

Selling sex on the boundaries: the crossroads of sexual desire and economic need

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Introduction

Commercial sex has existed in Southeast Asia, including the Mekong region, for a long time. The modern forms of sex for money have risen with the penetration of the market economy into the Mekong region. A cash economy provides money for consumer goods, drinking and entertainment, and the growing disparities of wealth have given rise to an increasing demand for commercial sex and a ready supply. The movement of women into cities for prostitution is well known, such as the movement of women and girls from rural areas within Thailand, and beyond the borders of Thailand, to Bangkok. This phenomenon is fairly well studied, what is less studied is the secondary destinations, such as smaller cities, tourist areas, fishing ports and border areas. While HIV/AIDS research and programming in the Mekong region does cover sex work in various sites there is limited overview and analysis of the growing phenomenon on or near borders.

Trade and tourism is driving phenomenal growth in the Mekong region. The ADB is a key player supporting regional governments, business and other agencies in opening-up markets and borders in the region. Much of this growth may have occurred much earlier if it was not for the lack of cooperation across borders and the reluctance of some countries to fully embrace growth initiatives. The Asian financial crisis also slowed development of infrastructure but now there are fewer obstacles with nations realizing the potential economic benefits.

Within this growth border areas are increasingly becoming important nodes of development with roads and other infrastructure being built to move people and goods across borders. Urban centres are still the primary areas for commercial sex but sites on or near borders and other nodes along major highways are increasing in size and the number of locations.

Sex work is still regarded as marginal to society, indeed it is illegal in all countries of the region, and thus it is often associated with the underworld and the black market. The market is not always black; however, as sex work is an integral part of the entertainment industry. This industry is expanding with the economic expansion and the growth of trade and tourism. Thailand exemplifies the ambiguous nature of sex work, where it is illegal but prolific - where the underground meets market forces. The sex trade can be a very lucrative opportunity for many, and generally operates under the guise of a more legitimate business – karaoke, restaurant, massage, etc.

The market economy initially develops in urban areas, drawing on rural agriculture and then the growth of industrialization in urban centres or on the periphery. The urban centre becomes a magnet for trade and commerce, and labour exchange leads to internal migration and rural areas feed off the centre. The rural areas inevitably benefit from economic growth as the market economy penetrates into hinterlands. This began to occur in Thailand in the late 1960s, and with an economic boom in the 1980s the market drew surrounding countries into this expanding market. Migrants turned to Thailand to find work and slowly borders were opening up to trade. Borders are increasingly becoming beacons rather than barriers, and depending on the location can develop into a microcosm of the commercial and entertainment sectors of the main urban centres. However, there are distinct differences between the established urban centres and the more disordered border areas.

The opening up of borders follows the opening up of economic markets in the region. The growth has generally not been planned, nor well regulated, and local officials and business people can have more power and influence than they should have under normal conditions. Some borders have been characterized as lawless outposts where bribes and corruption are highly prevalent. One border site may comprise different ethnic groups and a range of different languages. Migrants may find work across the border but then face hardships from employers and officials and looked down on by the local community. Many officials, traders, drivers etc. are on the border without their families and regularly go to bars to drink and be entertained. Many border spots qualify as hot spots for HIV/AIDS.

While many hot spots for HIV/AIDS are well established there are smaller centres that can quickly grow into hot spots. Lessons from past programming show that the pre-requisites for qualifying an area as a hot spot do not always occur at the border itself. Towns within the vicinity of borders may be the locus of activity and where risk situations might occur. Today's sleepy town near the border may be tomorrow's node of economic growth.

More and more areas are being designated as economic zones, or special industrial areas or economic corridors. Economic zones on or near borders are direct evidence of the penetration of the market economy to once remote regions, now remote only in their distance from the political power bases of major cities. That such market penetration is perpetrated by former communist regimes is hardly controversial given the alignment of capitalist and socialist states in the race for economic prosperity. Transportation of goods and people is breaking down borders and opening up possibilities for tourists, for traders, and entrepreneurs and service providers of all kinds. There is a boon in the entertainment industry which while servicing the well-healed tourist, has sectors servicing drivers, fishermen, and other mobile or migrant groups.

An important part of the cross-border tourist growth of the past decade can be linked to casinos. Casinos are illegal in Thailand thus private entrepreneurs have built them across the border in Cambodia and Myanmar. One site on the Cambodian border has seven resort/casino complexes. The Chinese have their own casinos across the border in the Shan and Kachin States of Myanmar and in northwest Laos. Nationals of Myanmar or Laos cannot enter these casinos thus they are only available to cross-border Chinese tourists. Most casinos can provide massage and sex services or such services spring up in the general vicinity.

This study provides an overview of the border areas in the region and the context for sex work as it occurs in the countries of the region and on the borders, highlighting some of the differences in form and context. The focus is on cross-border movements and particularly where people cross to the immediate vicinity or nearby towns near

border areas. While the greater population movement is through border areas and deeper into the country this study is concerned with the growth in border regions. The specific focus is on men crossing the border and patronizing sex venues, and women and girls crossing the border to work in sex work on the other side.

The different border areas vary widely in the volume of population movements and the extent of commerce and entertainment facilities. Within Thailand each of the border areas are significantly different, with some sites having a large number of migrant residents on the Thai side. Elsewhere in the region the border environment is often local people belonging to the dominant population group of the country interacting with mobile and migrant (internal and/or cross-border) populations. In many border sites there are also ethnic minorities and on some sites they comprise the majority population.

The different locations in Thailand are discussed to provide background to the various forms of sex work. Thailand provides the basis for discussing border crossings with Myanmar, Malaysia, Cambodia and the Lao PDR. Myanmar will only be discussed in terms of its borders with Thailand and to a lesser extent with China. Vietnam is the core country for discussing borders with China, Cambodia, and to a lesser extent with Lao PDR.

Regional difference – history, politics and culture

Prostitution has a long history in the region, but generally confined to urban areas. Sex work is now widespread throughout the region on the periphery of industrial development, emerging in remote corners where developments such as mining and construction occur and in border regions. Thailand has experienced growth in the sex industry as a result of sustained economic growth over decades. Some sources suggest the industry emerged through Chinese labourers settling in Thailand last century (see Boonchalaksi and Guest 1994)

Cambodia and Vietnam, of course, had experienced periods of modernization which included prostitution, just as the Malay peninsular, especially Singapore, experienced earlier in the century. Thailand was, however, the only country to develop a large sex

industry that continued to expand throughout the second half of the 20th century, despite prostitution being officially proclaimed as illegal in 1960. Economic growth saw the spread of prostitution to the provinces and even at the district level through the 1970s. The market economy was penetrating the country-side for the first time, which meant that men in employment had a disposable income. The cultural forms that allow men sexual license while women are meant to be chaste also occurs in Cambodia, reportedly prior to the Khmer Rouge regime (Tarr 1995). These conditions give rise to prostitution being an outlet for men serviced by a ‘fallen’ woman.

The 1980s brought immense economic expansion for Thailand while Cambodia saw the end of the Khmer Rouge and occupation by Vietnamese forces that gradually brought back some semblance of social structures, paving the way for economic growth. In the 1990s Cambodia developed along similar lines to Thailand in earlier decades with prostitution occurring throughout many parts of the country with the expansion of commerce and trade.¹

Vietnam has also experienced an expanding sex sector alongside economic growth. The large sex industry, found in many parts of the country, has not been dampened by crackdowns and detention of many women in ‘rehabilitation’ centres. Vietnamese women also travel to China, Cambodia and Lao PDR to work in sex work. Fishing ports are intersecting points for transportation, commerce and sex in the coastal countries of Thailand, Cambodia and Vietnam, as well as in Myanmar. Myanmar has millions of people on the move with major migration streams into Thailand, which includes women working in the sex industry, although Myanmar now has its own flourishing sex trade. The Lao PDR is moving in the same direction and the opening up of the country with massive infrastructure investment is leading to more women and children seeking work and vulnerable to working in the sex trade. China has women crossing the border and working in sex work, mainly in Thailand but also in Lao PDR and Myanmar, while having a well-established sex industry in major cities and towns, truck stops and border regions.

¹ The UNTAC presence in the early 1990s undoubtedly was a factor in the penetration of prostitution to provincial Cambodia.

Direct and indirect venues

The Thai sex industry may be used as the proto-type for the region to understand the different forms of sex work occurring in recent decades. The primary form of sex work in Thailand was brothels, which had their beginnings in Chinese hotels and tea shops. Brothels have been characterized by ease of access through being in relatively well-known locations with cheap prices. They have been further characterized as dark and dismal places where rather than romantic interludes short time sex is measured in a few minutes, and women only partially undress.

Brothels have characterized the sex trade in both Thailand and Cambodia. And it is generally accepted that the number of customers per day, the relatively young age of sex workers, and STIs, have led to the explosive rates of HIV/AIDS in these countries. In Vietnam, China and Lao PDR there have been fewer direct venues and lower rates of STIs. Law enforcement has fostered underground or disguised services in these countries. Law enforcement in Thailand, especially that of child prostitution, but also the advent of HIV/AIDS and the surveillance of brothels, led to brothels closing down or appearing under different guises, such as karaoke, bars, massage or restaurants. These guises meant that the majority of venues provided indirect, or off-site services, rather than the brothel, on-site services.

The indirect services often provide a different context where women and girls had greater freedom and fewer customers than the in brothels. Rather than entering a premise and choosing a sexual partner there is a greater sense of flirting and/or negotiating sexual relations. This may be a simplification of a complex and diverse industry but this division helps to capture part of the dynamics of the sex industry in diverse settings across the region. While Thailand has moved from direct to more indirect services, communist regimes of the former Indo-China countries, and China, have always fostered underground or disguised services through stricter enforcement principles and practice. Dance halls and other such entertainment venues were early venues for men seeking sex with women, somewhat subsumed by the proliferation of karaoke bars and other more modern venues.

The more open and expansive industry in Thailand allowed for the spread of STIs during the 1970s and 1980s, and the UNTAC presence in Cambodia had some influence on the brothel culture and the spread of STIs. Thailand has seen a dramatic reduction in STIs since the late 1980s, and the incidence has fallen in Cambodia since the late 1990s. STIs were the crucial link in the spread of HIV in the high intensity sex trade found in brothels. China, Lao PDR, and Vietnam have seen rises in STIs, but not yet to the levels found in Thailand in earlier decades.

The much heralded success of the Thai 100% condom policy, which was later used in Cambodia, is designed for more direct, brothel services. The brothel trade has always been more open to regulation and control than the indirect entertainment venues. The successes of this program in Thailand and Cambodia are not likely to be transferable to other countries in the region, and have limited effect on the more indirect venues now operating in Thailand and Cambodia.

Men visiting Thai sex workers across borders

Border areas, including nearby towns are often dominated by itinerant populations. The majority of men seeking sexual services are likely to be mobile, such as, truck drivers and other drivers, traders and businessmen, government workers and seafarers (in coastal areas). Mobile populations also include uniformed personnel and migrant workers. Men who are mobile may be expected to be faithful to their partners at home but it appears that they are given some latitude to visit sex workers when away from home for extended periods of time. Some men in these situations may have mistresses or minor wives rather than visiting sex workers. Research in Thailand has suggested that wives would generally prefer their partners to visit sex workers rather than having a more regular partner (Boontinand 1995, Lyttleton, 1994).

Thailand is the hub for migration and for a widespread sex trade. Outside the main urban environs sex work sites include cattle markets, fairs, truck stops and fishing ports. Border areas are also major sites and some places have more migrant sex workers than Thai sex workers (see below). Thai sex workers from the north of Thailand are found in Bangkok and other urban and semi-urban centres, as well as on

the border with Myanmar. Women from the northeast of the country are also found in many areas and commonly work in tourist bars in Bangkok and Pattaya. Thai women are dominant in the large sex industry in the south of Thailand, although some women from Myanmar and from Yunnan, China, can be found in border regions. The customers are mostly Malays, Indians, and Chinese from Malaysia and Singapore. Up to one million tourists cross this southern Thai border each year, entering provinces that are dominated by Thai Muslims. A number of border locations have over a 1,000 sex workers in hotels, karaoke and bars/restaurants (Askew 2004).

This is the only area with high numbers of clients crossing into Thailand for sex. It is less common for Thai men to cross borders for commercial sex but those living in border areas are known to cross into Lao PDR and Cambodia, as well as into Myanmar (from northern Thailand). A new border with Cambodia has opened at Srisaket and Thai men are visiting brothels ten kilometres across the border. Businessmen, truck drivers and other mobile groups are also known to visit sex workers in other countries. Lao men have crossed into Thailand to experience the sex industry and no doubt there are population groups from each of the surrounding countries who have experienced what Thailand has to offer, especially fishermen. Thais are attracted across the border to visit casinos and sex work in the casino or outside may be on offer, especially in Poipet, but also on the Trat-Koh Kong border, and also into Myanmar from southern and northern Thailand.

Generally, it is men of higher status who cross borders to try the exotic ‘goods’ across the border. On the Thai borders, except for Malaysia, the Thais are the higher socio-economic group. The men from Malaysia are usually from a higher socio-economic stratum but for them it is also the ready access to commercial sex in Thailand compared to their home provinces. For male traders and other businessmen who cross borders in the course of business many may routinely visit sex workers across the border. Truck drivers may routinely visit sex workers or find women willing to become regular partners during travel. There is an increasing trade in goods down river from China to Lao PDR and Thailand as boats carry goods and people. As many as 10,000 people per year travel downstream, with most of them being men (Lyttleton, Cohen et al. 2004). Chinese men also visit casino complexes in Myanmar

and Laos. Bangsan in Myanmar, south of the Sipsongpanna border of Yunnan, is a township controlled by Chinese with entertainment designed for Chinese tourists. It has been well known for Thai transvestite performing groups (Beesey 2002).

There is limited research that shows the movement of men across borders. In some sites men are crossing borders purely for social reasons. Some will cross the border solely for the purposes of visiting sex work venues, others may go to drink and dine, or to gamble, and visiting sex workers may be secondary. But then there are many others who have business or other reasons to cross the border, and for them sex also can be a side attraction. Much of the research has focused on truck drivers and fishermen and not the more professional groups, and rarely on tourists, especially Asian tourists.

Mae Sai in northern Thailand has attracted many Asian men seeking sex with virgins. This is the case throughout the region where beliefs prevail that sex with virgins will add vitality and make men more virile. With laws on child prostitution being enforced in Thailand the trade seems to have moved across the border in Tachilek, Myanmar, where the sex industry appears to have grown over the past decade to be larger than that in Mae Sai. The sex industry seems to be expanding across the border in Myanmar in a number of sites on the Thai border, where there is less regulation on ages of women in the trade. Men seeking sex across the border in Laos was sometimes because the women were perceived as being less risky for contracting HIV than in Thailand, and often they would seek out younger women. During the peak of the epidemic in Thailand, reportedly many men in Thailand were seeking out young women as a form of prevention (see Lyttleton 2000). With virgins and girls it is far more unlikely that condoms are used.

Women crossing borders into sex work

Sex workers generally migrate from their home towns to other areas to work in sex work. Generally, their home provinces have limited opportunities but also other provinces provide a higher degree of anonymity. Thus, most sex workers are internal migrants, however, over the past 15 years there have been increasing numbers of

women and girls crossing international borders to work in sex. Many move directly into sex while others initially work in other unskilled work. The majority; come from rural areas and travel to urban or semi-urban environs. Agents often smuggle them to these destinations and then they may be moved from one place to another, through a network of brothels, including sites across the border (Chantavanich, Beesey et al 1999).

There is a limited number of areas in the region where women cross the border to work in sex work on the other side but in close proximity to the border. It is the nature of borders that while being an avenue for traveling deeper into a country there are obstacles that limit travel. Many migrants are given official or unofficial freedom of movement only within the confines of the border district, and thus, some migrant women feel more secure closer to the border. They can often use the same language across the border, or stay within their native groups. A case in point may be Vietnamese women working in sex work across the border in China. Few will venture further (into the country), China is unlikely to tolerate migrant sex workers in the country except on the borders, such as in the Ruili, in Yunnan in the northwest, or Herkou on the border with Vietnam.

In Thailand the borders on the Thai-Myanmar border are thoroughfares for trade but transport cannot cross, despite the existence of bridges. The main population groups crossing are migrants seeking work. Many women have entered into the sex industry at this point, especially in Mae Sai in Chiang Rai, Mae Sot in Tak province, and in Ranong. It is not so common along the breadth of the Thai-Lao border, although it has been happening for some time in Ubon province and in Nongkhai. Of the two main border crossings with Cambodia it occurs at one site only, namely, Trat province on the coast. Changes do occur with some regularity, it is a dynamic trade that follows different trends and patterns, for instance, in the past there may have been more migrant sex workers along the Lao and Cambodian borders, such as, Mukdaharn and Aranyaprathet. Now there are few migrant sex workers, at least in Aranyaprathet. In such sites, however, it has been recorded how women are sent across the borders to service men for a short time (Chantavanich, Beesey & Paul 2000). And with the opening of a new border crossing on the Srisaket border there are sex workers

reportedly working on the border and some enter further into the country. The Cambodia-Thai border is the only area where Cambodian women and children are known to cross the border to work in sex work. And the Lao-Thai border is the major border area for Lao women to cross. Some Lao women are reported to have crossed into sex work or marriage arrangements across the China border (Lyttleton, Cohen et al 2004).

Vietnam is the other country with major crossings where nationals cross the border to work in sex work in the immediate border vicinity. This is largely confined to two major sites on the China border. On the Yunnan border there are numerous venues with Vietnamese sex workers. There is also a cross-border site into Laos, route 9 into Savanahket, where Vietnamese women cross into Savanakhet province in Laos but they generally move onto Savanakhet township which is on the Thai border. Similarly, many women from the Mekong Delta work in Cambodia as sex workers but they generally move deeper into the country, as far away as the Thai border, even across the border into Thailand (Chantavanich, Beesey et al 1999).

Yunnan province in China, bordering Myanmar and Lao PDR, and Vietnam, is another area for migrant sex workers. On the eastern side of the province, bordering the northern part of the Shan State, women from Myanmar work in sex work not far from the border. Yunnan is also one of the sites mentioned above where Vietnam women cross the border to work in sex work. There are places where Chinese women can be found working across the border, such as across from Sipsongpanna, in the Wa area of Shan State, where the Chinese control casinos and other entertainment venues, and much of the entire local economy. From early 2005 until June, however, the border crossing has been closed to these tourists. Women from the lower reaches of Yunnan also pass through Myanmar to Thailand and work in sex work. Some reside in border areas, such as Mae Sai while others go much deeper into the country.

In summary, migrant sex workers are found in at least three sites on the Thai-Myanmar border, plus the Thai-Lao border - Ubon and Pakse, and the Thai-Cambodia border - Trat and Koh Kong. This is a small number of sites with cross-border migrant sex workers, but each town has a town across the border where sex work is prevalent.

Thus, sex workers can rotate across the border. In Cambodia and Lao PDR it is more likely that the circuit they rotate in is inside those countries rather than extending further into Thailand. For instance, Khmer sex workers may rotate between Siam Reap, Poipet, Trat and Koh Kong. In Ranong and Tak provinces of Thailand it is unlikely that many of them work in sex work deeper into Thailand, although some do. In Mae Sai, well known as a major destination and transit area, women in sex work may move backward and forward across the border to Tachilek and possibly to Chiang Tung (further north in Shan State), but they can also travel to other parts of Chiang Rai, to Chiang Mai, and to other destinations in Thailand².

Other sex workers may be found in smaller border sites, as well as on the Bay of Thailand where there are other migrant communities. This is in addition to the many migrant sex workers in urban and semi-urban areas deeper in the country. Five major sites have been identified for Thailand which have substantial sex industries on at least one side, and often on both sides, of the border. The two sites on the Vietnam-China border fit into this framework also. Along with the Thai-Myanmar sites they are some of the more notable HIV/AIDS ‘hot-spots’ in the region. The China-Vietnam sites are also known for a high prevalence of drug use.

Borders – avenues of opportunity

The vast migration streams into Thailand, mainly from Myanmar but also from Cambodia and Laos, include women entering into sex work. Mae Sai is clearly a route for migration into sex work in Thailand and two other major crossings are in Mae Sot, Tak province, and Ranong. The Thai-Myanmar border is very long and porous and other border crossings include Mae Hong Son, Chiang Mai and Kanchanaburi. The Thai-Lao border is also very long and porous Ubon, Savanakhet and Vientiane are the major crossings with other official check-points and many unofficial crossing points. From Cambodia, Aranyaprathet is the main entry point for the many thousands of migrants that enter into Thailand. Aranyaprathet once had a thriving sex industry with some Khmer workers but now they work across the border in Poipet. Most of the migrant workers reside in Poipet also, while crossing the border on a daily basis to

² Circuits are often created by brothel network/managers to rotate workers in order to offer new faces. Movement from one brothel to another may be more voluntary movements as well.

find work. This is a hot spot area for HIV/AIDS but largely on the Cambodian side of the border.

Agents are commonly used to smuggle people across borders, and trafficking, by force or deceit, has long been practiced in the region, and again the Thai situation is the most well-known. Trafficking has occurred internally, mainly with women and girls from the north of Thailand and then from the Shan State and further north in Yunnan, as well as other parts of Myanmar. The numbers being trafficked into sex work have long been eclipsed by the numbers who are *not* trafficked. While earlier waves of women and girls entering sex work may have included many who were deceived and tricked those who followed were more likely to be entering the trade voluntarily. This does not deny the inherent exploitation in the trade which can include those who enter voluntarily, and certain forms of abuse will define such women as trafficked also. While the sex trade is conducive to women being very vulnerable, in Thailand I think it is fair to say that the great majority of women would not be defined as being trafficked in any form³.

Trafficking, smuggling or voluntary movements follow patterns of demand. The demand has mainly been men in urban environs who had certain requirements. Central Thai men had a strong preference for fair-skinned women whom they knew came from the north of Thailand. As elsewhere in the region white-skin is a sign of beauty. Cambodian men may prefer women with fair skin also, and they along with other Asian visitors to the country have the choice of selecting Vietnamese women who also have a reputation for being sexually uninhibited. There is also the notion of the exotic. Central Thai men have long traveled to Chiang Mai in the north for the exotic fair-skinned women. Northern Chinese men come to Sipsongpanna in Yunnan due to the lure of the exotic Dai culture which for some men is synonymous with sexual allure.

³ Some feminist arguments would object that they are 'forced' by circumstances, such as poverty, and should be saved from such 'exploitation', while other feminist arguments would posit that sex work could be regulated to reduce exploitation and be regarded as an occupational choice.

Development and tourism is opening up remote regions and bringing highland people into contact with lowland populations. In Thailand where many highland groups have long had contact with lowland Thais ethnic minority women have been lured into the sex industry. Women and girls from ethnic minorities have also crossed into Thailand from Myanmar and some from Laos. Development also brings lowland populations in contact with highland populations through road and other construction. In Laos and Vietnam truck drivers and construction workers crossing borders are known to have sexual relations with local women and girls (Lyttleton 2004, Giang 2004, PSI 2004).

HIV/AIDS

Sex work is highly problematic due to the scale of the trade, trafficking and exploitation, underage workers, and the risk of disease. There has been extensive research and programming that renders concern for the plight of women and children in sex work, especially in Thailand and also in Cambodia. Conditions have improved in Thailand; however, concerns remain, especially for migrants and notably in border regions where HIV prevalence remains higher than elsewhere⁴. The explosions of HIV spread may be a thing of the past but the threat of HIV remains. Both internal and cross-border migrants are vulnerable to contracting HIV/AIDS, and passing it on to their sexual partners. Condoms offer limited protection as sex workers throughout the region are still likely to forego the use of condoms with regular partners. And regular partners may be defined as regular customers, with relationships often beginning within the sex work context.

This is why the spread of HIV will generally be slower, spreading at a similar rate to the spread of HIV through IDU where immediate sexual partners may be infected and then other sexual partners, but only gradually reaching a broader community. This is not to underestimate the urgency of curtailing the spread of HIV, there are still areas where entire communities could be at risk. The slower spread may be more difficult to track and in this way harder to control; providing a greater challenge in sustaining a concerted response and implementing effective responses. In situations where sex

⁴ The national HIV/AIDS prevalence rate for sex workers is now under 10% but reports in a number of border areas are much higher.

workers are injecting drugs the risk is indeed of greater concern and this is the case in Vietnam. Fortunately, most sex work in the region has not been characterized by injecting drugs. Vietnam and China are important exceptions. Non-injectable drug use, including alcohol, is common in some areas and may be on the rise, creating further challenges in ensuring safe sex practices.

Conclusion

A simplified equation suggests that men desire women and the women desire the money. Men are perceived as needing sex, a biological urge that must be met. But the desire for sexual release is also acknowledged as being associated with loneliness, pent-up energy/frustration, peer pressure, or being drunk. Drinking and sex appear to be regarded as necessities rather than luxuries for many mobile men. This is the crossroads of sexual desire and economic need. Men generally have spending power, they are more likely to have disposable incomes, and less likely to spend their earnings, rather than saving it or making remittances home. Mobile men are generally higher income earners than sex workers, even if they both come from rural backgrounds. It is obviously the case for cross-border situations where the men crossing the border come from a higher socio-economic background than the general population across the border. It is also the case when sex workers cross the border and service officials, uniformed men, truck drivers etc.

Many sex workers are not earning a lot of money; however, it is generally a lucrative trade where some sex workers can earn a reasonable income. The lucrative nature of sex work lends itself to lax law enforcement, as police and other officials can enjoy the spoils of the trade. The Cambodian government has allowed Vietnamese women to work in sex work even when they have attempted to drive Vietnamese migrants out of the country. Police on borders in Thailand have been active in smuggling women into the country, which seems to bear witness to the fact borders are not entirely under control of the central government. The police, of course, receive payment from all

prostitution services throughout Thailand. This includes rural brothels to high-class massage parlours and bars that serve tourists⁵ (Boonchalaksi and Guest 1994).

There is evidence that police and security officials in other countries, such as China, are involved in prostitution, directly benefiting from the growing trade. This is a direct result of the political changes and a more open economy. It is unlikely that the extensive sex work on the borders of Yunnan would continue virtually unhindered without official support at the local level, or from the central authorities.

Development of the region is leading to more choices for women seeking greater earnings. The entertainment industry and prostitution offers potentially lucrative earnings, opportunities rural women could never have realized previously. On the farm their earnings may be \$1 to \$2 per day, a night's work may bring ten times this amount, or much more in some venues. Border regions open up the market for local women from the majority population or from ethnic minorities. The poor have new opportunities, the not so poor can enhance their earnings. Poverty may be driving the trade but its growth depends on the spending power of men and the disparities of wealth. Sectors of the sex trade also depend on the consumer ethic that drives students and other young women into the trade to enhance their own spending power.

The analysis of prostitution requires a more nuanced understanding with responses that are informed by socio-economic conditions along with cultural and political implications. The intersections of desire and need are underscored by complexities that require careful analysis. The advent of HIV/AIDS and millions of people being infected in Asia has not slowed the sex trade. Harm reduction approaches have been successfully applied, and safe sex practices have left the industry even stronger. With HIV/AIDS still spreading throughout the region the expansion of the sex trade is providing a serious challenge to implementing effective interventions. There are unknown numbers of under 18 year olds working in the industry, many deceived into the trade, and many women and girls being exploited.

⁵ This was widespread among brothels in northern and southern Thailand, according to my research, and was revealed by massage parlour tycoon Chuwit Kamolvisit in numerous newspaper reports in Bangkok in 2003.

The market economy is central to any analysis, as the supply side will always be motivated by economic need. The economic growth patterns that have thus far occurred have enhanced a consumerist model of development, first in urban environs while also packaging tourist development in heritage areas and on tropical beaches. Now a further step is being taken as borders open up and the market economy dictates the terms of progress.

In the countries of the region a middle class has emerged and is rapidly expanding. This is particularly true of China where there are rising numbers of tourists from the mainland into surrounding countries. The middle class in Thailand has supported a large sex industry and has spawned casinos around its borders. China is doing much the same. The tourism industry is no longer reliant on the international traveler from the west with the number of Asian tourists is rapidly increasing.

Within countries there have been local concerns that politicians and other government employees are the main patrons of the more elite sex venues. These men form part of the growing numbers of mobile men in the region with disposable incomes. The mix of mobile and migrant groups with tourists and locals converge at points identified as hot spots. The mix of population groups and the emergence of entertainment venues give rise to this definition. Prostitution is illegal in each country but law enforcement is erratic or non-existent, particularly in border areas. Thailand has experienced some success in regulating the industry in order to control HIV/AIDS, and then in reducing child prostitution. This could provide a model for other countries and the region as a whole. Legalization of prostitution would be an option to regulate the industry but this is unlikely to happen in the near future.

The situation needs to be carefully monitored, and business interests and the tourist industry need to acknowledge the problem and work together with government and other agencies to mitigate the negative consequences of development. A mapping of the various movements in the region would be a monitoring tool for following changes and the dynamics of the situation. Mapping men crossing borders for sex would be a unique way to present the situation. But this could be a component of a

larger mapping process that links border sites with heritage sites, other nodes along major highways, and other relevant intersections.

More research is need on changing values regarding sexuality and behaviour as a result of increasing interconnectivity through regionalism and globalization. Asian tourism is a relatively new phenomenon that requires further exploration. Male tourists and other men of a higher socio-economic status are missing in much of the research that has been undertaken.

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Selling sex on the boundaries: the crossroads of sexual desire and economic need

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Introduction

Commercial sex has existed in Southeast Asia, including the Mekong region, for a long time. The modern forms of sex for money have risen with the penetration of the market economy into the Mekong region. A cash economy provides money for consumer goods, drinking and entertainment, and the growing disparities of wealth have given rise to an increasing demand for commercial sex and a ready supply. The movement of women into cities for prostitution is well known, such as the movement of women and girls from rural areas within Thailand, and beyond the borders of Thailand, to Bangkok. This phenomenon is fairly well studied, what is less studied is the secondary destinations, such as smaller cities, tourist areas, fishing ports and border areas. While HIV/AIDS research and programming in the Mekong region does cover sex work in various sites there is limited overview and analysis of the growing phenomenon on or near borders.

Trade and tourism is driving phenomenal growth in the Mekong region. The ADB is a key player supporting regional governments, business and other agencies in opening-up markets and borders in the region. Much of this growth may have occurred much earlier if it was not for the lack of cooperation across borders and the reluctance of some countries to fully embrace growth initiatives. The Asian financial crisis also slowed development of infrastructure but now there are fewer obstacles with nations realizing the potential economic benefits.

Within this growth border areas are increasingly becoming important nodes of development with roads and other infrastructure being built to move people and goods across borders. Urban centres are still the primary areas for commercial sex but sites on or near borders and other nodes along major highways are increasing in size and the number of locations.

Sex work is still regarded as marginal to society, indeed it is illegal in all countries of the region, and thus it is often associated with the underworld and the black market. The market is not always black; however, as sex work is an integral part of the entertainment industry. This industry is expanding with the economic expansion and the growth of trade and tourism. Thailand exemplifies the ambiguous nature of sex work, where it is illegal but prolific - where the underground meets market forces. The sex trade can be a very lucrative opportunity for many, and generally operates under the guise of a more legitimate business – karaoke, restaurant, massage, etc.

The market economy initially develops in urban areas, drawing on rural agriculture and then the growth of industrialization in urban centres or on the periphery. The urban centre becomes a magnet for trade and commerce, and labour exchange leads to internal migration and rural areas feed off the centre. The rural areas inevitably benefit from economic growth as the market economy penetrates into hinterlands. This began to occur in Thailand in the late 1960s, and with an economic boom in the 1980s the market drew surrounding countries into this expanding market. Migrants turned to Thailand to find work and slowly borders were opening up to trade. Borders are increasingly becoming beacons rather than barriers, and depending on the location can develop into a microcosm of the commercial and entertainment sectors of the main urban centres. However, there are distinct differences between the established urban centres and the more disordered border areas.

The opening up of borders follows the opening up of economic markets in the region. The growth has generally not been planned, nor well regulated, and local officials and business people can have more power and influence than they should have under normal conditions. Some borders have been characterized as lawless outposts where bribes and corruption are highly prevalent. One border site may comprise different ethnic groups and a range of different languages. Migrants may find work across the border but then face hardships from employers and officials and looked down on by the local community. Many officials, traders, drivers etc. are on the border without their families and regularly go to bars to drink and be entertained. Many border spots qualify as hot spots for HIV/AIDS.

While many hot spots for HIV/AIDS are well established there are smaller centres that can quickly grow into hot spots. Lessons from past programming show that the pre-requisites for qualifying an area as a hot spot do not always occur at the border itself. Towns within the vicinity of borders may be the locus of activity and where risk situations might occur. Today's sleepy town near the border may be tomorrow's node of economic growth.

More and more areas are being designated as economic zones, or special industrial areas or economic corridors. Economic zones on or near borders are direct evidence of the penetration of the market economy to once remote regions, now remote only in their distance from the political power bases of major cities. That such market penetration is perpetrated by former communist regimes is hardly controversial given the alignment of capitalist and socialist states in the race for economic prosperity. Transportation of goods and people is breaking down borders and opening up possibilities for tourists, for traders, and entrepreneurs and service providers of all kinds. There is a boon in the entertainment industry which while servicing the well-healed tourist, has sectors servicing drivers, fishermen, and other mobile or migrant groups.

An important part of the cross-border tourist growth of the past decade can be linked to casinos. Casinos are illegal in Thailand thus private entrepreneurs have built them across the border in Cambodia and Myanmar. One site on the Cambodian border has seven resort/casino complexes. The Chinese have their own casinos across the border in the Shan and Kachin States of Myanmar and in northwest Laos. Nationals of Myanmar or Laos cannot enter these casinos thus they are only available to cross-border Chinese tourists. Most casinos can provide massage and sex services or such services spring up in the general vicinity.

This study provides an overview of the border areas in the region and the context for sex work as it occurs in the countries of the region and on the borders, highlighting some of the differences in form and context. The focus is on cross-border movements and particularly where people cross to the immediate vicinity or nearby towns near

border areas. While the greater population movement is through border areas and deeper into the country this study is concerned with the growth in border regions. The specific focus is on men crossing the border and patronizing sex venues, and women and girls crossing the border to work in sex work on the other side.

The different border areas vary widely in the volume of population movements and the extent of commerce and entertainment facilities. Within Thailand each of the border areas are significantly different, with some sites having a large number of migrant residents on the Thai side. Elsewhere in the region the border environment is often local people belonging to the dominant population group of the country interacting with mobile and migrant (internal and/or cross-border) populations. In many border sites there are also ethnic minorities and on some sites they comprise the majority population.

The different locations in Thailand are discussed to provide background to the various forms of sex work. Thailand provides the basis for discussing border crossings with Myanmar, Malaysia, Cambodia and the Lao PDR. Myanmar will only be discussed in terms of its borders with Thailand and to a lesser extent with China. Vietnam is the core country for discussing borders with China, Cambodia, and to a lesser extent with Lao PDR.

Regional difference – history, politics and culture

Prostitution has a long history in the region, but generally confined to urban areas. Sex work is now widespread throughout the region on the periphery of industrial development, emerging in remote corners where developments such as mining and construction occur and in border regions. Thailand has experienced growth in the sex industry as a result of sustained economic growth over decades. Some sources suggest the industry emerged through Chinese labourers settling in Thailand last century (see Boonchalaksi and Guest 1994)

Cambodia and Vietnam, of course, had experienced periods of modernization which included prostitution, just as the Malay peninsular, especially Singapore, experienced earlier in the century. Thailand was, however, the only country to develop a large sex

industry that continued to expand throughout the second half of the 20th century, despite prostitution being officially proclaimed as illegal in 1960. Economic growth saw the spread of prostitution to the provinces and even at the district level through the 1970s. The market economy was penetrating the country-side for the first time, which meant that men in employment had a disposable income. The cultural forms that allow men sexual license while women are meant to be chaste also occurs in Cambodia, reportedly prior to the Khmer Rouge regime (Tarr 1995). These conditions give rise to prostitution being an outlet for men serviced by a ‘fallen’ woman.

The 1980s brought immense economic expansion for Thailand while Cambodia saw the end of the Khmer Rouge and occupation by Vietnamese forces that gradually brought back some semblance of social structures, paving the way for economic growth. In the 1990s Cambodia developed along similar lines to Thailand in earlier decades with prostitution occurring throughout many parts of the country with the expansion of commerce and trade.¹

Vietnam has also experienced an expanding sex sector alongside economic growth. The large sex industry, found in many parts of the country, has not been dampened by crackdowns and detention of many women in ‘rehabilitation’ centres. Vietnamese women also travel to China, Cambodia and Lao PDR to work in sex work. Fishing ports are intersecting points for transportation, commerce and sex in the coastal countries of Thailand, Cambodia and Vietnam, as well as in Myanmar. Myanmar has millions of people on the move with major migration streams into Thailand, which includes women working in the sex industry, although Myanmar now has its own flourishing sex trade. The Lao PDR is moving in the same direction and the opening up of the country with massive infrastructure investment is leading to more women and children seeking work and vulnerable to working in the sex trade. China has women crossing the border and working in sex work, mainly in Thailand but also in Lao PDR and Myanmar, while having a well-established sex industry in major cities and towns, truck stops and border regions.

¹ The UNTAC presence in the early 1990s undoubtedly was a factor in the penetration of prostitution to provincial Cambodia.

Direct and indirect venues

The Thai sex industry may be used as the proto-type for the region to understand the different forms of sex work occurring in recent decades. The primary form of sex work in Thailand was brothels, which had their beginnings in Chinese hotels and tea shops. Brothels have been characterized by ease of access through being in relatively well-known locations with cheap prices. They have been further characterized as dark and dismal places where rather than romantic interludes short time sex is measured in a few minutes, and women only partially undress.

Brothels have characterized the sex trade in both Thailand and Cambodia. And it is generally accepted that the number of customers per day, the relatively young age of sex workers, and STIs, have led to the explosive rates of HIV/AIDS in these countries. In Vietnam, China and Lao PDR there have been fewer direct venues and lower rates of STIs. Law enforcement has fostered underground or disguised services in these countries. Law enforcement in Thailand, especially that of child prostitution, but also the advent of HIV/AIDS and the surveillance of brothels, led to brothels closing down or appearing under different guises, such as karaoke, bars, massage or restaurants. These guises meant that the majority of venues provided indirect, or off-site services, rather than the brothel, on-site services.

The indirect services often provide a different context where women and girls had greater freedom and fewer customers than the in brothels. Rather than entering a premise and choosing a sexual partner there is a greater sense of flirting and/or negotiating sexual relations. This may be a simplification of a complex and diverse industry but this division helps to capture part of the dynamics of the sex industry in diverse settings across the region. While Thailand has moved from direct to more indirect services, communist regimes of the former Indo-China countries, and China, have always fostered underground or disguised services through stricter enforcement principles and practice. Dance halls and other such entertainment venues were early venues for men seeking sex with women, somewhat subsumed by the proliferation of karaoke bars and other more modern venues.

The more open and expansive industry in Thailand allowed for the spread of STIs during the 1970s and 1980s, and the UNTAC presence in Cambodia had some influence on the brothel culture and the spread of STIs. Thailand has seen a dramatic reduction in STIs since the late 1980s, and the incidence has fallen in Cambodia since the late 1990s. STIs were the crucial link in the spread of HIV in the high intensity sex trade found in brothels. China, Lao PDR, and Vietnam have seen rises in STIs, but not yet to the levels found in Thailand in earlier decades.

The much heralded success of the Thai 100% condom policy, which was later used in Cambodia, is designed for more direct, brothel services. The brothel trade has always been more open to regulation and control than the indirect entertainment venues. The successes of this program in Thailand and Cambodia are not likely to be transferable to other countries in the region, and have limited effect on the more indirect venues now operating in Thailand and Cambodia.

Men visiting Thai sex workers across borders

Border areas, including nearby towns are often dominated by itinerant populations. The majority of men seeking sexual services are likely to be mobile, such as, truck drivers and other drivers, traders and businessmen, government workers and seafarers (in coastal areas). Mobile populations also include uniformed personnel and migrant workers. Men who are mobile may be expected to be faithful to their partners at home but it appears that they are given some latitude to visit sex workers when away from home for extended periods of time. Some men in these situations may have mistresses or minor wives rather than visiting sex workers. Research in Thailand has suggested that wives would generally prefer their partners to visit sex workers rather than having a more regular partner (Boontinand 1995, Lyttleton, 1994).

Thailand is the hub for migration and for a widespread sex trade. Outside the main urban environs sex work sites include cattle markets, fairs, truck stops and fishing ports. Border areas are also major sites and some places have more migrant sex workers than Thai sex workers (see below). Thai sex workers from the north of Thailand are found in Bangkok and other urban and semi-urban centres, as well as on

the border with Myanmar. Women from the northeast of the country are also found in many areas and commonly work in tourist bars in Bangkok and Pattaya. Thai women are dominant in the large sex industry in the south of Thailand, although some women from Myanmar and from Yunnan, China, can be found in border regions. The customers are mostly Malays, Indians, and Chinese from Malaysia and Singapore. Up to one million tourists cross this southern Thai border each year, entering provinces that are dominated by Thai Muslims. A number of border locations have over a 1,000 sex workers in hotels, karaoke and bars/restaurants (Askew 2004).

This is the only area with high numbers of clients crossing into Thailand for sex. It is less common for Thai men to cross borders for commercial sex but those living in border areas are known to cross into Lao PDR and Cambodia, as well as into Myanmar (from northern Thailand). A new border with Cambodia has opened at Srisaket and Thai men are visiting brothels ten kilometres across the border. Businessmen, truck drivers and other mobile groups are also known to visit sex workers in other countries. Lao men have crossed into Thailand to experience the sex industry and no doubt there are population groups from each of the surrounding countries who have experienced what Thailand has to offer, especially fishermen. Thais are attracted across the border to visit casinos and sex work in the casino or outside may be on offer, especially in Poipet, but also on the Trat-Koh Kong border, and also into Myanmar from southern and northern Thailand.

Generally, it is men of higher status who cross borders to try the exotic ‘goods’ across the border. On the Thai borders, except for Malaysia, the Thais are the higher socio-economic group. The men from Malaysia are usually from a higher socio-economic stratum but for them it is also the ready access to commercial sex in Thailand compared to their home provinces. For male traders and other businessmen who cross borders in the course of business many may routinely visit sex workers across the border. Truck drivers may routinely visit sex workers or find women willing to become regular partners during travel. There is an increasing trade in goods down river from China to Lao PDR and Thailand as boats carry goods and people. As many as 10,000 people per year travel downstream, with most of them being men (Lyttleton, Cohen et al. 2004). Chinese men also visit casino complexes in Myanmar

and Laos. Bangsan in Myanmar, south of the Sipsongpanna border of Yunnan, is a township controlled by Chinese with entertainment designed for Chinese tourists. It has been well known for Thai transvestite performing groups (Beesey 2002).

There is limited research that shows the movement of men across borders. In some sites men are crossing borders purely for social reasons. Some will cross the border solely for the purposes of visiting sex work venues, others may go to drink and dine, or to gamble, and visiting sex workers may be secondary. But then there are many others who have business or other reasons to cross the border, and for them sex also can be a side attraction. Much of the research has focused on truck drivers and fishermen and not the more professional groups, and rarely on tourists, especially Asian tourists.

Mae Sai in northern Thailand has attracted many Asian men seeking sex with virgins. This is the case throughout the region where beliefs prevail that sex with virgins will add vitality and make men more virile. With laws on child prostitution being enforced in Thailand the trade seems to have moved across the border in Tachilek, Myanmar, where the sex industry appears to have grown over the past decade to be larger than that in Mae Sai. The sex industry seems to be expanding across the border in Myanmar in a number of sites on the Thai border, where there is less regulation on ages of women in the trade. Men seeking sex across the border in Laos was sometimes because the women were perceived as being less risky for contracting HIV than in Thailand, and often they would seek out younger women. During the peak of the epidemic in Thailand, reportedly many men in Thailand were seeking out young women as a form of prevention (see Lyttleton 2000). With virgins and girls it is far more unlikely that condoms are used.

Women crossing borders into sex work

Sex workers generally migrate from their home towns to other areas to work in sex work. Generally, their home provinces have limited opportunities but also other provinces provide a higher degree of anonymity. Thus, most sex workers are internal migrants, however, over the past 15 years there have been increasing numbers of

women and girls crossing international borders to work in sex. Many move directly into sex while others initially work in other unskilled work. The majority; come from rural areas and travel to urban or semi-urban environs. Agents often smuggle them to these destinations and then they may be moved from one place to another, through a network of brothels, including sites across the border (Chantavanich, Beesey et al 1999).

There is a limited number of areas in the region where women cross the border to work in sex work on the other side but in close proximity to the border. It is the nature of borders that while being an avenue for traveling deeper into a country there are obstacles that limit travel. Many migrants are given official or unofficial freedom of movement only within the confines of the border district, and thus, some migrant women feel more secure closer to the border. They can often use the same language across the border, or stay within their native groups. A case in point may be Vietnamese women working in sex work across the border in China. Few will venture further (into the country), China is unlikely to tolerate migrant sex workers in the country except on the borders, such as in the Ruili, in Yunnan in the northwest, or Herkou on the border with Vietnam.

In Thailand the borders on the Thai-Myanmar border are thoroughfares for trade but transport cannot cross, despite the existence of bridges. The main population groups crossing are migrants seeking work. Many women have entered into the sex industry at this point, especially in Mae Sai in Chiang Rai, Mae Sot in Tak province, and in Ranong. It is not so common along the breadth of the Thai-Lao border, although it has been happening for some time in Ubon province and in Nongkhai. Of the two main border crossings with Cambodia it occurs at one site only, namely, Trat province on the coast. Changes do occur with some regularity, it is a dynamic trade that follows different trends and patterns, for instance, in the past there may have been more migrant sex workers along the Lao and Cambodian borders, such as, Mukdaharn and Aranyaprathet. Now there are few migrant sex workers, at least in Aranyaprathet. In such sites, however, it has been recorded how women are sent across the borders to service men for a short time (Chantavanich, Beesey & Paul 2000). And with the opening of a new border crossing on the Srisaket border there are sex workers

reportedly working on the border and some enter further into the country. The Cambodia-Thai border is the only area where Cambodian women and children are known to cross the border to work in sex work. And the Lao-Thai border is the major border area for Lao women to cross. Some Lao women are reported to have crossed into sex work or marriage arrangements across the China border (Lyttleton, Cohen et al 2004).

Vietnam is the other country with major crossings where nationals cross the border to work in sex work in the immediate border vicinity. This is largely confined to two major sites on the China border. On the Yunnan border there are numerous venues with Vietnamese sex workers. There is also a cross-border site into Laos, route 9 into Savanahket, where Vietnamese women cross into Savanakhet province in Laos but they generally move onto Savanakhet township which is on the Thai border. Similarly, many women from the Mekong Delta work in Cambodia as sex workers but they generally move deeper into the country, as far away as the Thai border, even across the border into Thailand (Chantavanich, Beesey et al 1999).

Yunnan province in China, bordering Myanmar and Lao PDR, and Vietnam, is another area for migrant sex workers. On the eastern side of the province, bordering the northern part of the Shan State, women from Myanmar work in sex work not far from the border. Yunnan is also one of the sites mentioned above where Vietnam women cross the border to work in sex work. There are places where Chinese women can be found working across the border, such as across from Sipsongpanna, in the Wa area of Shan State, where the Chinese control casinos and other entertainment venues, and much of the entire local economy. From early 2005 until June, however, the border crossing has been closed to these tourists. Women from the lower reaches of Yunnan also pass through Myanmar to Thailand and work in sex work. Some reside in border areas, such as Mae Sai while others go much deeper into the country.

In summary, migrant sex workers are found in at least three sites on the Thai-Myanmar border, plus the Thai-Lao border - Ubon and Pakse, and the Thai-Cambodia border - Trat and Koh Kong. This is a small number of sites with cross-border migrant sex workers, but each town has a town across the border where sex work is prevalent.

Thus, sex workers can rotate across the border. In Cambodia and Lao PDR it is more likely that the circuit they rotate in is inside those countries rather than extending further into Thailand. For instance, Khmer sex workers may rotate between Siam Reap, Poipet, Trat and Koh Kong. In Ranong and Tak provinces of Thailand it is unlikely that many of them work in sex work deeper into Thailand, although some do. In Mae Sai, well known as a major destination and transit area, women in sex work may move backward and forward across the border to Tachilek and possibly to Chiang Tung (further north in Shan State), but they can also travel to other parts of Chiang Rai, to Chiang Mai, and to other destinations in Thailand².

Other sex workers may be found in smaller border sites, as well as on the Bay of Thailand where there are other migrant communities. This is in addition to the many migrant sex workers in urban and semi-urban areas deeper in the country. Five major sites have been identified for Thailand which have substantial sex industries on at least one side, and often on both sides, of the border. The two sites on the Vietnam-China border fit into this framework also. Along with the Thai-Myanmar sites they are some of the more notable HIV/AIDS ‘hot-spots’ in the region. The China-Vietnam sites are also known for a high prevalence of drug use.

Borders – avenues of opportunity

The vast migration streams into Thailand, mainly from Myanmar but also from Cambodia and Laos, include women entering into sex work. Mae Sai is clearly a route for migration into sex work in Thailand and two other major crossings are in Mae Sot, Tak province, and Ranong. The Thai-Myanmar border is very long and porous and other border crossings include Mae Hong Son, Chiang Mai and Kanchanaburi. The Thai-Lao border is also very long and porous Ubon, Savanakhet and Vientiane are the major crossings with other official check-points and many unofficial crossing points. From Cambodia, Aranyaprathet is the main entry point for the many thousands of migrants that enter into Thailand. Aranyaprathet once had a thriving sex industry with some Khmer workers but now they work across the border in Poipet. Most of the migrant workers reside in Poipet also, while crossing the border on a daily basis to

² Circuits are often created by brothel network/managers to rotate workers in order to offer new faces. Movement from one brothel to another may be more voluntary movements as well.

find work. This is a hot spot area for HIV/AIDS but largely on the Cambodian side of the border.

Agents are commonly used to smuggle people across borders, and trafficking, by force or deceit, has long been practiced in the region, and again the Thai situation is the most well-known. Trafficking has occurred internally, mainly with women and girls from the north of Thailand and then from the Shan State and further north in Yunnan, as well as other parts of Myanmar. The numbers being trafficked into sex work have long been eclipsed by the numbers who are *not* trafficked. While earlier waves of women and girls entering sex work may have included many who were deceived and tricked those who followed were more likely to be entering the trade voluntarily. This does not deny the inherent exploitation in the trade which can include those who enter voluntarily, and certain forms of abuse will define such women as trafficked also. While the sex trade is conducive to women being very vulnerable, in Thailand I think it is fair to say that the great majority of women would not be defined as being trafficked in any form³.

Trafficking, smuggling or voluntary movements follow patterns of demand. The demand has mainly been men in urban environs who had certain requirements. Central Thai men had a strong preference for fair-skinned women whom they knew came from the north of Thailand. As elsewhere in the region white-skin is a sign of beauty. Cambodian men may prefer women with fair skin also, and they along with other Asian visitors to the country have the choice of selecting Vietnamese women who also have a reputation for being sexually uninhibited. There is also the notion of the exotic. Central Thai men have long traveled to Chiang Mai in the north for the exotic fair-skinned women. Northern Chinese men come to Sipsongpanna in Yunnan due to the lure of the exotic Dai culture which for some men is synonymous with sexual allure.

³ Some feminist arguments would object that they are 'forced' by circumstances, such as poverty, and should be saved from such 'exploitation', while other feminist arguments would posit that sex work could be regulated to reduce exploitation and be regarded as an occupational choice.

Development and tourism is opening up remote regions and bringing highland people into contact with lowland populations. In Thailand where many highland groups have long had contact with lowland Thais ethnic minority women have been lured into the sex industry. Women and girls from ethnic minorities have also crossed into Thailand from Myanmar and some from Laos. Development also brings lowland populations in contact with highland populations through road and other construction. In Laos and Vietnam truck drivers and construction workers crossing borders are known to have sexual relations with local women and girls (Lyttleton 2004, Giang 2004, PSI 2004).

HIV/AIDS

Sex work is highly problematic due to the scale of the trade, trafficking and exploitation, underage workers, and the risk of disease. There has been extensive research and programming that renders concern for the plight of women and children in sex work, especially in Thailand and also in Cambodia. Conditions have improved in Thailand; however, concerns remain, especially for migrants and notably in border regions where HIV prevalence remains higher than elsewhere⁴. The explosions of HIV spread may be a thing of the past but the threat of HIV remains. Both internal and cross-border migrants are vulnerable to contracting HIV/AIDS, and passing it on to their sexual partners. Condoms offer limited protection as sex workers throughout the region are still likely to forego the use of condoms with regular partners. And regular partners may be defined as regular customers, with relationships often beginning within the sex work context.

This is why the spread of HIV will generally be slower, spreading at a similar rate to the spread of HIV through IDU where immediate sexual partners may be infected and then other sexual partners, but only gradually reaching a broader community. This is not to underestimate the urgency of curtailing the spread of HIV, there are still areas where entire communities could be at risk. The slower spread may be more difficult to track and in this way harder to control; providing a greater challenge in sustaining a concerted response and implementing effective responses. In situations where sex

⁴ The national HIV/AIDS prevalence rate for sex workers is now under 10% but reports in a number of border areas are much higher.

workers are injecting drugs the risk is indeed of greater concern and this is the case in Vietnam. Fortunately, most sex work in the region has not been characterized by injecting drugs. Vietnam and China are important exceptions. Non-injectable drug use, including alcohol, is common in some areas and may be on the rise, creating further challenges in ensuring safe sex practices.

Conclusion

A simplified equation suggests that men desire women and the women desire the money. Men are perceived as needing sex, a biological urge that must be met. But the desire for sexual release is also acknowledged as being associated with loneliness, pent-up energy/frustration, peer pressure, or being drunk. Drinking and sex appear to be regarded as necessities rather than luxuries for many mobile men. This is the crossroads of sexual desire and economic need. Men generally have spending power, they are more likely to have disposable incomes, and less likely to spend their earnings, rather than saving it or making remittances home. Mobile men are generally higher income earners than sex workers, even if they both come from rural backgrounds. It is obviously the case for cross-border situations where the men crossing the border come from a higher socio-economic background than the general population across the border. It is also the case when sex workers cross the border and service officials, uniformed men, truck drivers etc.

Many sex workers are not earning a lot of money; however, it is generally a lucrative trade where some sex workers can earn a reasonable income. The lucrative nature of sex work lends itself to lax law enforcement, as police and other officials can enjoy the spoils of the trade. The Cambodian government has allowed Vietnamese women to work in sex work even when they have attempted to drive Vietnamese migrants out of the country. Police on borders in Thailand have been active in smuggling women into the country, which seems to bear witness to the fact borders are not entirely under control of the central government. The police, of course, receive payment from all

prostitution services throughout Thailand. This includes rural brothels to high-class massage parlours and bars that serve tourists⁵ (Boonchalaksi and Guest 1994).

There is evidence that police and security officials in other countries, such as China, are involved in prostitution, directly benefiting from the growing trade. This is a direct result of the political changes and a more open economy. It is unlikely that the extensive sex work on the borders of Yunnan would continue virtually unhindered without official support at the local level, or from the central authorities.

Development of the region is leading to more choices for women seeking greater earnings. The entertainment industry and prostitution offers potentially lucrative earnings, opportunities rural women could never have realized previously. On the farm their earnings may be \$1 to \$2 per day, a night's work may bring ten times this amount, or much more in some venues. Border regions open up the market for local women from the majority population or from ethnic minorities. The poor have new opportunities, the not so poor can enhance their earnings. Poverty may be driving the trade but its growth depends on the spending power of men and the disparities of wealth. Sectors of the sex trade also depend on the consumer ethic that drives students and other young women into the trade to enhance their own spending power.

The analysis of prostitution requires a more nuanced understanding with responses that are informed by socio-economic conditions along with cultural and political implications. The intersections of desire and need are underscored by complexities that require careful analysis. The advent of HIV/AIDS and millions of people being infected in Asia has not slowed the sex trade. Harm reduction approaches have been successfully applied, and safe sex practices have left the industry even stronger. With HIV/AIDS still spreading throughout the region the expansion of the sex trade is providing a serious challenge to implementing effective interventions. There are unknown numbers of under 18 year olds working in the industry, many deceived into the trade, and many women and girls being exploited.

⁵ This was widespread among brothels in northern and southern Thailand, according to my research, and was revealed by massage parlour tycoon Chuwit Kamolvisit in numerous newspaper reports in Bangkok in 2003.

The market economy is central to any analysis, as the supply side will always be motivated by economic need. The economic growth patterns that have thus far occurred have enhanced a consumerist model of development, first in urban environs while also packaging tourist development in heritage areas and on tropical beaches. Now a further step is being taken as borders open up and the market economy dictates the terms of progress.

In the countries of the region a middle class has emerged and is rapidly expanding. This is particularly true of China where there are rising numbers of tourists from the mainland into surrounding countries. The middle class in Thailand has supported a large sex industry and has spawned casinos around its borders. China is doing much the same. The tourism industry is no longer reliant on the international traveler from the west with the number of Asian tourists is rapidly increasing.

Within countries there have been local concerns that politicians and other government employees are the main patrons of the more elite sex venues. These men form part of the growing numbers of mobile men in the region with disposable incomes. The mix of mobile and migrant groups with tourists and locals converge at points identified as hot spots. The mix of population groups and the emergence of entertainment venues give rise to this definition. Prostitution is illegal in each country but law enforcement is erratic or non-existent, particularly in border areas. Thailand has experienced some success in regulating the industry in order to control HIV/AIDS, and then in reducing child prostitution. This could provide a model for other countries and the region as a whole. Legalization of prostitution would be an option to regulate the industry but this is unlikely to happen in the near future.

The situation needs to be carefully monitored, and business interests and the tourist industry need to acknowledge the problem and work together with government and other agencies to mitigate the negative consequences of development. A mapping of the various movements in the region would be a monitoring tool for following changes and the dynamics of the situation. Mapping men crossing borders for sex would be a unique way to present the situation. But this could be a component of a

larger mapping process that links border sites with heritage sites, other nodes along major highways, and other relevant intersections.

More research is need on changing values regarding sexuality and behaviour as a result of increasing interconnectivity through regionalism and globalization. Asian tourism is a relatively new phenomenon that requires further exploration. Male tourists and other men of a higher socio-economic status are missing in much of the research that has been undertaken.

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Tourism, sex industry, women trafficking related to HIV/AIDS mobility: Lesson from the fieldtrip, Thailand

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Abstract:

There is no doubt that HIV/AIDS poses one of the greatest threats to development in Thailand. HIV/AIDS affects all kind of activities in Thai society, from the micro level up to the macro level. This paper is concerned with the business of commercialized sex in Thailand, including women trafficking, its role in the mobility of HIV/AIDS based on the information and data from the fieldtrip to a series of places in Thailand from Bangkok to ChiangMai, ChiangRai and some organizations along the border Thailand at Golden Triangle in March, 2003. Although the time for our trip was limited, we gained a lot of facts and details that were rarely published in the official papers or reports such as dynamic of current sex industry, issue of trafficking women and dilemma for HIV/AIDS intervention program in Thailand. This paper focused on the way in which the sex industry including trafficking hill tribe and Burmese women has led to a HIV/AIDS epidemic of immense proportion, an epidemic that could have been prevented or at least prepare for.

Content:

1. Tourism, the sex industry and development:

The Thai economy has developed spectacularly in the last three decades. In the three decades from 1960s to 1990s, Thailand's GDP grew from 73 billion baht to 379

billion baht. Tourism is big business in Thailand, it has become one of the most important industries leading the development of the Thai economy and generating a level of growth that many Asian countries envy. According to the Thai Development News letter (TDN), in 1990 there were 5.2 million people visiting Thailand, providing an income of over 90 billion baht. The 1992 projections were for some 6 million tourists to visit the kingdom, generating in excess of 125 billion baht. These figures continued to rise and reached 12 million visitors to Thailand in the year 2000, generating a massive total of 850 billion baht and experts expect that these figures will continue to rise (TDN, 2000).

In Thailand, a chain of cultural, historical and economic factors has served to make the sex industry a mushrooming sector of capitalist growth. For centuries, brothels have existed in Thailand but over the past few decades, the sex industry has become a part of the Thai economy and society. Today it is the primary cause of the spread of HIV. In this part, I will provide an overview of the main points of the development of sex industry in Thailand.

Sex tourism is widely regarded as an outcome of the R and R (rest and recreation) of American soldiers during the Vietnam War. In the 1960s, US military bases began to proliferate in Thailand, and many women were induced into the sex industry by their families and profiteer, encouraged by the demand of a better standard of living in Thailand's impoverished villagers and the high number of US servicemen stationed in the country. Consequently, this has led to the acceptance of prostitution as a source of income for young women and their families. There are a number of undocumented, oral accounts of the United States army in effect 'buying' whole villages in the Northeast of Thailand to provide them with access to food, shelter and women. Go-go bars, strip joints and other places of prostitution were built and young women recruited to service these men.

At the end of the war in 1975 when the US pulled out of Vietnam, the Thai sex industry faced a worrying cut in profits. The sex industry, in unofficial partnership with the tourism industry and the government, decided to diversify and attract a new type of client. Tourists would replace military personnel. The sex industry establishments were expanded across the country and tourism was promoted in order

to gain the foreign exchange. Thailand was advertised to male foreign tourists as the place where they could indulge in sexual services, while at the same time it remained common for Thai men to visit brothels (Louis Brown, 2000). According to the Bangkok Bank Monthly Review, the investment opportunities proposed by the Thai government made available for hotels and operators of entertainment places to be actively involved in the promotion and expansion of Thailand as a sex haven for foreigners (cited by Thanh Dam Truong, 1990).

The year 1987 was an important turning point for Thai tourism. Promoted as “Visit Thailand year” tourist arrivals increased dramatically within the six months, so successful was the promotion that the “year” was extended to include 1988. It was estimated the sex industry in Thailand generated 42 million baht for that year alone (cited by Jennifer Gray, 1995) and a recent study suggests that prostitution is the largest underground industry, generating between 10 to 14% of the country’s gross national product (Lim, 1998).

And from 1987 up to now, the number of tourist has increased steadily. Tourism in Thailand now generates \$3 billion annually (Jan Goodwin, 1998). There is no doubt that a significant component of tourist promotion and consequent tourist arrivals to Thailand relate to the sex industry more than 65 percent of all arrivals are men and 80 percent of these come unaccompanied. They come from all over the world and from all walks of life, and it was obvious that the main attraction is sex.

2. The dynamics of the sex industry today and the issue of trafficking women

Commercial sex has become a huge business in Thailand and has rapidly evolved into a well-organized industry supported by powerful entities. Although illegal, the sex industry has become a major source of income for the Thai economy and an integral part of Thai society. Commercial sex work provides young women and the families who depend on them with more income than any unskilled job in Thailand (Walden B et al, 1998). An estimated in Thailand 600,000 to 700,000 women work in the commercial sex industry, the vast majority in Bangkok (Lim, 1998). Other estimates are higher with approximately 2 million commercial sex workers within the country (cited Walden B, 1998) and tourism has had a big influence on making the sex

industry a common economic option for poor women. Even though foreign men are small proportion of the total sex clients, they generally pay more for commercial sex services. The commercial sex industry has grown in response to both the recruitment of a large number of young Thai women into the sex industry to meet the international tourists as well as the demand of Thai men.

Sex places in Thailand vary from coffee shops, restaurants and hairdressers to massage parlors, brothels and short-term hotels in every small town and brothels in villages. A lot of surveys found alarming sex behavior among Thai men with 75 percent of all men having had sex with sex worker, that 44 percent of these men had had their first sexual experience with sex worker and 26 percent had multiple partners in the preceding six months (PDA- Population and Community Development Association). Thai men believe that if they do not solicit sex workers, they will be accused of being ‘gay’. Similarly, the presence of international sex tourism and the growth of commercial sex worker has resulted in a dramatic increase in the number of young women in Thailand being employed as sex workers.

Thus, the sex tourists as well as ‘sex culture norms’ among Thai men have increased the trafficking of women involve in the sex industry by making sex work is more profitable. Especially in recent years, the sex industry in Thailand has had to face the women trafficking issue. There have been many documented rise in trafficking of sex workers. According to Global Alliance Against Women Trafficking, trafficking is defined as “all acts involved in recruitment, transportation within or cross border, purchase, sale, transfer, receipt of a person (a) involving the use of deception, coercion or debt bondage (b) for the purpose of placing or holding such person whether for pay or not, in involuntary servitude, in force or bond labor, or in slavery-like condition, in a community other than the one in which such person lived at the time of the original deception, coercion or debt bondage”. (Foundation against trafficking in women, International human rights law group and global alliance against traffic in women, 1999).

In the case of Thailand, trafficked and exploited women occur both within the national boundaries and across international borders. Most commercial sex workers in Thailand come from the poor, rural families in the North and Northeast of Thailand,

where the girls are regarded as more beautiful than those who live in the Central and Southern Thailand. More women from Burma and China are also recruited into the sex industry in Thailand. There are direct routes from the poor villages in the North or from Burma to the brothels in red light zones in 'the South'.

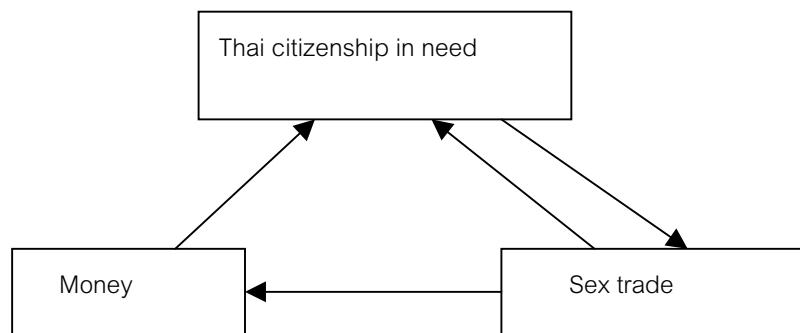
Girls and young women enter the sex industry largely in order to escape poverty for themselves and also for their families, as well as to gain upward socioeconomic mobility. Some migrate to cities or urban centers by themselves, but more often they are recruited. Much of the recruitment into the sex industry is village-based (Walden B et al, 1998). Recruiters move into an area and begin locating families in need and in substantial debt. Through a series of networks kin folk are recruited to act as local agents, operating from villages. The offered of jobs as maid, employee in the factories...were made and many young women left their poor villages believing they would be given employment. Middlemen or facilitators often give a flat money to a relatives of women, who is often unaware of the nature of her employment. The money then becomes credit against the future earnings that she must work off with interest. However, this practice is justified by many parents as they feel that the job would not be harmful to their daughters. In fact, the girls are recruited for the brothels in urban centers and brothel owners use debt bondage to control them and keep them working long term in brothels.

The situation is worse for hill tribe women (ethnically distinct groups living in the remote area) and illegal Burmese or Chinese young women migrant. These women live in abject poverty, and often hold illegal status within Thailand. The dynamic of these women is quite complicated. According to the information from HADF (Hill Area and Community Development Foundation) - a NGO working with hill tribe people in ChiengRai, ethnic minorities and tribal people from an excellent recruitment pool for the sex industry because women status in many of these communities is not quite circumscribed as in many dominant national cultures. Their cultures are being undermined by the dominant culture of the Thai state and their culture and economic become fragile more and more.

The sex industry target girls from these communities because they are vulnerable among vulnerable people. Hill tribe women become a new source of recruits and they

seem to be found a ready supply in the hill-tribe Northern Thailand. Low educated and lack of citizenship, they are people who live in the margin of Thai society- ethnically, culturally, politically and economically.

Figure 1: Circle of involvement in selling sex among hill tribe women (summarized from interviewed with HADF staffs in ChiengRai province,2003):



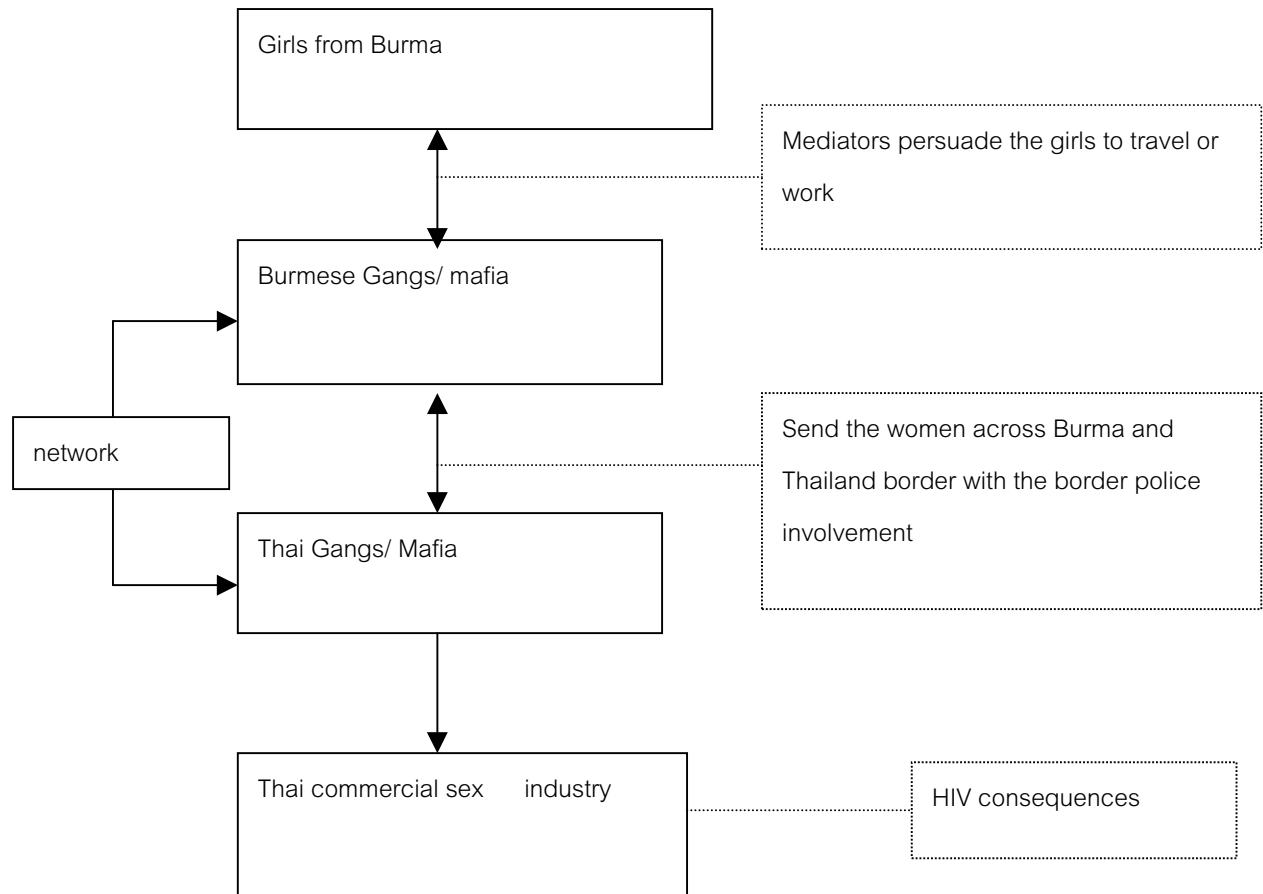
Almost all hill tribe people have not got Thai citizenship or identity card even they live in Thai territory. They have to try many ways in order to receive the identity card and the common way is selling sex or using ‘under table’ money way. Daughters in the hill tribe family can use their bodies as commodity to exchange the identity card or they involve into the sex industry in order to earn money and buy the citizenship. Once they lost their virginity, they are willing to involve in sex industry due to “nothing to lose” perception. By involving into the sex industry, they can become a breadwinner of their family with hoping escape from poverty.

A new face of sex industry and women trafficking today is a set of recruits women from Burma (usually from Shan state) and to a lesser extent from Southern China (Yunnan province). They were cheap and plentiful, and they appeared to be willing. From the fieldtrip to Mae Sai, one small town on the border between Thailand and Burma, Thai people showed me a small river named Sai river which is border line separate Thailand and Burma. People move back and forth across the river easily without fanfare. The attractions of working in Thailand are obvious for young Burmese women. From the temple on the mountain over looking the border with Laos and Burma, we can see the significant differences: neatly cultivated field, modern

town and roads in Thai's side versus poverty and wild land in the other. To the poor, Thailand must seem like the Promised land and Mae Sai town is an important entry point into Thailand for Burmese girls and women fleeing from poverty and a military regime. More and more younger girls migrate to Thailand in recent year, said Ahpar-education staff of Empower Mae Sai (a NGO which assist sex worker in Northern Thailand) and lots of these women end up in the sex trade (Louise Brown, 2000).

However, Mae Sai is a breaking-in station. Some girls go directly to brothels to "the South" but many spend several months in the town before being moved to the sex establishment in big cities such as Chieng Mai or Bangkok. While staying short time in Empower, we met a group of Burmese girls learning Thai language in the second floor of Empower office. They looked very young, approximately 15 to 17 years old. Unfortunately, because of limited time and language barrier, we did not have a chance to interview them. But through the narrative from Empower staffs, we found they are even more vulnerable group than hill-tribe women due to their illegal status, "deaf and dumb" for their limited Thai language and they are controlled under the well-organized trafficking network including involvement of both Thai and Burmese criminal gang. The network of criminal gangs operates in some basic manner, using intermediaries to contact these girls and convince them to leave home with promise of economic welfare. These girls once cross the border will be handed over to brothel owner in Thailand. Border police, brothel owners and agents from both countries work together along the border region recruiting these young women in increasing numbers as the market demands younger, 'cleaner' and more exotic bodies. It is difficult to know how many of them are HIV positive and how many are returning. The trafficking process is expanding to southern China (Yunnan province) and this is the new face of HIV/AIDS mobility.

Figure 2: The process of trafficking Burmese girls and HIV mobility:



3. Laying foundation for the HIV/AIDS epidemic:

The current official rate of HIV/AIDS infection in Thailand in the year 2002 estimated that 1033,424 people were infected with HIV since the beginning of the epidemic (MOPH, 2002). The dominant mode of HIV/AIDS transmission is heterosexual and the chief initial transmission points are the place of commercial sex throughout the country that service both Thai and foreign men. The figures also showed the alarming in not only the numbers of young women infected by HIV/AIDS but also their rate of infection is outstripping that of the men, following with the high number HIV/AIDS orphans. The HIV epidemic now shift from male to female infection. There is no doubt that the vast majority of these women are sex workers and have become infected by their male clients (MOPH, 2002). Hill tribe young women and Burmese immigrant who involve in the commercial sex have rate up to

15% of the population testing HIV positive. Given the 70 to 80 per cent rate of HIV seroprevalence among sex workers from Shan State, hill tribes from Burma are in the similar position.

The expansion of the international and domestic sex industries could not have occurred at the worse time for Thailand. The appalling conditions of work for the majority sex workers and lack of effective and appropriate RTI testing and treatment has resulted in average HIV infection prevalence of sex workers among the population by the year 2002 was 12.27% and 33% of all commercial sex worker were HIV positive (MOPH report, 2002), but according to the figure from some NGOs, this prevalence is much higher and there is a significant difference of HIV positive prevalence among the ‘class’ of sex workers. Distinction are made within the sex industry by the type of ‘class’ brothel, bar or parlor. The ‘higher’ class places of commercial sex reportedly have a better ‘class’ of client and offer ‘cleaner’ work condition. In these bar, massage parlors or karaoke, the sex workers generally have more freedom and sex in these establishment is more expensive. In contrast, at the cheapest end of the market are brothels catering to the Thai and to the itinerant migrant laborers (often from the hill tribe and illegal workers from Burma). These are usually classified as ‘low class’, said Apah – education staff in Empower represent in Mae Sai. Because of illegal status, they have no freedom to move beyond the walls of their employment unless it is with the permission of the owner and usually then only with one of the men employed to control them. They do not have any opportunity to control their bodies and all access to health service is controlled by the brothel owners. Nor they have the rights to exert control over choice of clients, nor frequency of sexual contact in a day.

Public health message about safer sex and condom use rarely reach hill tribe and Burmese sex workers due to language barriers and the HIV and RTI rate among them average around 70 to 80 per cent (Louis Brown, 2000). And according to the data from NGO World Vision which has run a sample survey in Mae Sai along the Thai-Burmese border since late 1990s, around 20% of sex worker in the town are HIV positive (cited by Louise Brown, 2000). When I find the figures like this, I remembered the Burmese girls group studying Thai language in the office of Empower Mae Sai that we met: They arrived as virgin and stay in the town for the

few months before they move on to the brothels further the South. As HIV can not be detected immediately, what happen to these girls and the impact upon their lives, and the consequence of HIV is obvious. These girls have to pay a terrible price to escape from the poverty of their Burmese home.

The appeal of the exotic sexual commodification is expanded in other ways by the connection to HIV/AIDS and high modernity. According to Marxist perspectives, capitalism consistently finds new ways of marketing sexuality as existing form are turned down or demoted by the force of AIDS epidemic (cited by Singer,1993). This means that as sexual forces and the era of capitalism in the time of infectious disease, sex industry finds the new shapes, new dynamics and new bodies. It looks for ruptures in controlling structures within which to figure these new engagement. And it is figured through the potential that border zones and remote area provide to allow the new combination of capital flow and bodily exchange. Burma border zone and Thai territory like Mae Fa Loang due to its positioning so close to milieu of Mae Sai, Chieng Rai, Chieng Mai now operates in parts of as a sex industry providing young women involve in.

In the time of the HIV/AIDS epidemic, an element which is newly figured sexual relationship is being formulated as ‘safe’. It is often suggest that the emphasis upon very young sex worker is product of fear about HIV/AIDS. According to this argument, clients are demanding sex with younger sex workers in the brief that these girls will have less exposure to the virus and so will be likely to be infected. This is certainly true in the particular case of hill tribe and immigrant Burmese girls who joint the sex industry in Thailand where the average age of these girls on entrance to prostitution has been declining. The myth is that the clients select young and virgin girls not only to satisfy with their paedophilic fantasies but because they believe the younger will be free of HIV/AIDS or they assume sex with these girls is necessarily “safe”. The erotic appeal of the hill-tribe and Burmese girls is figured by their difference, they are new and they are exotic. These girls are from the Thai territory or from the other side of the border. This difference confers market value when placed against existing devalued form of commercial sex in the sex industry in Thailand. These relationships rely on the sense of non-difference to allow for trust and safety to be crucial elements of their community value. Burmese/Thai society and symbolic

community is evoked to provide the hallmark of comfort and safety. Burmese and hill tribe girls are the ‘other’ in term of erotic appeal and HIV threat. Thus, the clients rarely use condoms or become violent when pushed to do so (Louis Brown, 2000).

14 In reality, the perception of ‘safe’ is far from the fact. According to the Public health research center in Northeast Thailand, 80 per cent of Burmese sex workers tested in the border areas are HIV positive (cited Walden Bello, 1998). The reasons why the young hill tribe and immigrant Burmese sex workers are possibly most disadvantaged and highly vulnerable to infection in this situation are their Thai language skills are poor and their perceptions of personal risk of HIV infection are far from reality. ‘If a client look clean and washed, he is considered free from infection’ or ‘if a client is regular one, there is no need to use condom’ are common belief among these women. And more important, because of their illegal status, they lack access to health care, education and also lack of the power to negotiate for a better environment.

These young women are at more risk of HIV infections, and have in fact increased the HIV prevalence upon their return to the communities of origin. The communities themselves are also not yet equipped with either knowledge or strategies to combat the bio-medical and social problems related to HIV/AIDS. The trafficked victims living with HIV or with AIDS are therefore left abandoned without knowledge and information to take care of themselves and to prevent others who have come to sexual contact with them. In most cases, repatriated trafficked victims with HIV are blamed and not provided decent support, especially emotional support. They have no way to go, except come back to the sex industry in Thailand. This is the reason make these women after infected HIV become a mobile population on HIV vulnerability which make HIV/AIDS epidemic become more complicated in term of responding the prevention.

Dilemma of HIV/AIDS intervention program:

HIV/AIDS has led Thai Government and NGO do action toward dramatic spread of HIV/AIDS epidemic. The awareness of the magnitude of the HIV/AIDS problem raise the need to stop international sex tourism, which rather than costing Thailand

money would actually save Thailand money. Effort from Thai government try to shift of Thai sex tourism away from “suicide tour” to a Thailand temples, natural beauty, great food and friendly people. In fact, this effort is still in the beginning process because it thrust tourism sex industry in Thailand come up with “suicide” service. There is one saying among sex workers “ If we infected with HIV, we still can live 10 years but if we quit our job, we will die tomorrow”.

Government, public health institution and medics have rushed to slow the spread of disease. Sex workers are usually blamed for spreading of AIDS, so that is why almost all intervention programs target toward this group. The more enlightened have sought to control HIV/AIDS by encourage safer sex practice. To this end HIV/AIDS programs are dissemination information on how HIV is spread. Condom use is promoted among the sex workers and the programs, cultivate good relation with the brothels owners on the grounds that they can give massages to girls and women who are confined within the brothels. However, the important point is whether the women have power to act upon these message. The poorest, the youngest and the most vulnerable such as hill tribe and immigrant Burmese sex workers do not. Language barrier, communication obstacles and illegal status are main reasons prevent them to access these information. And as analyzed earlier, belief of free-HIV women increases a huge numbers of newer and younger women trafficking involve in the sex industry, make them become mobile population on HIV vulnerability. That is exactly why these women are in such demand.

Trafficked women are unlikely to be let loose to consult health professions. HIV/AIDS intervention programs rarely reach these women because of their illegal status and language barrier. That is the reason why they are the most vulnerable groups among the vulnerable HIV groups, that make the HIV epidemic more complicated and difficult to control. And for health providers working with those who can access to the health clinic, they are place in difficult ethical position when they treat prostitutes and women held in sexual slavery. The medical doctors sometimes stand in a dilemma. If they report the case to the police, they run the risk of being exposed as informants by corrupt police officers. On the other hand, their silence also amounts to a form of complicity because treating the victim of sexual slavery that means prepares the victim for more abuse and HIV risk. It is no-win situation.

No immigration laws support migrant women in trouble. According to the Thai immigration laws, illegal entries are not permitted. Illegal migrant are therefore not permitted to even be in Thailand. By law, individuals and organizations can not legally help them even though they are capable of doing so. Once arrested or in the case of trafficking intervention by some NGOs, after releasing trafficked women, trafficked people must be transferred to Immigration Detention Centre (IDC) and be deported. Once they were deported, HIV can be spread to the communities they live. And because of poverty, the attraction of profit from sex industry and the discrimination from their communities (pull and push factors), they again involve in the circle of being sex worker. Intervention toward women trafficking just stand at the surface: arrest illegal immigrant sex worker, deport or send them back or empower and give short-term training of Thai language and basic knowledge and skills for immigrant sex worker to protect themselves before they move further (EMPOWER represent in Mae Sai).

HIV/AIDS prevention campaigns have tend to concentrate upon modifying behavior rather than changing it. Safe sex is encouraged and that is all to be good. But campaign have not encourage men to question their prostitution use. The purchase of sex is taken as absolute and unchangeable. It is obvious that sex worker would not exist without the demand from the customers. Commercial sex is an industry and there has to be a sufficiently large number of people who are willing to become consumers. The Thai men who made the decision and investment in international sex tourism in Thailand are part of the cultural system that consider commercialized sex to be necessary part of life and male patronage not only normal but natural. At a time of teenager, boys in Thailand are going to prostitutes and throughout a man's life, it appear sex worker is an essential part of masculinity. Intervention programs must consider and target the client or customer side in order to change their belief and their behaviors because if we just focus on how to prevent women trafficking, we neglect the root of demand of sex, and the problems still remain.

Conclusion:

Getting tough on sex tourism industry and HIV epidemic related women trafficking is a start. But it is perhaps the economic and trading pressure that could be brought to

bear and would be most effective. Since the issue of prostitution, women trafficking and the debate around it is so alive and vibrant, there can hardly be a conclusion of it or a simple solution. In the combating to HIV/AIDS related to mobile population namely migrant sex workers, there is the needs of structural level to the community level changes, the need to devote attention to the many form of rural-urban as well as cross border sexuality beyond trafficking and migration. There are considerable inter provincial and inter-community relationship that involving in women trafficking sexuality cross border and hill tribe living in territory. More attention needs to be given to population, especially ethnic minorities living on the border. The entire issue of how to provide sexual health services and education to trafficked women is rarely explored , but extremely relevant. More generally, the change of sexuality values and behavior as a result of increasing interconnectivity due to structure and globalization can be fascinating topic for future intervention endeavor. However , it is a pressing need for much deeper exploration of the actual issues subsumed by this phenomenon. At the same time, there is a need to be watchful of its rapidly, ever changing trends.

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Draft Paper, Please Do Not Quote

Re-Imagining Nation: Women's Rights and the Transnational Movement of Shan Women in Thailand and Burma

Pinkaew Laungaramsri¹

Introduction

In July 2002, a series of battle between the Burmese military assisted by the pro-Rangoon United Wa State Army and the Shan State Army (SSA) heightened the political milieu of the border area between Thailand and Burma. Border skirmishes were intensified as the Thai army was accused of shelling Burmese territory to help ethnic Shan troops which subsequently resulted in a border closure, several arm clashes and retaliations. Amidst the political tension and military-led warfare, a report "Licence to Rape" was launched by the Shan Women Action Network and the Shan Human Rights Foundation. The report, along with the campaign to stop the systematic rape of hundreds of Shan women and girls by Burmese soldiers essentially shifted the political rhythm of the war zone. By calling for an attention to the vulnerability of ordinary women who became victims of the protracted war along the borders, the report had turned a specific and internal ethnic conflict within the Burmese state into an international debate of human right abuse. Widespread national and international concern was directed to a particular border area between Thailand and Burma as the shocking evidence and detailed documentation revealed the way in which sexual violence has been used as "a weapon of war" against Shan women in Burma. It is for the first time that "women's question" has become political and put into the central debate of ethnic violence, independence movement, and sexual abuse in Burma.

Whereas the campaign by Shan women activists to stop violation of rights by the Burmese regime took place in concurrent with the movement for independence by the Shan State Army, it has opened up the question regarding gender politics within the discourse of Shan nationalism and women's subordinate position. By placing women's

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question as its own autonomous form of politics, the movement of the Shan women has pointed to the contradictory characteristic of nationalist discourse in its relation with gender differentiation. Central to the internal contradiction is the tension between the repressive and emancipatory forms of power circumscribing the trajectory of the nationalist project in which women have been made simultaneously subversive and liberated subject.

This paper explores the relationship between nation-state and transnational women's practice. It addresses the way in which transnational networks of women's activism allow a possibility for the negotiation of women's identities at local, national and global levels. By employing the feminist critique of nationalism, the paper explores the relationship between women and nation within the Shan women's movement in Thailand, particularly the international campaign to stop the systematic rape of Shan women by Burmese soldiers. The paper argues that although increasing intergovernmental cooperation has generated a transnational economy which has redefined the territorial power of nation-states, the authoritative power of nationalism remains at play and has deepened the suppression and silencing of transnational subjectivity of women.

The Shan women's movement thus represents an attempt to transform the constricted interstice between women and nation into a meaningful site of contestation and subversive form of struggle beyond the confinement of territorialized nation-state. By placing women's question as its own forms of politics, the transnational women's network has brought women's rights and thus international community into the national and local contexts of ethnic conflict and sexual abuse. I argue that the power of this contestation lies in the ability to transform a specific case of ethnic conflict into a transnational discourse or violence against women. As Amrita Basu (2004) points out, one of the striking aspect of the transnationalization of women's movements since the 1985s which has facilitated the connection of women's groups between the local and global level is the way in which the problem of violence against women became framed as a global issue and appealed to universal notion of human rights. Such connection also provides an international forum of support that transcends the limit of nation-states. It is therefore within this transnational milieu that provides a means for the Shan women in

their unmaking/remaking of the notion and practice of the nation in relation to gender differentiation.

The Shan and the History of Displacement

The transnationalization of the Shan subjects has been a product of a half century's oppression of the military regime in Burma. The post-colonial history of Burma has been characterized by violence and ethnic insurgencies. The assassination of Aung San in 1947 was followed by a coup d'état led by General Ne Win in 1962 which abolished the Pang Long Agreement, a historic agreement that recognized the right to secession of the Shan and other ethnic groups within the period of ten years after the signing of the agreement. Under the State Law and Order Restoration Council or SLORC, the military regime that rules the country, a number of Shan and other political leaders were imprisoned while some were executed. Student and civilian movements were suppressed. On August 8, 1988, thousands of unarmed demonstrators who protested against the repressive military regime were shot dead, resulting in the flights of Burmese students to join ethnic insurgencies along the border areas between Burma and Thailand. Over the past decade, despite the fact that several ethnic groups have agreed to cease fire with SLORC, the struggle for independence has still continued.

As the second largest group apart from the Burman, the Shan or the Tai perceive themselves as sharing a distinct history with Burma and having their own state separate from the Burma proper. The Shan State is located in the northeastern part of Burma, bordered by Kachin State on the north, the People's Republic of China on the north and east, Thailand and Kayah and Kayin States on the south and Mandalay and Sagaing Divisions on the west. The Shan territory makes up approximately one-fourth of total country's area while the Shan number 10 percent of Burma's population or about 8 million. The claim to an independent state is rooted in the historical feudal system of the Shan Saopha (Lord of Heaven) which was also recognized by the British colonial who granted a distinctive status as the Federated Shan States. This status continued even during the Second World War when the Japanese controlled over this region.

The Shan's struggle for independence were probably one of the most longstanding ethno-nationalist movement in the history of Burma. The first Shan armed

force was called Noom Suek Harn (brave young warriors) initiated by Sao Noi (Saw Yan Ta) in 1958. Since 1960s onward, the revolt spread throughout the country and scattered into various separate groups such as the Shan State Army (SSA), Shan United Revolutionary Army (SURA), Shan National Army (SNA), Shan United Army (SUA), Shan State Restoration Council (SSRC), and the Mong Tai Army (MTA), etc. The history of the rebellion towards the Shan independence was, however, characterized by internal conflicts and dissension. In 1996, the MTA led by the opium warlord, Khun Sa, surrendered to the Burmese junta. However, many former MTA soldiers dismissed the submission and resumed the armed resistance under the name of the Shan State Army (SSA), the only active armed force of the Shan rebellion led by Sao Yawd Suek. At the same time, an alliance of forces was created by three armed resistance groups under the umbrella organization “Shan National Organization” (SSNO). The Shan Democratic Union (SDU) was founded which now functions as the Foreign Ministry of the Shanland, an umbrella organization of Shan exiles.

For ordinary Shan people, however, oppressions by the Burmese military regime are intensely experienced through the policy of Burmanization, a significant means towards the building of an ethnocratic nation state. As many scholars (Grundy-Warr: 2001, Callahan 1996, Lambrecht 2000) observed, the military strategy for coercive Burman dominance and imposed national unity is manifested in the forms of subordination of ethnic languages, cultures, and religions, and the penetration of the military into the border regions through a mix of military offensives, ceasefires, and development projects. The most devastating strategy is known as the Four Cuts (Pya Ley Pya), the counter-insurgency policy to suppress the support from rebel groups through cutting of four main links (food, funds, intelligence, and recruits) between insurgents, their families, and local villagers (Smith 1993). In practice, many bordering villages have become targets of forced relocation, village and crop destruction, ethnic terror tactics including rape, beatings, intimidation and extra-judicial executions, and the depopulation of the central Shan States to isolate insurgency forces (SHRF 1998). The Four Cuts has been central to military exercise to extend its centralized power to the peripheral territories which brought about massive internal displacement of Shan people. Since March 1996, it is estimated that the Burmese military regime has forcibly relocated over 1,400 villages throughout 7,000 square miles in Central Shan State while over 300,000 people have been ordered to move into strategic relocation sites (UNPO News 2000).

These people have been used for forced labor. A number of Shan people have lived in hiding while over a half million have fled to Thailand where the refugee status of Shan people is not officially recognized by the Thai State (*ibid.*).

Between Women and Nation

Three seams form the national flag.
The moon in the universe brings peacefulness,
And lights up in the darkness.
Our nation is courageous.
We are united.
We are truthful and honest.

(The Shan National Anthem)

A hen crows, the sky goes dusky.
A woman rules, the cloud dims the sky, dims the country.

(A Shan proverb)

If a nation is like a narrative that tells a story of an origin, a solidarity in soul and spirit, such story is never complete. The deficiency of the narrative derives from the fact that the presumed collective origin is not only a historical construct, but also a fragmented imagination. Emphasizing a dialectic framework rather than a universal/uniformed view about nation-making, scholars of poststructuralist historiography call for an attention the difference within the modular forms of nationalism (Chatterjee 1993), the agency of ambivalent narration of the nation (Bhabha 1990), and the contestation of the narrative of self over the notion of national identity (Liu 1994). Argue against Anderson's hegemonic and essentialist model of "imagined community", these scholar emphasize diverse local differences where imagination of the nation are interpellated by specific sites and social relations. In this sense, nation and nationalism are not a product of homogeneous totality but also a process of the making of differentiated margins, "the margins of the nation-space" (Liu 1994). It is within/at these margins that marginal subjects and their voices interact and engage with the nationalist discourse.

For feminists such as Alarcón, Kaplan, and Moallem (1999), this particular space is situated in “between woman and nation”, a space of “performative and performativity where women and nation intersect in specific ways, giving rise to the interval of **difference**”. As they contend, the ability of a nation to transcend modernities and to become a timeless and homogenized entity is through racialization, sexualization, and genderization (*ibid.*). This ability is also crosscut by the temporality of representation between cultural formation and social processes (Bhaba 1994) and the manipulation of the logic of margin/center (Masiello 1992). Such manipulation is clearly manifested in the double concept of borders where in the face of transnational movements women are either segregated “inside” the nation or turned into “boundary subjects” (Kristeva 1993, 35 cited in Alarcón et al 1999).

For Shan women, experiences with the nation have often been ambivalent. As a social category, women are not always of the nation. Subordination of woman’s status to men and thus to a nation can be traced to Buddhist values that constrain women in everyday practice where males are considered as having greater propensity to realize/practice Buddhist salvation than women. Being bounded by the secular world, Shan women and their existence are located within the domestic sphere of mothering and nurturing outside the public sphere of the nation. However, cultural logic of the nation should also be viewed in a multiple dimension of relations which can be shifted through time and space, changing positions, and manipulation of the gender attribute. Within the ethno-nationalist movement of the Shan army, gender role of women were also necessary for the army. This history of Shan women and nation was also characterized by their involvement with the army as female soldiers or Nang Harn. Women participation in the nationalist project was a liberating experience in which the right to bear arms equal to men provided Shan women for the first time in the Shan history an ability to move from a “traditional” or secular world to a sacred public sphere of the nation. However, throughout the years of military engagement, Shan women also came to realize that their role in the nationalist project was but a reproduction of the domestic sphere where home was extended into the army. Nation-ness, as felt by Shan women, was but a perpetuation of a traditional division between domestic and public spheres where women were incorporated into the Shan army with designated feminine/contributive roles as nurse, food provider and messenger.

In the context of the Shan nationalism, the splitting between “home” and “world” helped maintain the coherence of the traditional social order both at home and within the army. For Shan women, one of the shared experiences in their involvement with the male nationalist project was double marginality in which their inferior status is derived from the intersection between being Shan (subordinate ethnicity) and being Shan women (subordinate sex). The partial participation with the nationalist project where women did not design also means that their identification with the male nation can also be temporary and revokable. Indeed, between 1985 and 1996 when Khun Sa ruled the army, the status of female soldier was abolished while women were told to return home and resume the role that suits their position². At the same time, the male construction of the nation has continued to be characterized by constant competitions and conflicts over control of power among male leaders within and outside the army.

Gendering the Nation

One of the limitations of the notion of nationalism lies in its rootedness in and boundedness of territorial integrity within the homogeneous space of power. Such constriction not only conceals the sexual politic and geo-politics of nationalist discourses, but also prevent any possibility of imaginary of the nation-state that transcend the imperative of sovereignty and that lies beyond the purview of militarism. In problematizing the unity of the nation, some Shan women have created an alternative space for imagining a nation, the nation that centers on livelihood of people. One of this attempt includes the establishment of the Shan Women’s Action Network (SWAN) in 1999 by a group of Shan woman exiles in Thailand. While their office is based in Chiang Mai, their work is operating along the border between Thailand and Burma as well as in Chiang Mai province where thousands of Shan women immigrants are living. SWAN’s mission is to work for gender equality and justice for Shan women in the struggle for social and political change in Burma through community-based actions, research and advocacy. SWAN’s activities aim to promote education by supporting and providing skills training programs for women as well as basic education programs for children. The activities include Shan culture and literature teaching, consciousness-raising activities on human rights, children’s rights, increasing awareness of social problems, especially

² Shan women were however recruited as soldiers again in 2002 under the leadership of Sao Yod Suek, the leader of the Shan State Army (SSA).

trafficking, violence and abuse, sexual exploitation, reproductive health and sexually transmitted diseases, by organizing meetings, discussions, workshops, poster and video campaigns, and publishing booklets and brochures. Some of their programs include crisis support on the border—organizing basic counseling training for Shan women in the community to help rape survivors suffering from the mental and physical effects of sexual violence, community health services—providing basic health care and health education to needy refugee from Shan State in a border village, educational program—providing basic education for refugee children, and internship program. Most of the activities have been carried out in a difficult condition as refugee status of the Shan is not recognized by the Thai state. Poverty, lack of legal status, and fear of being arrested contribute to constant movements of these people.

SWAN's main focus on women and children at the border represents a departure from the dominant view towards nation-building among Shan nationalists. It is in fact an attempt of the margin to embark on internal critiques of its own homogenization. As one member of SWAN states, “ it would not be a good and healthy nation if members of such nation are often in constant pain, hunger, and displacement. If a nation is like a house, it should consist of firm structures and healthy residents”. For this Shan woman, this reinterpretation of the meaning of the nation developed out of her own experiences with the male project of nation-building when she joined the army in the late twentieth century. It is interesting to note that even though SWAN's work has significantly contributed to publicizing Shan refugee issues at both national and international levels, the value of their work has often been viewed by Shan males as trivial, domestic, and non-political. Some even cast doubt on the Western's derived feminist idea of SWAN. In response to such perception, a SWAN member critically responds, “it is correct to say that SWAN is not a political organization if politics are defined only by the (male-dominated) armed struggle and negotiating the constitution. But this by no means implies that our work is non-political”. For SWAN activists, the choice of working with powerless women and children at the margin represents an untiring effort to break through and transcend conventional politics where the boundary of the center is rigidly defined and essentially institutionalized.

If a border represents a marginal arena where life is characterized by the constant struggle to turn the margin into a meaningful place, working at the border has enabled

SWAN women to see multiple means to achieve such goal. For them, like other Shan women, living at multiple margins allows them to understand multiple sources/layers of power/centers where women have long been subject to. Rethinking the relationship between women and nation shows how women interact with multi-dimensions of identifications in a complex way. While subordinate identifications are often associated with marginal spaces, margins are always differential. As margins resist and de-center the power, they also transformed themselves. In turning women's questions against the male ideology of the nation, Shan women attempted to not only put forward a dialogue between a margin and a center, but also to create a space for interaction and negotiation among multiple margins. In this sense, margins are thus strategic places where gender and ethnic differences are negotiated. Lived experiences of women on the margins demonstrate the splitting of vernacular subjects and dissented discourses of minority identifications as they engage with multiple centers. It is in this complex and heterogeneous space that opens up the possibility for women to assume historical agency in their creation of an alternative and meaningful identifications.

Alienated Bodies and Violent Nation

Sexual violence...seems less a standardized pattern of conflict enacted against a defining other across some accepted boundary, than a way of clarifying, developing and affirming such boundaries; less playing the accepted war game beyond the rules, than a working out of boundaries on the woman's body, symbolically but also pragmatically (as destruction of the opponent's social institutions).

Littlewood (1997:11 cited in Donnan and Wilson 1999:142)

While it is acknowledged that the process of nation-building, the so-called "imagined community" is often costly, what is least mentioned is the fact that the groups who paid the most price involve women. The paradoxical aspect of the nation is that while women are located outside the realm of the nation, they are the first and foremost group who are hurt by it. Generally, violence against women is usually defined as a domestic problem and is thus non-political. The exclusion of sexual violence from the realm of "politic" has resulted in the silencing of women's voices and the de-politicization of women's issues. For Shan woman exile organization such as SWAN, the attempt to bring international public attention to women's issue has often been difficult as they encountered double marginalities of ethnic and sexual identities. This is due in part to the fact that international attention on Burma has often revolved around

Rangoon-centered politics. As SWAN notes, "while world media has focused on the May 30 massacre and the arrest of Aung San Suu Kyi in Central Burma, atrocities committed in Shan State at the same time have gone unnoticed" (SWAN Newsletter September 2003#4).

Writing on the politics of transnationalism and human displacement in Burma, Jennifer Hyndman (1998) calls for an attention to a more critical analysis of transnational processes. According to Hyndman, a number of literatures on transnationalism tend to emphasize economic and cultural aspects of transnational identity, diaspora, and the de-territorialization of nation-states while downplays the political economy of transnational process. A limited work on political displacement and refugees in cultural studies reflects such shortcoming in which Hyndman sees as a key to a deeper understanding of a complex process of how transnational economic integration and transnational identities are produced through displacement.

Working at the margin allows SWAN to understand materiality and corporeality of transnationalism where the experiences and meaning of exiles are embedded in the material conditions of violence and displacement in which women are marginalized and subjugated under the patriarchal state. Violence against women in the form of rape represents a good example of how nation-states and nationalism continue to exercise its authoritative power even in the era of increasing transnational economic integration and transboundary cooperation between Thailand and Burma. In unraveling the experiences of women's oppression as a part of the politics of the nation, SWAN and the Shan Human Rights Foundation (SHRF) launched its report "Licence to Rape," on June 19, 2002. The report was a result of the compilation of information carried out by SWAN and SHRF in the period between January 2001-March 2002 relating to the mass rapes of an estimated 625 women and girls from 173 cases in the last five years (1996-2001) by Burmese military personnel. According to the report, 83% of the rapes were committed by officers, in most cases in front of their troops. The rape involved extreme brutality and often torture. 25% of the rapes resulted in death. 61% were gang-rapes, and in some cases, women were detained and raped repeatedly for periods of up to four months. The majority of rape incidents were committed in the areas of Central Shan State where over 300,000 villagers have been forcibly relocated from their home since 1996. Many rapes took place when girls or women were caught, usually searching for food, outside the

relocation sites. Rapes also occurred when women were being forced to porter or do other unpaid work for the military, and when stopped at military checkpoints (SWAN 2002).

Licence to Rape represents an attempt to politicize women's issues and to break through the dichotomy between women and nation by pointing to the subjugation of women's bodies as an integral part of nation-building in Burma. As the report states, the use of rape by the Burmese military regime was a systematic tool/ weapon in which women's bodies were target of war for many reasons including to terrorize ethnic minorities in Shan State and to induce civilians to flee their homes and villages suspected of supporting the political insurgency. Rape is also used as symbolic act to humiliate the opposite male group who failed to protect their women. This strategy is not new but has long been an integral part of military operation to suppress ethnic rebellion since independence in 1948 (Apple 1998). As reported by Betsy Apple, the author of School for Rape: The Burmese Military and Sexual Violence, a number of rape incidents in Burma has been a result of systematic training of Burmese soldiers to use rape as a tool for conducting ethnic cleansing. Rape of ethnic women other than Shan is also widespread even in the cease-fire area. Women's bodies in this particular context have been imposed with relations of power and relations and made a powerful communicative device for articulating and representing difference (Donnan and Wilson 1999). It is within this semiotic site that ethnic other is imagined, constructed, and defeated.

However, women's bodies are not just objects of a violent nation but a subject of lived experience in which violence is felt and suffered. The suffering can be immensely deep as it is difficult for women to imagine how an individual self could possibly become a topography of state's violence. In an interview with the Nation, an English newspaper in Thailand, a rape victim who survived the atrocity and sought asylum in Thailand gave a speculation of why she thought the Burmese military inflicted such brutality on her family and other Shan women, " I have heard that there was a fight between the Shan army and the Burmese military many years ago. At that time the Shan military killed six Burmese soldiers and the Burmese wanted to take revenge." (The Nation 8/23/2002). But why the revenge had to do with an ordinary woman such as herself and her insignificant personal body who was so distant from and irrelevant to the armed politics, she had no idea (*ibid.*) The campaign on Licence to Rape has opened up the

controversial linkage between the nation and body politics by pointing to the brutal absurdity of such connection. In turning the body into the endpoint of resistance and control, SWAN and their movements have transformed women's bodies into "the last resort for the redirection and reversal of power" (Feldman 1991). Transforming women's bodies into a site of contestation has also reshaped the geography of ethnic conflict and the state-centric politics. It is within this context that the power of the centralizing state has been challenged by multiple sites the transnational forces.

Edging Out the Limit of the Exiles

The campaign on "Licence to Rape" marked the first time in the history of ethnic politics in Burma when women's question was powerfully politicized and gained widespread international support. For SLORC, it was probably the first time in the history that small groups of exile Shan women shook the power of the military regime with the series of pressure from international communities. After the release of the report, on September 17, 2002, thirty-two US senators sent a letter to UN Secretary General Kofi Annan urging the UN to investigate the contents of Licence to Rape. In November 2002, the US State Department released a report describing its own fact-finding mission to the Thai-Burma border to investigate the issues of sexual violence raised by "Licence to Rape". The findings supported SWAN's allegation that systematic rapes by Burmese military remains extensive. Subsequently, the US State Department issued a statement on December 17, 2002 stating that "The United States Government is appalled by reports that the Burmese military is using rape as a weapon against civilian populations in the ethnic regions of the country" (Bangkok Post July 7, 2002). According to SWAN, the report has also mobilized civil society organizations in various countries to start campaigns to urge governments and international agencies to respond to the demands made by SWAN in "Licence to Rape." Several fact-finding missions of UNCHR, Refugees International and Christian Solidarity Worldwide to the Thai-Burma border have also validated the use of systematic sexual violence by the regime. In November 2002, the UN special envoy led by Paulo Sergio Pinheiro, the United Nations special rapporteur for human rights visited Burma to investigate the incident and met with representatives of Burmese ethnic groups. This was followed by an investigating team of International Committee of the Red Cross who undertook a ten-day survey of the area in January 2003.

Since its launch in July 2002, Licence to Rape has put the Burmese junta on international spotlight. The campaign has brought yet another significant impetus to the human rights controversy in Burma. As the report was translated into various languages including Thai, German, Burmese, French, and English and distributed worldwide, international advocacy to stop Licence to Rape has opened up a new chapter of politics of women's rights in Burma, linking SWAN with a broader international women's movement³ while moving the democracy activism to a non-Rangoon oriented sphere⁴. The movement of SWAN represents an interesting attempt to challenge the rigid tie between nation and people. On the one hand, within the constricted political climate in Burma, the translation of locally sexual abuse into universal human right discourse allows potentiality of transnational forces to intercede into Burma's internal affair. This has been made possible by a vast proliferation and growth of transnational women's movements over the past few decades. As Amrita Basu (2004) points out, a significant shift in women's movement since the 1980s is twofold. First, it became organizationally possible for women's groups working in different locations to form networks with one another. At the same time, women's movements have been one among the most successful social movements in the world in making connections between the local and the global levels. One of the most striking instances of this transnational linkage is the way in which violence against women, originated as community-based movements, became framed as a global issue and cast in terms of appeals to universal human rights. A strong argument put forward by women's organizations is that by thinking about violence against women as a transnational issue, human rights itself has to be redefined

³ Throughout the period between 2002-2003, SWAN's advocacy extended worldwide with SWAN's members participating in various international fora including testimony at US Congressional hearing on sexual violence against Shan women, the 47th session of UN Commission on Status of Women held in New York, the 59th session of UN Commission on Human Rights held in Geneva, YWCA International Women's Summit in Brisbane, and various lobby trips in Norway, Japan, Ireland, Australia, etc. These activities were supported by international women's organizations such as the Asia Pacific Forum on Women Law and Development (APWLD), the Association for Women's Rights in Development (AWID) and International Women's Development Agency (IWDA) and various networks of Burma activism.

⁴ SWAN's endeavor to bring woman's issue into the world community was not, however, without difficulty. The double marginalities of being a minority in Burma and a woman inevitably made the existence of Shan woman's issue almost invisible. As one SWAN member recounts, "at a UN conference, I was presenting the cases of sexual violence against Shan women that we have documented. It was very difficult as no one knew who the Shan was. At international level, the focus/attention was always on Rangoon and Aung San Suu Kyi. I was almost discouraged" (interview with a SWAN member, September 28, 2002).

to incorporate issues like rape and battering so that it is not so preoccupied with the state (*ibid.*). As a result, when the state fails to address these issues, there is another international body that women's groups can turn to. Indeed, the fruit of this transnational effort by women's organizations can be seen in the achievement of Licence to Rape and its challenge to the Burmese state regime by international alliances.

On the other hand, within the context of Thailand where the images of Shan people have often been portrayed either as “insurgent” or “immigrant”, both of which are positioned as “the other” outside the Thai nation-state, the movement of Licence to Rape has contributed to a re-positioning of the Shan subject. Arguing against the normative notions of “immigrant” and “refugee”⁵, Jennifer Hyndman (1998) points to the deficiency of both concepts in their limitation to transcend the national narrative which continue to control the existence and subjectivity of the people so classified by such notions. As she maintains, “ what often gets lost in discussions of immigration research, refugee law, and international migration more generally are the transnational processes, politics, and multiple positionings that transcend, and/or subvert, the primacy of the nation-state as the *de facto* unit of migrant identity”(*ibid.*).

Such shortcoming, I would add not only limits the ability to understand how resources are nationally and transnationally mobilized for constant negotiations by the migrants, but also renders it difficult to see the nuances of room for maneuver. Licence to Rape conveys a message not of immigrant ethnic others. Rather, it is the testimony of

⁵ Both immigrant and refugee are defined by their non-belonging to a nation-state. While the former is perceived as a newcomer trying to be incorporated into a state, the latter is delineated as one who is outside the borders of a nation-state. For the Shan, refugee status has not been granted by the Thai state due to various misconceptions about Shan immigrants (see more details in *Shan Refugees: Dispelling the Myths*, SWAN, September 2003). The lack of refugee status has rendered it impossible for the Shan to acquire access to humanitarian assistance and protection. As a result, the Shan people are forced to either live in hiding as illegal persons on the Thai-Burma border, or seek work as migrant workers, in low-paid, low-skilled jobs. The absence of refuge and services particularly impacts on the more vulnerable Shan asylum seekers such as pregnant women, children, elderly and disabled persons who are unable to fend for themselves in the jungle or on work sites. Living in perilous situations, the Shan are in constant fear of being arrested and deported to Burma, where they face ongoing persecution in the forms of torture, rape and death on their return to Burma. This fear has increased after the implementation of an agreement between Thailand and Burma on the repatriation of migrant workers since August 2003 (SWAN, *ibid.*).

ill-fated ordinary women who are abused and tortured in the course they are not a part of. Women's narratives depart from the usual ethno-nationalist genres in their plain, intimate, yet genuinely tragic story which can be understood by people across class, ethnic, and state lines. Unlike other movements on immigrant and refugee issues, the campaign on Licence to Rape has gained a widespread support by Thai NGOs and media. Human rights NGOs such as Forum Asia and the Thai Action Committee for Democracy in Burma, and women's organizations such as the Alliance for the Advancement for Women, the Women and Constitution Network, and the Friends of Women Foundation joined in the advocacy to stop sexual abuse in Burma with a series of advocacy including a book launch of the Thai version of Licence to Rape⁶, seminars to raise awareness in Thailand about human rights violations in Burma, and organizing online petition to stop licence to rape in Shan State. The story not only attracted considerable Thai media attention but was also touched by a well-known Thai singer who composed a song in memory of abused Shan women⁷.

Transnationalizing women's question through the campaign of Licence to Rape represents an attempt of exile NGOs such as SWAN and SHRF to edge out beyond the limit of a nation-state and its notion of immigrant other. Drawing on diverse resources and strategies, the campaign has not only brought the world human right impulse into local context of Shan State, but also contributed to the broadening of local perceptions about refugees and immigrants. Connecting migration with rape has enabled SWAN and women's movements to challenge the normative dimension of human displacement, and the notion of refugee-- a status⁸ strategically essential for the Shan exiles which is never granted by the Thai state. At the same time, politicizing women's issue has also allowed the Shan woman exiles room for maneuver at the margin of the nation space in order to create more multiple positionings of their subjectivities in the community that is located in but not necessarily constrained by the configuration of a nation-state. Such possibility

⁶ The book was translated into Thai by two Thai journalists, Pennapa Honthong and Subhatra bhumiprabhas from the English language newspaper in Thailand, the Nation.

⁷ The song, "it happened in Shan State", composed and sung by Songsidt Khampi depicts the life of Shan woman who became victims of protracted wars in Shan State. The album was launched in June 2003.

⁸ I agree with Hyndman (1998) that it is necessary that any use of the notion of refugee and immigrant has to be cautiously contextual and situational. For the Shan exile, the struggle for an official recognition of a refugee status is not aimed for identity making which is of course always transcending the state line. The major objective is rather strategic that is to assure the protection from vulnerability and to gain access to needed humanitarian assistance.

of political mobilization beyond by the boundary of the nation-state has also been facilitated by exiled media and communities of cyberspace which have been on the rise during the past few decades. These complex linkages and networks have given rise to a new form of social organization of the Shan transnational movement.

Exiled Media and Nation beyond the Interstice

T]he idea of a ‘transitional’ or ‘transitive’ space [is] important in thinking about national communities in more open ways. We might consider what a transitional . . . logic might mean in the context of imagining virtual communities. The point is to broaden and to politicize the debate on community and collectivity in cyberspace.

(Kevin Robins, 1995: 152, cited in Allen Meek 2000:86-87)

In “Exile and an electronic frontier,” Allen Meek notes the correlation between the emergence of the so-called “electronic frontier” of the new communication technologies and the proliferation of the discourses about borders, margins and exiles in the arts and in critical writing. (2000). Exiled media as a mode of information and communication has played increasing role for people who are culturally and geographically displaced. This is in part a response to both historical forces and present reality in which exilic identities have attempted to mediate between a fractured and fragmented experience of self-- working with the remains of traditional and local identities, and the modern concept of citizenship. As Meek argues, the feelings of nostalgia for a lost world experienced by those in exile, combined with a skepticism about a world that is promised, can foster an urgent engagement with electronic media at both an intellectual and emotional level. Marginalization, rejection, and splitting identifications between absent and present have placed exile culture at the intersection and interstice of other cultures (ibid.).

In the case of Shan, five decades of suppression of ethnic groups in Burma has given rise to the growing of Shan exiled media connections world wide. The connections represent what Robins (1995) calls ‘transitional’ or ‘transitive’ space where the imagined community has been remade and expanded outside the exile’s homeland. While Shan language and history is not allowed to be taught within Burma, the Shan nation has arisen

and is materialized in the cyber community⁹. This transitional space has not only served as landscapes of images or in Appadurai's terms mediascape and ideoscape (1996) that produce and distribute the imagined live and ideology, but also functioned to mobilize ethnic consciousness and stimulate collective action within the Shan nationalist movement. Chris Tenove, in his research on media in exile, points out that news produced by Burma's exile organizations during the last five years have significantly increased in amount and become more reliable (www.shanland.org). The development of more diverse forms of information dissemination and communication networks is a result of relatively more flexible access to communication inside Burma, increased traffic across the border and competition among media groups to get accurate information¹⁰ (*ibid.*). The transnationalization of exile media¹¹ and its increasing connection with international news agencies has been made possible by the new communication technology which moves beyond the constraint of physical boundaries of a nation-state¹². The growing role of these networks of exile media in information dissemination has also contributed to the growth of Burma's human right activism, particularly in the US and Europe.

⁹ Examples of the Shan websites that work to disseminate the knowledge about Shan culture and history and to update news and situation in Burma include www.shanland.org, www.shanworld.com, and www.shanwomen.org.

¹⁰ Among the exile radio broadcasters, the MAP (Migrant Assistance Program), an exile NGO based in Chiang Mai, which is aired in Karen and Shan, has most listenership of 35%, while Democratic Voice of Burma turns next with 16.6%. The BBC, VOA and RFA, however, continue to be the major source of news relating to Burma issues. Among the exile newspapers, New Era was the most commonly read publication, followed by Mo Joe and New Vision. The S.H.A.N.'s Independence Burmese language section came sixth most read or 18.8% - after Purl and Refugee respectively (www.shanland.org).

¹¹ An interesting move among the Burma's exile media groups is the establishment of a syndicate, Burma News International (BNI), aims to further promote Burma related news and reports in Asia. The organization has a long term objective is to become a multi-media and subscription-based news network both for the regional and international media and to serve as a bridge among news agencies, each of whom are working on specialized issues (www.shanland.org). Currently, BNI's members comprise seven independent Burma's exile media from Thailand, India, and Bangladesh which work in collaboration with more than twenty networking partners.

¹² But this is by no means beyond the authoritarian power of the nation-state. These exile media continue to experience the existence of state power in the constant threat to close down the office in the country where their office is located.

One striking aspect of the movement of Licence to Rape is the way in which this particular report has successfully mobilized the vast and diverse networks of the Shan and Burma exile organizations worldwide in their effort for international pressure on the Rangoon military regime. It is for the first time in the Shan history that a strong collective sense of the Shan community among the Shan exiles is unified across locations in the so-called "electronic frontier". Instantaneous communication and webs of cyber network have not only worked to sustain and shape their war-torn community through the creation of a "virtual nation", but also given rise to multiple sites of empowerment and resistance. International pressure from and widespread publicity especially in the US and European countries, which work in concert with exile Shan NGOs to end the systematic atrocities by the Burmese army, are the result of the power of such transnational communication¹³. It is within this new frontier that a new national public sphere has re-emerged with promise and possibility for the future of social relationships freed of the constraints of political regulation and the suppression of the old regime of nation-state¹⁴.

Conclusion

In their critique of the naturalization and essentialization of nation and women, Alarcón, Kaplan, and Moallem (1999) suggest an alternative way to situate the relationship between women and nation. Locating women and nation in discursive processes of racing, gendering, and sexualizing the nation helps to challenge the very conditions of belonging and becoming. In this sense, encounter with the nation takes place in the space which is neither/nor, neither inner nor outer but a common zone (p.14), a transitional zone Rosaldo calls, "sites of creative production" (1989:208).

¹³ Between 2002-2003, continuous campaigns and lobbies were initiated by a number of activist groups including Free Burma Coalition, AID/WATH, Equality Now, Jubilee Campaign UK, etc., to raise the debates and call for action by government in the north at international level. US was one of the most influential force that react according to the finding from the report, Licence to Rape. It is also the refuge of several active Burma exile organizations including the exiled National Coalition Government of the Union of Burma.

¹⁴ The Burmese government is of course aware of the power of the transnational political movement led by the exiles but is not yet able to implement any effective control. In response to the report, Licence to Rape, the Burma's ruling junta has repeatedly denied the rape allegations, claiming that it was fabricated and that SWAN was financially supported by the two exile dissidents, Han Yawngwe, director of the Burma Fund, and Sein Win, the prime minister of a self-described government-in-exile. The former is based in Brussels while the latter in Washington DC. The claim, however, gained no credibility or attention by international communities.

For the Shan woman exiles, living at the margin of a nation space has implied exclusion and rejection from any nation-state. The discourse of exile signifies everything the center denies or represses. Yet, the margin as the other can be turned into a condition of possible de-centering and re-centering. Transnationalizing women's movement has enabled the Shan woman exiles to subvert the authoritative space of the nation imposed by both Burmese and Thai states. At the same time, negotiating the margin has resulted in creating a new meaningful center which allows multiple subjectivities of Shan women to develop in their interaction with the nation.

The politicization of women's question as manifested in the movement of Licence to Rape represents a cross-level politics that combine the local, national, and global together in an effort to transcend the limit of location. This transformative politic has contributed to reconfiguring the boundary of power while generating diverse sites for contestation. For the Shan exiles, transnationalizing the margin has allowed for politicized intervention in transforming the temporal space into a meaningful and powerful site/source of identification and coalition. It is within this context that the voices and practices of women's exiles have become a powerful excercise of immanent critique of the legitimization of the nation.

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<http://www.shanland.org>

<http://www.shanwomen.org>

<http://www.shanworld.com>

Women in Contemporary Lao Literature after National and Democratic Revolution in 1975

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Abstract:

Since literature is concerned with the discourse and communication in a society, the study “Women in Contemporary Lao Literature after National and Democratic Revolution in 1975” inevitably involves both history and culture. This is because in any period of time, the meanings in discourse about a person or groups of people in a society shows roles and responsibilities and indicates social status and positions, which are the main components for creating social classification and social organizations.

At the present time, the attempts for defining things on gender, race, and nation appear in many patterns. It happens particularly in the Lao society, which has continuing sociocultural changes from the traditional-based society to the colonial period and later to the socialism. Recently, the country has developed neo-socialism, which demands some modifications to catch up with the global changes in terms of economics, society and culture.

In contemporary Lao literature or socialist realism literature, the meanings in discourse concerning gender, race and nation overlap each other and relate to the development of social space and woman’s identity. After the national and democratic revolution, the development of woman identity in literature was influenced by the government’s intention and need to form the nation. The influence put its stress on the importance of rights and liberty and sexual equality. Another trace of influence can be seen through the role and responsibility of women in self-development and national development in socialism. Another development includes the development of ideal identity, which is a result of social political ideology. However, the literature produced after the New-thinking period has reflected more realities of women conditions in the society because there have been more writers and a variety of themes to be written. As a result, the women in contemporary Lao literature after the national and democratic revolution in 1975 is a combination of the ideal identity and the identity in reality.

As literature is communications in terms of social context, the studies of Women in Contemporary Lao Literature after National and Democratic Revolution in 1975 is very important as it mingles history and culture. No matter in what era, to pay attention to people or groups of people in the society means to create commitment and responsibilities for the social role. These are core factors in creating social ranking and orders.

This essay is part of the studies of Women's Identities in Contemporary Lao Literature after National and Democratic Revolution in 1975, which is part of PHD by the writer who is the PHD candidate. This essay would like to present only some parts of the literature. It is focused on how the identity of the women in Laos' literature links or being contrast with values and expectation of the Laotian society towards the women.

Development and Relationship of the Contemporary Literature and the Laotian Society

Language is a main component in literature. Apart from being a tool in reflecting thought, beliefs, values, and ways of livings in each period, language displays transformation, changes, reproduction or creating core values from generation to generation. Thus, the story of culture told via literature is not just the story with beautiful literature tonality, it also creates new angles for many stories via cheerful narration. To sum up, reading literatures brings readers not only values, thoughts, and expectation of people in many periods, literature can be also viewed as a crucial historical evidence that narrated in a lively style when compared to other historical evidences.

In Laos, literature means both historical literature and contemporary literature. In this essay, I will use the term of "contemporary Laos' literature", which has the same meaning as the contemporary Laotian fiction including short stories and novels. The essay focuses upon the studies of short stories and novels published after National and Democratic Revolution in 1975.

When mentioned about development of the contemporary literature, I would like to include both short stories and novels all together. Despite the publication didn't take place at the same time, the period was not much different and they shared development along with each other. The Laotian contemporary literature began at 1893, the year when Laos was divided into 2 areas. The right of the Kong River was governed by Siam while the left side was the French colony. This is the golden era of poetry. In 1930, a short story was produced and, during the period of

1969-1970, novels were published respectively (The Department of Language and Literature 1997:136).

The contemporary Laotian literature has developed and expanded on a continual basis. In the early period, the publication was biography, people's uprising, and fighting against enemies. The stories were published in various newspapers for many years till 1966 when they were published in form of book (The Department of Language and Literature 1997:113).

Viyada Promjit (1998:167-174) has studied the development and growth of the contemporary Laotian literature and divided it into 4 periods which are in response with the development of novels. So I would like to mention them as follows:

The 1st period (the origin – 1964) – In this period, the Laotian literature was influenced by the French literature. The fact, that the country was governed by France and people learnt the French via the education system, is the crucial factor for the birth of the Laotian contemporary literature. The stories were about writers' autobiography, esprit de corps, and social reflection.

Most of the writers were students or those who graduated and they used to study the foreign literatures based on the French model. The well-known writers in this period were Chao Suphanuwong, Dara Kanlaya, and Duangduen Boonyawong.

The 2nd period (1965-1975) – In this period, Laos became independent from being the French colony. The United States influenced upon the Laotian politics resulting in changes in the Laotian ways of living. The Laotian began to have new values. Novels took place in this period. Literature was divided into 2 categories; the literature in the Laotian territory and the literature in the nationalist or the secessionist territory. The two groups presented different thoughts.

The literature in the Laotian territory reflected changes in the Laotian society during the civil wars and the Indochina War. When the US entered the Indochina War, foreign cultures dominated the local society, especially in the capital. Hence, more civil Laotians lived the western lifestyle, which deteriorated the Laotian society. Most writers focused on the corruption problem, changes in the role of the Laotian women, gaps between the rich and the poor, and problems of city life endured by the rural folk. The writers in this period were Panai, Dara Kanlaya, Duangduen Boonyawong, Uthin Boonyawong, etc.

The literature in the nationalist or the secessionist territory was the revolutionist literature. Writers mostly talked about secessionism, conflicts between governments in the two territories, and ending with hope for the nation's sovereignty. The outline of the literature was normally the same that adored courage of the secessionists in the territory. The popular writers were Suwanthorn Buphanuwong, Kumleing Pomsena, Somboon Taveesai, and Kaewmanee Siwongsai, etc.

The 3rd period (1976-1985) – In this period, the Laotian Revolutionist Party won the independent war and regained its national sovereignty on December 2, 1975. The country was declared the Independent Republic of Laos. During this time, the government abolished all idle entertainment such as day dreaming novels, and anything related to the Western values. Also, there was revolution in terms of ideas in accordance with the party's policies. Literature in this period was then quite few. The writers in this period were both old and new; for instance, Uthin Boonyawong, Viseth Sawaengsuksa, and Boontanong Chomchaipon, etc.

The 4th period (1986-at present) – This period was called the age of new imagination when the government has changed economical and political policies as well as emphasizing socio-economic development. The government introduced the open economy to the country by using the market as the main driver. Besides, the government has issued a law to certify rights of the private sectors and promoted investment together with accepting more foreign aids.

The situation in this period affected the literature as it gradually changed from the theme of revolution to the materialistic society the lifestyle of the new society, and problems arising from this modern way of living. The writers in this period included those from the 2nd era such as Uthin Boonyawong and those from the 3rd period such as, Boontanong Chomchaipon, Viseth Sawaengsuksa, Chaisuwan Paengpong, Jantee Duansawan, Somsuk Suksavas and Kiuw Kingsadao, etc.

Although Viyada Promjit (1998) has divided the development and growth of the contemporary Laotian literature into 4 periods, the themes of the contemporary literature, especially after the revolution in 1975, were quite different, despite being the realistic socialism, it can be categorised as 3 trends; the realistic socialism with emphasis upon revolution, the realistic socialism with emphasis upon romantic love, and the realistic socialism with emphasis

upon social criticism. The writers criticized different aspects of the society. The identities of the women in the literatures were also different.

As for the next section of this essay, I try to highlight the role of literature as communications tool in expressing ideas and various polices from the governors to the people and from the writers, the educated, to the commoners in the society. Hence, each story portrayed development and changes of ideas upon the identities of women in each period very well.

Laos and its necessities in creating identity

There are many ways to define gender, race, and nation. In the traditional society, the definition was done via historical works and literatures, both folklore and royal literatures. At present, there are attempts in portraying gender, race, and nation in many patterns, especially in the Laotian society, which has endured many socio-cultural changes. The aforementioned changes covered from the colony period to the socialist country, till at present, despite being the socialist society, the country still needs to adjust itself to survive changes in terms of economy, politics, society and culture. Hence, literature, despite of its roots from changes in the past with the revolutions and changes in the society, has different angles to portray in terms of theme and forms.

After the national and democratic revolution on December 2, 1975, Laos experienced many changes, which affected various social structures. This phenomenon led to needs to cooperate in creating ideal and common practices between the government and the people in the society. This is because the economy, politics, and society were in the restoration period due to damages and development was suspended during the revolution war. *“In addition, the world environment and the region had endured dramatic changes. We still face many difficulties”* (Phomvihane 1986:27). To build the national values and cooperation for all development was urgent. *“We must work, build economy, expand our culture, and develop the well- beings of our people. We must work hard on agriculture, forestry and industry, local economy, to sort out food shortage effectively, expand economy, produce goods, and domestic and export products more than before”* (Phomvihane 1986:28).

The policies implemented by the government to build the national ideal in order to create good supports for the country’s development is to pay attention to education, arts & culture via

“strong cultural revolution, educational revolution, to mingle education with life- economy-society, to enhance the education level, to expand arts, literature, sports, gymnastics, 3 sanitary doctrines, new life enhancement process, to abolish cultures that ruin health and well-beings of people” (Phomvihane 1986:28). These policies are under the social ideal, which is mainly attached with the national restoration plans.

According to the information from the contemporary Laotian literature, attempts to create the new definition of the national state, race, and gender were totally different from the traditional literature. Particularly during the first stage after the national revolution, the creation of women identity was done under ideas and needs of the central government in the national building context. The identity was maintained and developed from the revolutionist literature. As the media and writings were controlled by the government. Writers’ writing style was supervised and trained by the government. This practice resulted in the same style of writing, which mostly emphasized the theme of revolution with few core themes such as the light of revolution, romance amid revolution, the wars, devotion for the revolution, and differences between the hopeless situation in the pre-revolution period and hope in the post-revolution period.

In the contemporary Laotian literature, we will find complexity in the identity of women, race, and the state. Also, there was a link to the creation of the society, which was presented via the role of the female protagonist in the revolutionist literature. She played the major role in the revolution and the creation of the new society which normally came from the tribes of Lao Soong and Lao Teng; for instance, Nanggayin, The Daughter of the Party, and Maibalia.

The female protagonist with the aforementioned characters may reflect the reality of the female revolutionists and the role of many tribes who were the major part of the state. In addition, the country still faced many unrest situations and lots of problems need to be solved. It is very important for every parts to create ideal in solving the problems in the country. The major tool to create the national unity was to create the common national identity including the national identity and the people identity, which covered many tribes in Lao. This process was part of the ideal-cultural revolution, which must be done along with the revolution of production, sciences, and technique, in order to solve many problems such as the creation of the national unity, phobia upon the state authority, national defense from the outside threatening, social unrest, food shortage, and public health, etc.

The Party and the Government paid attention to 3 main policies. The first policy was the ideal-cultural revolution as Kaisorn Phomvihane, the country's President, said that, “ *The aforementioned two revolutions will be successful depending upon the ideal-cultural revolution as it is the major mechanism in changing the social idea to build the new generation, who will become the people of the socialism in the future* ” (Phomvihane1997:82-91). According to the link of the idea with the identity in literature. We can say that the creation of the female Laotian as the social ideal in the literature and other print materials were produced with the objectives to create the social rights and limits of the female rights in the socialist system. This was the main condition linked to the political system during the National Democratic Revolution during the period of 1945-1975 and it has been practiced till the period that the country became the socialist state.

The Identity of the Female in the Contemporary Lao Literature after the National and Democratic Revolution

Regarding prior studies, the women in the Contemporary Lao Literature after the National Democratic Revolution in 1975 can be divided into 5 groups; the female revolutionist: the identity transferred from the revolution, the female developer: the identity of the national restoration, the female cultural conservator : the role in promoting the national identity, the mother: the identity transferred from the traditional period and the last one the prostitute: the new identity of the female in the Laotian literature. The aforementioned identities will be discussed as below.

1) Female revolutionist: the identity transferred from the revolution

The highlight of the female revolutionist protagonist was the writing style transferred from the revolutionist literature in the Independent Lao territory. In the 2nd period of the development of the contemporary literature, normally the nationalist or the Laotian revolution literature, the most dominant theme was the commitment to the national independence aspiration and aims to bring the country to the betterment. Despite many stories talked about romance between the youth, this theme was the second when compared to devotion to the country. When the wars end, the lovers may meet again and their love could be happy or not. However, hope for independence and the better society was always portrayed at the end of the stories.

The female revolutionist has the characteristics of courage, participation in the revolution, and devotion for the national secessionism. These characteristics are portrayed to praise courage and devotion for the revolution. For instance, in the story “Kon Ngam” by Boontanong Chomchaipon, the beautiful women are not those with beautiful faces, attire, and being outstanding celebrity, but is “Pangkum”, the protagonist, who leads the female revolutionists during the war of independence. She presents courage, strength, and love for her country. She perfectly knows her role and acts properly. Although some female protagonists are not the warriors such as “ Nang Onkok” by Viseth Sawangsuksa, who highlighted the female gymnasts who participates in the national independent war. Despite of the fact that Nang Onkok is the gymnasts of the Lao nationalist party, her role is to entertain the revolutionists from stress as well as promoting the nationalist ideal to the public. There were many literatures mentioning female revolutionists; for instance,

“Kang Keen Nai Pa Luk”, the awarded short story by Jantee Duensawan, who mentioned “ Nang Mai Jai”, the leader of the Laotian female group, who is assigned to go to Huay Wai with the male revolutionist “ Tow YeiJea”, the Mong tribe. These two protagonits present their sincere commitments to their duties perfectly.

There is no scandal happening between the man and the woman during the trip, although, Tow YeiJea later becomes Mai Jai’s lover and he is killed during the fighting. His death is viewed as devotion for the country and the party.

“ Song Ueng Nong” by Suwanthon Buphanuwong, mentions about the female twins who have different ideals as they were grown up in the different territories. Wongpetch is the beautiful lady who lives in Vientiane while Wongphan, the younger sister, is brought up in the independent Laotian territory and she has done a very courageous job for the revolution. Despite that they live a different life and ideal, Wongpetch, finally enters the revolutionist society and sees differences of lifestyles and ideals in the two territories, she then changes her ideal to be the revolutionist as her younger sister. “ Maibalea” mentions about the Mong woman, “Maibalea” whose village is destroyed by the impacts of the war. She is confined as a servant in the house of General Wangpao at Long Jeanng. At that place, she knows the revolutionist spy who teaches her about the revolutionism. Later, she joins the revolution and at the end she meets her mother and helps her father, who is General Wangpao’s follower , to change his idea and becomes the

revolutionist. In this story, Duangchai Luangpasee, the author, mentioned the objectives of the story at the end that he devotes his wisdom to the National Woman Day.

2) the female developer : the identity of the national restoration

The identity of the female developer pays attention to the female protagonist who has the absolute ideal in developing the society and the nation. Hence, careers of the protagonists are those with pride and values to the society such as doctors, teachers, government officers, the Laotian revolutionist, and the charity organisations such as the female Laotian association, etc.

The identity of the female developer was the development of the female protagonist from the previous type, the revolutionist. After the revolution, the development of the country was a must for everyone. The women was the group that the government paid attention as they promoted the Laotian women association to be equal to the ministry. Besides, the government encouraged the women to realise their role and development along with the nation, which was the objective of the Laotian women association, as mentioned that, *The developed countries as counted by the income per head normally have the outstanding role of the women in the societies. This fact can be seen by the high ratio of the women in the government's administrative role. On the contrary, in the countries that few women are allowed to participate in the social role, these countries will face many problems in development*" (Lao Women's Union 1999:6-7).

Hence the objective of creating such a protagonist was not just a reflection of the society but it was created as encouragement and promotion of the women's role for further development of the country.

The female protagonists in many literatures after the revolution have the role in social development in response with the party's and the government's policies; for instance, the economical policies as mentioned in "Look Sow Khong Puck" by Suwanthon Buphanuwong. In this novel, " Nang Kru Pim Pa", a female protagonist and a teacher, is assigned to complete her duties at Ban Pha Daeng. She has courageously done her jobs in promoting the party's policies upon the National Laotian Women Association, the child care centre, and the establishment of the cooperatives, which will mobilise the people's personal assets into the government's control. Her role is then widely respected by the public. Apart from Kru Pim Pa, the writer still paid attention to other female characters, who are of Laotian tribe, and they take part in building the new society

and new life. In the short story, “Nang Kon Nan”, by Duang Champa, which mentions the ideal of the female medical student who vows to work and devote herself for the communities, “*When I decide to become a doctor, I will not betray the country and the party who give me this good chance. I will apply to be located in the remote areas. I will go everywhere the sick people want me to be*”.

The Laotian women after the revolution in 1975, as an ideal of the party and the government seen in the literature, were different from the traditional Laotian women that “*In the traditional society, the Laotian women are in the poor condition, subordinated to the men. They have no rights in the politics. They exist for men's pleasure. Many women are forced by the poor condition of livings and social environment to become prostitutes which are condemned by traditional values. The women in the high social status are treated as ornaments or mistress. The labor women are treated unfairly when compared to the male labors. They got poor living condition*

” (Wongdala et al 1987:324).

Adding to the duties in building the new society, self development was one of the government’s vital policies. This self development covered work, education and idea, especially abolishing traditional negative idea; for example, the idea of women rights in terms of abusing in the families, as stated in the Laotian Women Development plan during 1998-2003, “*After the National Revolution and Democratic Laos Republic Declaration in 1975, the Laotian Women are released from the traditional and colonial constraints. The Laotian women's rights will be equal as the men*”.

“*However, the existing impacts from the old tradition together with the low growth of the economic system make the Laotian women face various obstacles. Therefore, in order to create an equal status between men and women for the good opportunities of the Laotian women, the party and the government pay main attention to the Laotian women to overcome the obstacles of the advance of their role. They promote all opportunities for the glorious role of women*” (Lao Women’s Union 1999:6).

Literature also played a role in supporting the aforementioned policy by portraying the equal status between men and women. The presenting of the low status of the wife abused by her husband in “Aek Puo” by Boontanong Chomchaipon reveals the poor status of the wife beaten by her husband as the man is the one who earns the livings in the family. This situation changes after

the revolution. The new system abolishes the men's dominance system. The wife has changed her attitudes and habits by working to earn the livings for the family. And she has done better than her husband. As a result, the atmosphere in the family becomes better and there is no more fighting among the partners.

Another short story, “ Rein U Reun” by Utin Boonyawong, presents the enthusiastic character of an old woman who would like to develop herself by trying to study in her old age. Finally, she becomes successful with her attempts and she can write letters to contact with her relatives who live overseas. “*At this time, nothing is pleasurable than the facts that my mother can read*”.

The aforementioned protagonists were the new identity according to the government's ideal. The identity was built to support policies in developing the country in the modern time. However, another character that emphasised the national identity and the female identity is the female cultural conservator.

3) The female cultural conservator : to support the national identity

Although the government paid attention to the role of the women as the revolutionist, their ability in work, self-development, contribution to the society, the traditional identity was still preserved. Particularly, the ideal women with good manner and their role in promoting the national culture & arts, which was viewed as the women's best job.

To pay attention to the silk weave by women in “ Kon Ja Thung Wan Nee” by Duangjampa *To wear robe with objectives, the silk robe woven by the protagonist draws compliments from those who see...the lady then is confident upon herself if there is a man to court her as a wife. She is not subordinate to the others as she has a very good weaving skills* or the fact that husband is so proud with his wife's traditional dancing skills that he doesn't want his wife to do other jobs apart from being the traditional dancing teacher. In the same story, “*I would like Keaw (the male protagonist's wife who is the traditional dancing teacher) to show her talents till her age or ability stop her from this honorable career. Her attitudes will not affect her honorable career. I, Youngonson, am so proud of the Laotian artists and the growth of their show*” (Duangjampa 1995).

The example of the female cultural conservator as mentioned previously was to promote the national identity. As an explanation, this identity not only showed the long history, culture & arts, it was also part of the national civilization and the nation's pride.

4) The mother: the identity transferred from the traditional period

Despite emphasizing the identity which was an ideal related to the society that needed restoration and development, one identity, however, was very important as its value has been transferred from the traditional period, the identity of good mother. This is an important role of women mentioned in every period of literature. Both male and female authors mention the great responsibilities and relationship that mothers have towards their children. The identity of mothers is always portrayed in all literature periods. This is different from the identity of female revolutionists and female developers which are few presented in the new imagination age. The publication of their stories was not the new production but it was the republishing.

The stories of the mothers included real life and fictions. For instance, “Mue Mae Kow Kook” by Dookked talks about the story of the writer’s mother, Nang Malee, who is kind but courageous and she has done an excellent role of the mother. Or “ Phu Pan Mae” by Duangjampa, who mentioned the characteristics of the mother, *“The mother loves to compose songs to comfort her child. Despite of being sad or desparate, if she knows that her child wants her warm touch, sweet smile or words, she will suddenly responds to those needs. Despite of fatal dangers, she is willing to fight to protect her child without any hesitation. This perfect woman deserves to be the mother.”*

In “ Duangjai Mea” by Suksawan Pontheva mentions about the mother who struggles her tough life to raise her children to become successful in their lives. Or the story that portrays love that children have towards their mothers, which also reflects the importance of the mother towards her children in “ Paeng Mea” by Utin Booyawong, who describes the feeling of the children who have to leave their mother for a long time. On the other hand, this portrays the mother’s devotion to perfectly take care of her children. And the most important thing that the children have to do is to take good care of her.

5) The prostitute: the new identity of the female in the Laotian literature

This career has been presented in literatures in many eras with different critics. In the contemporary literature in the 2nd period, prostitution was viewed as a result of the deleterious society, and materialism. There was presentation of the prostitute as voluntarily job including being deceit to be the prostitutes. Development of the characters and the stories were varied. Anyway, when the story of prostitutes was portrayed after the revolution, the authors highlighted the point that revolution converted the wrongdoers including prostitutes to the correct way of livings. These people were brought to the “seminar” and career training. This not only told the real situation, it also pointed out benefits of the revolution that was to build the new society and the new people regarding socialism. For example, “ Tawan Khun Tee Don Nang” by Utin Boonyawong, talks about the prostitute who participates in the government’s career training programme and she then turns to be a new person. “Ploy Nok” by Boontanong Chomchaipon mentions about the good prostitute who devotes to the social commitments.

During the period of the free trade development together with social development in the new imagination period, authors presented more prostitute identity in their works by giving three main reasons of being prostitutes; 1) Women who were deceit due to her aspiration for luxurious lifestyle such as “Chata Cheavid” by Chantee Duansawan mentioning about Bua Thong, the protagonist who chooses her husband because of his wealth. Finally, she is deceit to be a prostitute. The foul in “Rau Rak Kan Bo Dai” by Utin Boonyawong, mentions about women being drugged, raped and forced to be the prostitute.

The second reason was to be prostitutes due to economic factors and family burdens. The protagonist normally are the women working in Vientiane and have miserable lives such as in “Kin Pak Tob” by Niti Chaisaeng who portrays a suffering life of a prostitute in the capital.

Another reason was to become prostitutes because of their materialistic needs for a luxurious lifestyle. Normally, they are the teenagers such as in “Kong Mai” by Boontanong Chomchaipon mentioning the new prostitute who is the daughter of the man who comes for her service.

The literature that mentioned benefits of the revolution upon the prostitutes’ life enhancement was less presented in the new imagination age. The literature in this period

emphasised more about conflicts between the traditional and the modern lifestyle of the Laotian women in the modern period. The authors claimed that it was because of the luxurious lifestyle of the women. They migrated to work in the cities because they wanted a better living condition.

The general identity of women in the contemporary Lao literature

The general identity in this essay is just prior proposal not the whole conclusion as the research in this area is not completed at this moment. However, from the existing information, many useful angles are shown. The socialist realism literature in the first period showed the conflicts between love and duties. This type of literature was produced many times including the new publishing, and SEA Rite awards were presented to the authors. So, this literature and its ideal is still portrayed in the current literature, though less than before, their heritage consistently persists.

The development of the female protagonist in the following period; the female developer, an identity in accordance with the country's post-war development. The literature and the protagonist's character is viewed as socialist realism literature, which includes nation¹, party², and people³, these developments come from the Laotian revolutionist literature, “ *To serve the revolutionist purpose, the rebellion, the party's policies of the Laotian Nationalist and the people* ” (Wongdala et al 1987:343).

Thus, the identity of women in the revolutionist literature was different from the traditional literature. “ *The authors still view the imagery of the Laotian women, which previously viewed by the aristocrats as the fragile, now as sweet but courageous. The authors portrayed the imagery of the Laotian women as sweet, kind, but determined, devoted to husbands, children, and love their hometown* ” (Wongdala et al 1987:429) .

¹ The national literature means that the literature must serve the national purposes and benefits, creating the idea of independence, unity, cultural preservation, protection of the national heritage. In addition, the national cultural literature must selectively educate and choose the best cultural literature in the world, particularly, the cultural literature by Aie Nong Socialism. (Wongdala et al 1987:344)

² The party literature means that the literature must serve the party's ideal, policies, and commitments as well as the party's attitudes towards the cultural literature (Wongdala et al 1987:344)

³ people literature means that the literature takes its root from the people's real life. Normally, it relates to the fighting, the labour works for more production, the fighting for the rights and hope of the people, Also, it elevates the education of the people (Wongdala et al 1987:344)

As mentioned previously, the identity of women as revolutionist and developer was the identity pursuant to the development of the country in socialism. The aforementioned identity also supported the building of the new society and the new generation in accordance with socialism. The female cultural conservator was the identity that supported the national building as culture represented the national civilization. This was related to the cultural revolution policies. The role of mother as an ideal of the society didn't take place because of changes, but this ideality is beyond time. This is because the mother is the role that has been adored in every period as this is a vital role of women in taking good care of the family members in order to build the quality society.

The identity that is different from the others is the prostitute, which presents the bad image of the women. However, despite being the shameful career or being forced by the economic factors, the literature portrays that the prostitutes can convert to be a good women by joining at Don Tao and Don Nang after the post revolution in 1975 in order to do new jobs and contribute to the community. The identity of the prostitute is not an ideal but it presents the real situation in the society. Other identities are emphasised as ideal but the prostitution shows differences between good and bad women. However, some authors present that it is difficult to quit this shameful career as the economic hardship forces these women to be prostitutes.

Despite the facts that literature emphasises the aforementioned identities, there are some critics saying that the identities may increase more burdens to the women. The women have to work more both inside and outside the families. For instance, the comments of Bontanong Chomchaipon in “From the Kong to the Chao Praya”, “*It is true that the revolution has promoted the equal status between men and women. The women can work outside like the men do, which is different from the old period when the women was treated as the second class members of the society. In the old days, women could work only as housewife. They have to depend upon their husbands in terms of living. The revolution gives the women the new role to earn their own livings. They can do well in both role as working women and housewives.*” This may be because “*the developing countries just recovered from the colonial war. The economy was not strong, low wages and government officers earned poor salaries. If they didn't exploit from the women's labour, they will starve to death*”. This opinion is in response with that of Mayoury Ngaosyvathn (1995:12-121) that, “*Since the establishment of the new system. The majority of the Laotian women have better roles in life, politics, economy, social status...The struggles of many families, despite facing difficulties and demanding more contribution from the*

women in taking the burdens, perhaps the worst ever happened. On the other hand, the more responsibilities that happened make the women believe in their role to take those burdens.”

We can see that the roles of women as described in literature are various, from the traditional role as mother or the cultural conservator till the new role as the revolutionist, the developer, and the working women, which is the progress role. However, only progress in work that is respected. But for other aspects ,such as attire or sexual habits, they were still suppressed as these things were regarded as against the conservative look or they can be the victims of the luxurious life, as the identity that many authors present in the present time. Hence, the identity of the women in the Laotian literature after the socialist revolution in 1975 presented the conflicts between efforts of improving the women’ s status against the traditional forces of being the conservative ladies, between being the revolutionist, the developer, the conservator and the traditional role of mother and the good woman.

The aforementioned information explains very well that literature is not only the reflection of the real world, it is also the social artifact that is built for many purposes.

The literature is then the discursive practice and the social memory. The literature helps present the real society and its movement. Thus, the Women in Contemporary Lao Literature after National and Democratic Revolution in 1975 is representation of the women that merges ideality from both the government and the people as well as the identity that reflects the real life in the society.

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The Exotic Others: Cross-border Mobility, Sexual Violence and Racism in the Thai-Lao Border Zone*

Natedao Taotawin**

Temporary and seasonal, cross-border migration by Thai and Lao people is a common phenomenon. However, Thailand-Laos cross-border migration has become an issue which has received the greatest attention since the wake of the Asian financial crisis in mid-1997 (Asian Research Center for Migration 1995; 1997). In 2002, Thai authorities estimated a total of almost 100,000 documented and undocumented Laotian migrant workers in Thailand (Asian Migrant Center 2002). Moreover, a survey by the International Labor Organization (ILO) in 2000 found that more than 50 per cent of Laotian migrants from Champassak province in Lao PDR were teenagers aged between 15 to 18 years and many were involved in the sex trade (Caouette 1998). Many studies have reported that female migrant workers face a wide range of problems such as low wages, human trafficking, labor exploitation, forced prostitution, unwanted pregnancy, unsafe abortion, lack of accessibility to public health service, physical and sexual violence, discrimination and stigmatization (Archavanitkul 1998; Caouette 1998; and Kaosar-ard 2003).

To address issues on human trafficking, child abuse and exploitation of women, is a concern both at the local, national and international level. Female migrants are often presented by academics and activists alike as “inferior”, “objects”, “victims”, “prostitutes”, “vectors” and so forth. It implies that female migrants are primarily seen as the “other”, as “objects of abuse and exploitation”, as “static” and “passive”, rather than dynamic and active agents able to make rational decisions and choose their own survival strategies. Contrary to those aforementioned, my research on “Perceptions and Experiences of Sexual Violence by Female Sex Workers from Lao PDR in Northeastern Thailand”, which was done in 2004, finds that perceptions and responses to sexual violence by female migrants

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from Lao PDR are varied, depending on their socio-economic backgrounds and on how they perceive and value themselves in different contexts.

My findings show that representations of illegal female migrants as “inferior objects”, “victims” or “vectors,” are social constructions. Nevertheless, these representations of illegal female migrants have affected their fundamental rights and shaped the power relations between them and other social groups.

In this paper, I argue that representations of female migrants as “otherness” and “victims”, not only ignore perceptions and the fluidity of identities of female migrants, but also prevents them from participating in solving their own problems, providing legitimacy for strict state control and other forms of domination. The representation of female migrants as “otherness” and “victims” thus make illegal female migrants more marginalized and vulnerable. Because they are seen as inferior and powerless, they are easily controlled and manipulated.

Contexts of Selling Sex in the Border Zone

There are eight provinces in Lao PDR which border Thailand. All are known as the routes which a large number of people from Vietnam, Lao, and Cambodia use to migrate into Thailand to find jobs, mostly illegally. UNICEF’s analysis of the situation in 1996, reveals that trafficking of Lao people into other countries through Thailand as a transit country has been increasing (Caouette 1998). According to a survey by the Lao Youth Union in 1995, migration into Thailand is prevalent among girls who come from the districts that are located opposite to Thailand (Asian Migrant Center and Mekong Migration Network 2002).

Research by the Ministry of Labor and Social Welfare Lao PDR (MLSW) found that people living in rural villages in Laos pin down economic necessity, poverty and unemployment as main reasons for migrating. In addition, “social distance” between the two countries, which the MLSW defines as similarities based on language, culture, direct kinships or personal relationships, is a crucial factor behind migrants’ decision to go to Thailand. Moreover, positive, popular appeal of Thai culture has a tremendous impact on

Laotians, especially on teenagers who are influenced by Thai popular culture through Thai media and karaoke. Public attitudes, peer influences, family pressures and popular perceptions of life in Thailand are also identified as important factors. In addition, it is reported that many parents encourage their children to migrate to Thailand after seeing other migrants or their relatives return with money, new consumer appliances and financial resources to build a house (Asian Migrant Center and Mekong Migration Network 2002).

My research in Sirinthong and Khong Chiem districts in Ubon Ratchathani province, involved interviews with migrant sex workers ranging between 15 and 31 years of age and who primarily migrated from Champasak province, Lao PDR, to the adjacent province of to Ubon Ratchathani in Thailand. Most female migrants entered Ubon Ratchathani province through the Chong Mek pass, located in Sirinthong district, which has served as a cross-border trading zone since 1989. The rest migrated into the province by boat since the province shares a 187 km border with Lao PDR along the Mekong River. Most female migrant sex workers reported that economic necessity, poverty and unemployment are fundamental causes for migration into Thailand. Some sex workers agree to work as the waitresses at karaoke bars just so they can visit Thailand. Thai TV programs broadcasted in Lao PDR always portray a relatively modern way of life which appeals to many Laotians. This ideal representation is regarded by some writers as a key factor that stimulates young Laotians to abandon their traditional ways of life and pursue more “Westernized” ideals and lifestyles (Ngaosyvathn 1995). My research findings show that many sex workers from Lao PDR view going to Thailand as not only a means to escape from poverty and problems in their lives, but also as a way of acquiring other opportunities in their lives such as getting a good job, meeting a Thai partner, obtaining Thai nationality or even having an adventurous experience (An interview with many sex workers from Lao).

In addition, the inferior status of women in traditional Laotian society, gender inequality and discrimination against women engendering in development in recent years are reported as crucial factors that make Lao girls and women agree to seek a job and a better life in Thailand. In Lao PDR, women's lives remain tied to heavy workloads. In Lao agricultural society, men do little in agricultural work. Women generally work at least three times more

than their husbands. Apart from the hard work in the fields and forced public labor, cook all the meals, gather wood and of forest products, fetch water, feed the animals, do the gardening, braid herbs and bamboo together for roof material, embroider leaves for mats or baskets, and look after the children, all these activities are exclusively the responsibility of women. Girls from poor families have particular difficulties attending both formal and informal education (Ngaosyvathn 1995).

In informal education, Lao women, like their peers in other Southeast Asian Theravada Buddhist countries, are forbidden to be a part of the monastic male-oriented life. On the one hand, women do not have the opportunity to be ordained. On the other hand, Buddhism is dependent on women devotees for its survival. Women need religion for salvation in their next lives. A son may make merit for their parents by becoming a monk for a few months while a daughter is encouraged to make merit by caring for her parents. If she does this well and earns money for her family, she can conceivably be reborn as a man in her next life (Kirsch 1975). The construction of ideologies of female inferiority and dependency in Buddhist discourses is reproduced in Lao popular literature, such as fairy tales and novels, which tend to create and reinforce gender inequalities. Women are taught to be self-sacrificing and self-denying in both 'private' and 'public' spheres (Ngaosyvathn 1995).

Moreover, many Lao folktales have constructed the image of 'good' and 'bad' women as a mean of controlling women's behavior. 'Good women' are deemed as polite and to be subservient to men in exchange for their protection, honor, and security. They are thus dutiful daughters and good wives. In contrast, 'bad women' are not 'owned' by individual families or individual men, including women who loose their virginities before marriage and prostitutes. They are considered 'spoiled', 'indecent', or as 'whores' (Brown 2000). Even the distinction between 'good' and 'bad' women is quite rigid, utilized as an important marker in many societies in Asia where the virginity of women is highly valued. In my study, I found that the construction of gender discourses based on such ideologies have a remarkable influence on Laotian female migrants' decisions to cross the Thai border and, later, to agree to perform sexual services. Young single girls who perceive themselves to be 'dutiful daughters' thus believe it is their responsibility to earn money for

their families, even if it means selling sex. Laotian widows or those who have lost their virginities before marriages or those whom are abandoned by their partners, perceive themselves as ‘fallen women’, who are undesirable to men in their communities. Their perceptions of themselves as ‘bad women’ results in their opting to provide sexual services as a means to earn a living.

Girls who attend schools and get a formal education are introduced to the notion of women’s rights, which have been promoted under the new regime. However, they tend to abandon school studies mid-way, due to the lack of financial support, and in order to help in the home or to look for a job outside the home. Parents often prefer to educate their sons and pull their daughters out of school. Education for girls has often played a secondary role. Different perceptions of gender roles contribute to this discrimination against girls (Ngaosyvathn 1995). As a result, in most families, girls are given lower priority than boys in gaining an education. Women thus tend to receive lower wages than men in almost all sectors. Many female migrants whom I interviewed said they either had a primary school education, or no formal education at all. As a result, they felt they lacked necessary skills required in modern society. That is the reason why they have limited options and likely to accept prostitution as a means of surviving in Thailand.

Sexualizing Borders and Sexual Violence

Border zones have been widely reported as providing opportunities for illicit sex. The creation of fictions, films, and the Media, have aided in turning the image of seeking sexual license across state lines into a stereotype. ‘The border’ metaphor in popular culture invokes a range of potentially transformative sexual experiences and life cycle transitions. Thus the state border has been used as a dramatic device to underwrite the passage from childhood to puberty, from boyhood to manhood, and from conventional to liberating sexual practices. Border has become a metaphor for crossing the border into sexual emancipation. Although the relationship between borders and sex trade is reported by many scholars, some have argued that prostitution is not found at all borders, nor it is found only at borders. Many factors can contribute to the presence or absence of prostitution in borders, among them its legality or illegality in the states concerned, the

ability or willingness to enforce legislation, and the moral voice of the wider society. Labor market conditions obviously play a major role in encouraging prostitution along borders where economic imbalance and differential standards of living between two countries are particularly marked. Prostitution seems to flourish where scarcity of jobs, poorly paid employment, and limited openings for unskilled workers is juxtaposed with easily accessible and comparatively prosperous potential clients (Donnan and Wilson 1999).

Many researchers report that the sex trade seems to flourish along the sections of the Thai border which have a comparatively stable economy, as well as those sections characterized by collapse, transformation or recovery from the ravages of war (Archavanitkul 1998; Caouette, Archavanitkul, and Pyne 1998; Donnan and Wilson 1999, Lyttleton and Amorntip 2000; and Darwin, Wattie, and Yuarsi (ed.) 2003). In Ubon Ratchathani province, Thailand, agriculture constitutes a main source for population, together with commerce and tourism (National Statistic Office 1996). Although there is little information about the income generated by the sex trade in Thai-Lao border areas, it is reported that the illicit trade in sex has been, and remains, central to the border economy (Donnan and Wilson 1999). An official report in 2003 reveals that there were 50 entertainment places in border areas of Ubon Ratchathani; 24 located in Sirinthon district; and 5 located in the Chong Mek area were involved in sex trade (Office of Ubon Ratchatani Public Health 2003). Unaccounted for incomes are pocketed as bribes by members of the police and municipal authorities who harass the only prostitutes operating within the law, and uncounted budgets are allocated to the state to regulate illegal migration, 'clean up' the situation and eliminate corruption. It is in this sense that prostitution could be seen as being part of a subversive economy.

In addition, cross-border prostitution is frequently an element in the body politics of border regions. As a commodity purveyed in the local border economy, as a factor held responsible for the spread of disease, or as a focus for violent acts, sex, and those bodily parts associated with sex, may be used as means of both enacting as well as representing relationships in wider society. In many border settings, sex seems to provide an analogy for many of the features typical of relationships across state borders. Sex is referred to as the 'tactical use of passion' by many writers. Rape is used as a brutal tool in ethnic conflicts as

so commonly reported elsewhere. Where the border is regarded as a ‘scene of sexual and economic transactions between a state and its population’, it is suggested that the sexualized female body can be seen as ‘a symbolic site upon which the protective impulses of state, communal and familial patriarchal orders converge’. Sexual acts can be a powerful idiom of inclusion and exclusion. Moreover, it may be deployed in border zones as both a violent act and as a symbol of resistance. Rape and penetration are both a metaphor and a physical threat. Sexual violation is simultaneously a way of talking about borders and one way of violently enacting their reality in an arena where political boundaries are readily perceived as the boundaries of the body itself. In the contested politics of border zones, the sexualized body may become the weapon of the disempowered as well as of the state in its effort to consolidate control (Donnan and Wilson 1999).

My study found that accumulative rates of HIV/AIDS infection in Ubon Ratchathani province increased continuously from 1982 to 2003. Three districts in the border areas were identified as the highest infected areas. Sex workers from Lao PDR have been identified as major targets of state control and of stigmatization as a source that spreads the disease (Office of Ubon Ratchatani Public Health 2003). This increase prompted the state to control sex service-related businesses in the Chong Mek area. At the end of the year 2003, all sex service-related businesses in the Chong Mek area were closed down by Thai state authorities. However, this seemed to aggravate, rather than ameliorate the situation.

A local NGO activist working in the area reported that the implementation of such a policy without any measures to support female migrants results in more complexities. Some of them moved to work in sex service-related businesses in Khong Chiam, another district of the province, while the rest migrated to the interior of the country. It is believed that this policy has not only had a negative impact on HIV/ AIDS prevention, but also paved the way for traffickers to recruit more female migrants into prostitution in big cities of Thailand, or other countries. In addition, it is believed that physical and sexual violence, already prominent among Lao female migrants, may increase because, with strict ‘controls’ by the state, female migrants have to rely more on pimps and traffickers to access sex work in Thailand.

In 2004, when I was in my fieldwork sites, sex service-related businesses in the Chong Mek area and Khong Chiam district proliferated due to a decline in state control and high demands of Thai male clients who always visit Thai-Lao borders to seek sexual services. Female migrants from Lao PDR are vulnerable and easily manipulated and exploited due to their young ages, their illegal status and their lowly viewed ‘prostitute status’. In my study, even those who agree to sex work were unable to avoid sexual violence and other forms of exploitation due to their dependence upon others. Sex workers from Lao PDR in border areas of Thai-Laos face four forms of violence: forced prostitution, forced sex, sexual harassment, and being deceived or forced into having unsafe sex.

Cross-border trafficking is a common method that traffickers use to recruit young Laotian children and women into sex related-businesses in Thailand. However, a conventional form of trafficking, wherein trafficked girls and women are beaten, or abused and locked in a room, is rare in my study sites. Contrary to popular belief, forced prostitution with subtle deception is much more common. Recruiters in both Thailand and in Lao PDR, promise or convince female migrants ‘a good job’, which is to begin with, a regularly job such as a waitress in a restaurant or a vender in a food shop or a housemaid where no sexual service is involved. Most Laotian girls and women are likely to accept such an offer because they gain relatively higher pay in Thailand compared to other occupations available in their country (Interview with Laotian waitresses). Recruiters prefer to make young Laotian girls and women trust them rather than use coercion. Moreover, most recruiters nowadays are Laotian former sex workers, who are friends, relatives or neighbors of young Laotian girls and women. They are thus easily persuaded to cross borders. Thai sex related- business owners likely to use this method to recruit new staff. This method is not only cheaper, it also helps them avoid problems with Thai authorities. Moreover, Lao girls and women who are recruited in this way are likely to have characteristics that meet Thai clients’ needs. This results in competition among entertainment places to recruit new staff from neighboring countries (Interviews with Karaoke bar owners in 2004). Demand from men in rich countries is thus a key factor encouraging women from poorer countries to cross borders. Prostitution in this sense has a

function in meeting the sexual desires of men in richer countries and thus a means to retain men's power over women's, and the wealthy over the poor (Brown 2000).

Apart from girls and women who are trafficked and deceived into prostitution, some female migrants might agree to enter the profession after facing some form of life crisis. They are usually older than Lao sex workers, with ages ranging between thirteen and twenty years. Some are divorced, while others were abandoned by their husbands or had children who they need to take care of. With this burden on their shoulders, they seek work in Thailand. Besides, they perceive selling sex in Thailand is better than in their own country because no one in their communities finds out how they earn a living. Their age and lack of alternatives make sex workers appealing. Some migrants believe that if they perform such a profession with perseverance, they can be successful in this avenue (Interview with Lao migrant sex workers 2004).

In their workplaces, female migrants have to accept various forms of abuse and exploitation. Laotian waitresses have to work longer than twelve hours a day because most entertainment places open at noon and close after midnight. However, if they have to provide sexual services to clients, they may have to work even longer, probably until the next day. Regardless of their hard work and long hours, these workers receive very low wages or no wage at all. They usually make their earning from small tips and selling sexual services. Owners of entertainment places supply nothing more than lodging. Most Lao sex workers live together in a small room at their workplaces. Their residences are rudimentary, have no windows and are usually overcrowded. These kinds of residences not only prevents businesses from being observed by 'outsiders', but they are also easily dismantled if the police come to raid the place. Some entertainment places supply free food though low quality for their workers, but many of them do not (Interviews with various sex workers and field observation).

Apart from forced prostitution, sexual harassment is a common form of sexual violence faced by Lao migrant sex workers because its serves as a selling point which karaoke bar owners use to attract Thai male clients. Forms of sexual harassment include such things as unwanted sexual advances, intrusive touching and requests for sexual favors. The

phenomenon is closely linked to gender inequalities which attribute Lao waitresses an inferior status in terms of sex, class, age and race. Karaoke bars, broadly known as sex-related entertainment places, allow waitresses to be sexually harassed. This form of behavior is normalized. Many Thai clients who frequent karaoke bars regard sexual advances as an initial step to get sexual services from Lao waitresses. Most Lao waitresses are under eighteen years old. They come from a culture where sexual relations outside marriage are strictly prohibited and are considered shameful. As a consequence, Lao sex workers feel embarrassed when they experience sexual harassment. Thai clients perceive such behavior to be acceptable in sex-related establishments and interpret embarrassment as a sign of acquiescence. Moreover, some clients even believe that Lao waitresses like this practice and are likely to accept it more easily than Thai waitresses. They believe if waitresses did not like being sexually harassed, they would quit their jobs (Interviews with Thai clients and Lao waitresses 2004).

Thai clients' interpretations of sexual harassment are different from Lao waitresses'. Sexual harassment is perceived by Lao waitresses as a form of sexual exploitation. They feel a mixture of fear, anxiety, excitement, irritation and discomfort. However, their perceptions and responses to sexual harassment vary, depending on their background and on the context where incidents of sexual harassment occur. Most Lao female migrant sex workers regard sexual harassment as a form of sexual exploitation. Sex workers who are deceived or forced to do sex work consider sexual harassment as a form of sexual exploitation. They view Thai clients who do this as impolite and untrustworthy and try to keep their distance from these clients or might refuse to sell sex to them. Those who agree or choose to do sex work consider themselves as professionals who should learn how to dress up and perform in order to attract Thai clients and make money as much as they can. They perceive the practice as an irritating one, but at the same time as a "duty" which they should perform (Interviews with Lao waitresses 2004).

Forced sex is another form of sexual violence among Lao female migrants. An NGO activist who was working in Thai-Lao borders revealed that there were many Lao female migrants who were forced to have sex with Thai state officials, pimps and people in trafficking networks (An interview with a local NGO activist). A local reporter insists that

some Lao female migrants were forced to have sex by Thai state officials during the process of being repatriated. The reporter sited a scandalous item publicized in a local newspaper that a Lao female migrant was raped and killed during her deportation to Laos. Her family thus came to Chong Mek sub-district to request an investigation (Interview with a local reporter). In my study, many Lao sex workers said they used to be asked by Thai policemen and state officials to give sexual services in exchange for not being arrested and deported. They consider forced sex as a form of sexual exploitation, so thus view it as legitimate to refuse to do so. They prevent themselves from being forced to have sex by asking karaoke bar owners to negotiate with officials, or tell a lie that they are sick or have their period. However, at least three Lao sex workers I interviewed confirmed that their friends were forced to have sex with Thai state officials (Interviews with some Laotian sex workers 2004).

Being forced or deceived into having unprotected sex is another form of sexual violence that occurs to Lao sex workers. "Perd-sing" is a popular practice among Thai male clients (Interviews with Laotian sex workers 2004). It is believed that having sex with young virgin girls or women is not only safe from STDs, but also gives energy and a prolonged life. The feeling of rejuvenation is a significant cause that makes Thai clients not want to use condoms while having sex with young girls or women (Interviews with Thai male client of Laotian sex workers 2004). The demand to buy sexual services from young virgin girls or women by Thai men has partly contributed towards an increase in child prostitutes in Thai-Lao border areas in recent years.

In addition, the high price paid to virgins is another factor attracting young Lao girls and women to Thailand. The price for sex with virgin women is usually 10-30 that of selling 'normal' sexual services (Interview a karaoke bar's owner). Young virgin girls and women may decide to sell their virginity without using a condom if they are convinced by karaoke bar owners. During their early work period in Thailand, they are usually told by karaoke bar owners that they have limited chances to sell sex in exchange for high payment. If they hesitate to sell their virginity the first time they are approached by karaoke bar owners, they would later receive only normal pay for selling sexual services (Interviews some Laotian sex workers 2004). This is why many young virgin female migrants decide to sell

their virginity fast although they do not intend to do sex work and are afraid of HIV/AIDS infection. Such a decision might be accelerated by their need for money.

It is a common belief among Thai men that having sex without a condom is more pleasurable. Some clients agree to buy sexual services and promise to use a condom, but later take it off during sex without informing the sex worker. This situation leads to a high risk of pregnancy and HIV/AIDS infection among Lao migrant sex workers. Two Lao sex workers who have experienced this several times said that although they are aware of the disease and always negotiate with Thai clients to use a condom and refuse to sell sexual services to those who don't want to use one, they cannot prevent the risk of contracting the disease. They added that they often cannot recognize when clients will break the agreement. Sex workers who have been deceived into having sex without a condom continue to perform sex work without having a blood test. They admitted that they kept the story a secret because they were worried about being forced to quit their jobs (Interviews with some Lao sex workers 2004).

An official report in 2003 states that HIV/AIDS epidemic in some districts of Ubon Ratchathani has become severe. Thai men who frequent sex workers were identified as the most vulnerable to contracting the disease. However, the official number of Lao sex workers who have been infected with STDs and HIV/AIDS is not available (Office of Ubon Ratchathani Public Health Care Service 2000). This is partly ascribed to the fact that Thai men tend to ignore to use a condom wherein Lao migrant sex workers cannot access to reproductive or sexual health care services provided either by Governmental Organizations (GOs) or by Non Governmental Organizations (NGOs) (Interviews with local NGOs workers in Thai-Lao borders 2004). In addition, the public health care center is quite far from their workplaces and services from private clinics are expensive for them (From field observation). Moreover, most Lao sex workers are afraid of being arrested if they ask for help from state officials while public health care officials themselves never regard migrant sex workers as their target group for services (Interview with Lao sex workers and a public health care provider 2004).

Besides being subjected to sexual violence, as above mentioned, Lao sex workers are usually also deprived of freedom: they are not allowed to contact people without permission from karaoke bar owners. Some cannot freely go to the market or contact any Thais. They cannot even go out with clients who become their boyfriends. Mobile phones become necessary tools that Lao sex workers use to contact the outside world. The phone is helpful when Lao sex workers run into some problems with their clients or state officials, as they can call their employers for help. Moreover, they can call their clients who become their boyfriend to ask for financial support when they are short of money (From field observation 2004). Lao sex workers consider they are helped by karaoke bar owners in getting a job, finding residence, and being protected from arrests by Thai officials. This is a reason why they think that working as a waitress without pay is acceptable. They perceive the bar rule that limits their opportunity to meet other Thais and to go outside without permission to be there for their own protection rather than to deprive them from their freedom (Interviews with some Lao sex workers 2004). However, this rule prevents Lao sex workers from forming a social network. Therefore, when they face exploitation or abuses from their employers, they cannot seek help from anyone else.

As prostitution is usually regarded as an illegitimate profession in Thai society, Lao sex workers are unavoidably stigmatized as ‘whores’, ‘bad women’, or ‘women who have impurity’. People living in communities where there are karaoke bars, can recognize Lao female migrants, but usually never have any contact with them. Lao sex workers are discriminated because of their status as illegal migrants (From fieldwork observation and interviews with some villagers). Thai clients recognize them only as whores, but never pay attention to their other gender roles such as their roles as daughters, sisters and mothers (Interviews with some Thai male clients of Lao sex workers 2004). This causes Lao sex workers to be dehumanized. Thus, they always consider themselves as having no value or being unworthy of being loved.

Thai state officials also perceived Lao migrant sex workers as ‘whores’ or ‘illegal migrants’. This strips Lao sex workers of protection of their human rights and access to other assistance. Their status as illegal migrants prevents them from accessing to knowledge and services related to reproductive and sexual health. As a result, Lao sex workers usually learn about condom use and STDs or HIV/AIDS protection by their

employers and their Lao colleagues. Although all Lao sex workers who were interviewed admitted that they were afraid of HIV/AIDS, only a few had proper knowledge about protection of the disease. Cultural gaps and language problems make negotiation for condom use with their clients difficult. Moreover, lack of self-esteem and knowledge about reproductive health and rights becomes a major barrier that deters them from gaining access to public health services (From field observation and interviews with Lao sex workers 2004).

This study found that most GOs and NGOs working in the study sites focused on prevention of STDs and HIV/AIDS. Only a few organizations offered services related to women's sexual and reproductive health, and none touched issues of human rights, reproductive rights and violence against women. Information about proper contraception, prevention of STDs, safe abortion and other related issues is highly needed among Lao sex workers as well as their employers.

Prostitution and Racism

Sexuality is perceived by Thai men as a natural and biological instinct and, having sex, is a way of verifying and asserting their manhood. Many explanations for the demand for prostitution see some level of prostitution as inevitable, at least for single men expected to bring sexual experiences to marriage. To some extend, this explanation draw on Thai gender conceptions in which men are thought to require outlets for their sexual drives. Such a belief is related to a popular idea among Thais that extra-marital sex by men is neither normal, nor appropriate practice for single men. A visit to a brothel serves as a rite of passage for many young men in Thailand. Their close friends may arrange a visit to a brothel for them. In such a situation, young men must go through the rite if he wishes to retain his dignity and sense of 'manhood' (Havanon 1996).

In Thai society, having sex in general, as it is believed, helps release tension or stress and having sex with young girls engenders a healthy and prolonged life. However, men cannot have sex with "normal women" outside marriage freely due to social norms about virginity and monogamy whereas commercial sex is practiced openly in Thailand. Many Thai men

consider that commercial sex is simply part of life. The belief is related to a popular idea among Thai people that extra-marital sexual relations with “normal women” are not appropriate for married men. Thai wives generally view men’s occasional visit sex workers as more acceptable than that with non-commercial sex partners because the latter may potentially jeopardize their emotional and financial wellbeing.

Peer pressure to purchase sex is strong among Thai men. Thai men who refuse to visit prostitutes together with their friends are branded ‘weak’ for being subordinate to their wife’s powers. Drinking and visiting prostitutes among close friends thus mark trust and friendship and it is sometimes used as an entry point for business negotiations. This practice is particularly popular among middle-class Thai men and a factor encouraging married men to frequent prostitutes (Saengtienchai, Knodel, Vanlandingham & Pramualratana 1999).

Constructions of gender and sexuality promotes cross-border mobility and affects the socio-economic and demographic composition of migrant flows. Female beauty in Thailand is often associated with lighter skin tones. In Thailand, such women traditionally came from the north. However, women with light skin from neighboring countries are often seen as attractive and are often sought after as sex workers in Thailand or in border areas of neighboring countries. An increase in sex workers from Myanmar and Vietnam in Thailand is partly based on the body image that they are viewed “cleaner” and “safer” by Thai clients (Boonmongkon, Guest, Marddent and Sanders 2003).

The border areas itself are also a factor promoting cross-border sexual relations. Lyttleton and Amarapibal (2002) explored cross-border sexual relations and explained that Mukdahan province in northeastern Thailand is seen by Laotian women as a flashy city of concrete and glass. This attracts Laotian women who want to earn money. In contrast, Suvannakhet, a province in Laos, is seen by Thai men as dusty and lacking in infrastructure. Social constructions of both physical space and corporeal or bodily space are thus important factors influencing Thai men’s decision to pursue commercial sex across the border for the sense of “novelty”. They describe sexual interactions there as a fresher and newer experience or as giving them the sense of “conqueror/ explorer” that

endows local women with an exotic appeal. The erotic appeal of Laotian women is partly based on “their difference”.

Transnational trafficking in women and prostitution is profoundly linked to racism. Images of “the exotic” are entwined with ideologies of racial and ethnic difference: the “prostitute” from Lao PDR is defined as “the other” by Thai clients because of their racial or ethnic origins. Constructions of women as “good” or “bad”, “woman” or “whore”, reinforce and attribute legitimacy to ‘proper’ sexual relationships intended for marriage. In such relationships, the family usually sets limits on the appropriateness of sexual partners based on nationality and ethnic membership. Prostitutes from Lao PDR, like brown and black women, are often regarded as “the exotic” by their clients. Constructions of image of these women as desirable, tantalizing, erotic subject imply that these women are seen as suitable for temporary or non-marital sexual intercourses. The ideal “outside” woman is rarely seen as a candidate for a long-term commitment, an equal partner, or as a future mother. The brown or black woman thus represents the “unknown” and “forbidden” positioned in dominant discourse as the subordinated “other”.

The exoticization of the “other” is as important as economic factors in positioning women in sex work. Race and ethnicity are thus important factors for understanding contemporary sex industries. The eroticization of women from Third World’s cultures is integral to the constructions of female sexuality as highly attractive and fascinating, yet related to the natural primitiveness and lower order of the other cultural group. Away from the repressive social codes of conduct in Western Europe, these strange cultures, and particularly the women in them, became sites where sex was neither penalized, pathologized, nor exclusively thought of as procreative. Enslaved, indentured and colonized womanhood thus came to represent uninhibited and unrestricted sexual intercourse, a situation that in many ways is today reflected in the global sex industry (Kempadoo and Doezena 1998).

In my study, Laotian girls and women are likewise viewed by Thai clients as “the exotic others” (Interviews with Thai clients of Lao sex workers). This gives them an erotic appeal, although Lao women look very much like northeastern Thai and most of their clients are Thai men in the region who share a similar dialect and culture (Interview with

Thai clients of Lao sex worker and fieldwork observation). Laotian sex workers' bodies are considered by Thai men as the very embodiment of Lao PDR, which is generally considered as a country of relatively lower economic development and less modernity. For Thai men, consumption of Laotian women's bodies enhances their sense of superiority and civility. The construction of Laotian women's bodies as "exotic" by Thai men, and as the "new products of the sex industry" by owners of sex service-related businesses, reflects men's power and domination over women's bodies and definitions of gender and sexuality. The representation of Laotian girls and women as "the exotic other" is thus an important factor promoting the trafficking of women cross-borders for sex trade.

Concluding Remarks

That illegal female migrant encounter deception, abuse and exploitation is well established. However, in this paper I have argued that Laotian female migrants can not be seen as "the other" or as "victims" without also taking into consideration their perceptions and reactions to situations of abuse and exploitation. In Thai-Lao border areas, I rarely encountered female migrant sex workers who accepted sexual violence without any resistance. Sexual violence might be accepted in some contexts, but this usually occurs under particular circumstances, when women are under pressure or have no other choice. Female migrants from Lao PDR generally show their ability to make rational decisions or choose their survival strategies to react to situations of abuse and exploitation.

In many cases after female migrants who are trafficked and deceived into prostitution in Thailand, learn that their work involves a waitress in a karaoke bar where sexual service is involved, they refuse to do sex work and decided to migrate back to their original communities in Lao PDR. Those who agree to perform sex work in Thailand, perceive prostitution in Thailand as a temporary job which can enable them to earn money without people in their communities in Lao PDR finding out. Many Laotian sex workers said they will give up such a profession if they can save enough money to start up a businesses or if they can support their siblings to finish school. Some said they would like to find love them when they go back to their communities. That is the reason why they view

prostitution in Thailand as a temporary life option and are afraid of being stigmatized as a ‘whore’ by their communities.

In addition, Lao migrant sex workers use many strategies to cope with incidents of sexual violence. They prefer to avoid sexual violence altogether rather than having to resist once it occurs. Lao sex workers said that they observe Thai clients’ behavior when they come into the bars. Then they decide how to deal with different kinds of clients. If a client appears impolite or aggressive, they would try to keep their distance to avoid any risk of sexual violence. They do not sell sex to Thai clients whom they consider likely to commit sexual violence and who look untrustworthy. If incidents of sexual violence occur, they respond to it in various ways. In some contexts, they allow it to happen and perform as sex objects. In many other contexts, however, they resist it. Strategies they use in response to such incidents reflect that they separate their identity as “women” from that of “sex worker”. They might represent themselves as sex workers when they are working, but they are women, sisters or daughters in other contexts in their lives. The different ways women perceive themselves affects the way they respond to sexual violence. Thus, their identities are very fluid, depending on how they choose to represent themselves to people. The different strategies used to resist to sexual violence, however, shows that Lao migrant sex workers are not passive sexual objects or victims, but rather active agents.

Despite the aforementioned, some Laotian waitresses said that they decided to migrate to Thailand even after they were informed that sexual service was involved. These migrants are generally women who had lost their virginity outside of marriage, were divorced or had been abandoned by their husbands and left with children to take care of. Although they are aware of risks of pregnancy and HIV/AIDS infection, they choose sex work as a life option and thus can be seen as “voluntary prostitutes” rather than “forced prostitutes”. However, they always negotiate with Thai clients to use a condom before agreeing to sell sex and refuse to perform sexual services to those who refuse. They cannot prevent a risk of contracting the disease because Thai clients often take off condoms during sex without informing sex workers. In addition, sex workers said that they do not know when clients will break an agreement. This situation shows that the capability to prevent sexual violence among female migrants is limited, especially in complex situations. Further study is needed

to better understand how sexual violence can be best avoided and what should be done in the future to empower them.

Moreover, more research is needed to learn how culture influences sexuality and in which context Lao girls and women decide to do sex work (e.g. loss of virginity outside of marriage). In addition, long-term strategies should be set by the Lao government in order to cope with problems related to gender inequality and discrimination against women in Lao PDR. Public awareness campaigns about the causes and consequences of cross-border mobility, global trafficking and global sex trade should be undertaken, especially in some communities in Lao PDR where women trafficking and cross-border migration is a problem.

In Thailand, more research needs to be conducted in order to gain a better understanding about male sexuality, including sexual preferences and related behavior. In this study, it is found that Thai men prefer having sex with young virgin girls, foreign sex workers or having multiple sexual partners. Some Thai clients are unwilling to use condoms and have risky and exploitative sexual behavior. Future studies should focus on factors related to their sexual satisfaction, especially their sexual preferences for foreign women, and the degree to which commercial sex or sexual intercourse with multiple partners is practiced and accepted. More research should be done to deconstruct masculine sexuality and understand the factors that result in male domination. Last of all, a means should be developed to distinguish voluntary migration from involuntary migration because various problems faced by migrant sex workers have very different implications depending on whether they are forced / coerced into prostitution, or whether there was some level of “choice”.

Getting married to foreigners through match-maker agencies in Vietnam

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Definitions

- Foreigner:

According to Article 9 of the governmental Decree 68/2002/ND-CP, *foreigner* comprises those who have not Vietnamese citizenship and have no citizenship.

- Matchmaking activities:

Matchmaking activities discussed in this article are commercialized. Cases involved the study focus on marriages between Vietnamese women and Taiwanese men that is becoming a tendency in Vietnam.

1. Status of cross-border marriage through marriage agencies

In the past decade, the phenomenon that Vietnamese women seek life partners from foreign countries, especially from Taiwan, is on the up trend.

There were 1,090 local women marrying foreigners from Taiwan, Australia, America, Canada and France in 1993, indicated the statistics of Ho Chi Minh City Department of Justice. Amongst, some 152 women or 13.9 percent got married with Taiwanese. After five years, the figure of cross-border marriages quadrupled (4,394 cases). Especially, the number of marriages with Taiwanese men saw an eleven-time increase over that of 1993. Since 2001, cross-border marriage boomed with 27,544 cases including 10,885 cases with Taiwanese, representing 39.5 percent (HCM City Women Newspaper dated November 17, 2001). (*See Table 1*).

Table 1: The number of Vietnam women marrying foreigners

Year	Taiwanese	American	Australian	Canadian	France
1993	152	266	409	146	117
1994	546	533	349	181	110
1995	997	1.334	416	301	138
1996	1.843	1.661	679	284	134
1997	1.551	889	297	228	103
1998	1.798	1.612	354	449	181
1999	2.001	1.728	366	458	187
2000	1.997	1.706	376	415	207
2001	10.885	9.729	3.291	2.462	1177

Source: Service of Justice (HCM City Women Newspaper dated November 17, 2001).

According to the information of Ministry of Justice on 14 April 2005, the number of Vietnamese bride in Taiwan is about 80,000.

For the time being, the phenomenon that Vietnamese women marry foreigners, especially Taiwanese men, becomes prevalent in southern provinces such as Soc Trang, Dong Thap, Vinh Long, An Giang, Tay Ninh, and Ho Chi Minh City. It is forecasted that the tendency of marrying Taiwanese men is spreading from HCM City to neighbouring provinces.

In HCM City, if there were nearly 2,000 cross-border marriages with Taiwanese men in 2000, the number of cross-border marriages with Taiwanese men in the city in 2002 reduced to over 800 cases (Law Newspaper, dated April 29, 2003).

In Tay Ninh province, to the end of 2004, there are 10,486 Vietnamese women marrying foreigner, 8,051 of them marrying Taiwanese (80 percent).

In Can Tho province, the women' union show that there are 2,500 women marrying Taiwanese every year. Since 1995, there are 11,000 women marrying Taiwanese. Tan Loc commune, Thot Not district is the hottest area in this province with 575 cases. (Vietnam news, dated autumn, 2005)

An Giang province has 3,511 marriages with foreigners between 1993 and November 2002 and 2,177 of which are marriages with Taiwanese men through matchmaking agencies (Family and Society Newspaper, dated August 29, 2003). In 2000,

more than 200 families in Vinh Trach commune, Thoai Son district of An Giang province intended to give their daughters in marriage with Taiwanese men; Over 100 young women of Vinh Thanh commune of Chau Thanh district got married with Taiwanese men. In communes of My Khanh, My Thoi of Long Xuyen city, there is a fact that three daughters of a family got married with Taiwanese men through matchmakers (HCM City Women Newspaper, dated February 7, 2001).

At present, most of marriages between young Vietnamese women and Taiwanese men are through matchmakers. In 1997, the proportion of matchmaker-based marriages with Taiwanese men was 46.85 percent and it is up to 85 percent in 2002. (*See Table 2*)

Table 2: The rate of matchmaker-based marriages

Year	(%)
1997	46.85
1998	52.30
1999	54.8
2002	85.0

Source: Family and Society Newspaper, dated July 8, 2003

What are reasons for the increase in the number of women marrying foreigner, especially Taiwanese and the development of commercialized matchmaking activities? The first reason is economic integrated process. Since the beginning of 1990, culture-economic relationship between Vietnam and Taiwanese has been developed. Many Taiwan Business Organizations have been established in Vietnam, especially in Ho Chi Minh City. The relationship between Vietnamese and Taiwanese becomes friendlier. Secondly, the return of some women marrying Taiwanese in rich condition after 1990s or the richness of these women' families forced so many other women to marry Taiwanese men. Thirdly, the governmental Decree 184/CP on marrying proceedings between Vietnamese and foreigner that took full effect in 1995 created legal basis for spousal relationship between Vietnamese and Taiwanese. This decree has no regulation on ban matchmaking activity. Therefore, many agencies have organized commercial matchmaking activities. These agencies are more popular, attracting more and more people because of the big profit. For example, a Taiwanese groom has to pay about US\$ 5,000 to US\$ 10,000 to marry a Vietnamese bride. After deducting all expenses, the bride' family receive only US\$ 500 to

US\$ 750 (Lao dong newspaper, dated June 15, 2003). So that, a successful matchmaking will bring in maximum US\$ 5,000 of profit for the agent. That is also the reason why 44.15 percent of respondents said that many women were convinced to marry Taiwanese by matchmakers. (Vietnam women newspaper, dated July 24, 2003).

2. Matchmaking-based marriages with Taiwanese men in Vietnam in recent times

2.1. Patterns of matchmaking activities with Taiwanese men in Vietnam in recent years

At present, matchmaking activity in Vietnam exists in two patterns: Organised agency and individual agents.

Organised agency often comprises three layers and each layer is an organisation or an agent. The first layer comprises Taiwanese agencies in Vietnam. The second layer refers to big matchmakers. Because of language affinity with Taiwanese, most big matchmakers are ethnic Chinese. These big matchmakers play a strategic role in cross-border marriages. Their language advantage enables them to convey important information to Taiwanese agencies, and interpret for Taiwanese males if necessary. In addition, big matchmakers are in charge of many miscellaneous details including the arrangement of meetings, wedding banquets, and accommodations. These big matchmakers typically have many “small matchmakers” to help them, especially to help contact with future brides. Small matchmakers constitute the third layer of industrial organisation. They go to the countryside to search for women who might wish to marry foreigners and encourage them attend the meetings with potential Taiwanese males. (Quoted Quarterly Review, Vol.40 No6, 2002, p.104).

In Vietnam, there is no reliable data of matchmaker agents of cross-border marriage in Vietnam. However, Taipei Economic and Cultural Office (TECO) in HCM City had required all agents to wear a license badge when entering the TECO office. At the time of survey, the badge numbered B246 indicating that there may be more than 246 agents registered at TECO (Quoted Quarterly Review, Vol.40 No6, 2002, p.106).

Individual agents are mostly Vietnamese married to Taiwanese. They seek potential customers when they come back home country. The potential customers are often young women in their hometown or their acquaintances. Those individual agents try to persuade their potential customers to get married with the Taiwanese men. And with each case of matchmaking, the individual agent is paid commission. (HCM City Women Newspaper, dated February 7, 2001).

2.2. Process of a matchmaking-based marriage

Nowadays, the alarming problem in commercial matchmaking activity is the process of Vietnamese would-be brides selection that are adverse to the honor and dignity of Vietnamese women. There are 3 steps in this process:

The first step: Seeking for would-be brides. This step is often undertaken by the small matchmakers who are so called brokers by some newspapers. The small matchmakers are often local people so that they know well situation of their customers. Their target customers are young women who are living in distress or those who indulge in pleasures. They try to convince the young women customers to agree to get married with Taiwanese men. (The brokers in this case are not matchmakers. They are paid to help matchmakers in the initial stage of matchmaking-based marriages.)

The second step: Preparation. After the young women are brought to Ho Chi Minh City, they are arranged in boarding houses waiting for the meeting. During that time, they are prepared for the meeting, including make-up, learning how to present themselves, being provided with better meals.

The third step: Selection- the decisive step for the success or failure of a matchmaking-based marriage. When the would-be grooms arrive in Vietnam, the matchmakers bring the future brides, group by group to the meeting. To avoid any difficulties from the police, meeting times and places are varied. Today, matchmaking market is mentioned like a form smearing the good repute of Vietnamese women. These markets are located in hotels, parks, and boarding house in Ho Chi Minh City. In a market, the number of young women is about 100 to 200 while there are only 4-5 Taiwanese men. As said by one woman who has taken part in a matchmaking market "Vietnamese women are told to stand in line and move in order for Taiwanese looking at. When Taiwanese man satisfies some one, he will point her. In some cases, the young women were accepted impolite requirements such as taking off clothes for Taiwanese to look at".

Finishing a meeting, those women who are not selected will be arranged in to others meetings. According to a Taiwanese magazine report, if a woman living in accommodation provided by the matchmaking agency is not able to marry out within three months, she will be sent back to her home and asked to reimburse all costs incurred (Quarterly Review, Vol40, No6, 2002, p.99). In fact, some women who can't marry Taiwanese men don't come back their family. They look for work in the city and some of them become prostitutes.

3. The characteristics of matchmaking-based marriage

- *The big gap in age between Vietnamese brides and Taiwanese grooms*

According to Dr Phan An's research findings, Vietnamese women marrying Taiwanese are young. About 80-85 percent of them are between ages of 18 and 25. Compare to Taiwanese men's age, Vietnamese women's is much lower. The age gap between Vietnamese women and Taiwanese men is: A 5-10 age gap (20 percent); a 11-15 age gap (20 percent); a 16-20 age gap (23 percent); a 21-24 age gap (12 percent); a 26-30 age gap (5.4 percent); a more than 31 age gap (3.4 percent).

- *The socio-economic status of Taiwanese grooms and Vietnamese brides, in terms of education, occupational prestige and place of residence is low.*

Most of Vietnamese women marrying Taiwanese live in rural areas and in crowded-children families. 27 percent of them live in families having 5 children; 35 percent of them live in family having more than 5 children. Data analysis by the Taipei Economic and Cultural Office revealed that 88.86 percent of Vietnamese women before marrying do housework, 9.49 percent of them work as farmer, the rest do other works and 94.13 percent of Taiwanese grooms work as farmers or workers. (*HCM City Women Newspaper dated October 27, 2004*).

The educational attainment of both Vietnamese women and Taiwanese men is not high. The statistic of the Taipei Economic and Cultural Office in Ho Chi Minh City shows that in 18,435 couples, the average schooling year Taiwanese grooms is 8.5 years, compared to 6.3 years of Vietnamese women.

- *Having little knowledge about country, people, language, custom to each others*

The time for meeting before wedding of Vietnamese women and Taiwanese men is so short. A survey of Dr. Phan An showed that it is only 5 days to 7 days. Even though, in some case, they became man and wife after only a meeting. 81.8 percent out of 200 Vietnamese brides said that they met their partner only one time before marrying.

Besides, both Vietnamese women and Taiwanese men are bad at speaking foreign language. Some 72 percent of Vietnamese brides can't speak Chinese, 84.7 percent of them can't speak English. Most of Vietnamese brides know vaguely about the country they will go to live after the marriage while around 47.3 percent of them don't know where Taiwan is.

- *Economic motivation seems very important for Vietnamese women making decision to marry foreigners.*

Most of Vietnamese women are descended from poor families. Through matchmaking, they want to marry a good husband to improve their living conditions and give up their hard life in rural area. A survey by the Can Tho women's union found out that 78.94 percent of women marrying Taiwanese for economic reasons (Vietnam women newspaper, dated July 24, 2003). In fact, some families have become richer thanks to the remittance from Vietnamese women marrying Taiwanese. This fact spurs young women in rural areas to marry Taiwanese.

4. Social consequences of getting married with foreigners through matchmaker agencies

For recent years, stories of Vietnamese women who get married to Taiwanese and become victims of domestic violence, trafficking and prostitution have been run on mass media in Vietnam. According to Vietnam news network, 6%-10% of Vietnamese brides in Taiwan suffered from domestic violence in July 2004. Therefore, there have been at least about 5,000 of Vietnamese women living in unhappily marital lives.

Besides, Vietnam has been facing to the situation that the children of women marrying Taiwanese returned to Vietnam to live. According to Dong Thap Police, there are 475 Vietnamese Taiwanese children who come back to Vietnam up to 2005. That makes local government face with difficulties in issuing them with nationality certificates and birth registration. They also meet difficulty in management of local population. According to current legal regulations, children's birth registration is issued by communal People's Committees of the locality where their mothers are living in or where the child was born. However, such children are not subject for birth registration because their mothers do not register permanent residence there. These children are in disadvantageous situation as they are not allowed to go to school without their birth paper.

To address this situation, administrative Justice Department, Ministry of justice has drafted a decree that is to replace decree 82 on residence registration which is expected to release some time in July. According to this decree, children will be granted with birth certificates by local authority of the place where they are living in order to secure their rights.

5. Legal framework and intervention application of cross-border marriages

5.1 Viewpoints of Vietnamese legislations towards cross-border marriages

The Vietnamese Government considers that international economic integration process links to phenomenon of getting married to foreigners. Therefore, Vietnamese laws have no stipulation prohibiting the marriages with foreigners. But Vietnamese laws prohibited strictly activities that use marriages to seek profit, damaging Vietnamese women's reputation.

Law on Marriage and Family 2000 acknowledges that “foreigner-involved marriages and family relationship is respected and protected by Vietnamese laws and international conventions committed and signed by Vietnam government.” (Article 100, Law on Marriage and Family 2000). It is strictly prohibited in the Article 4, item 2 of the Law any marriage on the base of trickery. It is stipulated in Article 103 that foreigner-involved marriages in purpose of trafficking, sexual abuse against women or seeking profit are prohibited.

5.2. Actual intervention methods

5.2.1. Administrative penalties

In recent years, activities of matchmaking market become a pressing issue for the population in general and police force in particular. In February 2001, police of the ward 8, district 11 of HCM City imposed administrative penalties on 50 cases of violating the regulations on matchmaking services. (Newspaper of HCM City Women dated February 17, 2001). However because the matchmaking service for marriages with foreigners is not an irregularity, the police only imposed administrative penalties with the reasons that motorbike riders carried too many people as allowed, gathering to make the disorder in the locality. The penalty for such violations is often at VND 50,000 a person. For more serious violations, the penalties will be higher.

However, the administrative penalties might become ineffective if the efforts to check the matchmaking activities are lax, the market resumes its hectic operation because profit earned from these activities is very much higher than the fines.

Thus, this measure only brings in temporary efficiency in fighting against this commercialized activity.

5.2.2 Carrying out the intervention projects

In the communities that the phenomenon of getting married to Taiwanese is popular, a series of intervention projects, campaigns with purpose reducing the number of

Vietnamese women marrying Taiwanese men have been carried out. Some specific projects as following:

Training on law on marriage and family, human rights, reproductive health, life values,...

Setting up the propaganda group. Members of this group are women who have married to Taiwanese men. They come to hamlets talking about the hard life in their experiences in Taiwan.

Holding conferences with topics relating to marriage to Taiwanese. The participants are from families that intend to give their daughter in marriage to Taiwanese, women who have married to Taiwanese men, local government representatives.

Supporting finance, creating more jobs for people in the communities to stabilize their life.

By above practical activities, the awareness of people in the communities has been improved. Some young women came to the women's union to be helped cancel the marriage contract they have signed. A lot of young women have given a pledge never to marry Taiwanese men. In Tra Vong and Mo Cong communes (Tan Bien district, Tay Ninh province) where the intervention projects have been carried out, the rate of women marrying Taiwanese men have reduced (51 percent in Tra Vong, 45 percent in Mo Cong) (Vietnam women newspaper dated November 24, 2002). However, the phenomenon of getting married to Taiwanese men has only been settled down in the places where the intervention methods are carried out. And this phenomenon is likely to resurge when the intervention methods stop.

5.2.3. Setting up marital supporting centres

According to the governmental Decree 68/2002/ND-CP, the marital supporting centre is planned to establish. Only the Vietnamese women's unions from provincial level with sufficient conditions get permission to set up those centres. The centre's functions are to introduce and help Vietnamese people and foreigners to know thoroughly about individual, family, social circumstances, manners and customs to each other, creating good conditions for them to come to voluntary, equal marriages. In addition, the centres answer questions relating foreigner-involved marriages and family relationship. Those centres operate on humanitarian, non-profit principles. Nevertheless, in poor condition of material facilities, funding, those centres are allowed to receive the fee that is calculated reasonably and is agreed upon by the persons concerned/customers. According to suggestion of the central Vietnamese women's union, in the short time the model of marital supporting centre will be established in three provinces, including Ho Chi Minh City, Ha Tay, Phu Yen.

So far, one centre in Ho Chi Minh City has been working. As said by the director of this centres "until October 2004, our centre have consulted for 473 customers about marital decision, for 162 marital profiles. 105 people have come to register looking for foreign friend. This centre has acted as a matchmaker for 4 marriages. One of them is marriage to Taiwanese man". Those results reflect the centre's endeavour in supporting foreigner-involved marriages. Nevertheless, the statistics of the Taipei Economic and Cultural Office shows that there are 644 cases marrying to Taiwanese within 9 months of 2004 (*HCM City Women Newspaper dated October, 27, 2004*). Only one of them was helped by the marital supporting centre. In the fact, this centre is facing with a lot of difficulties in operating way, human resource and finance.

5.2.4 Perfecting legal system to limit commercialized matchmaking activities for alien marriages.

Regarding the activities of marriage matchmaking agencies, Circular 07/2001 by Ministry of Planning and Investment and General Statistical Office dated November 1, 2001 instructing business fields which are eligible for business registration admitted that matchmaking activity is entitled to be registered as a business field. Some people have exploited this point to operate commercialized matchmaking activites.

In an effort to prevent any abuse of this activity, it is stated in the governmental Instruction 766/TTg dated September 17, 1997 on assigning responsibilities for preventing cross-border trafficking in women and children that "The Home Ministry in coordination with relevant agencies and local people's committees are responsible for checking and closing any marriage matchmaking establishment or friend-making club with foreigners, tourism service provider which violates legal regulations in their activities of bringing people abroad."

To address pressing issues relating to cross-border marriages through matchmaking agencies, the governmental decree 68/2002/NĐ-CP dated July 10, 2002 provides concrete stipulations on implementation of some articles on foreigner-involved marriages in the Law on Marriage and Family. In which, "marriage registration is refuted if the investigation finds out that the marriage is artificial and not to serve the objective of building the family of wealthy, equality, progress, happiness, and sustainability; the marriage is to conceal the purpose of trafficking in women, sexual abuse or to pursue any other profit-oriented purpose." (Article 18, Decree 68/2002/NĐ-CP). The Decree also proposes to form a legal corridor for management, examination, and supervision of matchmaking activities for marriages with foreigners through Marriage Support Centres.

On October 22, 2002, the Ministry of Justice sent to the provincial Departments of Planning and Investment to put a stop on granting business licenses for matchmaking companies. Therefore, all commercialized matchmaking agencies have been banned since January 2, 2003.

Up to now, Ministry of Justice has been keeping improving legal environment in order to stop cross-border marriage through matchmaker agencies. Ministry of Justice has submitted to the Government with the draft of Decree in which some articles of the governmental Decree 68 relating to foreigner involved marriage and adoption of foreigner involved child have been adjusted. Realizing weak points of legal corridor that leads to high rate of cross border marriage of Vietnamese women, the Ministry has made some adjustments with the aims of making foreigner involved marriage be in legal frame and healthy. Detailed as the following:

When applying application form of registering marriage, both partners must be present at Department of Justice.

Marriage registration process must include interviews both partners. The interviews must contain parts of marriage's objectives, understanding each other, and ability of communicating with the same language that can avoid Vietnamese brides from not communicating with husband's family.

Marriage application profile must include one certificate issued by local authority. The certificate proves singleness of both partners. The certificate will be valid for 6 months (that is to help avoid the case that married foreigners use the certificate of the first marriage for the second marriage with Vietnamese women .

This draft of Decree is expected to be approved and implemented in June 2005. The Ministry of Justice hope that those new points in this draft will stop matchmaker-based marriages.

It can be said that Vietnam government and social organisations have made great efforts to prevent the cross-border marriages through commercial matchmakers. However, there are still illegal matchmaking agencies running for benefit that is barrier for the government's efforts to make cross-border marriages healthy. Thus, due attention should be paid to address the phenomenon of matchmaking-based cross-border marriage. However, a strategy to address this social issue is still a big question and a challenge for Vietnamese government.

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Vietnamese newspapers such as *HCM City Women Newspaper*, *Law Newspaper*, *Vietnam Women's Newspaper*, since 2001

From Trafficking to Sex Work: Burmese Migrants in Thailand¹

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ABSTRACT

In Thailand issues of sexuality are intertwined with issues of migration. Economic and social disparities among countries in the region provide incentives for movement while development choices adopted by the Thai government structures who moves and under what conditions they move. Some of the development paths taken by the Thai government and neighboring countries have provided the conditions through which movement into and out of Thailand is associated with sexuality.

At the individual level, sexual identity, representation and images are crucially related to movements across borders. At the macro level, a number of factors promote mobility in Thailand that also includes mobility into sex work. Thailand shares extensive borders with some of the poorest countries in the region although its own economic status is much higher.

Relative free travel across Thailand's borders along with large disparities in living conditions have been factors contributing to the movements of men and women involved in commercial sex. Thailand has established networks and procedures for assisting migration into the country. Tourism is also a major component of the Thai economy, and sexuality has for many years been a major component of Thai tourism. The role of the sex industry in cross-border sexuality in Thailand needs to be understood in the context of the active sex industry in the Thai economy.

This paper attempts to place cross-border sexuality in Thailand within a regional development framework. This is undertaken at two levels. Firstly, we review how development trends and policies have shaped cross-border sexuality involving Thailand. We use both historical and contemporary sources to show the movements across borders that are related to sex are related very closely to macro development policies and development changes experienced at the individual level. In the second part of the paper we report the findings of fieldwork focusing on the movement of women from Myanmar into sex work in Thailand. During recent years, Myanmar has been the country sending the vast majority of migrants to Thailand due to a number of social, economic, political and military factors. Most non-Thai sex workers are from Myanmar and because of their undocumented status they are often placed in positions where they are exploited.

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Migrations and trafficking in Lao PDR

Questions for intervention with victims of sexual exploitation

Didier Bertrand¹

ABSTRACT

This communication relays on an extensive analysis of reports concerning migrations and trafficking in Lao PDR as well as interviews with victims of trafficking for sexual exploitation.

While migration for work is a fact of life that has become a kind of ritual in several Lao villages, the experience might resume in trafficking for a number of persons. If motivations and circumstances for migration are quite well known, the switch to trafficking still needs further investigation as it refers also to some overlapping between the two concepts according to the adopted perspectives. So, after defining the socio-economic and political context of migration in Lao PDR, we will try to understand the migrant's point of view.

Drawing from our experience from a project which supports victims of trafficking for sexual exploitation, we will present the complexity of this issue in the Lao PDR context and the challenges we have to face in setting up a victim centred approach that can provide adequate answers to their needs.

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Summary Report on Gender Analysis of the Patterns of Human Trafficking into and through Koh Kong Province (January 2005)¹

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Introduction

Legal Support for Children and Women is a local Cambodian non-governmental organisation, whose mission is to work towards preventing and eliminating all forms of trafficking, exploitation and discrimination towards children and women in Cambodia. LSCW works to promote gender equality, protect men, women and children from all forms of exploitation and violence, gain recognition of and respect for their rights, and raise awareness of those rights among the target groups.

Trafficking of women and children has become a worldwide phenomenon, and in recent years the link between trafficking and labour migration has come more apparent. LSCW's decision to extend its work by providing legal support and protection to victims of trafficking in Koh Kong province was based on preliminary research carried out in this area. This highlighted that, despite its location on Cambodia's southwest border with Thailand and the long-time recognition of Koh Kong as a prime trafficking route both within the country and cross-border to Thailand, the province's relative inaccessibility has meant that most interventions to date have focused instead on the northwest border town of Poipet. As a result, very little concrete information exists on the situation of human trafficking in Koh Kong, although a field visit by LSCW to the province in March 2004 to interview NGO staff and local officials uncovered reports of women and girls being internally trafficked from other Cambodian provinces to brothels and karaoke bars in the provincial capital Koh Kong (Daung Tong) for sexual exploitation; similarly motivated cross-border trafficking of women and girls to Trad province, Thailand; and trafficking of men across the Thai border for the purpose of labour exploitation.

Meanwhile, gender has recently been pushed to the forefront with regard to trafficking and migration studies. As yet, no research has been carried out into the gender-related dimensions of who is trafficked to and through the province and why, or how the criminal justice system

¹ To get a full paper, please do not hesitate to download from LSCW website: www.lscw.org

responds to the situation. Moreover, no studies have been done on the situation of trafficked men at all, despite the fact that this can be regarded as a critical issue.

This research project was initiated focusing on a thorough situational and gender analysis into the patterns of human trafficking into, through and from Koh Kong, and areas of weakness in the current criminal justice and social welfare response within Koh Kong and between Cambodia and Trad province in Thailand. In addition, Prey Veng province in Cambodia was identified as a major source province for migration and trafficking to these areas; research was planned in this area. This report aims to provide a clearer picture of human trafficking issues in the target areas, with a particular focus on the gender-related vulnerabilities and experiences of victims. This will serve to provide a solid foundation on which LSCW can structure gender-appropriate strategies for future programmatic and policy activities, as well as informing the work of other key government and non-governmental players in the target areas.

This research hopes that the highlighting of gender discrimination and female subordination will prevent donors, governments, NGO agencies and policy-makers from overlooking or neglecting it as a fundamental cause of internal and cross-border trafficking and exploitation in the future. LSCW aimed to address the need for more research into the gender aspects of trafficking by showing the differences in the process of migration which can lead to trafficking of men and women, focusing on the two border areas of Koh Kong (Cambodia) and Trad (Thailand) and one source province (Prey Veng). The research seeks to understand how gender is a variable in identifying those at risk and how women and girls, owing to gender factors, become more vulnerable to trafficking than men and the primary links with gender discrimination. Although men are also victims of trafficking, the research illustrates how human rights and labour exploitation are more common for women, and how vulnerabilities that exist for men are in a different context to that of women. The research posited the hypothesis that a gender perspective is critical to understanding trafficking and the various steps of the process, as it is clear that poverty is not the major factor leading to the trafficking of Cambodian men and women. It outlines the dynamics of the decision-making process in the community and the cultural aspects of the demand side and the risk factors according to gender.

This report outlines the background to the research, including aims and objectives, target groups and areas, methodology, definitions and constraints. It then gives a background to gender roles and positions in Cambodian society. A gender analysis of trafficking outlines the

underlying causes and contributing factors and details the differences between Cambodian men and women with regard to roles, responsibilities and needs and the gender values and norms in Cambodian society, including gender discrimination. The report examines all relevant pre-departure information and the trafficking and migration process in its various stages, including push factors and demand/pull factors, analysing the reasons why Cambodian men, women and girls leave the source province; the origins of trafficking; the risk groups; the decision to leave; and the recruitment process and characteristics of those involved.

The report continues by giving information about transportation and conditions of work in the destination provinces of Koh Kong and Trad (Thailand), according to gender. It points out the differences in men and women remitting money home to Cambodia, the length of time they leave home for, issues of returning home and the effect on the source province of Prey Veng. It uncovers the key features and differences defining the trafficking experience for men, women and girls respectively, showing what gender-related differences exist in patterns of transportation, destination, exploitative purpose and return. A sound understanding is gained of the gender-related vulnerabilities of different groups of migrants in Koh Kong and Trad.

The observed gender-related patterns of systemic response within the social welfare and criminal justice systems in Cambodia (Koh Kong and Prey Veng) and Thailand (Trad) are documented. This also includes the gaps that exist in response to trafficking and labour exploitation in Prey Veng, Koh Kong and Trad, especially concerning social and legal support.

The results from this study show that, owing to a number of circumstances, such as feminisation of poverty and migration and other gender factors, including gender discrimination in source provinces such as Prey Veng, Cambodian women and girls are forced to leave their villages in poor provinces for urban areas such as Phnom Penh and onwards to Koh Kong and Trad, or are tricked from the source province, reliant on traffickers to reach the destination point. Some men, finding themselves in debt and financial hardship, with lack of land or employment opportunities, risk unsafe migration to seek employment in Trad and other Thai provinces. As traffickers and smugglers are firmly based in poor provinces, men particularly pay such people to help them to migrate through illegal channels. Women and girls on the other hand are more vulnerable to being cheated by traffickers into sexual exploitation with the promise of well paid jobs, incurring debts to the trafficker on arrival at the destination (Trad or Koh Kong), the debt being wholly the responsibility of the women and girls.

Gender discrimination in destinations such as Koh Kong and Trad creates increased vulnerability for women and girls compared with men, often leading to trafficking for sexual exploitation, involving debt bondage. This is doubled when the trafficking is cross-border, as women and girls are discriminated for being not only migrants but also sex workers. For men, being poor, uneducated migrant workers in Thailand leads to labour exploitation and abuse of human rights. Without proper travel documents, Thai language skills, and familiar support systems, as well as being undocumented, migrants are under the control of unscrupulous employers, traffickers and smugglers, and the police and authorities. In the case of women and girls, this can result in sexual abuse, exploitation and rape. Vulnerability for women and girls is associated with human rights abuses, discrimination, blind migration and gender-based violence; for men, labour exploitation, financial debt and tricking by traffickers and smugglers is more prevalent.

The research details conclusions and recommendations for effective intervention for Cambodian men, women and girls trafficked internally or cross-border in the light of the two existing MOUs on trafficking and employment. It recommends collaboration against the internal and cross-border trafficking as well as gender-appropriate strategies for future programmatic and policy activities for LSCW and others.

Background

1. Trafficking and migration in Cambodia

Trafficking of women and children has become a worldwide phenomenon, and in recent years the link between trafficking and labour migration has come more apparent. The process of trafficking cannot be viewed in isolation from the process of migration; to focus solely on one without mentioning or highlighting the other would give a distorted view of both. Fundamentally, it can be said that human trafficking involves the movement of a person from his/her origin to a new location, and the exploitation of that person at some stage in the process. The extent of trafficking is obscured by the general flow of migration.²

² Skrobanek, S. *et al.*, 1997: 16.

Trafficking in persons therefore is a particularly abusive form of migration, since the distinguishing feature of trafficking is the presence of force, coercion or deception for the purposes of exploitation.³ Migration has become a survival strategy for large sections of the Cambodian population. In the census of 1998, 881,400 people were migrating from rural areas in Cambodia and the average distance was also increasing.⁴ Cambodia is coming to terms with an increasing movement of people from poor rural areas to urban areas and across the border to Thailand, owing largely to the changes in supply and demand, particularly for women and girls. In the past it has primarily been men who have migrated to find work. However, this research points out that the overwhelming majority of migrants are young women, which is confirmed by a recent MOWVA report from six provinces.⁵ In a 1998 census, female migrants made 50.3 % of the total migrants, particularly in the 15–19 years old age group.⁶ There is an accelerated demand for women in the labour market, in Koh Kong and Trad and in urban areas such as Phnom Penh, and many women and girls with low education and skills see migration as an opportunity to make money.

Although migration for some Cambodians to Thailand and to urban centres such as Phnom Penh and Koh Kong has provided better opportunities for some, for others – particularly women and girls – it has lead to serious vulnerabilities with regard to trafficking and human and labour rights violations. Hence, this research will attempt first to document the vulnerabilities of women and girls in comparison with men.

Secondly, interventions and programmes are prioritising women and children; trafficking in Cambodia, as in other countries, has become synonymous with brothel-based sexual exploitation of women and children, forced and coerced to migrate by unscrupulous traffickers or known persons. This has resulted in a major focus on this particular component of trafficking, meaning that other forms of trafficking have largely been ignored, e.g. trafficking into domestic work, marriage, fishing, fish processing and other industries. Furthermore, it has led to a grave misconception that men migrate and women are trafficked, and has led agencies to question whether this is appropriate. This preconceived and widespread idea feeds on the gender stereotype constructed by societies: in most societies, men are presented as in control and as the breadwinners.

³ Huntington, D., 2002.

⁴ CDRI, 2002: 12.

⁵ MOWVA, 2003: 8.

⁶ OXFAM GB, 2000: 20.

However, with more and more women coming into the workforce, this notion is now being challenged. Moreover, it is often not recognised that men too are trafficked. As outlined in this report, Cambodian men are trafficked and exploited in many areas of work in Thailand, particularly onto fishing boats, where there is growing anecdotal evidence of extremely long working days, forced amphetamine use and even murder of those unable to keep up with the work pressure.⁷ Like men, Cambodian women and girls are trafficked, but also migrate into factories and fish processing. The causes of trafficking are applicable to both men and women, but women are faced with an additional vulnerability that stems from social discriminatory practices towards Cambodian women and girls. They are often found working in the worst forms of labour, related to the low status given to them in Cambodia society. This increases the risk of trafficking for women in comparison with men. Furthermore, it can be said that the patterns of women's migration differ from those of men. Men and women have differing reasons for leaving, and their means of travel and their destination are not always the same, as this research indicates.

In the past, prevention components of anti-trafficking programmes in Cambodia have frequently focused on seeking to discourage people from migrating internally and cross-border. These have included 'stranger/danger' campaigns; these have made little impact since the majority of traffickers and smugglers are known to their victims. Furthermore, many agencies have conducted counter-trafficking and prevention programmes in Cambodia, but very few have been tracked or evaluated, and for the most part are gender-unresponsive. In this research, the focus will be on trafficking and labour migration trends through a gender perspective – outlining the differences in the experiences of men and women, many of whom are willing to take substantial risks in order to obtain work which they see as a means of survival for themselves or their families; it will also look at how each process of migration can lead to trafficking.

Gender factors and dimensions have become important in shaping migration, and an integral part of discussions and strategic planning on trafficking. As the ARCPPT project has pointed out, 'Gender affects all aspects of the trafficking process, from the factors that contribute to trafficking to the nature of the laws and policies developed to deal with the phenomenon'.⁸

⁷ UNIAP, 2003: 7.

⁸ ARCPPT, 2003b: 1.

Recently, gender has been pushed to the forefront with regard to trafficking and migration studies. This research hopes that the highlighting of gender discrimination and female subordination will prevent donors, governments, NGO agencies and policy-makers from overlooking or neglecting it as a fundamental cause of internal and cross-border trafficking and exploitation in the future.

2. Aims and objectives

In this study, LSCW aimed to address the need for more research into the gender aspects of trafficking by showing the differences in the process of migration which can lead to trafficking of men and women, focusing on two border areas, Koh Kong (Cambodia) and Trad (Thailand) and one source province (Prey Veng). The research seeks to understand how gender is a variable in identifying those at risk and how women and girls, owing to gender factors, become more vulnerable to trafficking than men and the primary links with gender discrimination. Although men can also be victims of trafficking, the research illustrates how human rights and labour exploitation are more common for women, and how vulnerabilities that exist for men are in a different context to that of women. The research posited the hypothesis that a gender perspective is critical to understanding trafficking and the various steps of the process, as it is clear that poverty is not the major factor leading to the trafficking of Cambodian men and women. It outlines the dynamics of the decision-making process in the community and the cultural aspects of the demand side and the risk factors according to gender.

Objectives were:

- To gather as much information as possible within the three-month period regarding the internal trafficking of women and girls to Koh Kong, and through Koh Kong (of men, women and girls) cross-border to Trad province in Thailand.
- To develop and improve the strategies that NGOs, IOs and government agencies use to prevent trafficking. It was hoped that once the gender analysis had been completed, LSCW and other agencies would be able to put together effective counter-trafficking strategies which would take into account the individual circumstances from a gender perspective in Cambodia and in the receiving countries.
- To improve understanding on the extent and situation of trafficking in Koh Kong and Trad with a particular focus on the gender-related push and pull factors affecting men and women respectively.

- To understand clearly how gender inequalities contribute to trafficking.
- To determine the principal provinces of origin for victims of trafficking to and through Koh Kong, recruitment methods and routes employed, as well as issues of destination and return.
- To provide a solid foundation of research on which LSCW could structure gender-appropriate strategies for future programmatic and policy activities related to the prevention of trafficking and the provision of legal support and protection for its victims.

3. Target areas

The research focused on two gap provinces (both geographically and with regard to NGO and government agency interventions on combating trafficking). These were Koh Kong, border province on the southwest coast of Cambodia, and Trad, the most eastern province in Thailand. The research also focused on one major source province in Cambodia (Prey Veng), in the east of Cambodia.

The research activities in Koh Kong province focused primarily on Daung Tong, the city area of Koh Kong, where internal trafficking to Koh Kong was prominent among women and girls in the sex industry. In Trad province, the main focus of the research was on cross-border migration leading to trafficking in the Klong Yai district, including Klong Soan and Koh Makam villages. Klong Yai was chosen owing to the large numbers of Cambodian men and women working in fishing, fish processing, ice and sawmill factories, and the sex industry, and the fact that it was easily accessible thanks to its border proximity. Koh Chang was also chosen as there were a number of Cambodian men working in the construction industry. Prey Veng was chosen as one of the poorest provinces of Cambodia, with the main focus being on Mesang district, where large numbers of both Cambodian women and men migrate to Trad province through Koh Kong. Reasons for choosing the three research areas can be summarised as follows:

Koh Kong province, Cambodia (source, transit and destination province)

- Status as a gap province within Cambodia with regard to NGOs and government agencies offering assistance to trafficked victims.
- Proximity to the border with Thailand: across the new bridge it is only a few kilometres to the checkpoint.
- Established legal and illegal trade routes.

- Established migration routes, particularly for labour migration to Koh Kong.
- High influxes of cross-border trade, business people and tourists.
- Large number of sex establishments and prevalence of sex tourism.

Trad province, Thailand (transit and destination province)

- Status as a gap province within Thailand with regard to NGOs and government agencies assisting trafficked victims.
- Large numbers of unaccompanied Cambodian men working in various industries, often indicating a number of Cambodian women in the sex industry.
- Presence of high numbers of Cambodian migrants in villages near the border with Koh Kong.
- Presence of cross-border migration to Trad since the opening of the border.

Prey Veng, Cambodia (source province)

- High percentage of out-migration (internal) to Phnom Penh and cross-border to Thailand, including women, girls and men.
- Number of brothel-based girls in Koh Kong and Trad originally from Prey Veng province.
- Relatively large size with high poverty level.
- Relative proximity to Phnom Penh.

4. Constraints to research

Issues addressed and not addressed

The research is not focused primarily on causes or comprehensive analysis based on substantial amounts of data but is a more quantitative study, reflective of a rapid assessment incorporating gender factors and encompassing the migration and trafficking processes. The research documents common themes and patterns which were exploitative in the different industries and concentrates on the differences and vulnerabilities of Cambodian men, women and girls during each stage of migration which could lead to trafficking and labour exploitation, particularly at the destination point.

The research focuses on Cambodian men migrating cross-border to Trad province in Thailand; with regard to women and girls the focus has been on internal migration to Koh Kong and cross-border to Trad where trafficking for sexual exploitation was likely. There was

no evidence of trafficking of men to Koh Kong as a destination location. A few cases have emerged in remote locations in Koh Kong, but not enough information was available to pursue this. The priority focus was not children, although some girls interviewed in the brothels in Koh Kong and Trad were believed to have been under 18. This is not to indicate that trafficking in women and girls is confined to the sex industry, as is often portrayed in Cambodia, but that trafficking is prevalent among women and girls in Koh Kong and Trad into the sex industry owing to the various gender factors. Secondly, the research is not claiming to be representational of all Cambodian women and girls who find themselves trafficked into the sex industry, or cross-border to Thailand. Rather, the information gained from interviews with sex workers, as well as from Cambodian men working in the various industries in Trad, gives useful clues as to the differences between men and women migrating and the factors that make them vulnerable.

The research is based on interviews with respondents, some of which were in-depth detailed discussions lasting a number of hours, together with direct observations providing accurate information which was cross-checked. A large amount of the information may not be new to resource persons working with these issues in Cambodia and Thailand; the expectation was not that the findings would incorporate new processes or methods. However, the research hopes to create further understanding of gender factors which lead Cambodian men, women and girls to be vulnerable to trafficking, and to supply general information about the situation of Koh Kong and Trad provinces, two border areas overlooked in many major counter-trafficking interventions.

Gender values and norms in Cambodian society

Findings

- Gender roles are reinforced by the gender values, norms and stereotypes that exist in each society. In Cambodia, societal and cultural factors increase the vulnerability of women and girls to trafficking as opposed to men.
- Cambodia's societal control over women's sexuality, strict cultural and societal norms and roles regarding virginity, and sexual repression create devaluation and marginalisation of Cambodian women and girls.

- Gender inequality and discrimination and lack of opportunities are linked to stereotyped ideas about men and women's roles in the workforce. These do not cause trafficking but exacerbate the vulnerability of women and girls.
- Religion, early marriage and divorce, sexual violence, health and education, land and access to resources highlight inequalities between men and women, which create conditions that assist trafficking and exploitation.
- War, changing demographics, female-headed households, and changing roles have impacted on Cambodian women and girls' decision to migrate.

Gender discrimination

Women and girls suffer from gender inequalities and discrimination in Cambodia. Such multilayered discrimination and inequality prevents women and girls from taking control of their lives and also increases their vulnerability to trafficking, especially into the sex trade. In a paper addressing sexual exploitation from a gender point of view, one of the causes mentioned is the 'systematic undervaluation of females in terms of property or ability to earn in the market'.⁹ These relate to the cultural values regarding the role and status of women and men. Women and girls in Cambodia are seen to be shy and submissive, which means they grow up with a lack of opportunities, especially in the workforce, because of their demeanour, have greater constraints, especially in the highly competitive job market in the urban areas, and are more susceptible to differences in economic variations and financial recessions. The cycle of poverty for women coupled with gender discrimination means that from mothers to daughters this poverty and lack of opportunities is continued.

Gender-based discrimination and gender disparity in the labour market takes a variety of forms.¹⁰ Women and girls earn substantially less than men, both internally in Cambodia and in Thailand. One of the reasons for this is labour market segregation where women and men are grouped in different occupations, linked to stereotyped ideas about men and women's roles and weaknesses, i.e. men work in construction, fishing and factory work, whereas women work in the service industries, such as domestic work and the commercial sex sector, and in poorly paid exploitative jobs, such as garment factory work and fish processing.

Gender discrimination and inequalities are not the cause of trafficking but exacerbate the vulnerability of marginalised groups and render them increasingly more open to a variety of different harms. This leads women to leave home, migrating internally and cross-border, hence creating a potential supply of female migrants and livelihood seekers who, without education and skills, have limited

⁹ WEDO, 1996: 12.

¹⁰ UNIFEM, 2003: 19.

opportunities and options to survive and are conditioned to accept their fate. Outlined below are other major factors, particularly gender constructs¹¹ which are influenced by the patriarchal system and religious and cultural values in Cambodia. These highlight discrimination and the unequal and unbalanced relations between the sexes.¹²

Religion

Religious practices in Cambodia reinforce discrimination of Cambodian women and girls. A woman is thought to be born thus as a result of bad karma; women and girls are therefore thought to be unable to achieve enlightenment, suffering as they are for past illicit behaviour. Thus, whereas men can show gratitude and respect to their parents by becoming monks and pursuing a spiritual life, many girls have to make up for this by caring for and making sacrifices for the benefit of their families, villages and their own karma, resulting in women and girls trying at all costs to provide for their families through any opportunity they can find.

¹³

Early marriage and divorce

Many Cambodian women are subjected to early and arranged marriages, therefore losing their independence and right to consent to marriage. Often they suffer from domestic violence and rape. Divorce is also frowned upon as shameful in Cambodian society. According to PADV, 'Women who choose to get a divorce are discriminated against at every turn',¹⁴ which results in many women living with constant violence from abusive husbands, leading to a life of servitude. Divorce can lead to vulnerability: women are shunned by their families and communities and are therefore without any support system, education or financial means, at risk of falling prey to trafficking and exploitation.

Violence

Violence against women and girls in Cambodia is prevalent, vicious and often ignored. One in every six women admits to being physically abused by husbands and sexual violence such as rape also appears to be on the rise.¹⁵ The violence is often severe: 50% of women who reported spousal abuse stated that they received injuries and more than half of those injuries

¹¹ CARAM Asia, 2003.

¹² Haspels, N. and B. Surivasarn, 2003: 4.

¹³ UNIFEM, 2002: 6.

¹⁴ PADV, 26 January 1998, quoted in Levi, R. S., undated.

¹⁵ Rasmussen, H. M., 2001.

were to the head. Women reported beatings, whippings, stabbings, and even axe attacks. This can be linked to societal views of women in Cambodia.

Education

There are significant areas of gender disparity, particularly in educational attainment. It is estimated that 50% of rural women are illiterate and have not completed primary school education;¹⁶ levels of literacy and education are low particularly in provinces such as Prey Veng.

Rural girls suffer from a lack of education and low enrolment, owing to the traditional belief which values investing in boys' education rather than girls'.¹⁷ Literacy rates for Cambodian women and girls remain low compared with the rest of Asia. This owes partly to the traditional roles of girls, both in the house as domestic workers and as agriculture workers in the fields, and partly to the traditional ideal that girls should stay close to home. Hence, the need to educate girls is not seen as a priority by rural communities. Only 60% of students completed primary schooling in 2003 and most of those were male pupils.¹⁸ Girls tend to drop out of school earlier because they have to start work as a result of poverty and the traditional responsibilities of girls within the family. In Koh Kong province, for example, 80% of sex workers are reported to be functionally illiterate.¹⁹

Health

Rural women in general have poor health and nutrition, with inadequate access to health facilities. Health costs are extremely high (e.g. access to safe drinking water etc.) and there is a poor level of reproductive health.

Poverty

In 2003, 90% of citizens were living under the poverty line in rural areas and the majority of these were women.²⁰ 65% of women were farmers, responsible for 80% of food production.²¹ In places like Prey Veng, which is prone to flooding and droughts, this means women in

¹⁶ Gender and Development Network, 2003: 37.

¹⁷ Gray, I. and B. Wouters, 1999: 13.

¹⁸ Cambodia Independent Teachers Association, Phnom Penh, May 2004, quoted in Hicks, N. 2004: 53.

¹⁹ CARE International/CARE Koh Kong, 2004: 2.

²⁰ Gender and Development Network, 2003: 37.

²¹ Ibid.: 35.

particular face great difficulties in providing enough food and income for the family or in releasing themselves from their debt and poverty cycle.

Wages

Women suffer from both wage and non-wage discrimination in the workplace and do not have the same opportunities when it comes to promotion, job seniority and benefits.²² Men earn 33% more for equivalent work and dominate the private and public corridors of power.²³

Land and access to resources

Women are vulnerable with regard to ownership of land and contracts. In particular, single-headed households, widows and women whose husbands have migrated are susceptible to claims made by the more powerful on their land – leaving them without a source of income.²⁴ There are numerous reports of violations of land ownership and inheritance rights concerning women, an issue which is fundamental to women's autonomy.

Conclusion

These issues impact both on the causes and contributory factors involved in migration, and on the situation encountered by migrants on arriving in destination in Koh Kong province, Cambodia and Trad province, Thailand.

Gender analysis: causes and contributing factors

1. Push factors

Findings

- The push factors which encourage men and women/girls to migrate and leave home are not only different but are gendered.
- Cambodian women and girls are affected by feminisation of poverty; cultural norms affect women and girls disproportionately to men. For example, family obligations, family

²² OXFAM GB, 2000: 13.

²³ ADB, 2000: 3.

²⁴ Hicks, N. 2004: 23.

problems, economic need, attitudes to women, lack of affection all are push factors. Men without education and skills, land, employment, debts and gambling frequently migrate.

- While the feminisation of poverty is key in migration issues, social factors within the backgrounds of women and girls were often found to be more relevant in increasing vulnerability.
- The reasons for women and girls being vulnerable to trafficking differ from those for men. Societal and cultural factors impact more heavily on women and girls than on men.

The information gathered is based on interviews with women and girls in Koh Kong and Trad and male migrants from Prey Veng, although some of the information comes from respondents from other provinces. Push factors affect both men and women but many affect women disproportionately, in terms both of their magnitude and their consequences.²⁵

Analysis: push factors affecting women and girls

Feminisation of poverty and economic push factors

Incidence of poverty among women is increasing owing to the impact of war in Cambodia and of globalisation; this is a process referred to as the feminisation of poverty. Shrinking prospects in the job market, and lack of opportunities through loss of land and decline in traditional agricultural practices have impacted greatly on Cambodian women and girls.

There are no opportunities for girls with low education to earn money, especially in source provinces such as Prey Veng (traditionally a rice farming area). Unequal access to education limits women's and girls' opportunities to increase their earnings in more skilled occupations.

Girls are following traditional migration routes to places like Phnom Penh with their friends and female relatives, going to garment factories (which also provide recruitment grounds for traffickers into the sex industry). However, these garment workers can only make between US\$35 month plus a US\$10 bonus in some factories. On average the wage is around US\$45 dollars and the work is highly repetitive and labour intensive. Some girls are not happy about the difficulties in making ends meet with such a small salary, especially those on probation, causing some to leave the factories in search of better economic opportunities.

Meanwhile, a further problem is that, owing to the patriarchal system that prevails in the rural communities and the lack of a male support system, female-headed households, an estimated

²⁵ ARCPPT, 2003a: 10.

35% of Cambodian households, remain vulnerable, especially to loss of land, or are cheated into selling land for a very cheap price.²⁶ Women left alone with children try to earn money for their families through small businesses. Owing to a lack of business sense, the business often fails, leaving no money for survival and creating new debts.

Feminisation of migration and family push factors

While the feminisation of poverty is key in migration issues, social factors within the backgrounds of women and girls were often found to be more relevant in increasing vulnerability. Culture in Cambodia states that women are supposed to contribute to the family's income; women and girls feel pressurised to fulfil expectations and have a sense of responsibility to provide for the family. This, combined with livelihood constraints, forces women and girls to break with the usual tradition of staying close to home and to go to find a way to pay off debts. They send remittances home, sometimes in compensation for their absence. This is a process referred to as 'feminisation of migration'.²⁷ As one interviewee stated in a brothel in Koh Kong, 'In Cambodia there is a proverb which states that girls have to help their parents when they are in need and is a kind of repayment for raising you'.

Meanwhile, parental divorce, problems with stepparents, and upheavals in the family, such as family break-ups and deaths, lead to lack of emotional support for girls, which often compels family members to send girls away or pushes women and girls to leave home to find work. As Sophorn (in a brothel in Koh Kong) stated, 'My parents died when I was 17 and I live with one older widowed sister and younger siblings. I am the older sister so I left home to try and find some income to help my sisters.'

Owing to the pressure put on by parents, siblings and family members to work away from home as well as strict societal constraints on women and girls with regard to freedom, girls complain of a lack of affection and love from parents. This has meant many girls feel the need to leave home or to make decisions without the consent of parents and relatives.

Finally, women and young girls accompany their male relatives to Trad province, especially when their land and rice is not enough to support the families' needs.

²⁶ IFAD, 1999.

²⁷ Haspels, N. and B. Surivasarn, 2003: 10.

Social push factors

Female respondents in this research linked the difficulties of their own situation with the decision to leave. These included: girls who had been raped; girls who had lost their virginity to a boyfriend and had been left with a broken heart; girls who had run away with a boyfriend and then been duped or sold to a brothel; those married young and now divorced, after a failed marriage when the husband left, or when the husband drank, gambled and was violent i.e. women and girls who were escaping domestic violence. Rape and abuse are also increasing notable in Cambodian society. One respondent who had been trafficked to a karaoke in Trad province stated the following: 'I moved with my family to Koh Kong after leaving my drunk husband. As the oldest daughter and divorced woman I needed to earn money to support my family and was tricked by a friend and old women in Koh Kong to work in the sex industry.' Another respondent in the same place said her parents were very poor and her mother had become seriously sick, resulting in her needing money to help the family.

Push factors – outside influences

Girls in the sex industry stated that the earnings could be substantially higher than in factory work and the work is seen to be easier. A number of girls interviewed stated that in rare cases where debts had been paid off they could send US\$80 a month home to parents or buy gold jewellery. Generally, the girls who had seasonal work reported earning US\$35 a month in the factories, which they expressed as inadequate.

There has been an increase in competitive materialism to build new houses and buy new products, which has lead women especially to seek to improve their family's economic status within the communities. Traditional occupations such as farming can no longer provide the stable income to support the level of income and lifestyles many women and girls desire. This is exacerbated by the popularity in karaoke videos and TV series showing wealth, glamour, and romantic destinations. This has influenced young girls to leave home in order to seek opportunities and to have enough money to be able to afford better clothes and jewellery etc.

Analysis: push factors affecting men

The principle reasons for men migrating and leaving the provinces differed from women and girls. Men migrated for economic reasons: they were escaping chronic poverty in Cambodia due to poor rice cultivation to seek employment. The following are included as push factors:

- Men without agricultural skills and land have difficulties in securing a job and making money.
- Inadequate, unfulfilling and legitimate employment opportunities in the poorer rural Cambodian provinces such as Prey Veng are combined with poor living conditions. Agricultural work is low paid and seasonal. There is only work for a few months per year, owing to a single rice crop. There are no other livelihood pursuits.
- Men can make 2,000 riel (US\$0.50) per day from rice cultivation and chicken-rearing, but this amount is not sufficient to meet daily living expenses and men are forced to borrow money from others to survive.
- Agricultural problems in source provinces such as Prey Veng include: loss of animals; rice crop failure; low land productivity; drought, flooding and natural disasters; lack of fertiliser; low price of rice products at market; and lack of an irrigation system.²⁸
- Debt crisis forces men to migrate to seek employment to repay loans to moneylenders in order to provide for families during the (agricultural) low season. As reported by the Cambodia Daily on 2 November 2004, moneylenders charge extremely high interest rates (20% per month), threatening those who fail to repay with jail and confiscation of property and land. As such moneylenders have powerful people behind them and threats are very real.²⁹ Hence, outstanding debt is a major push factor in the decision to leave and migrate. But if the migrants are cheated or trafficked the debt increases, and the initial cost of migration is usually paid for by taking out a new loan.
- A number of male respondents from Prey Veng do not own adequate land for farming or subsistence living, making daily life impossible. Land is sold to obtain quick cash for emergencies such as health needs, or to recover debt with high interest owing to decrease in income and increase in family members. In more recent years, land has been claimed by high-ranking officials and land-grabbing has become a serious issue for the poor rural communities that are cut off from their only means of living once the land is sold. One migrant fisherman from Prey Veng stated: 'My family had land for rice farming but the local authority came and took the land to build a hospital but in the end they did not build it but kept the land for themselves'.
- Some men get into debt as a result of gambling.

²⁸ ILO/IPEC, 2004: 1.

- Male respondents stated that by migrating they hoped to make enough money to support their family at home, for marriage and for material needs such as a house, land and cows. One respondent working in an ice factory in Trad said: ‘I want to build a new house and marry a woman I love. In Cambodia, it is very difficult to find a job and earn a lot of money. Especially people like me. I only went to school until sixth grade. I can just read a little bit.’ Men also stated that they wanted to expand their horizons beyond Prey Veng and see other places.

As will be outlined in the recruitment section, traffickers/smugglers (who are often returning migrants) are active in the communities where migration is the highest. Some traffickers/smugglers need to pay off a debt at home or in the destination and need to recruit others in order to do so.

2. Demand and pull factors

Findings

- Labour markets are gendered; there is an increasing demand for female migrants, both in Koh Kong and Trad.
- In Koh Kong, the presence of internal migrants, business people and trade, and the increase in sex tourism, have meant a demand for girls in the sex industry. In Trad, Cambodian migrant workers fuel the demand for Cambodian sex workers, and development policies, such as tourism on Koh Chang, create new demands for Cambodian women and girls.
- In Trad, Cambodian women and girls are required for labour-intensive industries such as fish processing, where hours are long and wages are low.
- Men are required in jobs that are dangerous and labour-intensive, and rejected by Thai nationals, in industries such as fishing, sawmills and ice factories.
- Employers demand migrants, such as Cambodian women and girls, who are easily manipulated and exploited, and men, who are willing to work harder, longer hours and for less pay in difficult working conditions, which is no longer the case with Thai nationals.
- Push/pull factors include: the opportunity to earn higher wages and the preconceived idea of Thailand as a land of prosperity; the ease with which money can be made in Thailand; the porous border (with corruption on both sides); and, for men from Prey Veng in

²⁹ Cambodia Daily, 2 November 2004.

particular, the habit of migrating to Thailand to work in the fishing industry, especially Trad province.

The demand for Cambodian men and women in different labour markets in Koh Kong and Trad and jobs is largely defined by gender.

3. Decision to leave

Findings

Women and girls leave owing to pressure or some disruption in the family and rarely discuss the decision with others, tending to be more impulsive about leaving, whereas men with their families plan and discuss the decision to migrate.

4. Recruitment

Findings

- Women and girls are more susceptible to trafficking during the recruitment process, as more coercion and deceit is used in comparison with men. Men approach known smugglers to assist them whereas women and girls are often coerced or tricked into leaving by traffickers.
- There is a greater lack of awareness among female migrants of the risks of migration compared with men. Women and girls are more likely to have less knowledge about the journey, the destination, and the living and working conditions than men, and it appears they migrate under risky circumstances and with little consideration for their own safety. Blind migration is more common among women owing to lack of access to recruitment networks and job opportunities, and they are less prepared.
- Smuggling to Trad is more common among men who are migrating for work but, owing to the nature of the job and the demand, trafficking is more prevalent among women and girls. The latter are more vulnerable to trafficking during the recruitment process owing to their status and to gender factors.
- Male migrants do not understand the term trafficking or consider themselves victims of trafficking

- Men accumulate debt to pay traffickers and smugglers in the source province and at times in the destination, whereas women accumulate debt to the employer at the destination, or debt bondage occurs.
- There are links with internal migration from the poorer provinces to Phnom Penh around the factory areas and then to Koh Kong. Women and girls remain vulnerable on their own in cities and encounter problems there, or are lured from Koh Kong across the border.
- Connections were found between Phnom Penh and Koh Kong and south coastal areas such as Kompong Som, Kampot and Trad in the trafficking of women and girls into the sex industry.

Deception and tricks to Koh Kong

Traffickers actively seek out girls who are in crisis after family problems and who are upset or angry with their families, relatives or husband/boyfriend. These traffickers (usually women) are particularly clever in gaining the trust of the girls and trying to persuade them, using friendly and emotionally supportive methods, as well as luring them with stories of high incomes and material possessions. Traffickers are on occasions introduced to potential victims by friends, relatives and acquaintances who are also involved in the deception. One respondent already working in Koh Kong returned to the factory where she used to work in Phnom Penh to recruit other girls. The traffickers regularly use the following information to persuade unsuspecting women and girls to go with them:

- That there is the potential to earn a lot of money and find a new job such as waitressing, working in a restaurant, or as a CD player in a karaoke shop.
- That there are jobs in domestic work and as cooks.
- That new factories in Koh Kong require employees. [In reality, the industrial area in Koh Kong has yet to be built (as of October 2004)].
- That they will be able to have jewellery, nice clothes and makeup.
- That Koh Kong is a fun and exciting place to be.
- That jobs are available in the shrimp farms [despite that they have already ceased operation].
- That they can work in a shop.
- That they will earn more money than (in factories) in Phnom Penh.
- That it is easy to find work and set up a karaoke establishment in Koh Kong.

Sex industry (Trad)

Traffickers who are working in direct contravention of national laws facilitate women crossing borders illegally. Many use coercion, force, or false promises in placing women in illegal sex work.³⁰ Trafficking of girls to Trad either begins in urban areas such as Phnom Penh, when girls who have previously migrated from poorer provinces are forced or lured across the border from Koh Kong, or occurs when girls decide to leave Koh Kong. Girls who are now working in Trad were tricked into leaving with false promises of different jobs or deceived by traffickers and brought to Koh Kong. The trafficker then calls the second trafficker in Trad to transport the girl across the border and take her to the destination point.

Such traffickers are active in urban areas such as Phnom Penh, where they are able to take advantage of the naivety of the girls, their lack of other options and crisis in their lives. The research found that women and girls who had been married young but were now separated and divorced without means to support themselves were vulnerable to traffickers, as they were no longer virgins and were stigmatised by society for not being with their husbands. When asked why she ended up as a sex worker, Keng replied: 'I am already married but my husband left me and I am not a virgin'. Srei Rath said, I have been married since I was 14. My husband left me without reason.'

There are a number of cases of girls working in Trad province who have been misled or cheated and travel from either the source province or other provincial areas with the traffickers. One sex worker paid the trafficker 300,000 riel (US\$75) to take her to Trad on the promise that she would get a job in the fish processing industry but was duped into working in a karaoke bar. It was reported (but could not be substantiated) that female Cambodian migrants have left previous occupations in seafood processing or domestic work in Trad province to become sex workers owing to a lack of work or difficulties in surviving with the small incomes in Trad (which has a higher cost of living than Cambodia).³¹

Furthermore, young girls who are poor, orphaned or in family crisis in Koh Kong itself are vulnerable to trafficking. One case was found during the research where the girl had been orphaned after the death of her mother (who was a sex worker) from HIV/AIDS. She was

³⁰ UNIFEM, 2003: 6.

³¹ OXFAM GB, 2000: 21.

raped twice and then later sold by an unknown woman to a karaoke establishment in Klong Yai.

Two girls, who came from Kampot (a poor area with high levels of migration internally) were persuaded by old women in Koh Kong. One was introduced by a friend to the trafficker and informed of high paying jobs. The girls were cheated by the traffickers from Koh Kong on arrival in Trad. NGO community monitors in Koh Kong report a number of cases where Cambodian men return to Koh Kong to marry a girl and then sell her to a brothel or rich family for domestic work in Trad. However, cases were not found by the research team.

There are also indications that Cambodian girls who are being trafficked to Trad province are becoming younger or are transiting through Trad to other locations in Thailand. The women and girls travel with traffickers who charge about 2–4,000 baht (US\$50–100) to transport them to Thailand and find employment. In addition, there appears to be a rotation of girls from Koh Kong to Trad and vice versa, with some connections between those running brothels in both places. One Cambodian karaoke owner used to run a business in Koh Kong but, after the economic downturn in Koh Kong, moved his business to Klong Yai in Trad. Connections were found between brothels in various areas (Phnom Penh, Battambang, Kompong Som and especially Koh Kong and Klong Yai in Trad), whereby girls were rotated and replaced by new girls. Resource persons in Koh Kong repeatedly emphasised that girls were taken by boat at night to Trad from the Koh Kong brothels.

Deception and tricks to Trad

- That jobs and earnings are easier to find than in Cambodia and more available, but no information is given on high daily living costs.
- That girls can sell sweets, beer or wine and can earn between 1,500 and 5,000 baht (US\$37.50–125) per month.

Labour migration to Trad (women and girls)

Cambodian women and girls who migrate to work in labour-intensive industries in Trad province regularly borrow money from people from the same locality, such as neighbours, returned migrants or community leaders. Sometimes these loan the families of the women and girls money in the form of an advance for services to be rendered in the future. The women and girls become indebted to the trafficker/smuggler for this advance. Hence, the women and

girls accumulate debt. Therefore, the first person in the trafficking chain is known but the victim is then passed on to more exploitative employers or traffickers at the point of destination. In other cases, money is owed to family, friends, loan sharks etc. and the person cannot return home without finances to repay the debt. One young girl from Koh Kong, who was living with her extended family which had with a history of domestic violence and exploitation, was persuaded by her great-aunt to go and work in Thailand selling makeup and flowers. On arrival in Thailand, her uncle took a loan from the shopkeeper for 200,000 riel (US\$50) which was to be paid off by the girl. Her whereabouts today is not known. Some girls from Prey Veng pay to secure jobs but are unaware of the exploitative nature of the labour. One girl from Prey Veng lost her leg from the knee down in a fish processing machine.

Labour migration to Trad (men)

Numerous men in Prey Veng actively seek out traffickers/smugglers to transport them to Thailand. Others are approached by traffickers who are recruiting men to work in Trad, some of whom have experience of working in Thailand and know the route and have established contacts in Trad or other parts of Thailand. Occasionally the traffickers/smugglers are distant family members who have returned from working in Trad. Some traffickers/smugglers ask the men to make appointments with them if they are willing to go. Many of the traffickers/smugglers are members of the same community who return to the source province to see family and at the same time take other workers back. Sometimes, in order to pay back the debt to the original person involved, migrants will return to recruit others.

Women usually find themselves indebted financially to the traffickers and at the destination point, especially in cases of sexual exploitation, but men have to pay upfront for the transportation and/or for securing a job, although debt is also accumulated at the destination. This results in debt to rich people and moneylenders in the source communities. For example, the trafficker/smuggler demands money from the men. The poor are not likely to have access to this type of money so they sell other assets, such as animals, and mortgage their land. Often men borrow from their families, taking loans from others in the village or the moneylender at extremely high rates of interest.³² Without assets or collateral, men are unable to borrow money from the banks. Men usually borrowed between 300,000 and 800,000 riel (US\$75–200), on average 350,000 riel (US\$87.50) at 5–20% interest per year, but it was repeatedly

³² CDRI, 1999: 8.

heard that respondents paid 100% interest for one year. It has also been suggested that men have more access to borrowing money than women and girls.

Much of this money is needed to pay for transportation, which can result in debt bondage to moneylenders. Traffickers/smugglers arrange travel but also may liaise with the authorities, pay bribes, determine the crossing points for leaving and entering, be proficient in Thai, and pay money received by the migrant at the destination point to families at home. Over the years connections between such traffickers and smugglers have been built with employers, labour contractors, the authorities and the police.³³ Many migrants rely on traffickers/smugglers, especially those looking for long-term work in Trad. Men interviewed stated that they received transportation and food, could cross the border, and were placed in a job. Others paid once the job had been secured. In many villages, there were a variety of traffickers and smugglers working, with slightly different methods of crossing the border, and it was extremely difficult to get substantiated information on whether men were trafficked or smuggled: from the interviews conducted this was not always clear.

The majority of smugglers are friends or relatives of those migrating and are usually not held responsible for what happens at the workplace, only for the safe passage.³⁴ Distinctions between traffickers and smugglers become blurred when migrants pay/hire a smuggler but do not know that a smuggler is really a trafficker who intends to cheat, deceive and hold them in forced labour conditions.³⁵ Men interviewed did not understand the term trafficking or considered what had happened to others who had been cheated and exploited as victims of trafficking but that they had been unlucky.

The system of traffickers/smugglers relies heavily on well trodden routes and several layers of people. The first trafficker/smuggler is in contact with companies and employers in Trad and earns a high salary, the second trafficker/smuggler brings the people from Cambodia to Thailand and is possibly based in Koh Kong, and the third trafficker is based in the villages and provinces and recruits people directly and is a trusted member of the community. Other recruitment methods are less systematised, with returnee migrants seeking new workers for a particular industry in Trad. Each has a system (as reported by returnees) of contact from the source to the location, especially with the local authorities, police and immigration police.

³³ Piper, N., 2002: 10.

³⁴ MOWVA, 2004: 11.

³⁵ Piper, N., 2002: 5.

Traffickers/smugglers recruit labourers for work in construction, farms and fishing boats, but are not needed by male migrants from Koh Kong who already have knowledge of routes and connections in Trad. These are more aware of tricks of traffickers owing to wide knowledge and experience of working in Trad, hence vulnerability to trafficking is reduced. These men from Koh Kong take the opportunity to work in Trad as there are few jobs in Koh Kong; though earnings in Trad are not substantial, they continue to risk the journey.

Labour migration to Trad (men) – deception and tricks

Labour migration for men is also risky. During the research the team met young male migrants who had been tricked by smugglers, who took their money and transported them to Koh Kong from the poorer provinces. Once at the border or near the border (Cham Yeam) pagoda in Koh Kong, the men were abandoned. Furthermore, men who manage to cross the border with assistance from traffickers are frequently abandoned on the Trad side, where they risk being imprisoned. This was confirmed by local commune leaders in source provinces and NGOs working in Koh Kong. It was also the case that migrants were sold to Thai employers and others were tricked about the work and conditions, demands having been made of them that the money be paid when employment was secured. Cambodian fishermen are generally ignorant of the conditions of the work, having received inadequate information about the length of the period of work and the conditions to be endured, often including long working hours, lack of sleep, threatening behaviour by boat owners, and restrictions to personal freedom and movement through fear of arrest by the Thai police.

Men in source provinces such as Prey Veng are also enticed by the stories of other migrants, who tell of earning high salaries. Migrants and village chief report of cases men who went to work in Thailand and were tricked and did not receive salaries, and returned from Trad without any money.

Recruitment process

Today, Cambodian men with their families or wives make the decision themselves to leave home to seek their fortune in other urban areas or neighbouring countries such as Thailand, whereas women and girls are more often lured, tricked or deceived, either from home provinces or from urban areas to where they have previously migrated. Therefore, circumstances surrounding their migration differ. Men actively seek out traffickers/smugglers

who know the route, or are persuaded to leave; deception is less prolific than it is in the recruitment of Cambodian women and girls for the sex industry. A large amount of coercion, manipulation and trickery is required in order for traffickers to persuade women and girls, as few choose to end up in the sex industry, which is highly abusive and exploitative, unless for economic survival. Women and girls are sought by traffickers to fill a particular demand and are usually tricked during recruitment about the nature of the work and the conditions, as well as told that it is easy to make money and that Koh Kong and Trad are places of opportunity.

5. Traffickers and smugglers

Family members such as uncles, aunts and stepfathers have been known to be involved in the trafficking of female relatives, especially for labour. There is a lack of information as to how prevalent this is currently. However, interviews show that in the majority of cases it was not blood relatives who instigated the sale of girls or the forcing of them into labour exploitation but more distant male relatives. The research documented the cases of one girl persuaded to go with her uncle to find a job, and one whose uncle took loans using her as collateral. Close friends, villagers or known people in the community were commonly known to trick the girls and sell them to brothels, as well as individuals from the destination, e.g. brothel owners, men working for brothel owners, karaoke shop owners and other sex workers from Koh Kong.

Conclusions and recommendations

The research team believes that the findings in this research reiterate the growing belief that factors that contribute to trafficking and that ultimately result in women and girls becoming more susceptible to trafficking are a result of gender.³⁶ As the ILO has noted, ‘It is the gender-segregated labour markets as well as the sexual division of labour in the household that determine gender-selective migration flows’.³⁷

Stated simply, men and women follow different migration patterns because they do different things in the sending country (Cambodia) and are expected to engage in gender-specific occupations on arrival to the host country (Thailand). Cambodian men, women and girls are faced with a myriad of problems when migrating to Koh Kong and Trad. Indeed, it is clear that all categories of migrant workers are regularly subject to abusive, exploitative and

³⁶ Wijers, M. and L. Lap-Chew, 1997: 87.

³⁷ ILO, 2004b.

discriminatory treatment. However, for Cambodian women and girls the dangers, vulnerabilities, violations and consequences of trafficking and exploitation are far greater than for men owing to unequal gender relations and less social and economic power at every stage of the migrating process.

The report would like to conclude by summarising the vulnerability factors that have come to light which have caused women and girls to be trafficked or engaged in various work sectors that expose them to sexual exploitation and other abuses. It will additionally show vulnerabilities for men and generally for Cambodian migrants interviewed, as this has formed a major part of this research. It will then make recommendations for future action.

Recommendations

Starting from the country of origin, through transit, country of destination (Thailand) and even integration, as has been outlined in this research, women and girls have to bear an extra burden of vulnerability when migrating. The research has highlighted the need to address the root causes of migration to prevent Cambodian migrants, especially women and girls, becoming vulnerable to trafficking and sexual exploitation. As the Special Rapporteur on violence against women stated, ‘The root causes of trafficking and migration greatly overlap. The lack of rights afforded to women as the primary causative factor at the root of both women’s migration and trafficking in women.’³⁸

The research has shown how the initiation, the process and the outcome are different for men and women during migration. Programmes initiated to combat trafficking, whether for labour or for sexual exploitation, need to understand gender disparities to understand how migration impacts men and women differently if they want to reach out effectively to men/boys and women/girls.³⁹ Furthermore, interventions and development programmes that are gender specific and address gender equality as well as protecting rights need to be developed. A holistic gender-responsive approach can address the factors that cause women and girls to be vulnerable and support the strengths of all migrants. It is also a rights-based approach, since gender discrimination is now recognised as a fundamental denial of human rights. Human rights must therefore lie at the core of any credible counter-trafficking strategy and must also

³⁸ Pearson, E. *et al.*, 2001: 45.

³⁹ CARAM Asia, 2002: 65.

be responsive to gender differences and disparities, and focused on realising human rights equally for men and women, boys and girls.

Importantly, developing more understanding of the needs of migrant workers is fundamental as new programmes and policies need input from those who have been previously trafficked or exploited, and from migrants generally, so they are able to influence decisions and solutions that affect them. Consequently, stakeholders' implementing programmes must focus on issues and needs raised by migrants, especially female migrants. Their participation is needed to work towards improving their conditions, recognising their rights and reducing vulnerabilities. Furthermore, LSCW appeals to the government agencies, NGOs, IOs, UN and donors in both Thailand and Cambodia to consider the following:

- Addressing the gaps in assistance to Cambodian trafficked and exploited migrants is vital, as programmes and projects are limited in numbers and locations, particularly in Thailand.
- As the research has highlighted, the needs and vulnerability of Cambodian women and girls differ from men. Thus there is a need for specialised intervention to address these differences. Furthermore, all agencies need to work together to guarantee that migration does not lead to trafficking and exploitation.
- Policies dealing with trafficking need to take migration issues on board; this needs to include trafficking concerns, as often these issues cannot be separated. There should be full comprehension of gender issues with regard to both.
- There is a need to address the risks in certain sectors, such as fishing and the sex industry, where migrants are frequently trafficked and exploited. This should involve exploring specific measures and action to reduce such violations in the future.
- Cambodia is in the process of implementing an MOU with Thailand⁴⁰ which will offer legal channels of migration to Cambodians, but it is possible that these legal channels will focus on the male-dominated sectors such as fishing and construction, putting Cambodian women at a severe disadvantage: the gender-segregated industries, such as domestic work and the sex industry, are not covered in migration policies. Such moves could increase vulnerability to trafficking, exploitation and abuse, with little recourse for protection from the authorities. It is vital that such moves are prevented.⁴¹

⁴⁰ MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Cooperation in the Employment of Workers, signed 31 May 2003.

⁴¹ Corner, L., 2002: 15A.

General recommendations

Cambodia and Thailand have signed two MOUs towards joint cooperation on trafficking and migrant workers. In 2004, Prime Minister Thaksin Shinawatra reiterated his government's commitment to combating trafficking and declared this to be a national priority. Therefore, the following recommendations are highly relevant.

To governments (Cambodia and Thailand)

- There should be integration of a gender perspective into all trafficking interventions; gender-sensitivity training should be designed and run for government staff and agencies. Mainstreaming gender is vital for solving the increasing problems of trafficking and preventing gender discrimination.
- Government agencies UN, IOs and local NGOs together should be instrumental in addressing key attitude changes towards women in Cambodia, and on sexuality, gender relations and sex work.
- Governments of Thailand and Cambodia should ensure rights-based, clear gender-specific migration policies are planned and implemented.
- Government and agencies should adhere to the MOU on trafficking to prevent arrest, detention and deportation of Cambodian trafficked women and girls.⁴²
- The government of Thailand should permit Cambodian organisations to assist trafficked and exploited migrants through legal channels in Thailand.
- There should be concerted efforts to prevent corruption, bribes, extortion, harassment and violations of human rights by officials (authorities, police, military, and immigration officers), especially in the border areas.
- Government agencies, UN, IOs and local NGOs should address the gap identified to respond to the needs of female migrant workers and children, and work to support women, encourage participation, strengthen positions and allow them to speak up for their rights.
- There should be implementation and enforcement of existing bilateral agreements, such as MOUs (on i) trafficking and ii) employment of workers). New agreements should be formed on cross-border cooperation between Thailand and Cambodia, particularly focusing on Koh Kong and Trad and other cross-border areas.

⁴² MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Human Trafficking, signed 31 May 2003.

- Men are not recognised as victims of trafficking within the two MOUs that have been signed with Thailand (on i) trafficking and ii) employment of workers). Generally, there is little concern of the needs of men, with extremely few interventions undertaken to reach out to them. Agencies need to make provision for trafficked and exploited men through migrant assistance programmes to provide support, legal services and protection.
- Concerted efforts are needed to break trafficking networks and prosecute people who exploit migrant workers with heavy penalties; victims should be offered special visa status, protection and social services in exchange for testifying against exploitative employers, traffickers and smugglers.
- Reports should be examined of increased numbers of sex tourists in places like Koh Kong and Trad province, and strategies and action created, especially among law enforcers, to prevent exploitation and rights of Cambodian women and children in this regard.
- Legal labour recruitment organisations in Cambodia should be monitored to prevent high costs to migrants, corruption and other bad practices.
- Thai labour laws should be enforced as legally stated as entitlements for registered migrants who face exploitation; these need to be in line with international standards.
- Destination countries such as Thailand should regulate the status of undocumented migrants, particularly women and girls in the sex industry.
- Thai and Cambodian governments should ratify international conventions which pertain to migrant workers, such as the ILO Convention on Migrant Workers (97 and 143), and the Convention against Transnational Organized Crime and its protocols, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Governments with assistance from IOs and UN agencies should train labour inspectors to monitor and inspect industries which are notoriously exploitative and where trafficking is common, e.g. fishing.
- Government agencies in cooperation with NGOs need to adopt concrete strategies to monitor areas around factories and garment factory girls'/women's accommodation in order to prevent active traffickers from operating and to address the issues surrounding shutdowns of factories and possible job losses among the 240,000 female garment workers after the US quota expiry on 31 December 2004.⁴³

⁴³ Cambodia Daily, Monday 8 November 2004.

Research and other issues

Further research is required on the following topics:

- The vulnerabilities and factors surrounding the trafficking of men, to encourage more understanding of men as victims of trafficking.
- Trafficking from a broad perspective, including forms such as domestic work and fish processing.
- Baseline research on the problems affecting Cambodian migrants who cross the border to Thailand.
- General situation of migrants, such as work issues, labour conditions and abuses, needs, family life and living conditions, effect on home communities and particularly on gender issues.
- Root causes of migration and gender vulnerability, to prevent further trafficking, abuse and exploitation.
- Gender-based vulnerabilities and discrimination of women in source, transit and destination areas.
- Impact of migration on source province and households.
- The link between trafficking and voluntary entry into the sex industry among garment factories in Phnom Penh, at the same time increasing monitoring after possible factory closures, concentrating especially on formulating strategies for future employment.

Safe migration and prevention of trafficking

Governments and supporting agencies need to work to increase opportunities and expand channels and mechanisms for safe legal migration, including improvements in migration management and connecting with worker protection measures, and the creation of migrant worker support networks. Such moves can minimise vulnerability of undocumented Cambodian migrants to trafficking and labour and human rights violations.

Potential Cambodian migrants need to be properly informed about the risks of migration internally and cross-border (exploitation, violence, lack of freedom, debt bondage, health and security etc.), as well as avenues for legal non-exploitative migration.⁴⁴ In addition, there is a need to enable migrants to learn about protection strategies, perhaps in the form of a checklist,

⁴⁴ MOWVA, 2004: 19.

which can enable them to leave the village more informed about the destination etc., i.e. they will not be departing blind and putting themselves at risk. For example, potential migrants need to tell their families and the authorities, ask more questions to the person recruiting them, and not travel with those they do not know, which can put them in danger of trafficking. The migrants need to be able to protect themselves and could formulate tools to give these messages, e.g. through video, radio, comedy etc. Providing reliable information to communities (migrant individuals and families) about the realities of migration, deception by traffickers, human rights, and legal literacy and options is imperative in preventing trafficking and exploitation.

Safe migration and prevention strategies

- Education, information and awareness-raising materials need to be developed on safe migration and protection, accessible for people who cannot read and write, to give them practical information on trafficking. Materials need to be visual or use innovative ways to disseminate information to illiterate people who are considering migrating.
- Protection strategies need to be developed in the vulnerable communities, especially with regard to how to report problems and to which agencies in provinces can assist community members when trafficking and smuggling violations are suspected, e.g. hotlines and response mechanisms.
- There needs to be awareness creation in communities with high migratory patterns, through various media, on the dangers of illegal migration, hazards, working conditions – especially in certain industries, the cost of living in Thailand, cultural differences, tricks of traffickers and smugglers, and protection strategies that can help counteract the risk of trafficking and exploitation.
- There should be greater participation by communities in preventing trafficking, through the establishment of village-based protection activities, the identification of key focal points for safe migration in the village, and effective educators on safe migration. Migrants who have not been successful could be encouraged to talk about the problems of labour migration and the reality of the living and working situation in Thailand.
- Government agencies and NGOs should undertake campaigns aimed at Cambodian women and girls who need to be given dependable information at the village level (source), not only of the opportunities of migration but also of the limitations and dangers they can encounter through the migration process, in order that they can make informed choices.

- Pre-departure training programmes in areas and provinces of high migration should include information on labour law, rights, details of contracts, and registration procedure and entitlements under the Thai registration process.
- Information should be given to women and girls who are considering migrating on how they can access services and information in their home province, by providing telephone numbers and names of NGO programmes or agencies.
- There should be opportunities created and changes considered on discriminatory attitudes to men and women's roles, bodies and sexuality.
- There should be public education on the beneficial aspects of a women's role and gender-awareness training on the changing roles of Cambodian women and girls as migrants, to prevent discrimination in all areas and 'create more positive attitudes to women and girls rights, roles and status'. ⁴⁵
- Men and communities should be encouraged to look at the internalised 'good/bad women' concept, to recognise that in human rights women should be treated with the same respect as men. ⁴⁶

Skills and education in source provinces

- Alternatives should be broadened and choices developed for employment and income generation for men and young boys in the poor communities where traffickers and smugglers operate to obtain workers for industries in Thailand.
- Long-term initiatives should be created to empower Cambodian women and girls from key migrating communities with skills training and education, so they can enter and compete in the labour market and make sustainable changes to their livelihood. Income generation for women and girls needs to be dependent on market forces in the province, and competitive with salaries in migration destinations in order for them to be attractive enough for people to decide not to migrate, e.g. with loans, training in technology or different agriculture techniques.
- The Cambodian government should be encouraged to make an integrated effort to overcome poverty and provide funds for rural development, involving participation of communities with high migration to Thailand and other destinations, both internally and cross-border.
- Support services are required for families and women left alone in the source province to prevent creating additional vulnerability (debt, financial insecurity, trafficking and exploitation).

⁴⁵ Corner, L., 2002: 17.

Legal protection

Training

- NGO lawyers and staff, local authorities, and police, especially immigration police, need further training in basic legal instruments, legal procedure – focusing particularly on better investigation techniques – and evidentiary procedures to create a disincentive for traffickers and to impact on demand (Koh Kong and Prey Veng).
- It is imperative that the anti-trafficking bureau police in Cambodia conduct further training in Koh Kong with the immigration, border and provincial police, especially on the current and new anti-trafficking laws.
- Young female lawyers need to be trained to represent female clients; female police officers should be encouraged for collecting evidence to support convictions and for sensitivity to the needs of the client. In addition, an increase in recruitment and training of female police officers, prosecutors and judges should be promoted.
- Immigration and border police, the judiciary and social services should be trained on the treatment of trafficked, exploited and in-crisis migrants, laws and MOUs. The criminalisation of traffickers, decriminalisation of victims and prevention of the practice of deportation/viewing victims as illegal migrants should be promoted. Training is also required on how to recognise possible cases of trafficking and the difference between smuggling and trafficking.

Improvement in legal awareness and policies

- NGOs and other agencies need to disseminate and implement relevant laws to agencies and lawyers working with victims, as well as to local authorities, commune councils, village chiefs and the communities.
- Labour laws should be standardised to ensure equal rights and working conditions, regardless of origin and gender of workers.⁴⁷
- There should be education on legislation for better enforcement; judges and judiciary should be interviewed to find out about attitudes and identify gaps in knowledge.
- Cambodian migrants require knowledge and understanding of how to use legal instruments to seek redress and legal rights under Thai and international law, e.g. CEDAW and the MOUs with Thailand, on reclaiming belongings, claiming compensation, or payment for unpaid services etc.

Improvement in legal procedure

⁴⁶ CARAM Asia, 2002: 6.

- NGOs are urged to send complaints of misconduct by the courts to the Ministry of Justice or Supreme Council of Magistrates.
- There should be a reduction in demand for trafficked victims, achieved through cracking down on, arresting and prosecuting traffickers/smugglers and closing exploitative businesses.
- Policies based on rights are needed so that traffickers and smugglers and those involved in exploitative recruitment practices are punished, as are those who exploit and physically and sexually abuse Cambodian men, women and children at the source, during transportation, and in transit and destination areas, such as brothel owners, police, authorities and employers, including those who profit and extort money from those crossing the border, such as border guards.
- There should be advocacy to strengthen judicial procedures during trials that are rights based or victim friendly, including client and witness protection. Protection of women and children who testify in court needs to be improved, as confronting them with their tormentors in court often leads to prolonged trauma. No victims should be encouraged to pursue legal means without protection.
- Law enforcement practices need to be reviewed, as trafficked victims tend to be exploited numerous times, first by the trafficker, then by the police/border/immigration police, and finally by employers and brothel owners.

Legal services

- There should be access to free legal services, assistance and representation for women and girls in Koh Kong and Prey Veng, and Cambodian migrant workers in Trad.
- There should be free translation services for Cambodian migrant workers in Trad province during legal proceedings.
- There should be access to legal redress and compensation.
- Housing, protection and financial assistance should be provided during the legal process.
- Discussions should take place in a number of places with appropriate stakeholders on registration of sex workers in Cambodia, with particular regard to legal implications and control by the authorities, which could trap rather than protect women and girls.⁴⁸

⁴⁷ Wijers, M. and L. Lap-Chew, 1997: 25.

⁴⁸ On Tuesday 7 December 2004 in the Cambodia Daily, it was reported in an article that the local police in an unknown destination photograph sex workers and collect US\$2.50 every couple of weeks from the girls.

- Lobbying should be carried out to improve the legal position of women and girls in Cambodia, as fully recognised workers protected by labour law in destination countries such as Thailand.

Community protection (destination)

- Community-based intervention programmes are important to reduce vulnerability to trafficking.
- Training programmes need to be developed to sensitise authorities on the problems and needs of trafficked and exploited persons, especially women and girls.
- Support networks need to be established in the gap provinces of Thailand where Cambodian migrant workers are prolific, including remote areas, so that migrant workers can exercise their rights together (Samut Prakarn, Pattani, Songkla, Bangkok, Trad, and Chonburi).
- Information needs to be provided regarding services available for victims of trafficking and exploitation for migrants (both internally and cross-border) in destination country or location.
- Community drop-in centres need to be established, which can be a focal point for various services and information for migrants and their families, and where issues such as rights and protection of migrants can be monitored, especially in the areas of trafficking, exploitation and discrimination.
- A response system with services for women and girls in Koh Kong and Trad province who have been trafficked, exploited, raped or suffered violence needs to be mobilised in a holistic manner, i.e. covering health, legal, psycho-social issues etc.
- There needs to be creation of a mechanism whereby victims within Cambodia, and Cambodian migrants, can report complaints of labour violations, trafficking and exploitation, in confidence without retribution, in order to prosecute employers involved.
- Employers need to be educated about their obligations to protect the rights of workers and to adhere to national labour laws.
- Cambodian migrants need access to information about what they are entitled to in the registration process, labour laws, and MOUs (between Thailand and Cambodia). Hence, translation of Thai labour laws, registration documents and procedures into Khmer is needed.

- Understanding needs to be created of migrants' rights to services if trafficked or exploited (under national trafficking laws and MOUs), irrespective of status and gender.
- All Cambodians, whether migrants, documented, undocumented, trafficked or exploited, need to be provided with assistance to address health, social and personal problems.
- Migrant support programmes should be set up by women themselves to prevent violence against female migrants, with services for those who have survived gender-based violence, e.g. educating female migrants on their rights and training other female migrants to offer support and monitor violations of trafficking, exploitation and other human and labour rights.
- A communication system or hotline should be set up in Koh Kong to offer emergency help for those who require it and provide services such as translation, lawyers and legal support.
- A system needs to be developed, with the input of migrants, by which Cambodians can remit money back to Cambodia from Thailand. This should take into account the fact that Cambodians generally do not trust the banking system and only trust family members or known persons.
- Advocacy should take place through government ministries for protective regulations for women and girls working in the sex industry in Koh Kong and Trad.⁴⁹
- Agencies, with the assistance of the Thai media, need to present positive images of migrant workers to prevent stigmatisation and discrimination.

Reintegration

- Services and referrals from the border to the home province should be in place for all migrants and for trafficked and exploited men, women and girls, particularly those without any Cambodian ID.
- Review of Cambodian NGO shelter policies, codes of conduct and manner of operation so that high quality services are provided to trafficked women and girls
- A safe and secure halfway house, centre or shelter for girls rescued or needing assistance in Koh Kong and Prey Veng needs to be set up, where victims of trafficking can be temporarily housed and where they can receive medical care, psychological counselling and legal advice. This should take into account the different needs of adults and children and acknowledge the agency of Cambodian women and girls in choosing whether reintegration back to families/relatives/community is in their best interests.

⁴⁹ Asian Migrant Centre, 2002: 19.

- Assistance is needed, particularly for women and girls and migrants in crisis being deported from Trad to Koh Kong, in order to ensure safety across the border.
- Programmes are necessary to tap into the already existing support mechanisms in communities, to assist returning migrants and victims.
- Assistance is needed for women and girls with STDs or HIV/AIDS, who are pregnant, traumatised, or have psycho-social problems, as well as those without support networks in their province owing to rejection/stigmatisation from families/communities.
- Awareness-raising is required in communities to which trafficked and exploited men and women return, to prevent stigmatisation and create supportive environments.
- Cooperation is needed between government and NGOs to create opportunities for employment/utilise skills migrants have acquired, e.g. in construction, fish processing and agriculture, to assist in the development of rural areas and source provinces.
- Men also require reintegration assistance, such as health services, support groups and low-key counselling sessions, and training and employment assistance.
- Extradition and return agreements within the MOU need to be implemented in Koh Kong, similar to those already in place in Poipet.
- Protocols need to be established between the police, border authorities, and assisting agencies, both in Thailand and Cambodia.
- Government agencies, UN, IOs, NGOs and government agencies in destination areas need to assist trafficked and exploited victims in obtaining holistic services and assistance in their home province.

Networking and cooperation

- Networking, cooperation and collaboration needs to be encouraged and strengthened among NGOs, IOs, government and UN agencies that can provide services to victims in Koh Kong and Prey Veng, especially focusing on women and girls.
- A mapping exercise of government, UN agencies, IOs and NGOs in various key provinces could help establish who is focusing on trafficking and migration issues, in what areas activities, programmes and projects are being conducted, and what has been accomplished, to avoid overlap and assist in cooperation.
- The Cambodian government, UN agencies, IOs and NGOs should work closely with Thai counterparts in providing protection to Cambodian victims.

- The Cambodian government should be assisted in implementing the two MOUs with Thailand (on i) trafficking and ii) employment of workers), through cooperation between government ministries in Trad and Koh Kong.
- Cross-border agreements developed between Koh Kong and Trad, and mechanisms for networking and collaboration at governmental and non-governmental levels, should assist trafficked and exploited victims in Trad province, and other transiting migrants who are vulnerable (in the areas of health, gender, labour and law).
- The immigration police have regular meetings with their Thai partners and occasional meetings with the border liaison office (BLO), but these need to be expanded to address trafficking/labour migration issues. An official agreement is needed between Trad and Koh Kong on deportations. Joint training for Cambodian and Thai law enforcers, e.g. on MOUs, trafficking/smuggling and migration, can assist collaboration.
- It is important for counter-trafficking programmes to connect with migrant workers and health organisations to make clear that the protection of migrant workers' rights and the rights of trafficked persons are integrally linked.⁵⁰ There is a need to exchange information and develop joint strategies and mechanisms among stakeholders, particularly in source provinces in Cambodia and destination locations in Thailand.
- All agencies and sectors, including private, government and civil society, need to build stronger relationships with each other and form agreements on activities, as well as providing channels of communication to help reduce the vulnerability of Cambodian women and girls and the exploitation of men in certain industries.

Specific recommendations for trafficked and sexually exploited women and girls

As the research has indicated, Cambodian women and girls are more vulnerable to trafficking for sexual exploitation than men. The following specific recommendations have been made:

- Specialised programmes should be developed for women and girls who have been trafficked in the sex industry, such as shelters, care and psycho-social support, and improved social services to women and girls working in the sex industry in Koh Kong and in Trad.

⁵⁰ GATTW, 2003.

- Government agencies and NGOs need to assist girls in the sex industry and other areas to recognise that debt bondage labour is exploitative and that they have labour and human rights, as well as encouraging them to move to have more self-sufficiency.
- Sex workers need to be informed of their rights and legal procedures, for example that debts to brothel owners are illegal and any such contracts and obligations are against international and national law.
- Through collaboration between government and NGO agencies, girls who no longer want to stay working in brothels, karaokes etc. should be assisted to leave and helped in gaining self-worth and value, combined with empowerment to make their own decisions, live independently, and have the opportunity to take part in skills training that will lead to jobs based on the needs of the source province.
- Outreach strategies are necessary to assist women and girls who continue to work in brothels, karaokes and other establishments, to provide them with vocational training to increase their range of future choices based on their needs and linked to the local labour market, to assist them in making such a transition, and to seek job placements.
- Appropriate strategies should be formed, focusing not necessarily only on reintegration/return of women and girls to their homes as the sole options, but also on building self-esteem and empowerment, so that women and girls have the capability to make life choices and are aware of their value, qualities and abilities.
- Empowerment of sex workers and trafficked women and girls should ensure that those who have experience of migration and trafficking are involved in developing strategies of resistance. Victims of trafficking must be given a voice; women and girls must therefore be consulted before projects developed are implemented.
- Partnerships should be formed with sex worker groups, with victim/survivor participation encouraged, in order to form strategies to gain access to girls working in the sex industry. This could include establishing drop-in centres where girls can come for free beauty treatment, information, education and services. Also important is identifying key locations from which trafficking and exploitation-related activities are run and reporting on problems that need immediate solutions.

Legal Victims: Sex trafficking and the construction of gender, borders, and victimhood¹

Edith Kinney²

ABSTRACT

Increasing attention to the issue of human trafficking for sexual labor marks a flash point in the politics of trans-border migration. Debates about how to most effectively address the extent and nature of sex trafficking and its victims also serve as a crucible for the re-construction of gender and national identities. In the face of globalization and rapid social change, socio-legal interventions regulating trafficking become forums in which to negotiate ethnic, moral and sexual boundaries in the regional political economy. This paper is drawn from an ongoing research project examining the tension between formal, state-centered legal change and the informal ways in which organizations and other actors render human rights and anti-trafficking policies into action. In order to explore the construction of trafficking victims from the Mekong Sub-region, this project investigates the different ways activists translate international anti-trafficking discourses and policies into local goals, training techniques, enforcement guidelines, and organizational cultures. By analyzing how some activists in Thailand construct victimhood through their perceptions about law and culture, this paper aims to explore some of the possibilities and limitations of anti-trafficking campaigns. The potential friction between counter-trafficking activities, broader political transformation, and human rights concerns highlights the need to better understand the intersections between policy making, legal change, implementation efforts, and social activism.

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Thai Laborers Working Abroad: A Case Study of Udon Thani

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Introduction

Thai people have been migrating to work abroad for quite a long time. At the beginning, Thai workers processed their own working abroad plans. There were no contacts through agents or employment firms which were not abundant at that time. Therefore, the impact of migration on the family's stability and the changes that were going to take place were not clear. The only impact found was in the medical field, wherein many doctors and nurses worked abroad. This had a negative effect on medical services in Thailand bringing about brain drain, which became a very serious problem.

The business of exporting workers abroad began around 1972 or 1973 B.E. This was marked by private companies firstly sending Thai women to work as AU PAIR (Women who went to study abroad were provided with accommodation with a host family as well as paid work). Later, private companies sent workers in the service sector in the United Kingdom. The middle-east market, which was once the biggest labor market for exporting Thai workers, was triggered by the economic crises and political change in addition to the withdrawal of American troops from Thailand. After the withdrawal of American troops, people who worked at the U.S. military bases became unemployed. Businesses connected to the military bases also went down. Furthermore, the income of countries such as Saudi Arabia, the United Arab Emirates, Bahrain, etc increased from selling oil, which brought about a high demand for labor in development projects. As a result, Thai workers were hired for these projects (Office of Thai Labor Administration, The Labor Department, 1986). Thai workers were first sent to the middle-east in 1973 when Arab employers started coming to contact Thai private companies to provide them with Thai workers. At that time, only a few were interested in working in such countries. Sending Thai workers to the Middle East became more popular in 1987; and it was even more appealing to Thai workers in 1982 when the unemployment rate was expected to rise dramatically up to 20.7%.

Related Literature

In order to better understand this research, and provide complementary evidence, it is necessary to refer to a few research studies that were previously conducted on Thai overseas migration, commencing with Sumalee Pitayanon and Wattana Suwansaengjuncharern (1982). These authors studied the impact of Thai laborers working abroad under short contracts on households and community economies using case studies from villages in the northeast. The sample group was families in Udon Thani and Nakhon Ratchasima Provinces whose members worked in Middle Eastern countries. The results of the study can be concluded as follows.

1. Most of the workers received foreign work permits through private agents located in Bangkok and other provinces. The service charge and related costs were very high. About 61% of the laborers acquired loans from sources other than banks with a 10% per month interest rate. The intended workers had to use all the income they earned to pay for the debt and it took them over a year to pay off the loan and the interest, which was a great burden.
2. All of the wages earned by the laborer working abroad, the family at home spent paying off the debt. Any money left over was spent on buying appliances, both necessary and luxury items.
2. The positive impact on the families whose members worked abroad included higher incomes and a better quality of life. However, it was found that the family members' tended not to want to work in the rice field, particularly laborious work.

There were also some impacts on the community. There was a slight increase in demand for some products, while the price of the land was three times more expensive. Since the labor supply decreased, agricultural machines were used more readily in the field.

Bunjong Trikun (1985) conducted a qualitative study on labor mobilization to foreign countries: a case study in Kogsi village, Nongwuasor district, Udon Thani province. The results are as follows.

1. Workers had to pay a lot of money in order to be able to work abroad; and there were some workers deceived by working agents.

2. Laborers who had worked abroad had more capital investment after coming back. For example, some could own more rice fields and could lend money to other villagers. Moreover, their social status was higher; they were considered rich people. In addition, they were considered experienced persons and were respected by others in the village. These are the reasons why more people wanted to work abroad.

Kanok Tosurat and others (1986) studied the impact of working abroad on workers after returning to Thailand from Middle Eastern countries. The results can be concluded as follows.

1. Most workers borrowed money to pay the service charge and other expenses; 52.5% of the participants had to pay interests on the money borrowed money, only 10.8% did not.
2. 78% of the families with members who worked in Middle Eastern countries had debts of about 45,932 baht each; both from before and after the worker went abroad. 28.7% of the participants who had debts owed about 42, 086 baht.
3. The financial status of families whose members had or were working abroad was considerable better than in the previous five years. The incomes received from the workers were mostly used to pay off the debts and to buy luxurious items.

Samreong Chantrasuwan and Dusadee Kanonsri (1986) studied the impact of the change in social and economic status of Middle East-working laborers on migration, marriage, and child rearing. The results reveal that:

1. Most workers who had worked in the Middle East were male, aged between 40-44 years; 85% were head of families; 91.30% were married and lived with their wives.
2. Most of the participants had worked abroad once (42.50%). The main reasons for working abroad were to increase their income (33.50%) and to escape their poverty (33.50%). They were

persuaded to work abroad mostly by their friends and neighbors (40%) and by relatives and work agencies respectively.

3. The most important benefits of working abroad were increased income and savings, higher economic status; the next benefits were receiving more knowledge, being respected, and having an expanded social network. The worst drawbacks were worrying about their families in Thailand, being homesick, having debts, having nobody to guard their house, causing unhappiness in the family, problems with adapting to a new environment, psychological problems, and receiving low wages. 87.50% of the participants viewed that working in another country was worth the investment, but 12.50% believed it was not. The reasons why some believed that it was not worth the investment included not being able to pay off the debts (60%), low wages (26.6%), and being deceived (6.70).
4. Concerning workers' changing financial and social status, it was found that workers owned more goods compared to before they worked abroad, particularly land and electrical appliance, savings, and money for food and clothes. Their social status was clearly changed. They were considered to be knowledgeable people, had multiple skills, and were respected more by people in their original communities. Moreover, they had more friends and convenient lives. They were more independent; they expressed more opinions in community meetings. However, it was mentioned that their 'morality' as lowered.

Suchat Tritipthikhun and others (1990) conducted a study on the impact of Thai workers on the economy and psycho-sociology of their families and communities after returning from working abroad. They drew from case studies in Donpordaeng village, Koksamran sub-district, Banphai district, Khon Kaen province and Paktop village, Paktop sub-district, Nonghan district, Udon Thani Province. The sample group comprised 500 people. The results can be concluded as follows.

1. Positive impact: Most villagers' economic status was better; most of the income was used to fix their houses so that they looked better. Some money was invested into long-term livelihood strategies such as buying land for rice fields, cattle and tractors. Some money was spent on luxury items to improve their quality of life such as buying refrigerators, stereos, and so on.

2. Positive impacts on psycho-sociology: Villagers could give more financial support to each other; they could help each other more. Worker's attitudes towards their children's education was changed positively; they wanted their children to get a high education, particularly in professional fields, so that their children could support themselves and their families in the future.
3. Negative impacts on the economy: Some workers were still in debts because of various reasons. For example, they were deceived by the recruitment company and received a lower wage than that stated in their contract; they were sent back to Thailand before the contract was completed; and they had to pay high interests rates.
4. Negative impacts on family psycho-sociology: The marriage payment was a lot higher; villagers adopted city-life attitudes; more adultery was committed.

Kritsana Klaphajon (1998) studied problems and living conditions of laborers working abroad using information from secondary sources between 1984 -1998. The results are as follows:

1. The service fee charged by the recruitment agency was very expensive, particular the fee to go to Taiwan which was around 100,000 baht per person. Moreover, some workers were deceived by the recruitment company. The agent had a lot of tricks to deceive workers and take advantage of them. For example, without being informed, some workers were put into someone else's old contract; that means they would have to return home much earlier than their expected time. Therefore, they could not earn enough money to pay off their debts.
2. Some employers in the destination country did not follow the employment contract. For example, they received a lower income than the rate agreed on in the contract. Some companies did not have a work position open and consequently laborers had to find a new job and work for another employer. Their life quality was low because they had no fringe benefits.
3. Some workers had inappropriate behavior such as gambling, fighting, and causing their employers' problems; they, therefore, were put in jail or sent back to Thailand. Some were not skilled enough to work; some did not know how to use advanced technology tools and devices.

Moreover, they could not work because they were not able to adapt to the new environment and because they were homesick and were worried about their beloved ones in Thailand (e.g., family members, friends, relatives, and lovers). In addition, having little contact with their beloved ones means they became more worried, depressed, and lonely; these potentially decreased their work abilities.

Nougluk Tungkaburee (1998) examined driving factors for working abroad among laborers who had worked in Taiwan. The sample group comprised 480 workers and 72 recruitment companies. The results were as follows:

1. Most workers were male, between 26-30 years old. Most of them were farmers from the Northeast; they had debts before going to Taiwan.
2. The main reasons for working abroad include desiring more income, to gain more experience and increase their work skills, having low education, being persuaded by others, and having a lot of debts.
3. More than 50% of participants spent more than 100,000 for the service charge which was higher than stated in the law. They borrowed money from neighbors and private organizations. They had to pay high interest rates, higher than the rate of the bank; only a small number of the participants borrowed money from the bank. The reason why they did not loan money from the bank was that they did not know about the bank's loaning system and process.
4. What the workers needed when they were working in another country was authorities' visits for moral support including being informed about current news and issues in Thailand. This would give moral support to workers. They would not feel lonely; moreover, they would be proud of themselves that they could import a lot of money into Thailand to help develop the country.

The above studies related to overseas migration are useful in that they can be applied comparatively to my own study in Udon Thani, which now follows.

Aimimtham and others (2002) studied the socio-economic features of 164 returned migrants and their re-adaptation in four districts of Khon Kaen Province and found that most were married males under the age of 26, with primary level education. These informants are expecting the government to deal with the increased cost of living as well as to organize suitable vocational retraining programs for them so that they can earn a living with new skills. Some of them are wishing for a chance to work in a factory again in urban areas, but to resettle in their place of origin was also seen as an alternative. Small and medium enterprises are requested.

A study that examines how the Economic Crisis in Thailand affected return migration in Khon Kaen Province, Aimimtham (2002) reveals that return migration caused by the economic crisis occurred in proportion to the previous influx of migrants into metropolitan areas and other main cities. Even though returned workers who had formerly migrated in search of additional incomes to send home wanted to be employed under the same conditions as before, most had to adapt to new circumstances and learn how to earn a livelihood in rural areas, as rapid economic growth could no longer be expected again in Thailand in the near future. Even if the countryside is able to absorb the extra labor force, the increasing population in rural areas is likely to intensify the deterioration of natural resources and the environment.

Another study examines the various changes caused by overseas workers in Khon Kaen, particularly in relation to left behind families. Aimimtham et al (2003) found that there were both positive and negative impacts. The negative effects included paying off debts with high interest rates to recruitment companies. Some workers faced problems as a result of broken family plus feeling lonely while in foreign countries because of the distance from their original communities. Health problems were also found. There were also changes in attitudes towards jobs and employment. Because of a growing desire and expectation to earn more money, it was found that people did not want to work in the rice fields anymore. Additional negative impacts are linked to the consumerism phenomena that has brought about materialistic competition which means that people find it difficult to save money for the long term. The positive impacts found were that workers had better living conditions because of higher incomes. Their children or dependants were put in schools and more than half completed compulsory education. Lastly, the return migrants had learnt skills from their firms overseas and were able to apply them to relevant employment sectors, which raised their incomes.

Research Findings

This case study was conducted in Chiang - yuen village, Chiang - yuen sub-district, Muang district, and Sang-kor village, Sang-kor sub-district, Kud - jab district, Udon Thani Province. Seven people, both male and female, had worked abroad. They were aged between 29 – 47. The years they worked in other countries were between 1986 to the present. All participants were farmers before going to work in other countries. The countries of destination included not only Asian countries (Singapore, Brunei, Taiwan, and Japan) but also Middle East countries (i.e., Saudi Arabia and Israel.). The highest amount of money sent back home was 50,000 baht per month from someone who had worked in Japan.

Some informants still had debts whilst others had paid off their debts. They had to pay about 5% in interests for the debts that were borrowed either from financial institutions, local organizations or individuals. However, in recent times, it was likely that the interest rates would go down to 3% per year. The service charge was between 50,000 - 240,000 baht; the charge was more expensive if workers wanted to go to Japan.

When working in Japan, Thai Laborers lived in different cities including Shiba, Itama, Michima, and Nagoya. Those who worked in Israel lived in Gaza, Taipei in Taiwan, and Gaosung and Golden Mind Area in Singapore. About 10 years ago (1994), the service fees were between 50,000-120,000 baht. The informants mentioned that working in another country yielded both benefits and disadvantages.

The monthly wage received was between 7,000 (in Saudi Arabia) and 120,000 baht (in Japan). However, in recent times, workers wanted to go to Taiwan because the salary was higher and there were some condition occurred in Saudi Arabia.

The money sent back home was used to pay off the debt from service charge, to pay household bills, build and fix houses, support children's education, buy more land, support relatives, buy pick-up trucks, pay parent's medical bills, support relatives who wanted to work abroad, open small grocery stores, and sell ice-cream by using a pedicab. The amount of land they bought ranged from 4 to 40 hectares (rai). As a result, when the interviewees came back to Thailand, some had the same career,

growing rice and vegetables. Some had the same career but their income was supplemented by doing other things.

It was found that participants had no health problems. Money transfers through banks was deemed most convenient. In the past, some people who worked in Saudi Arabia sent the money back in the form of drafts.

It was found that the main reason why some were not successful in working in other countries was their own behavior (i.e., not being careful with spending money and buying things that were not necessary), besides being deceived by recruitment companies. This is the main reason why they still owed some debts and were not able to send money back home consistently.

Working in Saudi Arabia, Taiwan, Singapore, and Brunei is legal, but it is not in Japan. To work in Japan, workers had to initially arrive bearing a tourist visa. After that they would work illegally by overstaying in the country. There were some cases wherein migrants were helped to enter Japan. Therefore, there was a lot of pressure in their daily life and they endured stressful working conditions.

Generally however, participants had positive attitudes towards working abroad since their life conditions (e.g., money, land, and properties) had dramatically changed for the better. Consequently, problems and obstacles they faced seemed less severe compared to the benefits they accrued.

Discussion

Based on the information from interviews, it could be concluded that:

1. Many groups of people were involved in working abroad, for both formal and informal job-providing networks and agents. Concerning the agencies, there were both legitimate and deceiving. The recruiting agency was a main factor determining successful or unsuccessful work abroad.

2. All the interviewees were poor and most of them were farmers. Their education was lower than a college degree. Most of them were under a contract with private companies. The service charge paid to the agents was quite expensive. Most of them did not borrow money from the bank, but rather through other sources where the process was seen as less complicated and limited conditions. However, they often had to pay a high interest rates. Getting money loans

from private organizations or other individuals led to many negative consequences. Firstly, those workers who were deceived, either by agencies or other people, including their wives, accumulated sizable debts for which they had to pay high interest rates. This led to long-term debts. Their situation became worse if their work abroad was not successful.

3. Being worried and concerned about families in Thailand was a problem commonly found among workers. However, it was not considered a serious problem because they could contact their families conveniently by telephone, even in the case of one participant who lived in another country for ten years. However, the wife of one participant mentioned that although some children whose parent/s worked abroad did not behave in a bad way, they became irresponsible because they lacked close attention from their family. Some did not help with the family's work at all; moreover, some spent their free time inappropriately. Even though this was not a big problem, it was seen as a waste of a person's life and inefficient use of labor. Moreover, these young people did not learn to take responsibilities over their lives and other people.
4. The main factors of unpaid debts include having to pay money back to many sources, return to Thailand before the end of the contract, pay high interest rates, pay higher family expenses, and being deceived by related people.
5. Successful workers used the money they earned abroad to purchase more land, to grow sugar cane, to build a new home, to put their children through education, or to invest in small grocery stores and to sell ice- cream. They could make enough to support themselves and their families; they did not have to go back to work abroad. However, it was found that many still wanted to go back if they could, particularly the person who sold ice cream. This person, 35, expected to return to Taiwan; his documents were being examined. The only reason he gave to the interviewer was that he earned more money abroad when compared to others with the same level of education working in Thailand. Finally, it was found that those who were older than 45 years old did not want to return to work abroad, but rather stay in Thailand.

6. Those who had worked abroad participated in community activities more. Besides, they could donate more money, which they earned working abroad, to the activities and the temple. There were no severe problems affected by working abroad found in this case study. In general, it was found that working abroad brought many positive impacts to workers' lives. Even a deceived worker still wanted to work abroad, even though he had his own business in the village. This could show that the desire for higher incomes was a clear motivation of people to work abroad.

Final Remarks

The results of this case study show that Thai laborers started to work in Saudi Arabia in 1986. The participant laborers viewed that working overseas brought many positives and few negative elements to their lives. They felt they had a better quality of life and their children had better educational opportunities. Examples of negative consequences include being deceived and paying high interest rates. However, these factors did not diminish their desire to work abroad. Most of them would go back to work abroad if they had opportunity and were not too old. Only a few of them wanted to stay in Thailand. One informant who is the wife of the village head in Ban Sang-kor did not want to go back to work in Japan again because she had no desire to work for others anymore. In addition, her financial status had already been secured since coming back from Japan. Another informant stated that living in his homeland was much better than living in another country; he was satisfied with his financial status, not being rich nor being poor, though this may be because his financial status was not much different from the time before he left to work abroad (Brunei).

Even though the results show that these laborers were satisfied with the consequences of working abroad, it is still seen as important to encourage people to stay and work in their homeland. This can be done by creating more jobs in the community. When people have jobs and earn enough income, they will be able to support themselves and their families. The government should take part in developing a sustainable community through community business, which is developed from household business. When the community is synergized with its strength, the members will pursue a better quality of life and gathered around each other within their warm families. This will help prevent negative consequences from working abroad, and maintain strong and stable networks within local communities that are key factors for achieving long-term sustainable development.

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Migrant Domestic Workers: From Burma to Thailand¹

By

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Introduction

Millions of people from Burma⁴ have left their country in search of security and safety due to nearly a half-century of conflict, militarization, economic hardship, ethnic uprising and minority persecution.⁵ Over the past fifteen years the number of people leaving Burma has grown to be one of the largest migration flows in Southeast Asia.

As a direct result of the grave political, economic and cultural conflicts in Burma, many millions of people have crossed Burma's borders into neighboring countries without documentation. Fearing persecution, and often without recognition of their rights to receive refugee status and international protection,⁶ the vast majority of those migrating from Burma find themselves desperate to survive, obtaining work in underground and, often, illegal labor markets.

The majority of migrants from Burma who flee their country end up in neighboring Thailand, where an estimated two million people have taken up squalid residence working “3-D jobs” (dangerous, dirty and difficult), for pay well below minimum wage.⁷

There are over one hundred thousand female domestic workers from Burma in Thailand,⁸ though many estimate the numbers to be much higher.⁹ There is little information available on the

⁴ The authors recognize that the official name for Burma is Myanmar, as changed by the ruling government in 1989. However, the migrants interviewed in this study referred to their country as "Burma," which the authors have acknowledged by using that reference throughout this report. Generally, the phrase "people from Burma" is used in this report rather than "Burmese" since the latter term, in addition to referring to people from Burma is also used to identify a specific minority group in Burma.

⁵ Smith, M. (2002). *Burma (Myanmar): A Time for Change*. London: Minority Rights Group International.

⁶ Caouette, T., Archavanitkul, K. & Pyne, H.H. (2000). *Sexuality, Reproductive Health and Violence: Experiences of Migrants from Burma in Thailand*. Nakhonprathom: Institute for Population and Social Research at Mahidol University.

⁷ Broadmoor, T. (August-September 2001). "Labor Pains: The Thai Government's Latest Resolve to Control the Growing Migrant Worker Population Lacks Resolve." *The Irrawaddy*. Vol. 9, No. 7.

⁸ Over 82,000 female migrants registered as domestic workers with the RTG in 2001, of which over 80 percent were from Burma. Only one third of the estimated migrants in Thailand registered and, therefore, the estimate of over one hundred thousand migrant domestic workers is a conservative estimation.

⁹ The actual number of female migrants workers in Thailand and internationally is not known, though it is documented to be increasing rapidly. The largest sector of employment for female migrants is in domestic work. See for example:

^{9.1} Archavanitkul, K. (2003). *Understanding the Situation of Migrant Workers in Thailand*. Nakhonprathom: Institute for Population and Social Research at Mahidol University.

^{9.2} Paitoonpong, S., Plywej, J. & Sirikul, W. (2002). *Thailand: Improving Migration Policy Management with Special Focus on Irregular Labour Migration: Case study of Housemaids*. Bangkok: Thailand Development Research Institute (TDRI).

realities faced by these domestic workers, yet a growing awareness exists of their isolation and vulnerability to labor exploitation and violence.¹⁰

Causes of Mass Flight

At independence in 1962, Burma, a country of abundant natural resources and human potential, was deemed to have the brightest future of any of its neighbors. Forty years later, and following roughly a quarter century of General Ne Win's "Burmese Way to Socialism," this nation was designated by the United Nations as one of the world's "least developed countries" in 1987.¹¹

A principal factor in Burma's troubled history of conflict and oppression are ethnic minority issues, which, ever since General Ne Win's policy to "Burmanize" the country's ethnic populations, continue to stand as the central challenge. Not only do ethnic minorities make up more than one-third of the population, but they also reside in areas of the most acute political and humanitarian crises in Burma.¹² Furthermore, ethnic minority groups have been the junta's greatest obstacle to domination and national unity. Over the past decade, the minority insurgency groups have been pressured into ceasefire agreements with the State Peace and Development Council- SPDC. To date, only the Shan, Karen and Karenni factions continue to fiercely confront the Burmese authorities.¹³

The SPDC has intensified its mission to eradicate the threat of ethnic minority groups. Forced relocations of minority villages, especially in areas where ethnic opposition groups are active, have become increasingly common. Consequently, there are over one million internally displaced persons within the country.¹⁴ Individual townships, especially in the Shan and Karen States, have

^{9.3} Ehrenreich, B. & Hochschild, A.R. (2002). *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. New York: Metropolitan Books.

^{10 10.1} CARAM Asia. (2001). *Consultation on Thai and Migrant Domestic Workers*. Bangkok: Author.

^{10.2} United Nations. (2002). National Tripartite Seminar on the Future of Migration Policy Management in Thailand. Bangkok: Author.

¹¹ Zo T. Hmung. (October 25, 2000). *Ethnic Political Crisis in the Union of Burma*. New Haven: Council for Southeast Asia Studies at Yale University.

¹² Smith, M. (2002).

¹³ BBC Reporter. (July 17, 2002). "Burma 'Terrorising' Ethnic Minorities," *British Broadcasting Corporation (BBC)*. Retrieved August 11, 2003 from: <http://news.bbc.co.uk/1/hi/world/asia-pacific/2132986.stm>.

^{14 14.1} The Shan Human Rights Foundation. (April 1998). *Dispossessed: Forced Relocation and Extrajudicial Killings in Shan State*. Chiang Mai: Author.

^{14.2} Burma Ethnic Research Group. (April 1998). *Forgotten Victims of a Hidden War: Internally Displaced Karen in Burma*. Chiang Mai: Author and the Friedrich Naumann Foundation.

reported forced relocations, forced labor, torture, rape and extrajudicial killings, causing massive refugee flows into neighboring Thailand.¹⁵

In addition to these atrocities, excessive and arbitrary forms of taxation and agricultural policies have made daily life unbearable. The continuous and dramatic inflation rates in Burma, ranging from 24 percent in 1989 to 38 percent at the beginning of 2000,¹⁶ have led to escalated commodity prices of basic necessities, which, even according to the Burmese authorities, increase by over 20 percent per year.¹⁷ The price of rice, the staple for people across the country, hit 50 cents a kilogram during January 2003, four times the official rate.¹⁸

Jobless and financially crippled by the escalating commodity prices, people in Burma find themselves in debt for daily life expenses and forced to comply with unpredictable taxes imposed by the authorities.¹⁹ In this context, limited employment opportunities cannot be used to lift individuals out of poverty and ultimately the individual becomes caught in a cycle of debt that continuously pressures those from Burma to look their immediate environment beyond for solutions.

Thai Policy Towards Migrants from Burma

Since the early 1990's, the Thai government has faced the immense task of bringing order to the massive influx of undocumented migrant populations throughout the country. The Thai government addressed the problem by classifying the undocumented population in order to properly integrate them into the worker registration system or temporarily displaced persons

¹⁵ ^{15.1} Human Rights Watch. (2003).

^{15.2} Bangkok Post Reporter. (July 16, 2003). "Foreign Press, NGOs Barred from Border." *The Bangkok Post*.

^{15.3} Freedom House. (June 24, 2002). *Freedom in the World, Political Rights and Civil Liberties: Burma*.

^{15.4} Washington D.C.: Author. Retrieved August 11, 2003 from:

<http://www.freedomhouse.org/research/freeworld/2002/countryratings/burma2.htm>.

^{15.5} Amnesty International. (2001). *Amnesty International Report 2001: Myanmar*. London: Author. Retrieved August 11, 2003 from: <http://web.amnesty.org/web/ar2001.nsf/webasacountries/MYANMAR?OpenDocument>.

¹⁶ Ibid.

¹⁷ Thien, Win. (February 1999). "New 1,000-Notes a Sign of High Inflation." *The Irrawaddy*. Vol. 7, No. 2.

¹⁸ Irrawaddy Reporter. (January – February 2003). "Rumor Mill Working Overtime." *The Irrawaddy*, Vol. 11, No. 1.

camps. This process of classification separated those from Burma into six groups: displaced persons, undocumented migrants, refugees from threats of war, students/intellectuals, visitors who overstayed their Thai visas and illegal migrant workers.²⁰

Since Thailand has not ratified the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, the Thai government is not obliged to recognize anyone from Burma as a refugee. Thus, the Thai government has granted “temporarily displaced persons” status to a select few, in spite of the obvious human rights violations from which so many have fled.

Thai relations with Burma continued to roller coaster as fighting spilt over into Thai soil. Borders closed and negotiations intensified to resolve the conflicts and reestablish trading opportunities. However, efforts to resolve the conflicts and resume trade were soon initiated, including the introduction of the new worker registration process in September/October 2001 and later with the Sixth Joint Cooperation Meeting between Thai and Burmese representatives in January of 2002. The Thai government called on all migrant workers in Thailand to register and obtain work permits valid for one year, pending a six-month health check-up by March 2002. Upon completion of health tests, work permits were renewed for 409,339 migrants (of the original 568,249 registered in 2001), including 63,317 domestic workers (from the original 82,389 domestic workers registered).²¹ Migrants from Burma made up 83% (340,029) of all those re-registered.

In August 2002, the Burma and Thai governments organized bilateral negotiations that would deal with reopening the border and other critical issues, such as drug trafficking, migrant repatriation and trade in the coming months.²² At this time, the Thai government also sought to develop a new worker registration policy in an effort to analyze labor needs, budget the costs of

¹⁹ Soe Soe. (July 15, 2002). *Migration Report: Burma: Identifying the Issues and Needs of Migration from Burma into Thailand*. Chiang Mai: Joint Research Project of the Federation of Trade Unions Burma and Asian Migrant Center.

²⁰ Ibid.

²¹ Royal Thai Government. (2002). *Result of Registration of Alien Workers Following the Cabinet's Resolution in 2001 and 2002*. Bangkok: Author.

²² Yuwadee Tunyasiri. (August 22, 2002). “Talks to Focus on Resolving Disputes Fast.” *The Bangkok Post*.

migrant worker and refugee programs, and create more efficient mechanisms for both migrant integration in and deportation from the Thai labor field.²³

Thailand has initiated several migrant worker registration policies since the early 1990s. The first attempt to come to grips with the massive, migrant labor flow into Thailand took place in 1992. This attempt, however, failed due to the extremely high “bail” it imposed on employers who were to register their workers.²⁴ Four years later, Thailand’s migrant labor problems had expanded throughout the country with large numbers of migrant workers, mostly from Burma, moving toward Thailand’s inner provinces. Unable to determine needs or adequately assess the impact on the different labor sectors of its economy, the Thai government aimed to gain control and learn from its previous mistakes. In June 1996, the Thai Ministry of Labour and Social Welfare implemented a registration policy open to eight industries that required a much lower registration fee. As workers without proof of registration faced deportation, this resolution compelled larger numbers of migrants to register.²⁵

Following the economic crisis of 1997, the Thai government was faced with the urgent task of restructuring its labor field to make room for the masses of newly unemployed Thai nationals. While this resulted in the deportation of nearly 250,000 illegal migrants in 1998, the RTG was unable to find Thais willing to replace workers in “3-D jobs.” Consequently, by April and May 1998, the Thai Ministry of Labour and Social Welfare found it necessary to reassess the labor force’s employment needs and initiate a new registration phase. Although Thai officials calculated that roughly 231,000 jobs needed to be filled, only 99,974 migrants had registered by December of 1999.²⁶ The void required the RTG to readjust its labor policy to facilitate a more effective registration of undocumented migrant workers (from Burma, Cambodia and Laos) from September to October of 2001. This initiative resulted in the registration of persons from ten labor sectors, not including seasonal workers, workers in the service industry or child workers.²⁷ During this registration period, 568,249 migrants received work permits of which 451,255 were

²³ Commission on Irregular Immigrant Workers. (August 2002). *Cabinet Resolution on Illegal Migrants*. Bangkok: Thai Ministry of Labour and Social Welfare.

²⁴ Caouette, T., Archavanitkul, K. & Pyne, H. (2000).

²⁵ The 1996 migrant worker registration provided 303,088 work permits, of which 87 percent were granted to people from Burma.

²⁶ Ibid.

²⁷ Caouette, T. & Pack, M. (December 2002).

from Burma.²⁸ However, this figure, while large in comparison to those registered in earlier years, is still strikingly low when held against the estimated two million undocumented migrants from Burma.²⁹

This great disparity between migrants registered and the total number actually residing in Thailand led to many extensive discussions among RTG officials, NGOs and migrant leaders. Two of the main reasons given for why migrants did not register were the lack of information about the process and the inability to travel and register when employers refused to participate.³⁰ For the majority of migrants, factors deterring them from registration were far more complicated. First of all, the efforts by the Thai government to register migrants from Burma reinforced workers' dependence on their employers. Those who registered with a specific employer were given permits valid for only one year and only with that one employer, after which if their employment with that employer ended, so did their legal status in the country.³¹ Furthermore, employers typically kept the work permit, giving the worker a photocopy, if any documents at all. Without such documentation, even registered migrant workers found themselves threatened by deportation, harassment and arrest as a result of their inability to prove their legal status.³² Workers also expressed grievances regarding the regulation that prohibits them from changing employment for a period of one year, as this prevented workers whose contracts were terminated from finding a new job.³³ It is also worth noting that many families have been separated as a result of registration. Children under the age of 18 were not allowed to register and, given the high cost of registration, most families did not register all adult members for fear of incurring large debts.³⁴

However, under the revised registration regulations, in July 2004, there were 1,269,074 migrant workers registered in Thailand.³⁵ The new regulations allow migrant workers to change

²⁸ Royal Thai Government. (December 6, 2001). *The Result of Registration of Alien Workers*. Bangkok: Author.

²⁹ Broadmoor, T. *The Irrawaddy*. (August-September 2001).

³⁰ Document for Discussion distributed at the NGO Forum on *Migrant Worker Policy on Transnational Worker Protection Mechanism* held at Chulalongkorn University on February 21, 2003.

³¹ Caouette, T. & Pack, M. (December 2002).

³² Ibid.

³³ Onnucha, H. (January 30, 2002). "Paperless Foreign Workers Facing Police Harassment." *The Bangkok Post*.

³⁴ Federation of Trade Unions/Burma. (2001). *Situation Report: Migrant Workers from Burma in Thailand*. Bangkok: Author.

³⁵ Archavanitkul, K. (2004). Unpublished paper for the workshop on "Illegal migrant workers and health dimension with management programme of the Thai government", Royal Rattanakosin hotel, Bangkok. September 10.

their employers, and their dependents are allowed to register too. The migrant workers receive a one-year work permit.

Vulnerability of Migrant Domestic Workers

There is a growing international awareness of the vulnerability faced by domestic workers worldwide as labor laws fail to recognize their jobs with the protection of regulated employment.

³⁶ Only recently have some countries made efforts to regularize and protect domestic workers through national policies and labor laws. Thailand's Ministry of Labour and Social Welfare first included "domestic workers" in its mandate when registering migrant workers in 1996,³⁷ prior to that Thai labor laws never mentioned domestic work as a category for immigrant work (including Thai domestic labor overseas). In subsequent registrations, domestic work was excluded and only reinstated in the 2001 registration when 568,249 migrants received work permits, with over 82,000³⁸ registered as domestic workers.³⁹ Although domestic workers received work permits, the labor laws did not protect their work. The only protection provided is the Thai 1998 Labour Protection Law, which covers those who worked in households involved in other economic activities.⁴⁰ Therefore, though migrant domestic work was recognized by the Thai Ministry of Labour and Social Welfare in 1996 and again in the 2001 registration, there are no rights or protections ensured to this labor sector for Thais or migrants.

Although migrant domestic workers have been allowed to register to work in Thailand, their ability to do so and keep valid their permit depends entirely on their employer. For those unable

^{36.1} Human Rights Watch. (2001). *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States*. New York: Author.

^{36.2} Rockefeller Foundation. (2002). *Women at Work: A New Framework for Women in a Globalizing World*. New York: Author.

^{36.3} Parrenas, R.S. (2001). *Servants of Globalization: Women, Migration, and Domestic Work*. Stanford: Stanford University Press.

³⁷ In 1996, 34,000 migrant domestic workers had registered for work permits in Thailand according to: CARAM Asia. (2001). Presentation by Supmol Tawarnraru of the Overseas Employment Administration Office of the Ministry of Labour and Social Welfare. "Domestic Workers in Thailand and Abroad." Published in *Consultation on Thai and Domestic Workers*. Bangkok: Author.

³⁸ Domestic workers accounted for 30 percent of the total number of registered female migrant workers, representing the highest proportion of work engaged by female migrant workers according to Paitoonpong, S., Plywej, J. & Sirikul, W. (2002).

³⁹ Ibid.

⁴⁰ CARAM Asia. (2001). Presentation by Charut Neesit of the Lawyers Society. "Protection of Employees in Work Related to Housework." Published in *Consultation on Thai and Domestic Workers*. Bangkok: Author.

to obtain work permits, they remain particularly vulnerable to exploitation.⁴¹ Even with work permits migrant domestic workers are unable to claim labor rights and as elsewhere in the world they are seen as ‘partial citizens’ who are neither fully eligible under home or host country labor laws.⁴² As a result, migrant domestic workers around the world are caught in a web of dependence with employer and face constant fears of reprisal, arrest and possible deportation.⁴³

Researching the Situation of Domestic Workers from Burma in Thailand

This paper aims to analyse the life experiences, perceptions and decision-making considerations of migrant girls and young women from Burma working as domestic workers in Chiang Mai and Tak Provinces. It also aims to build community awareness and response that advocates for laws that formalize their work and protect their basic rights.

Research Methodology

Two research teams, one in Chiang Mai City of Chiang Mai Province and the other in Mae Sot town of Tak Province, implemented the study. All of the researchers were members of the Burmese migrant community in Thailand. Each team had a Research Coordinator, two Field Researchers and a Documenter/Translator. In addition, a Research Advisor who worked with teams throughout the entire research process supported the study.

The research data for this study was collected through direct and participatory observation; 133 in-depth interviews with domestic workers from Burma, - 68 in Mae Sot and 65 in Chiang Mai,- as well as a survey conducted with 528 migrant domestic workers from Burma in Mae Sot and Chiang Mai. The team surveyed 242 domestic workers in Chiang Mai, and 286 in Mae Sot.

Initially, the Field Researchers randomly met domestic workers in the markets or temples and others were introduced to the Field Researchers through various community-based organizations.

⁴¹ United Nations. (2002). Presentation by Sravooth Paitoonpong from the Thai Development and Research Institute. Published in *Case Studies of Industries Dependent on Migrant Workers*. Bangkok: United Nations.

⁴² Parrenas, R.S. (2001).

⁴³ ^{43.1} Migrant Action Programme. (2001). *Migrant Domestic Workers from Burma in Thai Homes*. Chiang Mai: Author.

After initial introductions, the Field Researchers relied on snowball sampling with referrals from domestic workers themselves.

The Field Researchers never tried to interview on the first meeting. The initial meeting was to introduce themselves and the project, request their consent to participate, observe the environment and discuss the best way of meeting again.

In-depth interviews were undertaken over extended periods of time, often necessitating five to six visits over a three-month period. The majority of these interviews were conducted face-to-face, however, in some instances part or all of the interview was conducted over the telephone.

The implementation of the survey often required more than one visit to complete the questionnaire. The majority of the questionnaires were conducted face-to-face with the Field Researcher. However, in attempts to reach domestic workers who were not allowed out of the house or to communicate via phone (and, therefore, were not included in the qualitative phase of this study), efforts were made to deliver the questionnaires to domestic workers (either directly by the Field Researchers or through friends), requesting that they fill the survey out themselves. This however, was only effective for those who were literate in the Shan, Karen or Bamar languages.

Finally, nearly 70 percent of the surveyed questionnaires were completed by the Field Researchers in face-to-face sessions with the respondents and 14 percent of the questionnaires were filled out by the respondent in her own time and returned directly to the respective Field Researcher at each site. In an effort to reach domestic workers whose employers would not allow them to contact the field researchers, another 16 percent were given to domestic workers to fill out via their friends (also domestic workers who were surveyed).

The Field Researchers also had informed consent forms explaining the rights of the participants and requesting either written or verbal agreement for involvement in the project. Brochures and cards informing domestic workers of social services operating for migrant women in their area were also made available to participants throughout the project. Field researchers also kept a

^{43.2} Human Rights Watch. (2001).

journal of their work, personal thoughts and experiences, which was used as a supplementary for the data analysis. The Field Researchers received training with the entire team and also ongoing support and feedback from the Research Coordinators.

In addition to the domestic workers who participated in this study, key informants in the community were also interviewed in order to corroborate information and provide their perspectives on the life experiences of women and girls from Burma employed as domestic workers in Thailand. These key informants also helped to develop project guidelines, but they are not included in the sample population or directly quoted anywhere in this paper.

Study Population

The study's population sample primarily included females under the age of 30 who were born in Burma and were currently employed as domestic workers in Tak or Chiang Mai Provinces in Thailand. However, the research teams also agreed to involve women over 30 years old who expressed an interest in participating in the research study.

Most of the participants were between the ages of 15 and 24, were single without children, of Shan or Karen ethnicity and spoke their native language and at least one other language. The majority were born in the Shan, Karen or Mon States (bordering Thailand). Most participants in Chiang Mai could speak some Thai whereas the majority in Mae Sot could not. Approximately one sixth of all the participants had no formal education (with those in Chiang Mai having a slightly higher educational attainment rate). One third of the participants had attended primary school, another third had attended secondary school and the remaining one sixth had passed their 10th standard exam. The majority of the participants came to Thailand between 1996 and 2000, with approximately half having registered for work permits.

Conditions in Burma and Along the Migration Journey

Most of the domestic workers interviewed in this study explained that they left Burma largely as a consequence of war and government policies that fueled a crisis in both the economy and their families. The women and girls in this study spoke at length of how the political and economic

conditions in Burma led to the breakdown of their families, leaving many in foster care or to survive on their own.

Given these conditions, Thailand seemed to provide an opportunity to seek refuge and improve working conditions. In weighing their options, the domestic workers in this study believed that migrating to Thailand was worth the risk of possible harassment and/or of being trafficked.

My life disappeared with the sound of bullets and bombs. My family, relatives and everything in the village was destroyed, never to be returned. We lost everything – our relatives, house, land, clothes and food. I lost my future and everything that I had hoped for. Even my hopes to study have been lost along with everything else. . . .

I fled from the war to Thailand. For over a year we hid in the jungle and didn't dare return to our village. However, at night, we would sneak into nearby villages to ask for food. Then, we would go through the jungle until we came to another village and could ask for food and a place to stay for the night. Sometimes, we went for two or three days without coming upon any village. At these times, we ate jungle fruit and thrashed the branches of the banana trees for sap to drink. We were always hungry and cold. It rained very heavily. We didn't have shelter to avoid the rain. We didn't even know where we were going or what would happen to us. Finally, we decided to go to Thailand. It took over three months to get here because we had to flee the fighting. Along the way, we learned that our house had been seized by the Burmese military. They took everything, even our clothes. We have nothing left.

- A 32-year-old single Shan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.

The study participants described the constantly changing political and military situation that impacted the ease of travel, the number of checkpoints encountered, border control policies, crackdowns and other realities that largely dictated the route, means and cost of their journey. Many spoke of the need to use clandestine efforts, often organized by brokers or “carriers”⁴⁴ who accompanied them to or across the border. Large sums of money were required and either paid in advance or incurred as debt to the “carriers”.

At the border, we stayed at a Chinese house for two nights. We met about thirty people waiting to go further into Thailand like us. On the third night, a car came to take us to Chiang Mai. The carrier said that we had to go without our belongings and that they

⁴⁴ “Carrier” is the term used by study participants to describe the individual(s) who helped to transport them to Thailand and, in some cases, from the Thai border to jobs further towards the interior of the country.

would come later. But later, he said that the police seized our possessions on the way because they couldn't find the owners. We were angry but there was nothing we could do. We paid 3,200 baht each. The people who had money just paid the money for the transport to get to Chiang Mai, but those who didn't have any money agreed to work around that area first to pay the costs.

- A 20-year-old single Shan female who first migrated to Thailand a year ago currently working in Chiang Mai**

However, only rarely did they know ahead of time the type of work they would be given, where or with whom they would be working, or the terms of their employment. Other participants, rather than using “carriers” to find employment, went to particular areas where employers were known to come to look for migrant labor. Women and girls waiting to be approached for work became particularly vulnerable to exploitation and trafficking. In this context, migrants were hired by employers on the spot and immediately taken to the employer’s household to work.

Employment Conditions

Most of the women and girls in this study reported that they were informed by their employer of what their salary would be upon arriving at their employer’s household, they were not informed of the terms of how their salary would be paid or what deductions would be withheld, what benefits, if any, they would receive such as sick days, holidays, personal days, or what their job responsibilities would entail.

I am always looked down upon by my employer. Many others face the same problems as me. It would be best if before we go into a house and work that we have some agreement with the employer about our monthly wages, including benefits and deductions as well as what jobs they expect us to do. But, this never happens and so there are many problems.

- A 24-year-old single Karen female who first migrated to Thailand two years ago currently working in Mae Sot.**

Wage and Working Hours

The majority of study participants earned less than half of the Thai minimum wage.⁴⁵ National minimum wage standards in Thailand vary according to geographic location, with urban areas providing higher salaries because of the increased cost of living. The Thai Ministry of Labour issues different minimum wage requirements for each of the country's seventy-six provinces based upon the cost of living in each area. The daily minimum wage between Chiang Mai and Mae Sot differs by only twenty baht a day. However, among the domestic workers interviewed for this study salary differentials were far greater, with those in Chiang Mai receiving substantially higher salaries. This most likely is due to the equal-distance of the two study sites from the Burmese border. Travel to Chiang Mai is more difficult and expensive and, therefore, the supply of migrant workers not as readily available, so that the pay scale here is higher. Mae Sot's close proximity to the border means that migrants are able to easily enter the city, so there is a greater pool of potential workers.

Table 1 Percentage distribution and number of survey respondents by monthly salary and research site

Monthly salary in baht	Research Site		Total
	Chiang Mai	Mae Sot	
Less than 1,000	2.9 (7)	57.1 (163)	32.2 (170)
1,001-2,000	18.2 (44)	40.1 (115)	30.1 (159)
2,001-3,000	45.5 (110)	2.8 (8)	22.3 (118)
Over 3,000	33.4 (81)	-	15.4 (81)
No. of respondents	242	286	528

⁴⁵ Given the arbitrary nature of employment conditions for domestic workers in Thailand, it is not possible to calculate the value of employee benefits, such as room and board, provided to most of the study participants. For some, these benefits when added to the below-minimum-wage salary they received might equal or possibly exceed national wage standards. Nevertheless, as this chapter will illustrate, the "benefit" of room and board tended to contribute to exceedingly long working hours and unfair working conditions.

Several domestic workers explained that their employers refused to pay them on a monthly basis.

The employer told me I have to work for one year and then they will pay me my salary. They said if I do not work for one year, they cannot give me my money. When my mother was ill I wanted to send money home to her, but they only gave me 1,500 baht to send home even though I have earned much more. When I wanted to go back they gave me only 3,000 baht even though I had worked for nine months.

- An 18-year-old single Shan female who first migrated to Thailand four years ago currently working in Chiang Mai.

I tried to ask for my salary every month, but the employer said she would keep it with her. Some months I really need it and argue with her until she gives it to me. Other months I don't need it and don't argue too much. But, this way it is difficult to keep track of my money.

- A 25-year-old single Karen female, whose first time migrating to Thailand was not disclosed, currently working in Mae Sot.

Approximately half of the domestic workers interviewed reported that once they paid off their debts for traveling to Thailand and for securing employment, they felt fortunate to have their job, despite receiving a salary well below minimum wage.

Now I work as a housekeeper and the salary is 3,100 baht. I get it every month too. Some of it was given back for the car's fare when I came. With the rest, I bought some clothes because people in this country don't wear the same clothes as in our country. I save my money and buy one piece of clothing each month. It is enough for me to use, but there is nothing left to save.

- An 18-year-old single Shan female who first migrated to Thailand four years ago currently working in Chiang Mai.

In addition to receiving below-minimum wages, 98 percent of the surveyed respondents were expected to work more than eight hours a day, with 80 percent working 12 hours or more a day. In fact, only two percent of the study participants reported working a standard eight-hour day (see Table 2).

Many of the domestic workers interviewed for this study noted that their employers expected them to be available to work 24 hours a day, seven days a week. Moreover, the majority of them noted they had little or no rest incorporated into their workday.

I have no time to rest. I have to look after my employer's children and take them with me wherever I go. Moreover, I am responsible for an old paralyzed woman and cannot abandon her.

- A 29-year-old married Mon female who first migrated to Thailand three years ago currently working in Mae Sot.

Table 2 Percentage distribution and number of survey respondents by number of working hours per day and research site

No. of working hours per day	Research Site		Total
	Chiang Mai	Mae Sot	
1-8	2.9 (7)	1.4 (4)	2.1 (11)
9-12	30.0 (72)	8.1 (23)	18.1 (95)
13-14	19.6 (47)	18.7 (53)	19.1 (100)
15-16	22.9 (55)	34.8 (99)	29.4 (154)
17-18	20.8 (50)	33.8 (96)	27.9 (146)
19-20	3.8 (9)	2.8 (8)	3.2 (17)
21-24	-	0.4 (1)	0.2 (1)
No. of respondents	240	284	524

*Note: 4 respondents did not answer of working hours per day.

Almost all of the domestic workers in this study reported having no set working hours or benefits. They explained that everything depended on their employer's decisions on a day-to-day basis. The vast majority of study participants explained that they worked consistently long hours, with no regular days off and no overtime pay.

In addition to not having any standard times for breaks or rests, 62 percent of the domestic workers surveyed for this study reported they had no regular days off and the days off they did receive were randomly decided by their employer (see Table 3).

Table 3 Percentage distribution and number of survey respondents by number of days permitted off and research site

Number of days permitted off	Research Site		Total
	Chiang Mai	Mae Sot	
None	54.1 (131)	68.8 (196)	61.9 (327)
Weekly	10.7 (26)	4.6 (13)	7.4 (39)
Monthly	18.6 (45)	10.9 (31)	14.4 (76)
Annually	16.6 (40)	15.7 (45)	16.2 (85)
No response	-	0.3 (1)	0.2 (1)
No. of respondents	242	286	528

The women and girls in this study who did not receive days off explained that this was because their employer needed them to work at all times.

As a domestic worker, I have to work from early in the morning until dark without rest. At night I still have to iron the clothes. I have worked here for two years and I remember only two days I was free to go out.

- A 27-year-old married Karen female who first migrated to Thailand twelve years ago currently working in Mae Sot.

Whenever there was a special event at the temple, I didn't go. When the Shan New Year took place, I used to ask to go, but the employer said that, 'If you go, you will get nothing. If you want to go, obviously you don't need any money.' I did not want to lose my job, so I never went anywhere.

- A 32-year-old married Shan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.

Accommodation

The majority of domestic workers were provided accommodation, though only a third were given their own private room or shared a room with a family member, members they were responsible for taking care of, or with other employees. About one fifth were made to sleep in open areas with no privacy (data is not shown here).

At night he [the employer's son] sleeps with me. Then, he cannot be separated from me and cries to see me until his parents let him sleep with me. He really loves me, but it is so tiring.

- A 22-year-old single Tavoyan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.**

I have a room about five feet by six feet with a mattress on the floor. It is just enough room to sleep and keep my clothes.

- A 15-year-old single Burman female who first migrated to Thailand two years ago currently working in Mae Sot.**

I stay in the employer's house and am at home like in my own house. I have my own room and they furnish it with everything, even a TV.

- A 20-year-old single Karen female who first migrated to Thailand four years ago currently working in Mae Sot.**

Given the arbitrary and unregulated nature of employment conditions for domestic workers in Thailand, it is not possible to calculate the value of room and board provided to most of the study participants. For some, these benefits when added to the below-minimum-wage salary they received might equal or possibly exceed national minimum wage standards. Nevertheless, the "benefit" of room and board tended to contribute to exceedingly long working hours and exploitative working conditions with no overtime pay or compensation.

Work Expectations

As a result of being a "live-in" worker, job responsibilities, more often than not, consisted of a wide range of duties beyond housework. Over two-thirds of the domestic workers in this study (64.4%) reported having to care for children, the elderly or the infirm. Often employers expected that those domestic workers caring for young children be available to work at all times, with many expected to be on call throughout the night should the children need any attention. Thirty-one percent of those surveyed were expected to help with their employer's business in addition to handling the household chores, and be available to meet their employer's arbitrary demands, such as giving massages to members of the household (see Table 4).

Since employers often did not discuss or clearly outline specific job responsibilities or what was expected, the domestic workers interviewed described feeling obliged to be working at all times.

I have to work the whole day. I don't have any time to rest. When they ask me to do something, I have to stop whatever I am doing at the moment and do what they ask as quickly as possible. There is no regular fixed time to work.

- A 13-year-old single Karen female who first migrated to Thailand a year ago currently working in Mae Sot.

The daughter of the employer is spoiled and can do whatever she wants. I have to pick up after her all day long. I even have to turn the water off after her shower and flush the toilet for her. She is a teenager and it is very demeaning to be treated like her slave.

- A 15-year-old single Shan female who first migrated to Thailand six years ago currently working in Chiang Mai.

Table 4 Percentage distribution and number of survey respondents by household responsibility and research site*

Household responsibility	Research Site		Total
	Chiang Mai	Mae Sot	
House cleaning	97.1 (235)	97.2 (278)	97.2 (513)
Washing and ironing clothes	79.3 (192)	88.1 (252)	84.1 (444)
Cooking	66.9 (162)	66.1 (187)	66.5 (351)
Taking care of children, elderly or sick	60.3 (146)	67.4 (194)	64.4 (371)
Washing cars/bikes	56.6 (137)	38.5 (110)	46.8 (247)
Taking care of animals	41.7 (101)	35.7 (102)	38.4 (203)
Cleaning employer's store	43.8 (106)	27.3 (78)	34.8 (184)
Helping employer in his/her business	45.0 (109)	20.6 (59)	31.8 (168)
Massage	28.5 (69)	33.2 (95)	31.1 (164)
No. of respondents	242	286	528

* Note: Respondents were allowed more than one response so the percentage distribution is equal to the number of participants who reported each answer based on the total number of respondents. Therefore, the total percentages do not add up to 100 percent and the numbers in parentheses when combined are greater than the total number of respondents.

The domestic workers interviewed described expectations that they were to serve everyone in the house, including each time the employer's family grew or had visitors.

The relatives of my employer brought over their children for me to look after also. They were always telling me to do things for them. I had not even finished my last task and they would ask me to do something else. They all asked me to do things for them. My mind feels so troubled.

- A 19-year-old single Karen female who first migrated to Thailand five years ago currently working in Mae Sot.

However, there were a few domestic workers reported that they can handle the job.

I do not have to cook and I can use the washing machine. What I have to do is sweep the dirt, clean the house and be home when no one is there. I only have to iron the clothes every three or four days. As there are few people in the house there is no need to wash or

clean so much. The employer does not leave her child with me. During the long school holidays, she usually takes her child with her when she goes out.

- A 19-year-old single Karen female who first migrated to Thailand two years ago currently working in Mae Sot.**

In the morning, I clean, sweep, wash dishes, cook and cut vegetables. It is like the housework that we do at our house. It is not more than I can handle.

- A 34-year-old married Shan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.**

Incidents of withholding or non-payment of wages were frequently reported by the study participants, while others explained that without constant remainders and requests, they would not receive their salary from their employer. By not receiving their wages on a timely basis or having their wages randomly withheld or deducted by their employers, the women and girls in this study noted that they felt vulnerable and violated because of the lack of recourse to confront their employers' fraudulent actions.

My money is with my employer. When I need money to send home, I ask for it from the employer. I worked for that employer for one year, but when I want to go home I have to return secretly because the employer doesn't want me to go. So, I lost 3,000 baht of my salary that was being held by employer.

- A 19-year-old single Karen female who first migrated to Thailand six years ago currently working in Mae Sot.**

I got paid as the employer said, but I keep it all with her (the employer). If I keep it with me, I am afraid it won't be safe. Since I do not have a Thai identity card I can't open a bank account. So, it is better she holds on to my earnings.

- A 34-year-old single Shan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.**

Access to Outside Contacts

Confinement within the household and limited access to outside contact with friends and family was often imposed by the employer, either through threats or through the lack of free time. Less than fifty percent of those surveyed reported that about two fifth of their employers permitted them to leave the house to meet others or allowed visitors into the house. Less than half of the women and girls surveyed reported that their employers allowed them to go out to meet others (43.2%) or allowed others to visit (41.5%)(see Table 5).

Where I work, I am not allowed to go anywhere at all. They lock the door and unplug the phone and ask me to work inside the house only. After eight months, I tried to go out on my own when the employer was away from the home, but I was not brave enough and didn't know where to go. So, I just keep living like this seeing no one but the employer.

- A 27-year-old single Shan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.

Table 5 Percentage distribution and number of survey respondents by type of contact employer allowed and research site*

Type of Contact Employer Allowed	Research Site		Total
	Chiang Mai	Mae Sot	
Receive mail	41.3 (100)	76.6 (219)	60.4 (319)
Send mail	37.6 (91)	79.4 (227)	60.2 (318)
Receive a phone call	67.3 (163)	37.1 (106)	50.9 (269)
Go out to meet others	41.3 (100)	44.7 (128)	43.2 (228)
Allow visitors in	43.4 (105)	39.9 (114)	41.5 (219)
Telephone to someone	28.1 (68)	15.7 (45)	21.4 (113)
Other	6.2 (16)	-	3.0 (16)
No. of respondents	242	286	528

* Note: Respondents were allowed more than one response so the percentage distribution is equal to the number of participants who reported each answer based on the total number of respondents. Therefore, the total percentages do not add up to 100 percent and the numbers in parentheses when combined are greater than the total number of respondents.

Many others did not leave their workplace even though the employer allowed them to. The domestic workers interviewed explained they were too busy, feared arrest as an undocumented worker, were unfamiliar with the city and/or lacked friends or relatives to visit.

After finishing my work, I stay home and watch TV. I have just come to Thailand and I don't dare to go anywhere. If the employer doesn't take me out, I don't dare to go on my own. I am afraid I won't be able to find my way back.

- A 19-year-old single Shan female who first migrated to Thailand two years ago currently working in Chiang Mai.

Communication and Language Barriers

Language barriers further aggravated the interactions between the domestic workers and their employers as well as the employers' family members. While more than of the women and girls surveyed in this study were able to speak some Thai, about one-fifth could not speak Thai at all. Language proficiency was often a key determinant in the salary provided and treatment of domestic workers by their employers. Those who were unable to speak Thai reported difficulty in finding good jobs as well as conducting and negotiating the jobs they did secure. The women and girls interviewed in this study also recounted occasions in which their inability to speak Thai elicited verbal and physical abuse from their employer.

My employers never beat me, but they scolded me often. As I didn't understand their language, it was easy to make mistakes in my work. For example, when they asked me to get the feeding bottle, I got the child's clothes by mistake. When they asked me to wash the clothes, I thought they asked me to clean the house. What I did was not according to their wish so they yelled or scolded me. I felt a lot of trouble in my mind.

- A 20-year-old single Karen female who first migrated to Thailand two years ago currently working in Mae Sot.

I face a lot of problems because I can't speak Thai. If they ask me to go shopping, they have to give me a sample of what they want me to buy. If they don't find a sample for me I am sure to bring back the wrong thing from the market.

- A 27-year-old single Mon female who first migrated to Thailand six years ago currently working in Mae Sot.

Table 6 Percentage distribution and number of survey respondents that reported employer abuses by research site*

Type of employer abuse	Research Site		Total
	Chiang Mai	Mae Sot	
Yelled at you	40.0 (96)	65.4 (187)	53.6 (283)
Swore at you	38.8 (94)	36.0 (103)	37.3 (197)
Threatened	45.0 (109)	28.3 (81)	36.0 (190)
Tricked you with a lie	17.4 (42)	7.3 (21)	11.9 (63)
Touched you don't want	14.5 (35)	13.6 (39)	14.0 (74)
Locked up/confined	9.1 (22)	4.5 (13)	6.6 (35)
Cheated/kept your money	7.4 (18)	14.0 (40)	11.0 (58)
Thrown things at you	6.6 (16)	6.6 (19)	6.6 (35)
Punished you	4.1 (10)	0.3 (1)	2.1 (11)
Sexually touched you	4.1 (10)	7.3 (21)	5.9 (31)
Slapped or hit you	2.5 (6)	10.1 (29)	6.6 (35)
Pinched you	1.7 (4)	8.0 (23)	5.1 (27)
Pushed	2.1 (5)	10.8 (31)	6.8 (36)
Raped you	0.8 (2)	1.5 (3)	1.0 (5)
Other	19.0 (46)	1.5 (3)	9.3 (49)
No. of respondents	242	286	528

* Note: Respondents were allowed more than one response so the percentage distribution is equal to the number of participants who reported each answer based on the total number of respondents. Therefore, the total percentages do not add up to 100 percent and the numbers in parentheses when combined are greater than the total number of respondents.

These realities often left the domestic workers extremely vulnerable and frightened. Verbal abuse was the most common violation experienced by the domestic workers in this study, with 54 percent reporting having been yelled at, 37 percent cursed at and 36 percent threatened. Nearly one in ten of the women and girls surveyed for this study reported being subjected to physical abuse (see Table 6).

It is widely known that domestic abuses are under-reported by women throughout the world and what was disclosed to the researchers in this study is most likely a reflection of a more wide-

spread reality. The women and girls who were interviewed in depth described incidents of being slapped and, in some cases, severely beaten.

The employer loves her child very much. When the child cries I have to soothe her at once, if she does not stop crying the mother blames and yells at me every time.

- A 16-year-old single Tamel female who first migrated to Thailand three years ago currently working in Mae Sot.

When the employer is in a good mood she is very nice. But, when she is in a bad mood, she has such a bad temper and screams at me calling me all sorts of things as though I am her slave or buffalo.

- A 15-year-old single Shan female who first migrated to Thailand six years ago currently working in Chiang Mai.

The working conditions for the majority of the domestic workers in this study consisted of innumerable abuses for which they had little or no recourse. By arbitrarily setting the conditions and terms of employment regarding salaries, benefits, working hours, accommodations and access to outside contacts (without informing or negotiating such terms with the domestic workers), the employers maintained complete control over the lives of these women and girls.

Many reported incidents of withholding or non-payment of wages, while others explained that without constant remainders and requests, they would not receive their salary from their employer. Job responsibilities, more often than not, included a wide range of duties beyond housework, such as caring for children, the elderly or the infirm; tending animals; gardening; and, in quite a few cases, helping with the employer's business.

Majority of the domestic workers were provided accommodations, though about a third were given their own private room or shared a room with a family member or members they were responsible to care for, or with other employees, while only one-fifth were made to sleep in open areas with no privacy.

Confinement within the household and limited access to outside contact with friends and family was often imposed by the employer, in many cases, either through threats or through the lack of free time. Less than fifty percent of those surveyed reported that their employers permitted them to leave the house to meet others or allowed visitors into the house.

Language barriers further aggravated the interactions between the domestic workers and their employers, often resulting in verbal and physical abuse. Fear of their employers' threats and the inability to seek recourse has kept these girls and women's abuses hidden from the outside world. Their isolation inside private households has also effectively barricaded migrant domestic workers from the cautions of the community, NGOs or government agencies. Wider public awareness and scrutiny into the private households where thousands of domestic workers are employed is urgently needed to help address the abuses faced by these women and girls.

Future Aspirations

A number of the domestic workers expressed plans for their future that entailed returning home permanently to Burma, while others explained they only wanted to visit temporarily. A significant number noted that they would not return until the political and military conflicts in Burma are resolved. Those considering returning home discussed the physical difficulties in getting back home safely as well as the problems associated with confronting the strong judgments made of those who have been to Thailand, especially of those returning without savings or with a fatherless child.

Others interviewed discussed their aspirations for finding safer working environments or better paying jobs. Several domestic workers interviewed described wanting to further their studies and their unwillingness to marry in their present circumstances, if at all. Some of the women and girls could not imagine their future and expressed how dejected they felt with their life, not being able to see themselves ever overcoming the obstacles they face.

Saving Money

The majority of domestic workers interviewed explained that their focus was on saving money in an attempt to secure their future.

I can't say how long I will stay in Thailand. Now, I already have farmland and a house (back in Burma). I worked in Thailand for four years and it is a long time. But, some people in my village have worked here for more than ten years. When I go home I want to bring money with me. My parents bought rice fields for me with the money I sent. They also use it. When I deduct some for what I will use each month I can save 1,500 baht. It is a good income, so I shouldn't quit this job too soon.

- A 22-year-old married Karen female who first migrated to Thailand four years ago currently working in Mae Sot.

Now, I don't want to go back yet, because I have no money to bring with me. At least I have to have enough money to cover the traveling costs and the gold that I had sold to come to Thailand. My parents are getting older, so I want to go within this year too. If I can save some money and go back this time, I won't come back to Thailand again.

- A 17-year-old single Shan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.

Sending Money Home

As has been noted throughout this report, the majority of domestic workers migrated to Thailand in order to earn money to send home to their families and relatives in Burma. Among the survey respondents, almost 80 percent of the domestic workers reported sending part of their earnings back home. They used a number of different means to send money home. More than half of the respondents sent money through a friend or relative returning to their village in Burma, while another one third sent the money themselves (often by meeting a relative at the border and handing the cash over directly). Approximately 28 percent reported sending money home via a broker, while 15 percent

chose to use a money transfer outlet to transmit money to Burma, with 9 percent using a bank to transfer their funds (see Table 7).

Table 7 Percentage distribution and number of survey respondents who sent money home by method of transferring funds and research site*

Method of sending money home	Research Site		Total
	Chiang Mai	Mae Sot	
Send with a friend	72.4 (123)	52.3 (124)	60.7 (247)
Send yourself	39.4 (67)	25.7 (61)	31.4 (128)
Send through a broker	2.9 (5)	46.8 (111)	28.5 (116)
Send through a shop	24.7 (42)	8.4 (20)	15.2 (62)
Send through a bank	10.6 (18)	8.0 (19)	9.1 (37)
Other	1.2 (2)	5.5 (13)	3.7 (15)
No. of respondents	168	237	405

* Note: Respondents were allowed more than one response so the percentage distribution is equal to the number of participants who reported each answer based on the total number of respondents. Therefore, the total percentages do not add up to 100 percent and the numbers in parentheses when combined are greater than the total number of respondents.

The women and girls interviewed described problems finding a safe way to send money home.

My mother comes to the border every month or two to collect the money I have saved. Now, my mother bought a house and is planning to start a business.

- A 15-year-old single Burman female who first migrated to Thailand a year ago currently working in Mae Sot.

I contact the man I came to Thailand with, because he goes back often and knows where my family lives. I am afraid the money will get lost, but I don't know any other way to send it home. The travel costs from my village to Thailand are very high so it is not possible to go or ask my family to come here.

- A 34-year-old single Shan female, whose first time migrating to Thailand was not disclosed, currently working in Chiang Mai.

The study's survey did not address future aspirations but during the in-depth interviews participants discussed a wide range of perspectives and plans regarding their future. The responses ranged from hoping to go back permanently to Burma to wishing to visit temporarily, to expecting never to return.

Of those who envisioned returning home permanently to Burma, many had children that they left behind there when migrating to Thailand.

I don't want to stay in Thailand any more and intend to go to see my children this year. I will check out the situation and if I can work there, I will stay with them in Shan State. If the situation is still so bad, then I will come back and work in Thailand because I already have a work permit. If it is possible, I want to stay with my children and support them to study as best I can.

- A 29-year-old married Shan female who first migrated to Thailand four years ago currently working in Chiang Mai.

I worked for three years in Thailand and saved enough money. I will go back to my village for the Water Festival and I do not intend to come back. I have to take care of my mother until she gets better. Now, my home in Burma is quite well equipped. While taking care of my mother I will help my brothers and sisters do the farm work. I don't want to open a shop and sell things, because in my village there are too many shops. We don't have electricity in my village but if my brothers want to buy a generator and open a video theatre, I will support them.

- A 20-year-old single Karen female who first migrated to Thailand four years ago currently working in Mae Sot.

Other women and girls interviewed hoped to return home for a temporary visit and spoke of the conditions that determined their ability to do so.

I cannot decide when to go back to my country. When I was single, I could go back anytime I wanted. But, now I am married and have to consult with my husband. I intend to request from the employer to let us go home and pay homage to our parents. But, we haven't decided to go back permanently. When we go back to our village we have to do the farm work, but my husband doesn't want to do farm work anymore.

- A 25-year-old married Karen female who first migrated to Thailand six years ago currently working in Mae Sot.

Others interviewed explained that if they could go home for a visit, they would return to work in Thailand after a short period of time.

I will go back to Burma for the Water Festival. I may return, I cannot say yet because I don't know the situation at home. But, if I am away from here for a long time my employer will find a new person. My employer is very kind and it will not be easy to find another as good as this one.

- A 20-year-old single Karen female who first migrated to Thailand four years ago currently working in Mae Sot.

The majority of girls and women in this study spoke of their wishes to save their earnings so that they could send money home to their families. Many hoped that they could work in Thailand for a specific period of time and then return to Burma with sufficient capital to help provide a decent livelihood for their parents and, of those married, for their own families as well. Yet, they faced enormous difficulties in the simple act of trying to transfer funds home. Some did not know anyone they could trust to carry the money to Burma. Others did not know how to get back home.

Some of the women and girls could not imagine their future and expressed how dejected they felt with their life, not being able to see themselves ever overcoming the obstacles they face. Living in Thailand was far more difficult than most had envisioned. Yet, for many, returning home was not an option.

Conclusion

The root causes of migration from Burma to Thailand were explicitly related to political and economic situations including poverty at the origin. While there is a growing economy in Thailand, it will continue to be regarded as a desirable destination. The push-pull theory can explain the massive flow of migration from Burma to Thailand.

At the national level, Burma's State Peace and Development Council (SPDC) should address the causes of mass migration to Thailand (and elsewhere), including domestic policies that result in

extensive unemployment, inflation of basic commodities and forced relocation. The SPDC should also recognize that in order to solve the fundamental problems in Burma, a national reconciliation process must take place and political reforms must be promoted. If people from Burma want to seek employment in neighboring countries, the SPDC should permit them to do so legally, take responsibility to ensure their protection abroad and allow them to return home without harassment. SPDC must also strive to incorporate and enforce labor laws and rights for all people.

Similarly, the Thai government should acknowledge domestic work as labor protected by Thai labor laws and ensure that domestic workers' rights are upheld, including the right to a written contract that defines work expectations, guarantees a minimum wage, fixed working hours with optional overtime, holidays and benefits. In honoring and protecting domestic workers' rights. The Thai government should include efforts to educate employers about the rights of domestic workers, establish channels for reporting complaints, prosecutes and abusive employers. In this last respect, the Thai government should provide translators to facilitate reporting of complaints by migrant workers as well as provide referrals to legal assistance and protection.

The Thai government should also provide educational opportunities for migrant workers, such as Thai language classes and other special adult education programs that could be held on the weekends or evenings. Thai education law provides equal education opportunities for all and efforts should be enhanced to see that migrants are included.

Non-Government Organisations (NGOs) and Community-Based Organisations (CBOs) play a critical role in reaching out to and communicating with migrants. They must continually strive to work with local community networks to make contact with migrant domestic workers, raise awareness of their hidden and isolated realities, identify their critical issues and recommend action strategies. Finally, all organizations and government institutions should seek the inclusion of the migrant community in developing policies, practices and responses should be considered to help establish appropriate interventions to reduce the abuse, exploitation and trafficking of migrant domestic workers.

Bluntness of Tentacles: Localization of State Agencies in a Border Town in the Thai-Burmese Borderland

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Introduction

The scenes of Mae Sot, a border town in the Thai-Burmese borderlands problematize conventional images about nation-states and refugees. In that town, Burmese people outnumber local Thai people presumably by two times¹. It is often heard that the town is not a Thai one but a Burmese one. Many of Burmese people are staying illegally, which has become a normal phenomenon in the town. In the central place of the town, the paradoxical presence of the police and these illegal migrants at the same time is also observed. Some illegal migrants are checked, arrested, and deported by the police, while some people appear to ignore threats from the police.

If one goes to the border checkpoint in the vicinity of the town, one can find the contrasting pictures of people's border-crossing. While a number of people cross the border through official check points which are based in two sides of the Thai-Myanmar Friendship Bridge, however, under the bridge, many people just do crossings by boat, by swimming or by walking through the current of the Moei River which flows along the Thai-Burmese borderline without passing through the check points.

Should one go out of the town and reach to a refugee camp with just one hour of drive, one can also observe the ironical pictures of people's movement along the camp. On the way to the camp right before getting into it, one has to pass a couple of check points where heavy-armed Thai soldiers investigate the holding of proper identification cards.

¹ In Mae Sot, the number of the Burmese is estimated to be over 100,000 and that of the Thai is around 50,000. However, the population of the Burmese has not been exactly counted. Some people even say that 200,000 Burmese are living in Mae Sot.

One would be terrified by this passage ritual. This scary encounter is intensified by a barbed wire fence stretched along the camp, physically and sharply dividing the place of refugees from the “normal” world. However, this naïve or genuine feeling is dramatically overturned if one goes five minutes more along the road beside the camp. Quite a few refugees get out of the barbed wire and take a walk along the road. Some of them are bicycling, while some of them are awaited by Thai motorbike taxi drivers. Some of them get on a local bus with several bags of grain to sell them in the markets of other towns. It is easily seen that through a gate in the middle of the camp, a number of refugees are continuously flowing out and in.

Why are these phenomena taking place in the town and its vicinity? Why is it that someone lives in the fear of intimidation by the Thai authorities, while someone appears not to care about the forces of the state power? How could we explain the somehow stable coexistence of the migrant-searching police and police-avoiding migrants? The paper seeks to answer these questions.

The basic theoretical location of the paper is state-society theory mainly developed by Migdal (1988). The question that he raises is quite relevant to this paper: why can the state not control the society? In answering this question, Migdal draws attention to the struggle between the state and the society in implementing the interests of each one. However, what he is missing is the ramification of the state agencies in a particular area. He assumes that local state agencies follow and conduct the policies and regulations of the central government. However, my findings reveal that the reason why the state aspiration of full-scale controlling is not achieved is due to the localization of the local state agencies adapted to the environment of the specific area. This paper suggests that because of this localization of the state agencies the illegal presence of alien people and the unofficial domain of the society in the border down continue to exist.

In the following sections, first, I will describe the complexity of Mae Sot. In doing that, I will search for operating systems in the town. In the second section, I will deal with the aspiration of the state in controlling the area. I will reveal why the state strives to control

the border town and what kind of means it uses for establishing social control in the town. In the third section, I will delve into the localization of the state agencies to the situations of the town in explaining the continuing presence of illegal aliens despite the aspiration of the state. I will analyze the steps, the factors and the patterns of localization of the state agencies.

Complexity of the Border Town: In Search of Operating Systems

An old-aged man of my informants recollected that several decades ago Mae Sot was just a small village. When the Burmese military took power and conducted the Burmese way of socialism, closing its door to neighboring countries from the early 60s to the late 80s, Mae Sot was an entry point to a black market which was controlled by the ethnic rebels, the Karen National Union (KNU). Many of current local businessmen in Mae Sot grew from this trade with Burma. Originally they came from other areas, mainly Bangkok during the 60s and the 70s. At that time, the trend of migration to Mae Sot was within domestic people. The size of the black market was so huge that thousands of Burmese people, mostly ethnic people, engaged in the trade, primarily working as porters. As they were able to find jobs inside Burma and the trade route was stably secured by the KNU, they did not have to come to Thailand to work. Therefore, the ethnic composition of Mae Sot was relatively simple at that time, though inter-ethnic marriages between two sides of the border area such as between Myawaddy and Mae Sot sometimes took place.

However, the situations changed dramatically in the late 80s. The newly shaped Burmese military junta came to the power and began to open its long secluded doors to outside countries, while in domestic political arenas it harshly trampled the democratic uprising and penetrated into the liberated areas of ethnic rebels. In the series of assaults from the military regime, the black market was rendered out of date, and the trade trend between

two countries was becoming official and formal, though still certain items of goods are traded unofficially².

It is that time when the multitude of Burmese migrants came to Mae Sot in search of livelihoods. Coincidentally, not only economic migrants but also political activists and refugees flew into the town and its vicinity. As a result, since the late 80s, Mae Sot has expanded demographically. Now the number of alien people is more than that of local people.

To make the picture more complex, the influx of the refugees brought quite a few of international agencies into the town. In the 90s, dozens of INGOs opened their offices in Mae Sot to deliver humanitarian assistances and the United Nations High Commissioner for Refugees (UNHCR) ended up opening its field office here in 1998.

Demographic expansion by alien people changed the economic pattern of the town consequently. As there are full of available cheap labors, so many factories mostly from other areas have been entering into the town and almost every shop hires Burmese people. The Burmese people are not just labor force but also major consumers of the town. In a central Market, every shop is heavily dependent on the buying power of the Burmese. Many of commercial signboards are written in Burmese together with Thai and Burmese is widely spoken in the market.

As I mentioned earlier, political dissidents base this town for political activities. It is estimated that 1,000 Burmese political activities run dozens of offices representing exile interests³. For example, the National League for Democracy (NLD) and the All Burma Students' Democratic Front (ABSDF) operate their branches here. Other than the groups of democratic movement, many ethnic political organizations engage in their own activities, basing in the town. Among them, the activities of the KNU and its related-

² Such items as Coca Cola, chemical flavors, and chewing gums are traded unofficially by boat, not passing through the custom office of Burma.

³ See <http://www.irrawaddy.org/aviewer.asp?a=4425&z=104>

organizations stand out, as several of their remaining liberated-areas inside Karen State are located near this town and the refugees in three camps around the town are mostly Karen.

The composition of religion also reveals the diversity of Mae Sot. One can see quite a few of mosques in the town. Many of them are run by Burmese Muslims. The major religion of Burmese migrants is Buddhism, and therefore, as I will mention later, it is one of factors that promote cultural mix-up between local Thai people and them. Christianity also takes certain portion among ethnic groups such as the Chin and the Karen. Especially those who engage in the activities of the KNU are mostly Christian. Apart from the religions mentioned above, many of migrants still retain animistic belief system. Throughout the years, a so-called migrant system has been developed as migrant people can rely on their own education and healthcare service. There are over thirty migrant schools encompassing around 3,000 migrant students in the town. When they have health problems, they usually go to the Mae Tao Clinic which was founded and is run by Dr. Cynthia. The clinic treats over average 200-250 migrant patients per day (Interview with Dr. Cynthia). Also they have their own residential compounds which are the bases for their community-based lifestyle. Interestingly, most of migrant schools are located in the residential compounds of the migrants. Though the migrants do not have an administrative apparatus representing all of them, these migrant schools are leading migrant communities, promoting relationships among them.

Although the political exiles seem to take on different lifestyles from the general migrants, they are subsumed to the migrant system in the sense that they mainly rely on educational and health facilities that other migrants use. Above all, many of the political activists are leading the migrant system, actively involved in the affairs of migrant education and health issues. Also many of them came up with NGOs to uphold the human rights of the migrants. Among the political exiles, the members of the ABSDF are playing great roles in these activities. They are working as headmasters of migrant school, running NGOs for labor rights, and assisting health care activities in the Clinic apart from involved in democratic movements for Burma.

The organizations of ethnic minorities are also dependent on the migrant system. Though inside refugee camps the Karen are the most conspicuous figure and therefore they have their own exclusive system such as education, health care, and administration, once they are out of the camps and come over to the town, they are considered as just one group of many Burmese people. Despite the presence of several of their own education facilities which play the role of higher education and therefore produce the future leaders in the town and its vicinity, their children are attending migrant schools and they rely on the Mae Tao Clinic for health care. Above all, those who are involved in the KNU-related activities only take a small portion in terms of demographic figures among general Karen people who mostly came from inside Burma. The KNU does not strive to awaken them to the political consciousness. Majority of the migrant Karen are living a similar life with other Burmese migrants. Here I do not mean to disregard the political engagement of the KNU. As I wrote elsewhere (2004), Mae Sot is a very strategic place for them to maintain their nationalistic movement. Great political figures such as current president and former president are staying in this town. From this town, political activities for remaining liberated-areas inside Burma are generated. Even the treatment of Thai authorities for them is relatively cordial in reflection of long-existing relationships for several decades. However, if we compare the size of their own political system operating in the town with the migrant system, the former does not emulate with the latter, and rather, the former is incorporated into the latter as similarly as Burmese political groups are.

My elaboration into explaining the presence of the migrants with the concept of “system” is applicable to the case of international relief agencies. Though the sizable presence of the Burmese people is observed in other parts of Thailand such as Mae Sai and Ranong, the existence of quite a number of international relief agencies in Mae Sot, especially including the UNHCR, is a very characteristic phenomenon in comparison with those areas.

They have their own operating system in engaging in relief activities for the refugees. Under the Coordinating Committee for Services to Displaced Persons in Thailand

(CCSDPT), planning, action, and evaluation of their activities are carried out. It has three sub-committees: the primary health and sanitation sub-committee, the education sub-committee, and the food, shelter, and relief sub-committee (Burmese Border Consortium, 2004: 46). Though the CCSDPT is based in Bangkok, due to the sizable presence of the refugees around Mae Sot, actual cooperation among the NGOs takes place in the town. Apart from their systematic working pattern, their everyday lives seem to be rooted in the boundary of this system. They mainly socialize with foreign people (mostly Westerners) working in the NGOs, including those local people and refugees who they cooperate with.

How do these systems (the migrant system and the international system) mix with the Thai system? Before going on to it, it is necessary to deal with the Thai system first. It can be divided into two sub-systems: state system and social system. The state system is composed of state agencies such as central government agencies, local (province and district) government agencies, the police, the military, and so on. In the Thai political system, regulations and acts for immigration affairs are devised by the central government and carried out by local-level governments and other local-based central government agencies such as the police and the military. The social system is mainly operated by many independent local groups. To take some examples, the Tak Chamber of Commerce⁴ (in the sector of business), the Chinese community (in the sector of local ethnic groups), and the Mae Sot Civil Society (in the sector of local NGOs) can be singled out.

First, let me look at the interaction between the migrant system and the Thai system. The two systems are inter-dependent in terms of the economy of the town. As I mentioned, the migrants play the roles of both labor force and consumers in operating the town's economy. In terms of education, the degree of interaction is minimal as the Thai system differentiates its nationals from non-nationals through the means of education, and on the

⁴ The main office of the organization is in Mae Sot. Among 350 members in total, 250 members are based in Mae Sot. It shows the economic importance of Mae Sot in Tak Province (Interview with the chairman of the Tak Chamber of Commerce, November 30, 2004).

other hand, the migrants have their equivalent education facilities. With regard to the matters of health care, the level of relationships is observed to some degree as those who hold “Work Permit” can have access to the public health facilities of the Thai system. However, in reality, due to the presence of the Mae Tao Clinic, they do not so much rely on these facilities.

Second, regarding interaction between the Thai system and the international system, it would be said that the pattern of the interaction is official and formal, only taking place in the sector of humanitarian activities and its coordination. In general, their influence into the sectors of economy and education is negligible, compared to the effect of the migrants on the town’s economy.

Third, with regard to interaction between the international system and the migrant system, so far the former has heavily engaged in the matters revolving around the “genuine” refugees who stay inside the refugee camps. Though many of the INGOs recognized the necessity of extending their activities to the migrants in the town, it has not culminated in tangible engagement. However, on the informal and individual level, especially in an education sector, interaction between the two systems is growing as many foreigners volunteer as English teacher or support financially.

There are some cases that cooperation of these three systems takes place. Regarding the affairs of health, the Thai health authorities, the Mae Tao Clinic and some international NGOs such as the Médecins Sans Frontières (MSF) cooperate to enhance the conditions of migrant health. In the individual level, some Thai locals learn English from foreigners teaching in migrant schools.

The situations mentioned above are the circumstances in which the state is located. How does the state aspire to control the mélange-like society of the town, dominate the interactions with the other systems, and achieve the interests of the state? In the following section, I will deal with this state aspiration.

Aspiration of the State and Controlling Practices

Why does the Thai state attempt to control the border town? What does it want to achieve by doing that? Here my argument is very much inspired by Barry Buzan (1991). According to him, the state has three components: idea, institution, and physical base. The Thai state judges that the considerable presence of alien people endangers its ontological foundations. The issue of the security is the very clue for it to engage in the trials of controlling the town. As the idea of the state which establishes its legitimacy in the minds of its people is shaken (Ibid: 66), it can appear to be viewed by its citizens that it is not capable of controlling the situations of the town. Nationalism, the ideological base of the state, which exclusively differentiates its citizens from alien people, became problematic due to the outnumbering presence of the Burmese migrants. In terms of the security of institution, the Thai state could be administratively disarrayed by the uncontrolled immigrants, or, to say extreme, its institutions could be overturned and controlled by these people. Meanwhile, the physical bases of the Thai state, which are population and territory, was encroached by the Burmese. The porous borderline between Thailand and Burma stimulated this encroachment. In the town of the Thai state, the sovereignty-less alien state with the physical bases of its own population and its residential areas competed with and overwhelmed the “authentic” state. These problematic situations led the state to strongly engage in controlling the town in order to protect and secure *raison d'etre* of the state.

In concrete, the threats that the state faces are divided into five types, according to Buzan (Ibid: 112-145): military, political, societal, economic, and ecological. Though the Thai state does not have any tangible threat from the presence of the migrants in the sector of military, it is concerned that the existence of the armed force of political exiles and ethnic minority might be in danger for the security. Therefore, also in the political arena of the town, institutions implementing regulations and policies could be seriously in crisis with the possible consequence of the military activities. With regard to the societal sector, more often than not the Thai government mentions that the Burmese people bring

incurable diseases into Thailand, causing sanitary problems. Also it claims that the migrants are involved in criminal activities such as drug dealings and human trafficking. All in all, the state accuses the migrants of hurting the integrity of the Thai society. The economic problem in the economic sector is, according to the claim of the state, that the Burmese take economic opportunities from local Thai people. It was the excuse of expelling the migrant people especially during the economic crisis in 1997. However, nowadays the attitude of the government in dealing with the threat in the economic sector is ambivalent as in reality they contribute to operating the economy of the town, rather than economic threats. In terms of the ecological sector, it is claimed that the overpopulation of the town caused the running out of water supply; air is being polluted by the migrant-hiring factories; and mountains are deforested by the migrants haphazardly cutting trees.

While the issue of security is a passive reason of the state's engagement in the town, geopolitical issue is a positive factor that explains the aspiration of the state into controlling the area. In contrast to previous approaches to the border area, that is, leaving that area as a buffer, and therefore not seriously stepping into that area, since the late 80s, the Thai state has tried to transform the place from "battle fields" into "trading market" in building up cordial relationships with Burma (Grundy-Warr *et al.*, 1997: 99). In so doing, it was imperative for the state to establish the firmly controlling system in that area. Especially the state considered Mae Sot as a strategic point to achieve this goal. Therefore, the government seeks to regulate the town economically under the auspices of the central government.

How and what kinds of means does the state use in controlling the area? In ideological and psychological level, the state produces and disseminates the specific discourse of problematizing the alien people. Here we can refer to what Foucault persistently did in understanding the means of the state: the practices of power in dividing and labeling "normal" and "abnormal", and "true" and "false" (1979). The state has the means of rendering the migrants problematic such as newspaper and TV. Through them, it amplifies and circulates the abnormal images of the aliens. Especially the criminal

activities of them in the border areas such as drug and human trafficking have spotlights throughout the whole country. Sometimes the aliens are scapegoated by the state in escaping the consequences of its mismanagement such as the economic crisis.

Practically the state has many agencies whereby it tries to take control in a particular place. In Mae Sot and its vicinity, for example, the military, the police, the immigration office, local (province and district) governments, and so on, are playing roles of carrying out the orders from the central government directly and indirectly. As local governments are not empowered yet in terms of immigration and labor issues, they are under the influence of the central government in these matters which are very crucial in managing their administrative areas of their own (Interview with the chief officer of the Tak Immigration office). Among those government agencies, the military and the police are the most prominent figures in shouldering the burden of the state and conducting its mission. In the sense that the two agencies can use physical force, it can press and regulate people to follow the principles of the state. Migdal, following Weber, includes the usage of force in implementing rules for the people (Migdal, 1988: 19).

In a legal aspect, the Thai government has tried to register the migrants since the early 90s. In 1992, the government made its first attempt to legally organize and control the migrant labor force. This policy was implemented in Tak as well as other Thai-Burmese border provinces such as Ranong and Kanchanaburi. However, this was unsuccessful because the registration fee was set as high as five thousand baht and the employers did not find it necessary to register their workers (Koetsawang, 2001: 161). In 1996, the government proposed more tangible policy in an attempt not only to resolve the labor shortage problem, but also to enforce controls on the illegal migrant workers, including the prevention of new arrivals. Registration was conducted through provincial authorities. The Ministry of Labor, through the Center for the Control of Foreign Workers, acted as a central authority, with immigration officers facilitating the processes of “self-supporting”. However, many employers and migrant workers did not take part in the process as they saw no significance in it and believed that the work permit offered no benefits to them (Ibid: 162). The policies of registering or regulating the migrant workers