In the struggle to survive, many of them went 'underground'. This in turn resulted in a further intensification of the 'securitisation' drive and further pressure on the stateless immigrants. But the securitisation process was not just visited upon immigrants, those of the upland minorities who had been excluded from Thai citizenship were also treated as 'unauthorised illegals'. The net result of the securitisation process was the yet further marginalisation of peoples already marginalised in the first place through citizenship discrimination.

According to official sources, there are currently about 1.2 million foreign labourers working in Thailand. Ninety percent of these are from Myanmar, the majority of the remainder from Cambodia and Laos. Only 400,000 of these are registered with the Labour Ministry and have

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[3] Yongyuth Chalamwong, 'Recent Trends in Migration Flows and Policies in Thailand' *OECD Proceedings, International Migration in Asia: Trends and Policies.* OECD, 2001, p. 306.

been granted permission to work (they are 'registered', but remain 'illegal'). Other sources, in contrast, place the figures much higher and estimate that some two to three million 'illegal' migrants from Myanmar alone are currently (2002) working in Thailand.

Those categorised as 'illegal foreign workers' are ethnically diverse and for this reason hard to categorise. For example, not all migrant workers from Myanmar are necessarily 'Burmese', for approximately one third of the people in Myanmar are ethnically non-Burman. These non-Burmans are for the most part minorities concentrated along the border and often without any legal status. For instance, the majority of those living in Shan state are Tai-speaking, for this reason the Myanmar authorities will not grant them citizenship. They had originally escaped from the oppressive military regime in Myanmar but having been then 'repatriated' from Thailand they are faced with the same hazards again, as they have no safe place to return to. Others are upland peoples whose kinship and trade networks are spread across the China, Burma, Laos and Thai borderlands. Prior to the demarcation of national territories which accompanied the establishment of the modern state, not only border minorities of the frontier but also Tai-speaking people were used to moving freely across the border regions. As a consequence, people in Thailand are historically a mixture of diverse ethnic groups. For example, the semi-independent city-states of Lan Na (northern region of Thailand) were gradually integrated in the reign of King Chulalongkorn (1868-1910) and many of the forefathers of northern Thai people were originally from Burma. However, there is now a distinction that never existed historically between those who are living somewhere legally and those who are not. Neither Thailand nor Myanmar governments fully acknowledge the citizenship of these border minorities. They create classifications instead to differentiate them from the majority population and in the process make them 'stateless'. The consequence of not enjoying official acceptance and being technically 'illegal' is that one is likely to be harassed, fined, and generally bullied.

Citizenship in Thailand is, in principle, determined not by place of birth but by the legal status of a person's parents. To gain Thai citizenship, one must prove that both he/she and one of his/her parents were born in Thailand. Not having an official birth certificate makes it difficult to prove status. A child who needs to prove that one of his/her parents was born in Thailand will first have to prove that one of his/her grandparents was born in Thailand - something that is very difficult given the absence of the necessary documentation.

A significant number of people categorised as 'hill tribe' hold 'hill tribe' identity cards. Cardholders are prohibited from leaving the district in which they are registered without permission. A 'hill tribe' person caught at one of the many police check points outside his area without a pass can be arrested and detained, facing both fines and imprisonment. This means that many 'hill tribe' people working outside their district without permission are regarded as 'illegals', while those born in Thailand but who do not hold 'hill tribe' cards are declared to be 'foreign illegal workers' and come under the threat of deportation. While their mobility is restricted, their right of residence is also subject to threat. Since the 1990s, following the Western model of forest management, the Thai government has stepped up efforts to forcibly evict 'hill tribe' people from upland forest area in order to 'protect' the forest conservation area. This has greatly added to the problems of the peoples here. Now the threat of eviction comes on top deprivation of citizenship to add to their woes. And all has been greatly exacerbated by the national economic crisis. They were being evicted from their homelands and without official identification documents they were prevented from legally registering their land. On top of having to accept lower wage and poorer working conditions than Thai citizens generally, they were now being harassed and arrested as 'illegal encroachers' in the forest conservation zone, (in effect, within their own home village), or even deported (from the country they were born) as 'illegal foreign workers' by the authorities. Without citizenship they were in a double bind: they could neither secure land rights nor move elsewhere to find legal employment. This severe threat of their livelihoods pushed 'hill tribe' people into taking direct action for the first time in Thai history.

In April-May, 1999, thousands of 'hill tribe' peoples carrying Thai flags and pictures of the Thai monarch gathered in front of the provincial office of Chiang Mai in a massive demonstration in pursuit of citizenship and land rights. They demanded too that the forestry laws be amended to allow them to stay in their home village and participate in community resource management schemes. The negotiations began on May 2. Deputy Interior Minister Vatana Asavahame and Deputy Agriculture Minister Newin Chidchob represented the government. The government agreed to set up a committee to study the problems of land right and citizenship for 'hill tribe' people. However, the original agreement was not honoured and various representatives of the 'hill tribe' people were excluded from taking a part of in the committee. In response, over 10,000 northerners and 'hill tribe' people protested against the government's betrayal.[4] The government

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[4] *Bangkok Post*, 16 May 1999.

reply was to resort to armed force. On the night of 18th May, the non-violent protestors were provoked by government-aligned groups and the peaceful rally was eventually broken up by force.

These facts and observations set the main issues of this paper. The case will illustrate the importance of ethnocised discourses on national identity by broadening the traditional security studies' framework on states and political-military competition at the borderlands. In order to explore the fundamental question why the state regarded free-flowing migration among border minority as 'a threat' to the national identity, I will first look at the inherent dilemma posed by the attempt to achieve a territorially bounded nation state in the context of shifting population base. Secondly, following from that, I will examine the historical development of a securitisation process - how the discourse of 'outsider' categories such as 'hill tribes' - and jeopardise their legal status - was politically constructed. And then thirdly, and more particularly, I will show how an 'illegal' status brought about by a contrived denial of citizenship legitimised the securitising actor, the state, in taking action in the wake of the Thai economic crisis.

1. The inherent dilemma of controlling border minority by the state

Politically, in pre-modern mainland southeast Asia, the critical element of sovereignty was the people, not the territorial entity. The borders of centre-oriented 'galactic polities' of the traditional state were 'porous and indistinct'.[5] It is said that the peoples of these margins used to be under the 'indirect rule'[6] of the Thai authority. For example, the upland local authority of the Karen and Lua used to pay tribute to the princes of Chiang Mai and the princes recognised the legitimacy of these local authorities. They extended them their protection but permitted them to take control over their land and people, and enjoy a degree of semi-autonomy. Thus, at the overlapping margins of Siam and its adjacent kingdoms, the co-existence of multiple loyalties to several overlords of the peripheral minorities was common and was accepted by the ruling state.[7] Through this tributary relationship, the peripheral population was linked with the major lowland

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[5] S.J. Tambiah, *World Conqueror and World Renouncer*, Cambridge: Cambridge University Press, 1976.

[6] David H.Marlowe, 'Upland-lowland Relationship: The Case of the S'kaw Karen of Central Upland Western Chiang Mai' *Tribesmen and Peasants in North Thailand*, Proceedings of the First Symposium of the Tribal Research Centre, Chiang Mai, Thailand, 1967, pp.53-68.

[7] Thongchai Winichakul, *Siam Mapped: A History of the Geo-body of a Nation*, Chiang Mai: Silkworm Books, 1994, p. 97.

kingdom in a loose, symbolic relationship.[8] Loyalty at the border area had always been fluid and fluctuating according to shifts in power within the autonomous tributary relationship. The Karen, for example, established a semi-autonomous tributary relationship with the Princes of Chiang Mai.[9] As Jørgensen notes, during the early colonial encounter, Thai rulers appointed feudal chiefs (*chao muang*) among frontier peoples at the border such as the Mon, Lawa and Karen.[10] The relationship was not always one of subordination to the dominant group but interdependence. It was only during the reign of King Vajiravudh (1910-1925) that usage of Thai language became a marker of 'Thai-ness'.

The emergence of Siam as a 'buffer state' at the Franco-British encounters and the use of western-style political mapping techniques gave substance to the notion of a territorially bounded nation state. This altered the structure of the upland/lowland relationship fundamentally. Frontier people were forced to cease the practice of multiple loyalties. From the perspective of the modern state the issue of belonging or not belonging with clear territorial boundaries is crucial to state integrity and security. The state tends to demand an exclusive allegiance.

While there had always been a clear geographic difference between upland and lowlands the boundaries between upland people and lowland people traditionally were quite blurred. However, with the emergence of the nationally bounded state, the legitimacy of the territorial existence of both upland people and lowland people became an issue, and the discourse of an upland/lowland dichotomy was constructed. In the process of Thai nation-building, following the pattern of the modern European nation state, a clear distinction was produced by constructing a new identification category - Thai versus non-Thai and this in turn affected the way the Thai saw themselves in relation to 'others'.[11] The idea of 'upland people' was constructed in part as a way of affirming 'lowland Thais' as the 'core' of the nation-state.

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[8] Charles Keyes (ed.), *Ethnic Adaptation and Identity: The Karen on the Thai Frontier with Burma*, Philadelphia: Institute for the Study of Human Issue, 1979; F.K. Lehman, 'Who are the Karen, and if so, why? Karen Ethnohistory and Formal Theory of Ethnicity' in Charles Keyes (ed.) *Ethnic Adaption and Identity: The Karen on the Thai Frontier with Burma* Philadelphia: Institute for the Study of Human Issues, 1979.

[9] David H.Marlowe, 'Upland-lowland Relationship: The Case of the S'kaw Karen of Central Upland Western Chiang Mai', p. 2.

[10] Anders Baltzer Jørgensen, 'Forest people in a world of expansion', *Transactions of the Finnish Anthropological Society*, no.2, 1979: 84.

[11] Mika Toyota, *Cross Border Mobility and Multiple Identity Choices: The Urban Akha in Chiang Mai, Thailand*, Unpublished Ph.D. thesis, Hull University, UK, 1999; Mika ToyotaThe Akha: A Transnational Ethnic Minority in the Borderlands of Thailand, Burma and China, London and New York: RoutledgeCurzon (forthcoming).

Bangkok officials classified the population at the periphery as *'Khon Pa* (the wild people)'. This implied that they shared little or nothing with their fellow Thai. They were depicted as 'strange', 'filthy", 'wild' and 'uncivilised' in contrast with the 'civilised Thai'. (The realm of 'pa' implies the dangerous 'wild frontier'.) In the process of creating 'Thai-ness' the dichotomy of *muang* (the centre)/*pa* (lowland Thai / upland 'jungle people') was constructed and became a useful tool to identify 'Thai-ness' in contrast with the 'wild non-Tai others'.[12] In effect, a Darwinian-style theory of human evolutionary development served as the basis of the distinction between *muang* and *pa*. *Pa* was seen as the historical past of the *muang*, and was represented as 'backward', and thus an object of contempt to the Bangkok elite. This new idea of racial classification/differentiation justified Bangkok officials in looking down on non-Thai Others. They were perceived as primitives of the forest, 'isolated remnants', living 'in the absence of the later civilizing influences', retaining 'the original inhabitants (*khon dangdoem*)[13]. Since the number of *Khon Pa* was fairly insignificant, the Thai central government could be politically fairly indifferent to them and, characteristically, a relationship of non-interference prevailed.

This, however, does not mean that there are little contact between the upland and lowland peoples at the local level. As local oral history reveals, the peripheral upland people had long established relations with lowland Tai speaking people. There have always been mixed-marriages, adoption, day-to-day trade and labour exchanges among different ethnic groups. As Jonsson notes, historically, trading with the uplanders for forest products was essential to the running of lowland.[14] Moreover, although the genealogical common ancestor/clanship system used to be seen as a source of ethnic identity,[15] recent detailed genealogical studies reveal that other ethnic groups were also an integral part of it. For example, the Akha genealogical system

[12] Philip Stott, "Mu'ang and Pa: elite views of nature', in Manas Chitakawem and Andrew Turton (eds.) *Thai constructions of Knowledge*, London: School of Oriental and African Studies, University of London, 1991, pp.142-154; Thongchai Winichakul, 'The Other Within: Ethnography and Travel Literature from Bangkok Metropolis to Its Periphery in the Late Nineteenth Century Siam', Paper presented at the fifth International Conference on Thai Studies, SOAS, University of London, 4-10 July 1993; Thongchai Winichakul, 'The Others Within: Travel and Ethno-Spatial Differentiation of Siamese Subjects 1885-1910' in Andrew Turton (ed.) *Civility and Savagery: Social Identitiy in Tai States*, Richmond: Curzon Press, 2000a, pp. 38-62.
[13] Pracha Khadikit, '*Khon Pa Ru Kha Fainua'* (The Wildman of the Kha in the North), in *Wachiralet*, Bangkok, 1885, p. 164 (cited in Pinkaew Laungaramsri, 'Constructing marginality: the 'hill tribe' Karen and their shifting loctions within Thai state and public perspectives', in Caudio O.Delang (ed.), *Living at the Edge of Thai society: The Karen in the highland of northern Thailand*, London and New York: RoutledgeCurzon, 2003).
[14] Hjorleifur Jonsson, 'Forest products and peoples: upland groups, Thai polities, and regional space,' *Sojourn* 13(1), 1998: 20.
[15] Cornellia Ann Kammerer, 'Territorial Imperatives: Akha Ethnic Identity and Thailand's National Integration' in John McKinnon and B. Vienne (eds) *Hill Tribes Today: Problems in Change*, Bangkok: White Lotus-Orstorm, 1989, pp.259-301.

includes Tai and Chinese descendants.[16] Alting von Geusau's genealogical study of the Akha clearly demonstrates the dynamic nature and adaptability of their ethnic identification. Von Geusau's work has done much to show how flexible and open Akha-ness can be, as instanced by the following: 'Several originally non-Akha groups entered the Akha 'ethnic alliance system'... these include poor marginalized Tai and Chinese, 'mountain people' such as the Lahu, and 'forest people' such as the Wa. These became Akha through attaching themselves to the ancestor system and accepting Akha customary law. The Akha call this *padaw-eu*, or 'adoption' of a group or person into the Akha alliance system by inter-marriage or in the past, as *jakh'a* (bonded servant). This did not happen in a 'class' context, however, but in a 'family' context, leading to integration. There are particular places in the genealogical system where a group or person can attach him/herself'.[17] In this way 'the ethnic sub-groups could change affiliation and become members of a different ethnic system.[18]

But not all moved to the uplands, others moved elsewhere to construct their kinship alliances. Thus it is also reasonable to suppose that some so-called 'upland' people might not have actually lived in the 'uplands', possibly for generations. In fact, the population under study are in a constant state of flux, not only moving across national boundaries but also across ethnic boundaries, and blurring upland/lowland territoriality. In opposition to this reality, the sedentary framework initiated by administrators fixes upland people within the upland marginal territory. The essentialised notion of 'the upland' needs to be critically deconstructed through investigating the links and mobility between the upland and the lowland.[19]

2. The historical development of securitisation process

It was in the late 1950s that the marginal upland population at the edge of Thai nation state became a concern for the Thai government. Following the emergence of the People's Republic of China (PRC) in 1949 and the associated Indochina conflict, the Thai government under the influence of the US became increasingly concerned about communism encroaching across the

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[16] Alting von Geusau, 'Akha Internal History: Marginalization and the Ethnic Alliance System' in Andrew Turton (ed.) *Civility and Savagery: Social Identity in Tai States*, Surrey: Curzon, 2000.
[17] Ibid, p. 134.
[18] Ibid, p. 122.
[19] Mika Toyota, *The Akha: A Transnational Ethnic Minority in the Borderlands of Thailand, Burma and China*, (forthcoming).

border. Subsequently, *Khon Pa* at the border zone was no longer simply seen as 'wild others' but became 'threats and problems' to Thai nationhood.[20]

The Border Patrol Police (the BPP) was established in 1953. Then in 1955 the US Operation Mission (USOM) came into being to provide substantial financial support to establish an uplands Thai-language school programme run by the Border Patrol Police. Through this programme some upland people were trained as village guards to form border security volunteer teams in conjunction with the Communist Suppression Operation Command (CSOC).[21] As part of these programmes, photographs of the Thai King were distributed to the border villages and instructional speeches on Thai nationalism were delivered in order to raise awareness among the villagers.[22] The Thai King became symbolically a bridge, integrating upland people into the Thai nation state. Loyalty to the King was to mean loyalty to the Thai nation. The Thai King's personal patronage was emphasised in the Royal Highland Development Project, justified by a projection of the upland people as 'innocent, helpless and pitiful': in need of Royal protection.

In 1959, the official identification 'hill tribes (*Chao khao* in Thai)' which includes nine ethnic upland minorities was established.[23] According to McKinnon, the term *Chao Khao* was derived from a British colonial term used in Burma where upland people were called 'hill tribes'.[24] Thai officials translated this English term, 'hill tribes' into Thai *'Chao khao'* (*Chao* means people, *khao* means hill) to indicate the non-Thai speaking population of the upland periphery who had yet to be assimilated into the Thai nation-state. Although there are some other people living in the hill areas, such as Yunnanese Chinese (often called Chin-Ho) and Shan people (Tai speaking people from Shan state of Burma) they were not included in the category of 'hill tribes' in spite of the fact that they had established trade links and mix-marriage with upland people.[25] This indicates that the term 'hill tribes' does not simply refer to the minority people who live upland, but has

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[20] Mika Toyota, *Cross Border Mobility and Multiple Identity Choices: The Urban Akha in Chiang Mai, Thailand*, p. 239.

[21] Nicholas Tapp, *Sovereignty and Rebellion: The White Hmong of Northern Thailand*, Singapore: Oxford University Press, 1989, p.32.

[22] Peter Kunstadter, *Southeast Asian Tribes, Minorities, and Nations*, Princeton, New Jersey: Princeton University Press, 1967.

[23] McKinnon, John and Vienne, Bernard, *Hill Tribes Today: Problems in Change*, Bangkok: White Lotus-Orstom, 1989, p. 36.

[24] Ibid, p. 307.

[25] Mika Toyota, 'Cross border mobility and social networks: Akha Caravan Traders' in Grant Evans et al. (eds), *Where China Meets Southeast Asia: Social and Cultural Change in the Border Regions*, Singapore: ISEAS, 2000, pp.204-21; Mika Toyota, *The Akha: A Transnational Ethnic Minority in the Borderlands of Thailand, Burma and China*, London and New York: RoutledgeCurzon (forthcoming).

specific political implications in terms of making a distinction between those can be included as Thai citizen and those can not.

The creation of the official category 'hill tribe' intensified the *Pa* (non-Thai)/ *Muang* (Thai) ideology with its rigid geographical territoriality of hill/valley. In this way, in the process of confirming the boundary of the integrated Thai nation state, the category of 'hill tribe' came to be applied to the area where historically ethnic identifications had been ambiguous and porous. In the drive to secure a territorially-bounded modern Thai nation state and secure national integration, the ambiguity of transferable identities could no longer be allowed. The impact of the creation of the concept 'hill tribe' has been threefold: first, the practice of physically moving back and forth across the national borders and lowland/upland boundary becomes a 'problem' from the government's perspective of sovereignty; second, the symbolic mobility across ethnic boundaries can no longer be accepted; third, the politicization of space, that is, the lowland/highland division became a marker in differentiating Thai from non-Thai citizen.

The shifting character of the 'hill tribes' life style was seen as 'problematic' and mobility was considered as 'illegal activity'. In order to control the movement of 'hill tribes' by stabilising residency and encouraging a settled lifestyle, cash crop agriculture and the Land Settlement Project (Nikhom) were introduced. Although the project itself failed due to the poor conditions for cultivation, the underlying idea of fixing upland people to a permanent village continued to feature as an aim of the hill tribe development project. When the 'community development' programme was implemented in the hill area, the notion of 'village identity' as a 'homeland' was particularly emphasised, in defiance of the reality that the membership of village community could be porous and mobile.

In the 1960s several American institutions provided significant financial support for research into 'hill tribes' in Thailand. But not all was for pure research. Agar revealed that there were close contacts between various senior American anthropologists and the US defence Department.[26] There was evidence of the Department of Defence's Advanced Research Projects Agency and the American Institute for Research hiring anthropologists as consultants and advisers for their

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[26] Michael H.Agar, The Professional Stranger: An Informal Introduction to Ethnography, New York: Academic Press, 1980, p. 55.

research in Thailand.[27] Meanwhile, The Tribal Research Centre was established in Chiang Mai, Thailand to co-ordinate research on the 'hill tribes' under the oversight of western anthropologists. The Sydney-based Australian anthroplogist, W.R.Geddes was appointed in 1964 to offer guidance on the organisation of the Centre and the planning of its research. Then Peter Hinton took over Geddes's position. Their involvement was supported by Australian funds through the aid programme of the Southeast Asia Treaty Organisation. Both Geddes and Hinton were opposed to the political involvement with the US security and military interests. Nevertheless, their accumulated data and knowledge were utilised to counter Communist subversion of the 'hill tribes'.[28]

At the request of the Thai government, the United Nations assisted the first Socio-Economic Survey of the 'hill tribes' in Northern Thailand between October 1961 and March 1962'.[29] This survey was initiated by an Australian anthropologist, Hans Mannorff. Another well-known example of US donor research was conducted by Cornell University for the USAID in north Thailand in 1963. This was specially designed to assist Thai and US officials in formulating 'hill tribes' development policies.[30] While the Hill tribes Welfare Division was also established in 1963 under the Social Welfare Department, Ministry of Interior it was these western academics who studied the peripheral region and identified the peoples. Their endeavours bore fruit in the form of two classic books; Ethnic Groups of Mainland Southeast (1964) and Southeast Asian Tribes, Minorities and Nations (1967). These are considered canonical works on the peoples and ethnicity of the region. In particular, the concepts of 'scientific' ethnic categorisation with clear-cut boundaries associating an ethnic group with a culture employed in these books are still utilised as a reference when applying 'hill tribe' development policy today. The term 'hill tribe' has been conveniently utilised by the Thai government in associating problems with the upland population as 'hill tribe problems'. I would like to briefly illustrate how the discourse is depicted, firstly in the label 'opium cultivators', secondly in the indictment 'forest destroyers', and thirdly in the accusation 'illegal migrants'.

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[27] Erik Wakin, *Anthropology Goes to War: Proffesional Ethics and Counterinsurgency in Thailand*, Center for Southeast Asia Studies Monograph No.7, Madison: University of Wisconsin, 1992, p. 5-7.
[28] Mika Toyota, *Cross Border Mobility and Multiple Identity Choices: The Urban Akha in Chiang Mai, Thailand*, p. 241-2.
[29] Wanat Bhruksasri, 'Government Policy: Highland Ethnic Minorities' in John McKinnon and B. Vienne (eds) *Hill Tribes Today: Problems in Change*, Bangkok: White Lotus-Orstorm, 1989, p. 14.
[30] Hanks et.al. (eds), *Ethnographic Notes on North Thailand*, Data Paper, no.58, Southeast Asia programme, Ithaca: Cornell University, 1964.

'Opium cultivators'

It was in the reign of King Mongkut (1851-1868) that opium revenue by tax-farmers and the Royal Opium Monopoly was set up.[31] The operation of opium trading as a legal government monopoly cut down the profits of opium trading on the black market.[32] Because of the considerable profit derived from opium trading the Thai government did not ban the sale and consumption of opium until 1959.

Due to US pressure the Thai government then changed its policy on opium trading. Cross-border opium trading was made 'illegal' and condemned as 'smuggling'. Significant support in the form of substantial cash flows from international aid agencies, including the United Nations and the United States into Thailand were promised. Hill Tribe Development projects were then introduced which aimed to replace opium with other cash crops. During a series of 'anti-narcotic' campaigns organised by the government 'hill tribes' were targeted as 'problem peoples' who produced opium. This conveniently ignored the fact that they were not alone, that there were also landless northern Thai peasants moving up into the hill area to produce opium and that some government officials are taking pivotal roles in opium trading in Thailand.

'Forest destroyers'

Along with the establishment of territorially bounded modern Thai nation state control over the forest resources, about 75 per cent of the total land area, was claimed by the Royal Forest Department (RFD) in 1896.[33] In practice, however, territorial control was neither of interest nor feasible. Commercial exploitation of forest resources resulted in rapid deforestation in the 1960s and 70s. It is officially estimated that in the early 1950s almost two-thirds of the country was still covered with forest, by the early 1980s, however, it was less than one-thirds.[34] By the middle of the 1980s, deforestation was perceived as a problem for the first time by a wider public in

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[31] Supaporn Jarunpattana, 'Phasi Fin Kap Naiyobai Kankhlang Khong Rathaban Ph.S. 2367-2468 (Opium Revenue and Fiscal Policy of Thailand 1824-1925)', Unpublished MA thesis, Chulalongkorn University, Bangkok, 1980, pp. 39-42.

[32] Alfred W. McCoy, *The Politics of Heroin in Southeast Asia*, New York: Harper & Row, 1972, pp. 36-7.

[33] Peter Vandergeest, 'Mapping nature: territorialization of forest rights in Thailand', *Society and Natural Resources*, 9, 1996: 161.

[34] Reiner Buergin, 'Trapped in environmental discourses ad politics of exclusion: Karen in the Thung Yai Naresuan Wildlife Sanctuary in the context of forest and hill tribe policies in Thailand' in Claudio O. Delang (ed.), *Living at the Edge of Thai society: The Karen in the highland of northern Thailand*, London and New York: RoutledgeCurzon, 2003, p. 48.

Thailand. This was partly due to the influence of growing international awareness of a 'global environmental crisis, and partly due to the heavy floods and landslides in the south in November 1988. 'Hill tribes' who practise shifting cultivation was accused of destroying the forest. In 1989 the RFD consented to a nationwide 'logging ban'.

The view that shifting cultivation was a dangerous form of agriculture owned much to international opinion. It was not until the emergence of international prejudices against it that shifting cultivation come to be perceived locally as a 'problem' and a prime cause of forest destruction. As Kunstadter notes shifting cultivation used to be practised by both Thai and hill people in both the lowlands as well as the highlands of the region.[35] However, since the FAO argued in 1967 that 'shifting cultivation created harmful effects on the number of trees in the forest and caused ecological destruction'[36] shifting cultivation has come to be viewed as a destructive and harmful mode of cultivation and the 'hill tribe' who live in the forest area have been particularly blamed for destroying the natural resources of the country. The concept of the Protected Area System (PAS) became a new instrument of forest conservation (the Thai Forestry Sector Master Plan of 1993). This zoning approach gives priority to conservation forestry by ejecting and prohibiting human settlement in these areas. The FAO's evaluation justified the Hill Tribe Resettlement Project which aimed to remove 'hill tribe' people from the forest area. The resettlement policy, removing 'hill tribe' from these areas and protection of the watersheds against encroachment by 'hill tribe' were perceived as the most important tasks of the RFD. As the Protected Areas were extended from about 10 per cent to more than 17 per cent in 1999, the survival of 'hill tribes' people in the forest area became more and more problematic - their land use being restricted, they were charged with being 'illegal encroachers', and forced resettlement policy imposed.

In this process, 'hill tribe' as non-Thai others has revived in the RFD's discourse, projecting them as the threat of the state's welfare by destroying its forests. In May 1998, the Director General of the RFD signed an agreement with the Supreme Commander of the Army, specifying the cooperation of the RFD and the Army to protect Thailand's remaining forests. In this agreement, the Army was given far-reaching authority as well as financial support for operations in forest

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[35] Kunstadter and E.C. Chapman, 'Problems of Shifting Cultivation and Economic Development in Northern Thailand' in. Peter Kunstadter, E.C. Chapman and S.Sabhasri (eds) *Farmers in the Forest: Economic Development and Marginal Agriculture in Northern Thailand*, Honolulu: University Press of Hawaii, 1978, p. 3.

[36] Pinkaew Laungaramsri, 'On the discourse of Hill tribes' Paper presented at Workshop on Ethnic Minorities in a Changing Environment, Chiang Mai University, February 1997, p. 30.

areas (Nation 9 May 1998). From 18 April to 12 May 1999, under this operation a pilot project involving an alliance between the military and the Royal Forest Department (RFD) was created. This involved soldiers and forest rangers going to the Karen villages in the Wildlife Sanctuary and demanding that they stop growing rice, demolished huts and destroyed personal belongings.[37] A Cabinet Resolution of June 30, 1998 stated that those who fail to prove that they have lived in the forest before the Forestry Department declared the area a conservation zone will be forced to move out. A way of life was now made 'illegal' and free movement was now blocked by territorial borders, immigration controls and other forms of legal restriction. An eruption of the military into the daily lives of 'hill tribes' people is now observable. Emerging nationalistic sentiment to protect the forest against 'forest destroyer' justifies their tough handling of 'hill tribes'. For example, the Director General of the RFD laments that the territory of Thailand is gradually being given away to non-Thai,[38] reflecting such official viewpoints, 'hill tribe' people's voice was totally ignored when 'Master Plan for Community Development, Environment and Control of Narcotics in Highland Areas', a plan to relocate 'hill tribe' communities to lowland area was prepared.

'Illegal migrants'

As the influx of refugees, transnational illegal migrant workers, and human trafficking from neighbouring countries increased in the 1970-90s the issue of granting citizenship to hill tribe people became problematic for Thai officials. The concept of 'hill tribe' could no longer simply represents non-Thai Others. A clear classification as to who belonged to the 'hill tribe', 'illegal foreign migrant worker' or 'refugee' had to be established at the individual level. This situation made Thai officials even more restrictive in granting citizenship - although admittedly it was not easy task for them to distinguish and identify 'hill tribe' people from 'refugees' or 'illegal migrants' from neighbouring countries. The Immigration Police classified the illegal workers into the three groups - the first group, those are suspected of trafficking workers into Thailand, the second group, those who enter and exit the country frequently, causing a disturbance, and the third group is composed of those coming to Thailand illegally to take up employment, however, unregistered vulnerable 'hill tribe' people could easily end up in any category. In particular, the fact that many of these foreign workers from Burma are ethnic minorities who share ethnic and

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[37] *Bangkok Post*, 13th May 1999, 15th May 1999 and 16th May 1999.
[38] *Nation*, 18th September 2000.

kinship networks closely with upland minority in Thailand makes a clear distinction almost impossible and consequently both have been put in the same category of being 'illegal migrants'.

Unauthorised workers are often treated as a reserve of flexible labour, being used to ensure low cost labour provision in the agricultural sector, the fishery industry, domestic service and the sex industry. The 'miracle' economic development in Thailand in the 1980-90s could not have achieved without the cheap labour force provided by illegal foreign migrants from neighbouring countries and 'hill tribe' people. Even so they are outside the protection of labour workplace safety, health, minimum wage and other standards, and easily deportable. The issue of identifying and classifying non-Thai people in Thailand became salient when the Thai government started dealing with foreign labour problems seriously. It was after the economic crisis when the average unemployment rate jumped from 1.5 per cent in 1997 to 4 per cent in 1998 and 4.1 per cent in 1998[39] that law enforcement against 'illegal workers' was stepped up. The estimated figure of undocumented workers in 1998 was 932,200 and it was equivalent to almost 70 per cent of Thai unemployed. 'It has therefore been suggested that if the government could get rid all of the illegal immigrants off the soil, the employment situation of Thais would improve considerably'.[40] Given their lack of legal recognition Thailand's 'illegal migrants' became a target for deportation for illegal migrants are perceived as being dispensable when domestic unemployment rises. As a result of the measures taken in 1999, not only illegal migrants have continuously been pushed back, arrested and deported but also more than 1,000 employers who continued to hire undocumented workers after granting period expired were arrested and sentenced in 2000.

From the national security perspective there is the issue of belonging or not belonging. In this way the enforcement of nation-state's demands - to define them in national terms, to identify them to which state they belong and to which category they belong. In the process of 'categorisation' it has not been uncommon for some families members to be divided into different categories, - eg. father classed as an 'illegal migrant worker', mother a 'refugee', son as 'Thai citizen', daughter as of the 'hill tribe', and the grand mother has never being granted any status. In the process of 'solving the problem of illegal migrants' those categorised as non-Thai people in Thailand have been severely exacerbated and caused the further marginalising of those who were already marginalised in the first place. In this process, the livelihoods of the irregulars among the

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[39] Yongyuth Chalamwong, 'Recent Trends in Migration Flows and Policies in Thailand,' p. 306.
[40] Ibid.

marginalised minority people of the Burma-Thai borderlands have been 'criminalised' and these who were located in the interstices of the nation states were re-categorised as 'illegal migrants' and/ or as 'state-less' persons. The issue of right to citizenship, to work, to study and settlement now intrudes into the concerns of people who in the past were free from such burdens. The result is there is now a distinction that never existed historically between those who are living somewhere legally and those not. Those who do not enjoy official acceptance are technically 'illegal' and are likely to end up being harassed, fined, and generally bullied by the authorities. The modern state by making distinctions between peoples who otherwise may be all one on legal/technical grounds is creating divisions that have no historical validity.

3. Legal status of being 'non-Thai citizen' and securitisation process

While several development programme to improve social welfare among 'hill tribes' - Thai elementary school education, primary health care service and occupational training- were implemented to encourage and support 'hill tribes' to integrate into Thai society, 'hill tribes' have never been viewed as 'Thai citizen' and citizenship rights have been denied them. In 1956 when the government conducted a survey to register 'all' households in the country 'hill tribe' population was excluded. There is fundamental confusion in positioning 'hill tribes' within the Thai state. From the security angle the Thai authority had to consider individuals within the Thai territory as persons who should be under the control of the state, nevertheless, the concept of 'hill tribes' represents non-Thai others. This resulted in a peculiarly ambiguous legal status, making them in effect being subjects of the state without citizenship.

At the village level, for the members of a village to be eligible for citizenship, the village must be settled permanently and be officially recognised by the Department of Local Administration. For villages to be registered in the Village Directory of the Department of Local Administration (DOLA), it must have a village number, a village name and a village committee. By 1993, the DOLA had officially recognised 1,178 upland villages as 'core' villages and the remaining smaller settlements called 'satellites', or unofficial communities were said to be 2,187 (National Security Council 1993 Directory of Highland Communities and Population). Considering the fluid nature of hill tribe village, the accuracy of census today is not certain. The problem is that significant numbers of highland minority villages are still not recognised as national administrative hamlets and the great number of 'hill tribes' remains outside national counts and

are omitted altogether from the population census data. If the home village is not officially recognised by the state, there is no way for the villagers to be acknowledged by the state not even as 'hill tribes' which is a pre-requirement in applying for 'Thai citizenship'.

The 1965 Nationality Act granted Thai citizenship to people belonging to ethnic minority groups who were born in the kingdom, providing both their parents were Thai nationals. Withdrawal or cancellation of citizenship was possible when a parent was proved to be an alien. The preconditions required for obtaining Thai nationality were first instituted by the Ministry of Interior's Regulation on Consideration for Granting Thai Nationality to the 'hill tribes' issued in 1974. However, many of 'hill tribes' people could not prove they lived in Thailand for any length of time and consequently were regarded as 'illegal migrants'. Citizenship in Thailand is, in principle, determined not by place of birth but by the citizenship status of a person's parents. Restrictions on citizenship are stated in several laws, including the Citizenship Act. Following the end of Indochina war in 1975 more refugees, both highlanders and lowlanders, from the neighbouring countries came into Thailand. 'Their presence justified the continuation of policies that precluded illegal migrants from becoming Thai'.[41] In 1976 a Cabinet memorandum called for the acceleration of the registration of ethnic minorities who had entered Thailand prior to 1975, with ultimate aim of enabling them to become Thai citizens. Meanwhile Thai authorities provided a 'Pink Card' to political refugees coming from Burma before 1976 - Mon, Karenni, Tai-yai, Lawa etc. The distinction between refugees and those who entered Thailand after 1975 and who are thus not entitled to citizenship remains in effect.

These complex legal restrictions have been keeping majority of hill tribe people out of holding Thai citizenship. Prior to apply for citizenship a Thai birth-certificate is required to prove their identity as 'hill tribe' in Thailand. However, quite a number of them never had birth registration although they were born within Thai territory. In some cases parents did not know where to go to register, or even did not know they should register. Or they did not know how to fill in the registration form as they could not read or write in Thai. These problems slowed or blocked the road to citizenship. Lack of sufficient legal procedures and documents has meant that many hill tribe people living in Thailand even for the second or third generation have been stuck in a tediously slow process nominally leading to them acquiring Thai citizenship.

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[41] Charles Keyes, 'Presidential Address: "The Peoples of Asia" – Science and Politics in the Classification of Ethnic Groups in Thailand, China and Vietnam,' *The Journal of Asian Studies*, 61, 2002 (4): 1181.

Between 1985-88, the Social Welfare Department, Ministry of Interior conducted a survey to register 'hill tribe' people in order to provide the 'Blue Card' (issued in 1992) to indicate 'hill tribe' status. Blue Card holders are required to request special permission before leaving the district of registered residence. If they are caught outside the district without a 'pass' they will be arrested, detained and fined or imprisoned. Thus the census serves as a primary tool for reifying the system of classification in determining the 'differences' of legal status among the population within the state's territory.

In 1990, The Central Registration Order was issued to specify pre-conditions for citizenship application. The following directive was issued by the Ministry on 15 September 1993[42];

A hilltribe individual wishing to be considered as eligible to become a Thai national must:

(a) be under the supervision of a government office such as the Public Welfare Department, border Patrol Police, Internal Security Department or the Army, or

(b) have been verified and registered during the period 1969-1970, or

(c) have been registered on a house registration certificate by the ID Project approved by the Cabinet on 20 July 1982, or

(d) likewise have been registered during the period March-August 1985 by one of the projects approved by the Cabinet on 24 April 1984, or

(e) have been eligible during the period 1985-1988 for the Survey of the Hilltribe People in Thailand, approved by the Cabinet on 24 April 1984, or

(f) during the period 1990-1991, have been registered and issued an ID card for highlanders by the project approved on 5 June 1990.

For those meeting the eligibility criteria above who want to become citizens, they will be granted citizenship and their names included in a household registration certificate, if the person has been

(a) born in Thailand and reached the age of maturity, or is legally married

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[42] Joseph L.Aguettant, 'Impact of Population Registration on Hilltribe Development in Thailand' *Asia-Pacific Population Journal* 11(4), 1996: 47-72; Likhit Dhiravegin, 'Nationalism and the State in Thailand', in K.M. de Silva, Pensri Duke, Ellen S. Goldberg and Nathan Katz (eds), *Ethnic Conflict in Buddhist Societies*, 1991, pp.97-8.

(b) occupying a permanent residence with his name on a household registration certificate, or has maintained his or her status regarding one item of evidence in Rule 5 for more than five years in the same district, or if having moved to a new permanent residence because of marriage but legally informed the authorities of the move and the total duration of stay at both places is not less than five years or

  (c) earning a living honestly and is harmless to society and the nation, and

  (d) not growing any narcotic plants, or has given up such a practice

Various colours of minority ID card were produced in the 1990s: The "Blue Card" (issued in 1992) to indicate 'hill tribe' status: The 'Pink Card' for political refugees from Burma before 1976 (issued in 1979, 1986 and 1994); The 'Orange Card' for people escaped from Burma after 1976 (issued in 1994); The 'Navy Blue Card' for migrant labours from Burma (issued in 1993-94); The 'Orange Card' for Tai Lue (issued in 1994-5). In 1999, Japanese fund helped financing another survey on 'hill tribes' population especially aiming for those who have no official documents. The surveyed population were then given a 'Green Card with Red Frame'. These different ways of classifying people confused both the 'hill tribes' population and government officials, instead of clarifying the legal status of 'hill tribe' people. Despite the all efforts the speed of the procedures of granting Thai citizenship has hardly improved.

In order to improve the efficiency of the legal procedure the Local Administration Department agreed to allow district chiefs in 20 provinces to grant citizenship to 'hill tribe' people in the country whereas previously only provincial governors could grant them citizenship. The directive took effect on 1st June 2000. Local Administration Department director-general Parinya Nakchattree announced that the amendment allowing citizenship had been made to the Nationalisation Directive for Hilltribe People. This directive covered 20 provinces: Kanchanaburi, Chiang Rai, Chiang Mai, Tak, Mae Hong Son, Kamphaeng Phet, Nan, Prachuap, Khirikhan, Phayao, Pitsanuloke, Phetchaburi, Phrae, Ratchaburi, Loei, Lampang, Lamphune, Sukhothai, Suphan Buri, Phetchabun and Uthai Thani. The department has granted citizenship to 235,025 hilltribe people since 1974 and is considering the status of 100,000 more. The Ministry of Interior produced a new regulation handbook on 1 June 2000 on how to categorise and register status of 'hill tribe' population in 20 designated provinces.

This still did not make the process easy. What the district officials find confusing is the fact that a 'hill tribe' person can have several statuses and different coloured ID cards. They also find documents are contradictory. Furthermore the laws pertaining to citizenship regulations are sometimes contradictory. This has added further confusion and slowed down the procedure for officials do not want to take responsibility for mistakes and this makes them reluctant to make decisions. The state's attempt to impose 'classifications' in order to manage the diversity of subjects does not seem successful. There was an underlying assumption that 'differences' between different categories can be clearly determined. However, in reality, they cannot be determined with certainty and as a result corruption has become rampant. Other confusion deprived from the concepts of family and household. A household family, instead of each individual, is encouraged to register in spite of the fact that the membership of household does not necessarily coincide with the unit of biological family. The process of categorising the status of each family member with various documents was not an easy task. Furthermore, to add to the confusion, the numbers of 'hill tribe' people and other ethnic minority population have increased over the decades and different agencies have different figures.

After the UNESCO research on 'Trafficking' identified that the lack of citizenship is the single greatest risk factor for border minority women and children in Thailand being trafficked or exploited, both domestic and international pressures for granting them citizenship heightened. As a result the Thai cabinet (on August 29, 2000) granted Thai citizenship to the descendents of three groups of displaced persons: 1) Burmese who entered the country prior to March 1976; 2) Nepalese migrants and 3) Chinese migrants who had migrated to Thailand since the 1960s, and to 'hill tribe' children who were born between 14 December 1972 and 25 February 1992.

On 28 August 2001, the Thaksin government decided to grant Thai citizenship to 'hill tribe' children whose parents are registered as 'alien' with permanent residence, regardless of when they were born. Granting citizenship was no longer a domestic matter but became international concern. UNESCO's Citizenship registration project was conducted with Thai government office and the NGOs and in part it was sponsored by the Japan Foundation. One of practical concerns of Japan arose from the fact that some 'hill tribe' women trafficked to Japan were refused permission to return to Thailand by the Thai government as they are not qualified to be Thai citizens. On 29 August 2000, the Chuan Leekpai government passed a cabinet resolution to grant 'stay permits' to all highlanders who came to Thailand before 3 October 1985, and The

Thaksin government ordered specific state agencies to speed up the cabinet resolution's implementation.

Granting citizenship to these stateless people is now generally recognised as a fair idea from the perspectives both of national security and stability, and of international civil society, however to clarifying their status has been and still is a nightmare for both provincial authorities and 'hill tribe' people. Deputy Prime Minister General Chavalit Yongchaiyudh had submitted a report on ethnic minority problems. According to his report, the Cabinet, during its meeting on 26 August 2003, decided to allow 377,677 'hill tribe' people to stay temporary in Thailand for another year, pending the verification of their legal status. In his report, 'hill tribe' people are divided into three groups: the First group comprises original 'hill tribe' people living in Thailand and can seek Thai citizenship. Verification has been made for 90,731 persons; the Second group comprises 'hill tribe' people entering Thailand before 3 October 1985, who are eligible to seek legal status to live in Thailand and will be able to seek Thai citizenship later. 37,296 persons have submitted requests to the Minister of Interior for legal status; the Third group comprises 'hill tribe' people entering Thailand after 3 October 1985, who are considered as illegal residents who would face deportation. 220,527 people were classified in this third category and cannot seek other status but 'illegal immigrants'. Many 'hill tribe' people are discontent with the procedures as there have been numerous corruptions. According to my 'hill tribe' informant who has involved in the process said, 'It was simple in the end because those who have means (connection and money) received First group status and those have not received Third group status.'[43]

Conclusion

The paper questioned why the cross-border mobility among the border minorities was perceived by the Thai state as a threat to Thai societal integration and explored the construction of ethnocised national identity by creating the legal division between Thai and non-Thai. Being perceived as 'non-Thai' people the public images imposed both on 'foreign workers' and on 'hill tribe' are identical. These include: 1) they are the source of contagious diseases such HIV/AIDs 2) the source of increasing crime 3) they produce stateless babies. Furthermore, without the legal recognition as Thai citizen, both are excluded from basic human rights- such as a) access to

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[43] Interviewed on 22 December 2003.

public health services, b) educational attainment, c) land rights, d) occupational options (employers will pay lower wages to hill tribe ID holders (or non-holders) than to Thai citizen and certain professions are open only to Thai nationals) and e) the freedom of the mobility (both hill tribe ID holders and registered illegal workers are prohibited from leaving the district in which they are registered without permission. If they are caught at one of the many police checkpoints outside their district without a pass they can be arrested, detained, and will face both fines and imprisonment, and sometimes deportation.

The securitisation process of eliminating 'illegal immigrants' by the Thai government has been successful in convincing the general Thai public to perceive 'non Thai workers' as threat to Thai nation and thus justify their action of arresting and deporting large numbers of them.   The process has provoked sufficient nationalistic sentiments among the Thai public to ensure that the discourse of viewing 'hill tribe' as 'non-Thai' is entrenched and the general public would remain indifferent when the 'hill tribes' took to the streets to protest at their discriminatory treatment.   The unintended consequences of this securitisation process was that it not only highlights the weird legal situation of having subjects without citizenship but also severely disrupts the daily life of hill tribe people who are still waiting for appropriate legal recognition from the Thai authority.

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