Human Trafficking in Thailand: The Complex Contextual Factors

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Abstract: *The present exploratory paper tackles the issue of human trafficking in Thailand. Southeast Asia is a region known as both a recipient and as an exporter of trafficked workers. It is important to understand the pull and the push factors making Thailand an important destination and conduit for human trafficking. The fishing and sex industries seem to be at the center of this phenomenon nevertheless the practice can also be found in rubber plantations and in some factories. A critical theory approach is applied and cultural context is provided so as to understand this complex phenomenon*

Keywords: *human trafficking, Thailand, fishing, governance, human rights*

1. Introduction

The Kingdom of Thailand, formerly known as the Kingdom of Siam, is strategically located at the heart of Southeast Asia (Ongsakun, Millar, Barron, & Tanratanakul, 2006; Syukri, 1985; Wyatt, 2003). With a culture that blends elements from Hinduism and Buddhism, and centuries of contact with the West, contemporary Thailand is one of the so-called Newly Industrializing Countries (Pongsudhirak, 2008; Unger, 2009). Exponential growth during the 1980s and early 1990s resulted in higher demand for unskilled labor for 3D jobs (difficult, dirty, and dangerous) such as the fishing industry and to certain extent agriculture (Unger, 2009). A disconnect between supply and demand resulted in an increase in human trafficking of workers from Myanmar and Cambodia to Thailand (Sorajjakool, 2013). There was also a concurrent increase in human trafficking from Thailand to Japan and the Middle East.

It should be noted that labor scarcity is not new to the region (Mulder, 2000; Neher, 2002). Southeast Asia has had an imbalance between demand and supply of labor since classical times as evidenced by the laws enacted by the ancient Kingdom of Ayutthaya and the Khmer Empire (Wyatt, 2003). The Kingdom of Thailand had the strict Sakdina system of servitude until the nineteenth century (Ongsakun et al., 2006; Wyatt, 2003). Thus, the history of Thailand and of Southeast Asia in general is one in which labor is more valuable than land and the government has claimed a certain measure of control over this scarce resource.

The present study aims to answer the following question: What are the main pull and push factors for human trafficking in Thailand? While there are many studies focusing on human trafficking in the Southeast Asian region those tend to focus on a universal human rights approach which lacks a proper contextual understanding for the culture of the region (Akaha, 2009; Bhattacharyay, 2010; Chan, 2018).

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2. Theoretical Framework

Human rights activists and scholars and to a certain extend the entire field of Peace Studies tend to be ethnocentric in that tenets derived from the European enlightenment are extrapolated to the entire world (Mahoney & Schamber, 2004; Mitchell, 1981; Sponsel, 1994). In other words certain rights are assumed to be universally applicable and desirable. Even though many of those rights are certainly worthy of respect, many of the cultural assumptions of the universal human rights paradigm are incompatible with other philosophical and cultural traditions (Kim, Fidler, & Ganguly, 2009). Thus, rather than tackling the problem of human trafficking in Thailand from an etic approach the present paper will provide an emic perspective which respects the culture and world view of those affected by the phenomenon. The postmodern approach is equally rejected as dismissive of the value and importance of local cultural norms and mores (O. F. v. Feigenblatt, 2009b; Hahm, 2006).

The present study applies a constructivist approach based critical theory (Stuart Sim, 2005). Hoeftede's cultural dimensions will also be used to explain Thai cultural characteristics in relation to power, relationships, and punishment (Eldridge & Cranston, 2009). Local cultural concepts such a bunkun are emphasized so as to provide an emic perspective (Feigenblatt, 2010a). The theory of Sufficiency Economy developed by the late King Rama IX provides a cohesive approach to tackle the complex phenomenon of human trafficking in the Thai context (Pongsudhirak, 2008; Unger, 2009).

3. Historical Background

The territory covered by the contemporary Kingdom of Thailand includes several ethnic groups, many of which migrated from Southeast China (Roux, 1998; Tagliacozzo, 2001). Historically borders in Southeast Asia have always been porous and ill defined because the definition of a polity differed from the European Westphalian tradition (Feigenblatt, 2010 2011). Southeast Asian classical polities were based on a few population centers from which power emanated outwards to the countryside in concentric circles, resembling a mandala (Chandler, 2008). In many cases the direct authority of kings and rulers was limited to their capitals and other villages and minor towns had a high degree of autonomy. Administration was historically run by local notables who provided labor and warriors for kings during times of need (Chandler, 2008; Wyatt, 2003).

The most influential historical empire in the region was the Khmer Empire which eventually disintegrated into small polities but which had a great cultural influence on the idea of leadership, kinship, and social relations between the ruler and the ruled (Chandler, 2008). Obvious remnants of Khmer kingship are still visible in Thailand such as the combination of Buddhist and Hindu (Brahmin) rituals for royalty as well as the shape of the crown itself (Wyatt, 2003). Thus, leadership and social stratification in Southeast Asia has religious elements making it more complex and less based on simple control over resources.

One of the most important resources in classical Southeast Asia was labor because of the sparse population and the need to conduct public works such as draining swamps and building canals (Wyatt, 2003). Thus leadership was based on control over labor. Physical borders were fluid and not as important as control over population centers. Raids on marginal villages were common so as

to bring back settlers to work on public works (Wyatt, 2003). From a cultural perspective, beliefs from the Indian continent such as reincarnation and certain aspects of the caste system were integrated into local cultures (Chandler, 2008; Wyatt, 2003). This has resulted in a highly hierarchical structure and to a complex multiethnic makeup of the Myanmar-Thailand border areas, in which members of certain ethnic groups feel very little loyalty to their nation-states and are used to crossing the border on a regular basis (Coclanis, 2013; Dzurek, 1999; Feigenblatt, 2015). Servitude was legal in Thailand until the reign of King Rama V in the XIX century and it continues to exist as a culturally acceptable practice to a certain extent (Le-Coz, 2009).

This brief historical overview of the region and in particular of Siam provides necessary context to understand the challenges in terms of defining and dealing with human trafficking in modern day Thailand. The next section provides a theoretical framework that will be applied to the phenomenon of human trafficking in Thailand.

4. Theoretical Framework

The present study tackles the challenge of human trafficking in Thailand from an emic perspective so as to avoid the ethnocentrism that is so prevalent in the literature dealing with human rights. Nevertheless there is an etic model of culture which is very helpful in terms of putting Thai cultural traits into a global context, namely Hofestede's six cultural dimensions (Eldridge & Cranston, 2009; J. N. Hook, Worthington, & Utsey, 2008). Three of those dimensions are pertinent for this particular study: power distance, individualism versus collectivism, and uncertainty avoidance. Power distance deals with acceptance of rejection of hierarchy, individualism versus collectivism is related to the relative value of the individual in relation to the group/community, and uncertainty avoidance deals with the value of stability versus risk taking.

The Thai cultural framework that will be used is based on the central concept of bunkum, loosely translated to deference and respect (Feigenblatt, 2010a). Two ancillary concepts that will be applied are pi and nong translated to senior and junior. Those three concepts are at the core of Thai culture and help explain relationships from an emic rather than etic perspective.

The overall approach of the study is constructivist and critical in that the aim is to unshackle research on this topic from neo-colonial assumptions of "progressive West" versus "outdated East". Avoiding the "orientalism" aptly described by Edward Said is a necessity in order to fully understand such as complex phenomenon in a context far removed from the mores and norms of the Global North (1978).

5. Annotated Bibliography

There is a vast literature about human trafficking in Thailand, nevertheless it is very hard to find papers written from an emic perspective. Nevertheless a good overview of the topic is provided by Chan (2018). Chan's study focuses on human trafficking in the fishing industry. A good overview of the human trafficking in Thailand is provided but the author emphasizes the challenges faced by Myanmar ethnic minorities who are then trafficked into Thailand (Chan, 2018). Chan provides a few case studies which are examples of human trafficking in the fishing industry and the tactics used by employers and smugglers. The public policy aspects of the phenomenon are also discussed,

in particular in relation to the Thai government and the change of policy of the Myanmar government after undergoing democratization.

Two interesting studies focusing on two different types of human trafficking in Thailand deal with the trafficking of Thais to Japan and the other on human trafficking in the Thai fishing industry (Jones, Engstrom, Hillard, & Sungakawan, 2011; Stephens, 2016). Jones et al.'s study deals with four case studies of human trafficking to Japan (2011). It is qualitative in nature and has an emphasis on the experiences of four women who were taken to Japan as sex workers. Discoursive analysis and critical theory were applied to semi-structured interviews (Jones et al., 2011). The paper is very interesting in that it shows the personal contextual factors pushing victims into the hands of traffickers. It is surprising that in many cases it is their own families and acquaintances who convince them to go abroad to support the family. A law and order approach to human trafficking is criticized as hurting victims more than those involved in the trafficking itself. The authors instead recommend focusing on the root causes of human trafficking (Jones et al., 2011). On the other hand Stephen's study focuses on the legal framework covering human trafficking in Thailand (2016). It emphasizes the legal gaps in terms of enforcement as well as the history of international pressure to expand the legal framework to improve protections for workers in the fishing industry. The Labour Protection Act and the Employment and Job-Seekers act are explained in relation to human trafficking and the more targeted Anti-Trafficking in Persons Act is evaluated against international standards. European Union and American pressure resulted in an improvement in the legal framework but implementation continues to be a problem (Stephens, 2016). Stephens recommends a regional framework to tackle human trafficking in Southeast Asia.

A very interesting firsthand account of human trafficking in Thailand and the challenges of trying to prevent it is provided by the former Consul General of Britain in Chiang Mai (Wood, 1965). This short book provides a firsthand account of human trafficking in Thailand from the late 1800s to the early 1960s. It is particularly interesting because it was written by the long time British Consul General during a period of institutional transition in Thailand. The author relates the challenges of facing porous borders and also the many problems of statelessness (Wood, 1965). Consul Wood also describes how ethnic minorities were more likely to lack proper identification documents and thus were subject to abuse by authorities and employers. Cultural issues are also discussed by the author was stationed in Thailand for seventy four years, making him a longest serving British consul in Thailand.

One of the few emic studies conducted on the issue is the seminal book "Human Trafficking in Thailand" which was written by a Thai scholar (Sorajjakool, 2013). Dr. Sorajjakool conducted actual fieldwork in Thailand and he interviewed government officials from most of the departments dealing with the issue of human trafficking (2013). As an insider, he understand Thai culture well and thus provides a more nuanced perspective on this complex phenomenon free from the Eurocentric normative ideology of human rights discourse. This study provides a detailed overview of the numbers involved in human trafficking and types of human trafficking in Thailand. Dr. Sorajjakool also rejects many claims posited by international nonprofit organizations (NGOs) about the magnitude of the problem and most importantly about the actual living conditions of those in the trade. The study concludes that even though human trafficking is certainly present in Thailand, the government is trying its best to deal with the problem (Sorajjakool, 2013). Dr. Sorajjakool also challenges many of the usual definitions of slavery and instead offers a more

nuanced continuum of servitude which more closely resembles Southeast Asian cultural views of power relations.

6. Findings

The most interesting finding of this brief research project is that there are virtually no credible statistics dealing with human trafficking in Southeast Asia (Akaha, 2009; Bhattacharyay, 2010; Chan, 2018; Hinton, 2006; G. Hook, Gilson, Hughes, & Dobson, 2005; Jones et al., 2011; Nair, 2008; Sorajjakool, 2013; Stephens, 2016; Than & Thein, 2007). There is extreme fluctuation in numbers when comparing different sources. Sorajjakool explains this challenge by pointing to the very nature of the phenomenon under study (2013). It is very challenging to have reliable statistics because human trafficking happens in grey and dark areas of the economy and therefore it is hidden from view. Further confounding the challenge is the fact that many intergovernmental organizations and non-governmental organizations exaggerate the numbers with the purpose of attracting more attention to it and of raising more funds (O. F. v. Feigenblatt, 2009c; Sorajjakool, 2013). This is particularly notable in the case of the United Nations which at one point estimated that there were 4 million people held as modern slaves and the next year revised the number to 1 million without explaining why (Sorajjakool, 2013).

Part of the challenge is the issue of defining human trafficking and modern slavery. Most studies take a very legalistic approach to the phenomenon and attempt to provide one size fits all definitions to be applied by governments such as in the Palermo Protocol and in particular by law enforcement (Chan, 2018). There is a clear divide between local scholars and the international community in terms of how the terms are approached (Chambers & Wolf, 2010; Komori, 2009). Foreign scholars and in particular foreign NGO activists tend to favor strict legal definitions, mostly based on the legal systems and cultural norms of the Global North (Morris, 1997). On the other hand local scholars favor a more nuanced and fluid definition and approach (Mulder, 2000; Pitiyanuwat & Sujiva, 2005). Sorajjakool mentions several cases of NGOs having invested considerable resources "rescuing" several trafficked people only to find out that they willingly returned to their previous employment (2013). A more controversial anecdote described by Sorajjakool deals with an NGO that was so eager to make a difference that they attempted to convince four women that they were slaves, based on their strict international definition, and three out of the four resisted the definition for months and eventually returned to their former condition. These examples do not imply that there is no modern slavery or human trafficking in Thailand but they do depict a disconnect between the local empowerment and participatory development espoused by so many scholars and the actual practice of activists dealing with the problem.

Ethnographic research conducted in Thailand by foreign scholars and the emic literature dealing with Thai culture provides a relationship model which vastly differs from the one prevalent in the United States and Western Europe (Feigenblatt, 2010b, 2010c, 2012; Mulder, 2000). Ferdinand Tönnies' simple distinction between relationships based on gemeinschaft and those based on gesselschaft is a good starting point (Ashley & Orenstein, 2005). Thai society is still mostly based on gemeinschaft while Western societies have slowly moved towards gessellshaft. According to Tönnies, relationships based on gesselschaft are impersonal transactions while those based on gemeinschaft are long term and based on a stronger bond which is as important as the goal of the transaction (Ritzer, 2008). Another etic model dealing with relationship is the Hofstede's model of

cultural dimensions (Eldridge & Cranston, 2009; HSIN-HUANG, HSIAO, & WAN, 2007). This model posits that you can compare cultures based on certain dimensions such as collectivism versus individualism, power distance, and risk aversion, inter alia. For the purpose of this study, Thailand ranks high in collectivism, in power distance, and in risk aversion (Feigenblatt, 2010a; O. v. Feigenblatt, 2009; Mulder, 2000). This means that the average Thai person tends to believe that the group is more important than the individual and that his or her needs need to be balanced with those of the community. Thailand has a very high power distance which refers to the acceptance of hierarchy, or power differences between people (Pitiyanuwat & Sujiva, 2005). Probably the most visible example of power distance in Thailand is the etiquette expected of those people who are in the presence of the King (Wood, 1965). Not even the high ranking ministers can stand in the presence of the King and even his espouse has to kneel. This is just an example of the high power distance which is accepted in Thailand. It should be noted that having a high power distance does not mean that people are forced to endure unequal relationships but rather that they accept them as part of life and in many cases wholeheartedly support the system (Mulder, 2000; Pitiyanuwat & Sujiva, 2005).

Thailand also ranks high in terms of collectivism in the Hofstede's cultural dimension (Mulder, 2000). This means that Thai people tend to find joy in belonging to the community and that they understand that the wellbeing of the community comes first. This applies to all groups including the family unit and the village. The ultimate community is the nation which is headed by the King. Collectivism leads to the willingness of the individual to sacrifice his or her personal goals and needs for the benefit of the larger group (Pitiyanuwat & Sujiva, 2005). A third pertinent cultural dimension is risk aversion. Thai people tend to be very risk averse making them susceptible to following the advice of elders or following the path of the majority (Wood, 1965).

Emic concepts support the conclusions reached through the application of Hofstede's cultural dimensions. The concept of "bunkum" which lacks a proper English translation can be loosely translated to "deferential respect and gratitude" (Mulder, 2000; Wood, 1965). Bunkum is a concept imbued with Buddhist undertones and cosmology, in particular Theravadha Buddhism which is more hierarchical than Mahayana Buddhism (Joll, 2010; McCargo, 2009). Bukum is a central concept in Thai culture because it regulates virtually every relationship. It connects people to each other through bonds of dependence and gratitude. Filial piety is defined by the concept of bunkum and leads to high levels of obedience and sacrifice from children (Murphy, 2009). At the same time dependents have more than just a transactional relationship with their employers making it harder for them to refuse to follow certain orders and directives.

In summary, it is important to understand that the Thai cultural context defines relationships in a very different way from the Western way which focuses on absolute individual rights and gesselschaft (Mulder, 2000). The Thai social structure is closely knight and deeply imbued with concepts of Buddhism leading to a high level of collectivism. As a result of such a different socio-cultural context, Western definitions of modern slavery and human trafficking are not widely accepted by the majority of the population, including those who are supposed to be described by the condition themselves (Ungpakorn, 2007). The Thai government has adopted a development theory introduced by the late King Rama IX called "Sufficiency Economy" (Unger, 2009). This unique development theory includes many aspects of Buddhism and emphasizes collectivism.

Therefore there is a cultural clash between the assumptions made by pure liberal capitalism with its core individualism and sufficiency economy and its collectivist underpinnings.

There is no doubt that human trafficking continues to be a problem in Southeast Asia but the numbers according to local authorities are not as high as the media and activists claim, most estimates range from five hundred to a thousand trafficked persons per year (Sorajjakool, 2013). Economic asymmetries between different regions lead to economic migration and to a grey area economy based on illegal labor. The case of Burmese migrant workers in Thailand is a good example. Burmese migrants who are in Thailand illegally and subsequently work for large industries and are usually given documents with a temporary status by Thai authorities (Sorajjakool, 2013; Stephens, 2016; Than & Thein, 2007). Their labor is necessary for the Thai economy. Thus, there is a certain amount of trafficking that will continue to be tolerated because of economic necessity. The Thai government and the local United Nations offices have focused on the most egregious cases of human trafficking (Sorajjakool, 2013). Examples include certain cases in the fishing industry in which people are kept at sea for years with no payment and no access to medical services (Stephens, 2016). Nevertheless those cases are a very small proportion of the total number of trafficked people.

7. Recommendations

Taking into consideration that the Thai government has limited resources and that there are many other immediate needs such as creating economic opportunities in underdeveloped regions of the country, the exaggeration of numbers by activists and certain NGOs is detrimental to the people they are attempting to help. Attempting to shame the Thai government into spending more money in dealing with human trafficking through a traditional law and order approach will only divert scarce funds which could be used to increase employment opportunities in economically depressed areas such as the Northeast and the Deep South. Most scholars with fieldwork experience in Thailand recommend focuses on the root causes of the problem (O. v. Feigenblatt, 2009; Sorajjakool, 2013). Strengthening local communities through participatory development is the best long term solution. Attempting to replace the local culture will disrupt traditional support networks and lead to what many sociologists have described as "anomie", with all of the related social pathologies (O. F. v. Feigenblatt, 2009a; Lemert, 2004). Western scholars and activists should partner with local counterparts who have a better understanding of the local context.

There is agreement on certain push factors for human trafficking in Thailand such as lack of economic opportunities in the North and South of the country, asymmetric development, and family emergencies leading to debt (Akaha, 2009; Bhattacharyay, 2010; Chan, 2018; Hinton, 2006; G. Hook et al., 2005; Jones et al., 2011; Nair, 2008; Sorajjakool, 2013; Stephens, 2016; Than & Thein, 2007). In terms of pull factors, the economic growth of metropolitan centers and a low labor supply in some industries, such as fishing also present challenges. Long and porous borders also facilitate smuggling and human trafficking. One important difference between the conclusions reached by Western scholars and local scholars is that local scholars include the gradual erosion of traditional values as one of the most important challenges (Unger, 2009). Local scholars and government officials partly blame the adoption of Western capitalist values among the rural population (Murphy, 2009; Pongsudhirak, 2008). Unrealistic expectations about consumption lead to deviant behavior. Evidence that this is considered to be one of the most important reasons for human

trafficking and related social pathologies by the Thai government and elite decision makers, is the development of the development paradigm called "Sufficiency Economy" which has strong Buddhist undertones and shares some of the same tenets as Confucianism (Unger, 2009). There is considerable evidence gathered by local NGOs and by the government that many victims of human trafficking in the sex industry did not suffer from absolute deprivation but rather succumbed to relative deprivation (Jones et al., 2011; Sorajjakool, 2013).

8. Limitations

The present study tackles a complex phenomenon through a hybrid approach blending emic and etic models so as to provide a holistic perspective on human trafficking in Thailand. It is very difficult to find reliable statistics dealing with human trafficking in this region and therefore a quantitative approach was not feasible. The very nature of human trafficking, which mostly happens in grey and dark areas of the economy, makes it very difficult to gather first hard data through fieldwork. Nevertheless the present study provides a general overview of the challenges faced and focuses on important areas of disagreement between epistemic communities.

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