POLITICAL PARTICIPATION OF THE HMONG IN THAILAND

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ABSTRACT

Despite the fact that the Hmong in Thailand are now integrating more into mainstream Thai society, we still have little information or knowledge about their political participation. This has been the case because Hmong political participation has not been an issue of research or concern for most researchers. Hence the first objective of this thesis is to assess to what extent the Hmong in Thailand are currently participating in the political process. It specifically assesses to what extent they (1) vote; (2) discuss and/or pay attention to politics or current events; (3) contact their representatives; (4) are members of political parties or interest groups; and (5) are candidates for political offices. Secondly, this thesis analyzes whether and how (1) education, (2) discrimination and (3) income correlate to Hmong political participation.

This study uses documentary research, interview, focus group, and questionnaires. The data is collected from 54 participants from two Hmong villages in northern Thailand and at the Night Bazaar in the city of Chiang Mai.

From the empirical findings it is found that (1) 46 out of 54 participants (85%) in this study voted in the April 2nd 2006 general election; (2) 72% discuss and/or pay attention to politics or current events; (3) 18% contact their representatives; (4) 30% are members of political parties, of which 68% are members of Thai Rak Thai and 25% are Democrats; and (5) 13% of the participants have been candidates for political offices. Thus, a clear pattern of Hmong political participation has been elucidated from this research: 'the more active the level of political participation, the less likely Hmong participate there and vice versa.' For instance, 85% have voted, whereas only 13% have been candidates for political offices.

The analysis argues 'the more active the level of political participation, the less likely Hmong participate there and vice versa' is not overall positively correlated to education, discrimination, or income. For regardless of their educational level, of whether they feel they have been discriminated against, or of their income, the participants participate in the political process relatively at the same pace. However, this does not insinuate that these factors have no impact upon their political participation at the larger, societal level.

KEY WORDS: HMONG/ POLITICAL PARTICIPATION/HUMAN RIGHTS

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LIST OF ABREVIATIONS

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CIA	Central Intelligence Agency
CRC	Convention on the Rights of the Child
CPT	The Communist Party of Thailand
FBI	The Federal Bureau of Investigation
NGOs	Non-Governmental Organizations
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MP	Members of Parliament
OTOP	One-Tambol-One-Product
PAD	People's Alliance for Democracy
PAO	Provincial Administrative Organization
PM	Prime Minister
PPP	People Power Party
SML	Small, Medium and Large
TAO	Tambol Administrative Organization
TRC	Tribal Research Center
TRT	Thai Rak Thai Party
UDHR	Universal Declaration of Human Rights
UN	The United Nations
UNHCR	The United Nations High Commission for Refugees

CHAPTER I
INTRODUCTION

> "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote or by equivalent free voting procedure" (Art. 21, UDHR).
>
> "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (Art.1, ICCPR).
>
> "A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties…." (Section 58, 2007 Thai Constitution)
>
> "The State shall act in compliance with the public participation policy as follows: (1) encouraging public participation in the determination of public policy and the making of economic and social development plan both in the national and local level; (2) encouraging and supporting public participation to make decision on politics and the making of economic and social development plan and the provision of public services; (3) encouraging and supporting public participation in the examination of the exercise of State power at all levels…. (Section 87, 2007 Thai Constitution)

1.1 Research Problem

When one inquires into the researches that had been done on the Hmong in Thailand, they generally come from three major sources. First is the works of anthropologists and missionaries who went to Hmong villages to study their culture, economy, religion, and language.[1] The second major source is the surveys and/or

[1] For example, Bernatzik, H. A. (1947): *Akha and Meo: Problems of Applied Ethnology on the Indochinese Peninsular*; Barney, G. L. (1957): *Christianity and Innovation of Meo Culture: A Case Study in Missionization* (Master Thesis, University of Minnesota); Young, G. (1962): *The Hilltribes of Northern Thailand*, Bangkok: Siam Society; Scheuzger, O. (1966): *The New Trial: Among the Tribes in North Thailand*, China Inland Mission, Oversea Missionary Fellowship; Cooper, R.G. (1968): *Resource Scarcity and the Hmong Response: A Study of Settlement and Economy in Northern Thailand* (Ph. D, University of Hull); Barney, G. A. (1971): *The Social and Economic Organization of Two White Meo Communities in Northern Thailand* (Ph. D, Wildlife Management Institute, Washington D.C); Dhamaraso, Bhikhu and Virojano Bhikhu, (1973): *The Meo*, Bangkok; Geddes, W. R. (1976): *Migrants of the Mountains*; Chrindasri, N. (1976): *The Religion of the Hmong Njua* (Master Thesis, University of Sydney); Betrais, Yves. (1978): *The Traditional Marriage among the White Hmong of Thailand and Laos*; Cohen, P. (1981): *The Politics of Economic Development in Northern Thailand* 1967-1979 (Ph. D, University of London); Lee, G.Y. (1981): *The Effects of Development Measures on the Socio-Economy of the White Hmong of Thailand* (Ph. D, University of Sydney); Tapp, N. (1985): *Categories of Change and Continuity among the White Hmong (Hmoob Dawb) of Northern Thailand* (Ph. D, School of Oriental and African Studies, University of London); Redley, H. M., (1986): *Economic Marginalization and the Ethnic Consciousness of the Green Mong (Hmoob Ntsuab) of Northern Thailand* (Ph. D, Corpus Christi College, University of Oxford); Lee,

studies conducted by Tribal Research Center (TRC),[2] government officials and non-governmental organizations (NGOs), which often dealt with health, demographic, education, prostitution and socioeconomic conditions of Hmong (or the hilltribes as a whole).[3] Finally, the third major source of researches that had been done on the Hmong in Thailand can be extrapolated from writings or publications of scholars who wrote about Thai government policies towards the hilltribes and problems they face, for instance, opium, drugs or amphetamines, deforestation, shifting cultivation, HIV AIDS, identity, discrimination, citizenship issue, and effects of development projects or tourism.[4] And we must keep in mind that these works are coming mainly from English language sources and they have not been exhausted. If we added Thai and other languages sources, the list would be longer.

(1991): *Cosmology and the Cycle of Life: Hmong Views of Birth, Death and Gender in a Mountain Village in Northern Thailand* (Ph. D, Brown University); Leepreecha, P., (2001): *Kinship and Identity among Hmong in Thailand* (Ph. D, University of Washington); Lo, L. (2007): *Hmong Cultural Survival in Northern Thailand: Flower As Cash Cropping for Survival* (Ph. D, California Institute of Integral Studies, SF, CA).

[2] Tribal Research Center was established in 1964 to do research and disseminate information of hilltribes. It was later changed to Tribal Research Institute, which was located at Chiang Mai University. It has since published many works on the hilltribes. However, it had been abolished a few years ago when Mr. Thaksin came to office because his administration felt it was no longer necessary. See further in Geddes, W. R. (1986) "Research and the Tribal Research Centre." p. 3-12. *Highlanders of Thailand*, New York: OUP, edited by John McKinnon and Wanat Bhruksasri.

[3] For example, Saihoo, P. (1946), *The Hilltribes of Northern Thailand*, Bangkok: SEATO; Keen, F.G.B. (1963), *Land Development and Settlement of Hilltribes in the Upland of Tak Province*, Dept. of Public Welfare; Thai Government (1966), *Report on the Socio-Economy of Hilltribes in Northern Thailand*, Dept. of Public Welfare; Dept. of Public Health (1966), *Report on the Socio-Economic of the Hilltribes of North Thailand*, Bangkok; Charusathira, P. (1966), *Thailand's Hilltribes*, Dept. of Public Welfare; Hinton, P. (1969), *Tribesmen and Peasants in North Thailand*, Chiang Mai, Tribal Research Center; Wongsprasert, S. (1980): *Highland-Lowland Migration: A Study of Lahu and Meo Movement toward Majority Life*, Tribal Research Center; Kunstadter, P. (1985): "Health of Hmong in Thailand: Risk factors, morbidity and mortality in comparison with other ethnic groups," *Culture, Medicine and Psychiatry*, v.9 no 4/December; *Hilltribes Women's Prostitution* by Tribal Research Institution (August, 1994—in Thai); Songwit, C. (2006): *Education and Hmong culture change: A study of two Hmong villages in northern Thailand* (Ph. D, Trent University, Canada).

[4] For example, Suwan, R. (1969): "Development and Welfare for the Hilltribes in Thailand", in P. Hinton (ed.), *Tribesmen and Peasants in North Thailand*, Chiang Mai: Tribal Research Center; Geddes, W.R., (1970): "Opium and the Miao: A Study in Economic Adjustment", Oceania, September 1-12; Manus, M., Kiree. P., and Chira, P., (1975): "Reconnaissance Survey of the Impact of Tourism in the Highlands", a mimeo., Chiang Mai: Tribal Research Center; Grandstaff, T. (1979): "The Hmong, Opium and the Haw: Speculations on the Origin of their Association", *Journal of Siam Society*, 62, 2.; Tapp, N. (1979): *Thailand Government Policy towards the Hill-Dwelling Minority Peoples in the North of Thailand* (Master Thesis, School of Oriental and African Studies, University of London); Cooper, R.G. (1979) "The Tribal Minorities of Northern Thailand: Problems and Prospects," *Southeast Asia Affairs*, VI 1979; Vithoon, P. (1989): "Hilltribes people blamed for deforestation", in McKinnon, J. and Vienne, B. (eds) *Hilltribes Today*, Bangkok: White Lotus Orstom; McKinnon, J. and Bhruksasri, W. eds (1983): *Highlanders of Thailand*; McKinnon, J and Vienne, B. eds. (1989): *Hill Tribes Today: problems in change*; Chupinit, K. (1993) "Being Hmong and Being Thai: an Interplay of Identities," a paper presented at the Fifth International Conference on Thai Studies, University of London, 5-10 July; McCaskill, D. and Kampe, K., eds (1997): *Development or Domestication? Indigenous People of Southeast Asia*; Gill, T. (2001) "Thai Hilltribes Battling Discrimination" in *Asian Times*, September; Vaddhanaphuti, C. (1999): "Citizenship and Forest Policy in the North of Thailand", the Seventh International Thai Studies Conference, Amsterdam; Michaud, J. (1993), "The Social Anchoring of the Trekking Tourist Business in a Hmong Community of northern Thailand" (paper presented at Canadian Council for Southeast Asian Studies, University of Alberto, October 15-17); Siriphan, A. (Feb. 2006): "Local knowledge, Dynamism and the Politics of Struggle: A case study of the Hmong in Northern Thailand," *Journal of Southeast Asian Studies*, v. 37. no 1, p 65-81.

Among these works there are few articles or chapters of books that deal with Hmong political participation. However, they have discussed it rather briefly, which is understandable because Hmong political participation was not the primary aim of their concern. Three examples are discussed here. We first start with the work of Bernatzik. Bernatzik is a German ethnologist who had conducted his fieldworks in northern Thailand from 1936-1937. His research was attempted to make a comparative study of Hmong (which he referred to as Meo[5]) and Akha cultures. Both Akha and Hmong are two of the nine or so recognized hilltribe (*chao khao* in Thai—literally 'people of the mountain') groups in Thailand. Subsequently, he published his research in *Akha and Meo: Problems of Applied Ethnography in Farther India*. In chapter six of that book, he briefly discussed Hmong political organization. After reviewing works of other writers, Father Savina (a French missionary who had done extensive researches on Hmong in Vietnam and southwestern China early in the 20th century) in particular, and based upon his own research, Bernatzik came to the conclusion that "it is shown without any doubt that they [Hmong] formerly had a tightly organized kingship" (1970: 64). This he referred to Hmong political organization in ancient China. Hmong political organization at that time, according to him, could be divided into three levels. At the top or central level is the king. If the king should die or become disabled, all mature males in the kingdom that are able to bear arms would select a successor among his sons to be the new king (1970: 66). Below this level is the great chief who has jurisdiction over twenty or so villages. The great chief is selected by heads of these twenty or so villages. At the bottom level is the village headman who is elected by adult males in the village. Though Bernatzik did not mention this, we might also add that below the village headman is the head of each household who, of course, is also a male and who thus has an absolute authority in family affairs. This hierarchal authority reflects the epitome of Hmong patriarchal society. However, over the centuries because of wars Hmong have scattered to too many places and countries; for instance, from the basins of the Yellow and Yangtze Rivers Hmong had scattered to the mountainous regions of southwestern China and from there Hmong had migrated to Southeast Asia during the

[5] Because Hmong, Miao and Meo are often being used interchangeably in the literature, we shall clarify this on chapter two to prevent confusions.

19th and 20th centuries. Therefore, this tightly organized hereditary kingship was coming to an end.

After discussing Hmong political organization in ancient China, Bernatzik went on to talk about Hmong political organization in Thailand. According to him, it is a kin-based that transcends often not beyond the village level, though at the village level it is very democratic, except that women can only participate as observers or spectators, but they cannot participate as voters (1970: 66). He did not tell us why this was the case, but given the nature of Hmong patriarchal society Hmong women could neither vote in particular nor participate in the public domain in general because they have always had a lower status in Hmong society since time immemorial. In a patriarchal society, as anthropologists have told us, men are dominating in every sphere of the decision making process. For instance, in the private domain their authority extends to extreme cases of life-and-death over women and children; they have the unilateral right to dispose family's property as well as make unilateral decision on behalf of the family. In the public domain, male monopoly extends to political, social, and economic decisions.[6] Women do not have much say because they are perceived as incompetent, as merely property of men; for instance, as daughter she is unconditionally obeying her father and brothers, as wife her husband, and as mother her elder son.[7] For Hmong men, Bernatzik continued, they can participate on many issues, for instance, selecting the village headman, council of the elders or a site to settle, or discussing things that are relevant to the general welfare of the village (1970: 77). This, one can argue, is like a direct democracy. Hmong have no party-like political affiliation; their loyalty is often unconditionally belonging to the clan. Members of the clan would follow their leader's advice or direction. When it is a time to select a village headman, members of each clan would select an able person (who is usually able to speak and understand Thai[8]) from their clan as their

[6] See 'patriarchy,' *Macmillan Dictionary of Anthropology* by Seymour-Smith, C. (1986), London: Macmillan Press, pp 217-8.

[7] On the other hand, some anthropologists (e.g. Bachofen, 1867; Morgan, 1977) have argued that matriarchy—female dominance—was the original form of society, but it was later changed to patriarchy. However, in reality male dominance has been the fact of most societies, including Hmong society.

[8] We must keep in mind that during the fieldworks of Bernatzik (1936-37) not many Hmong were able to speak or understand Thai like today. During that time the majority of Hmong were still largely isolated or lived in the mountainous areas; there was neither road nor electricity to their villages as it is today. Nowadays I can testify that every Hmong that I met was able to understand and speak Thai. This shows how much things have changed, how

representative. This, I would suggest, is analogous to a primary election when each political party selects a person from its party to contest in the general election. In this sense, it will not be wrong to say that each clan is like a political party. When the general election comes, all adult males would select their village headman in an open public space in the village. This is often done by counting vote-by-vote. The results are that the clan who has the largest members in the village often wins, though he has to get the approval from the local Thai district. The local district, however, rarely disapproves the villagers' choice. After the selection process, the village headman works as a representative of the village to the outside world; he is a spoken person on their behalf to other tribes and government officials; and he is also a judge to resolve minor disputes in the village, like burglary or family disputes. Serious cases, like murder, on the other hand, have to be dealt by the Thai police. The village headman is a powerful man; however, he is not a tyrant because he has to consult with the 'council of the elders' (analogous to the legislature) on important matters, for example, where to move to village to, if such a decision ever made. These are some political dimensions of Hmong political organization Bernatzik had observed some seventy years ago, at a time when the Hmong in Thailand were largely isolated in the mountaintops of northern Thailand.

Second, Gary Lee, a Hmong anthropologist who had conducted his doctoral dissertation on the effects of development projects on Hmong economy in Thailand in the late 1970s, has published many articles on Hmong in Laos and Thailand. While some of his works deal with how the Hmong in Laos have played an important and active role in contemporary Lao history and politics, others focus on Hmong culture and economy, such as marriage, kinship, identity, household, Hmong worldview and social structure, effects of development projects on Hmong economy, and so on.[9] One important paper ("Minority Politics in Thailand: A Hmong Perspective") he presented at the International Conference on Thai Studies at the Australian National University

much Hmong have integrated into mainstream Thai society since the days Bernatzik conducted his fieldworks some seventy or so years ago.

[9] For example, "Minority Politics and the Hmong in Laos" (1982 199-219) in *Contemporary Laos* edited by Martin Stuart-Fox, St. Lucia: Queensland University Press; "Ethnic Minorities and National Building in Laos: The Hmong in the Lao State" (1985-86:215-232), *Peninsule* , No.11/12; "White Hmong Kinship: Terminology and Structure" (1986), *Hmong World*, 1, Yale University Southeast Asian Studies; "Minority Politics in Thailand: A Hmong Perspective" (1987), a paper presented at International Conference On Thai Studies, Australian National University, 3-6 July 1987 "Tribal Socio-economic Change: Dream and Reality" (no date), among others.

(3-6 July, 1987) is relevant here. This paper unveils how and why Hmong in Thailand have had a difficulty integrating into mainstream Thai society. These are some problems Dr. Lee had discussed in that paper: Hmong were not given the opportunity to exercise their rights as Thai citizens because the government did not trust them. The government did not trust them because some had joined and supported the Communist Party of Thailand (CPT) in the past.[10] Second, Hmong had not been consulted, or were not given the opportunity to participate, on many public policies (be it assimilation policy, forced settlement policy, or managing the natural resources policy—forest, land, water, national park) that affect them. Hmong were expected to follow whatever decisions Thai authorities decided for them. Third, Thai government was concerned more about national security, deforestation and drugs or opium issues than a genuine concern about their welfare and problems. In conclusion, Lee argued, if the Hmong in Thailand were not given a direct opportunity to participate in addressing their problems or concerns, there would continue to be problems between Hmong and the Thai authorities or the lowland population. This paper, we can infer, implicitly argues for the right to effective political participation for Hmong. What it had not done, however, was assessing to what extent Hmong in Thailand were participating in the political process.

Third, Nicolas Tapp, another anthropologist who had conducted his fieldworks in northern Thailand in the early 1980s, shortly after Dr. Lee had finished his, has published a few books and many articles on Hmong in Thailand.[11] Some chapters of his books and his articles, like the works of Dr. Lee, touch briefly on Hmong political participation. For example, in chapter four of *The Hmong of Thailand: Opium People of the Golden Triangle* (1986), 'Political Participation Among the Hmong of Thailand: Some Ideological Aspects' (*Journal of the Siam Society*, v 76, 1988) and chapter three of *Sovereignty and Rebellion: The White Hmong of Northern Thailand* (1989) he briefly discussed about some dimensions of Hmong political participation. For instance, why did some Hmong take the unconventional form of political

[10] We must keep in mind that during the time of Lee's fieldworks (late 1970s) the CPT was still active in northern Thailand.

[11] For example, "Squatter or refugees: development and the Hmong", in Wijeyewardene (ed.) *Ethnic Groups Across National Boundaries in Mainland Southeast Asia* (1990), Singapore: Institute of Southeast Asian Studies: 149-172; "The Relevance of Telephone Directories to a Linage-based Society: A Consideration of some Messianic Myths among the Hmong from the Ethnographic Literature", in *Journal of the Siam Society*, 70, 1, 1982; "Notes from an Unfinished Journal", Chiang *Tribal Research Center Quarterly*, 6, 3, Chiang Mai, 1982;

participation (e.g. taking arms) and join the CPT? According to him, neither ideological inspiration nor political conviction of the communist or Marxist ideology but the injustices inflicted by Thai authorities on Hmong, and more importantly Hmong were not given the opportunity to address these grievances conventionally or formally in the system (through the judicial process, for instance), that compelled some to join the communists (1988: 147). A concrete example Tapp gave to support this contention is from Chiang Rai Province. In 1967, the Border Police Patrol came to exact unofficial taxes on Hmong opium in Doi Chompoo, Chiang Rai. When the villagers refused to give in, their pigs and chickens were taken; their women had been violated; and their village was burned. In such case, Tapp asserted, Hmong had no alternative but to flee to the forest to join the communists for shelter and protection (1986: 38). When in the communist zone, Hmong had not been treated any better. For example, Hmong were not given the top ranks; Hmong did most of dirty works. In fact, Hmong had a higher rate of casualties than their Thai communist comrades (including young students who fled from Bangkok) because Hmong did most of the real fighting against Thai government. In conclusion, Tapp said that Hmong, being exploited by both the CPT and the Thai government, were victims (1988: 148). Dr. Tapp's works show us why some Hmong took the unconventional form of political participation and joined the communists. Unfortunately, what he had not focused was the conventional forms of Hmong political participation. 'Conventional political participation' means political acts that are accepted under the system, such as voting, protesting, joining interest groups or political party, contacting one's representatives, becoming a candidate for political office, etc. On the other hand, 'unconventional political acts' are those acts that are illegal or are not accepted in the system, such as taking arms, violent demonstration, terrorist act, insurgency, rebellion, etc. Both of these are aiming to influence government's policy or decision one way or the other, but one is considered legitimate, the other not. We will discuss more on this in chapter three, the conceptual framework.

Besides these three writers, other writers whose works we cited focus on how Hmong culture was innovated by Christianity (Barney, G. L. 1957); how Hmong were responded to the scarcity of natural resources (Cooper 1968); Hmong social and economic organization (Barney, G. A. 1971); Hmong religion and beliefs (Chrindasri

1976; Tapp 1989) and traditional marriage (Betrais 1978); Hmong health and mortality compared to other groups (Kunstadter 1985); effects of tourism (Manus, M., Kiree. P., and Chira, P. 1975; Michaud 1993) and development projects (Lee 1981; Cohen 1981; McCaskill and Kampe, eds. 1997) on Hmong and their economy; Hmong cosmology and world view of birth and death (Symonds 1991, 2004); Hmong kinship and identity (Chupinit 1993; Leepreecha 2001); education and Hmong culture change (Sognwit 2006); Hmong cultural survival (Lo 2007), and so forth.

What can we conclude from the inquiry above? We can say there are a lot of researches that had been done on Hmong in Thailand. Unfortunately, none had specifically touched upon their political participation and for the few articles or chapters of books that did they discussed it only briefly. Consequently, despite the fact that the Hmong in Thailand are now integrating into mainstream Thai society, we still have little knowledge or information, if at all, about their political participation. For instance, we do not know to what extent they vote, discuss and/or pay attention to politics or current events, contact their representatives, are members of political parties or interest groups, and are candidates for political offices. Nor do we know what factors, if any, correlate to their political participation.

1.2 Rationale of the Study

It is critically important to inquire into what extent Hmong in Thailand are currently participating in the political process and factors that correlate to their political participation, for if there is a problem Thai government has a positive obligation to take appropriate measures to mitigate it. The Thai government has this obligation for two main reasons. First, political participation of Thai people, of which Hmong are included, is one of the aims of 1997 and 2007 Constitutions.[12] Second, Thailand has become a party to major international human rights treaties, for instance, International Covenant of Civil and Political Rights (ICCPR), International Covenant

[12] In the beginning of my thesis, I used the 1997 Constitution as reference. However, in the middle of my thesis, a military coup had taken place in Thailand on September 19th 2006. Therefore, the 1997 Constitution had been abolished. Nevertheless, a new constitution, the 18th in Thai history, was drafted and subsequently passed in a national referendum by the Thai people. This new constitution, more so than the 1997 one, intends to give more opportunities for the Thai people to have a direct participation; for example, it is easier (i.e. requiring less signatures, for instance, from 50,000 to 20,000) to recall politicians and other high office holders and to amend the Constitution; it abolishes the BA requirement to hold office in the House (though it still retains that in the Senate); it requires a public hearing on important public policies; people can directly propose law in the parliament, among other things.

of Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Racial Discrimination (CERD), and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). These treaties, among other things, guarantee the right to an effective political participation. Once a state becomes a party to an international treaty, international law requires that it faithfully carries out its treaty obligations (Art. 26 of Vienna Convention on Law of Treaties, 1969). Accordingly, Thailand is obliged under these conventions and other soft laws (i.e. declarations, resolutions, and principles[13]) to ensure its citizens the right to effective political participation. In short, Thailand has both domestic and international obligations to ensure Hmong in Thailand the right to political participation.

If Hmong in Thailand can effectively participate in the political process, not only *de jure* but also *de facto*, it would first strengthen democracy in Thailand generally. For in a democratic society the will of people is or should be the basis, the legitimacy of authority of government (Art. 21, UDHR). Second, it would allow the grievances or concerns of Hmong to be aired and heard and hopefully addressed in appropriate and conventional ways, so that they would not resort to unconventional means to address their grievances, as they had previously done during the communist insurgency.[14] Finally, from the perspective of the Hmong, if they could effectively participate in the political process, voice their concerns, problems, or opinions they

[13] For example, Art. 20 of UDHR (similar to Art. 25 of ICCPR) states that (1) "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (2) everyone has the right of equal access to public services in his country; (3) the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." One can also find similar provisions in the American, African and European human rights systems, as well as resolutions passed by the General Assembly, Human Rights Commission (now Human Rights Council) or Sub-Commission. For example, Art. 23 of the American Convention on Human Rights (1978) says, "Every citizen shall enjoy the following rights and opportunities: (a) to take part in the conduct of public affairs, directly or through freely chosen representative; (b) to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and (c) to have access, under general conditions of equality, to public service of his country." Art. 13 of African Charter of Human and People's Rights (1986) says, "(1) every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of law; (2) every citizen shall have the right of equal access to the public service of his country; and (3) every individual shall have the right of access to public property and services in strict equality of all persons before the law." The European Convention on Human Rights (1950) also guarantees freedom of assembly and freedom to join trade union or other association, as well as freedom of thought and expression, all of which are essential to political participation.

[14] Hmong, as pointed out by Tapp, had supported and joined the CPT because their problems or grievances could not be solved through the formal channel. This, in the final analysis, is attributable to the lack of political participation.

would feel they are part of Thai society, equal participants to other Thai citizens, not second class citizens.

1.3 Research Objectives and Questions

There are two major objectives in this study. The first is to assess to what extent Hmong in Thailand are currently participating in the political process. The specific research questions for this first major objective are:

a. To what extent do Hmong vote?

b. To what extent do Hmong discuss and/or pay attention to politics or current events?

c. To what extent do Hmong contact their representatives?

d. To what extent are Hmong becoming members of political parties or interest groups?

e. To what extent are Hmong becoming candidates for political offices?

The second major objective is to analyze factors that correlate to Hmong political participation. The specific questions are:

a. Is education correlated to Hmong political participation?

b. Is discrimination correlated to Hmong political participation?

c. Are socioeconomic disadvantages (this case income) correlated to Hmong political participation?

1.4 Research Sites

The original site proposed for this study was Maesa Mai, a Hmong village in Chiang Mai Province. However, because the researcher had a difficulty accessing the site, the following sites were chosen instead. Nevertheless, these three sites are not substantially different from the original site because Hmong in Thailand are not different in a fundamental or profound way, though some might live in a more remote area than others and thus may be less integrated. Furthermore, in chosen these three sites it was not the aim of this study to make a comparative study of these sites. These three sites were chosen to expand this study's subjects, and in so doing it is hoped that this study would be more representative than otherwise would have been the case.

1.4.1 Doi Pui, a Hmong Village in Chiang Mai Province

Doi Pui was chosen for reason of accessibility, not too far from city of Chiang Mai. Hmong have been living in this village since 1945, that is, before it was declared part of Suthep-Pui National Park in 1964. As some elders in the village recalled, they had lived in this village even before the Japanese came, that is, before War Word II. From the city of Chiang Mai it takes approximately 1-2 hours drive to get there. There are 100-110 households in Doi Pui. Though the villagers were not able to give an accurate account of the population, one can estimate there are over 1,000 people in Doi Pui because Hmong usually have a large extended family, averaging between 7-10 members in each family. Since Doi Pui has become an attractive tourist destination, most villagers, unlike their neighboring neighbors who are going to work in their rice or corn field day in day out, do their needlework, sell their handicrafts, traditional Hmong costumes and herbal medicine or whatever they can make or gather from the forest to tourists. The teenagers are working as tourist guides to take tourists to tour their village; some of these youths become photographers. From what had been observed these youths did not speak Hmong even among themselves and in their Hmong village; they spoke mainly Thai and sometimes northern Thai dialect. This must show, we can infer, this village, unlike others, has been well integrated into Thai society. Other adults in the village work at His Majestic the King's crop replacement projects and at the Royal Winter Palace (*Phra Tamnak Phu Phing*) near the village. The majority of Hmong in Doi Pui are well off financially when compared to other Hmong in other villages the researcher had been to, for one could see pickup trucks, cars, motorcycles, even satellite dishes in Doi Pui. The main source of their income is coming from tourists. The leaders of Doi Pui revealed that all of the villagers have obtained their Thai citizenship, for most were indeed born in the village; only a few older people who were moved to Doi Pui from the surrounding villages when they were kids, but they also have since obtained their Thai citizenship.

1.4.2 Night Bazaar, city of Chiang Mai

Night Bazaar, probably Chiang Mai's biggest tourist attraction spot, is the legacy of the original Yunnanese trading route. It is a place where these traders

would rest, prepare food and other necessities before heading westward to trade in Burma and beyond. Hmong and other hilltribes, both from Chiang Mai and other provinces, come to sell their traditional costumes, handicrafts, ornaments, needlework, toys, and other souvenirs there. Hence Night Bazaar is an excellent place where one could meet Hmong from other provinces. It was chosen for this reason, since the researcher did not have resources to travel to other provinces to meet Hmong. The researcher did in fact meet some Hmong from Phayao, Chiang Rai and Tak who came to sell their commodities and souvenirs at the Night Bazaar.

1.4.3 Khek Noi, a Hmong Village in Phetchaboon Province

Khek Noi, unlike Doi Pui, is not a village as such, but it is a confederated of 12 villages. So, it is more properly called a district than a village; it is the largest Hmong community in Thailand, according to the informants. The villagers gave conflicting accounts of when their village came to be. According to one informant, the village has been existed for at least 30 years. This was confirmed by his wife who sat next to our interview. She said people had started coming to settle in Khek Noi before General Vang Pao fled from Laos in 1975. She and her family were also fled from northern Laos to Khek Noi during that period. The whole population is estimated to be over 10,000. Though there is a main highway that passes by the village, one does not see many tourists. In fact, the researchers did not see any foreign tourist during the three or four days there. This is expected because Phetchaboon, unlike Chiang Mai, is not, and has not been, an attractive tourist destination. Most of the villagers are growing rice, corns, various fruits, and vegetables; some are teachers, mini-shop owners, blacksmiths, sellers, local government officials, etc. One can also see Hmong law office and pharmacy in Khek Noi, which was not expected. Hmong in Khek Noi, like those in Doi Pui and at the Night Bazaar, have also obtained their Thai citizenship.

1.5 Research Methodology

Both quantitative and qualitative methods were used. However, the data used in this thesis come mainly from the former source (e.g. questionnaires) supplement when appropriated by the latter (e.g. interview and focus group). The primary data of

this research was conducted from June-July, 2006. The secondary data has been collected since the researcher enrolled at Mahidol University in 2003. The following research tools were used.

1.5.1 Documentary

Documentary research was done at various universities on different occasions: Chulalongkorn University, Thammasat University, Chiang Mai University, Mahidol University, and the National Library. This tool is used to explore the relevant literature pertaining to the topic: Hmong and political participation. Books, articles, conference papers and newspapers that are relevant formed the background and the conceptual framework of this study. Furthermore, information about Hmong and political participation was also obtained from the Internet.

1.5.2 Interview

Since the nature of interview questions in this study is not forced-choice responses, the unstructured (open-ended response) interview was chosen. Furthermore, the unstructured interview was divided into two types: systematic and non-systematic. Systematic interview simply refers to a process in which the same interview questions are given to the participants in the same manner. On the non-systematic interview, on the other hand, different interview questions are given to the participants as the interviewer thinks best or appropriate at the time of the interview. There were five systematic interviews and several other non-systematic interviews. For the systematic interview the former chief (Mr. Xieng[15]) and the current assistant chief (Mr. Mo) of Doi Pui were chosen. In Khek Noi, a young Hmong pharmacist (Mr. Bee) who opened his own pharmacy in the village and an old man, a blacksmith, in his 60s (Mr. Pao) were chosen. At the Night Bazaar a man in his mid 30s (Mr. Thong) who came from Phayao Province to sell Hmong traditional costumes, toys and souvenirs was chosen. In addition to these five systematic interviews, several other non-systematic or informal interviews were also conducted. The aim of the non-systematic interview was to further clarify and supplement the questionnaires; it was

[15] All names of the participants in this thesis have been altered, not their real names. This is done to protect their privacy.

more like a discussion or free talk between the researcher and the participants or Hmong in general. The nature of our discussion would be things like politics, socioeconomic status, current events, being a hilltribe (*chao khao*) or being marginalized in Thai society, education, difficulties and hardships they encountered, and other problems they faced in Thai society.

1.5.3 Focus Group

A focus group was conducted in Khek Noi. A group of six people was assembled. They were asked to respond the researcher's questions, for example, how often they voted, contacted their representatives; was political participation important or relevant to their lives? Why they voted; were they members of any political party or interest group? Why did they prefer Thai Rak Thai (TRT) over Democrat and other parties?[16] Did they face discrimination because they were Hmong? Were the current political events relevant to their lives? Did they care about the alleged unethical conduct of PM Thaksin (i.e. the selling of Mr. Thaksin's Shin Corporation stocks to Temasek (a Singaporean government investment entity) for 73 billions Baht without being taxed in late January, 2006) or other politicians? Did they watch or listen to political news on TV or radio? Did they read newspapers? and so forth.

1.5.4 Questionnaires

Because Hmong do not have the exact or equivalent terms for many key concepts (e.g. political participation, human rights, political party, interest group, etc), and also because most Hmong, unlike a few decades ago, do nowadays understand Thai, the questionnaires were given in Thai. The questionnaires were first done in English; after that, a translator (a translating agency in Chiang Mai) was asked to translate them into Thai. (See the appendix III) The researcher was intended to ask sixty persons to participate in this study. However, only 54 participants replied: 8 were from Night Bazaar, 18 from Khek Noi, and 28 from Doi Pui. With the assistance of a few Hmong students from Chiang Mai University, we walked in the village from one corner to the next and randomly distributed the questionnaires to

[16] This question was asked after learning that most preferred TRT over Democrat and other minor parities. However, TRT had been dissolved in 2007 by the Constitutional Court because of its electoral fraud. Nevertheless, the current proxy of TRT is the People Power Party (PPP).

those whom we encountered. For those who were in their 50s or older and who did not understand term like 'political participation', 'human rights,' or 'interest group' we tried to explain before we gave them the questionnaires. Some were too busy to participate, as they were going to their rice field, doing their needlework, or selling their souvenirs to tourists. However, most were willing to take part, to participate in this study.

Of the 54 participants, 30 are males, 24 females; most are between 18-25 years old and 50 or older; most participants are either sellers or farmers, except a few who are students, teachers, lawyers; those who are sellers tend to have a higher income than the farmers; six of the participants had obtained a BA degree (which was very unexpected), while the rest had either completed primary education or never been to school at all; most participants have their residence in the village; most of them are animists; few are Christians; there is no Buddhist; they have all obtained their Thai citizenship. The foregoing are some characteristics of the 54 participants in this study.

1.6 Limitations of the Study

Since political participation is a very broad and abstract concept, and also since it can be studied from many different angles, this study was limited to five specific legal political acts that could be operationalized: (1) voting; (2) discussing and/or paying attention to politics or current event; (3) contacting representatives; (4) becoming membership of a political party or interest groups; and (5) becoming candidates for political offices. These five were chosen because they are good indicators of the least political active (i.e. merely voting) to the most political active (i.e. actually becoming a candidate for political office). Furthermore, from the researcher's point of view it would be helpful if we can determine precisely what causes Hmong in Thailand to participate or not to participate in the political process one way or the other. But as we know in the field of social sciences this is a very difficult and challenging task because there are factors that, unlike the physical or biological sciences, beyond our control. Hence this study could only determine the correlation between (1) education, (2) discrimination and (3) income and Hmong political participation. Education, discrimination and income were chosen because

they are affected Hmong more than the general Thai population. Finally, because the small size (54 participants) of this study, and also because Hmong in the three sites of this study are more integrated than others, this study might not be representative of the whole Hmong population in Thailand.

1.7 Ethical Issues

Whether in the interview, focus group or questionnaire section the researcher would introduce the aims of this study first. The participants' consent or permission was granted prior the above procedures were started. The participants were also informed that they could refuse answering any questions or leave at will. Furthermore, as political participation could be a sensitive issue, the real identities of participants were concealed. Hence all the names appeared in this study are not the real identities of participants. Finally, other research ethical guidelines (e.g. deception, privacy, voluntary, confidentiality, trust) were also strictly observed during the field research.

1.8 Contribution of the Study

As previously indicated, because political participation is very broad and can be studied from many different angles, this study was not pretended to be a comprehensive one. Nevertheless, it is a sincere hope it would moderately fulfill a gap of what we know little about: Hmong political participation. Second, it might serve as a first step or background for future researches, as there has not been one done before. Finally, this study might benefit the Hmong themselves, for example, by making them aware to what extent they as a group are currently participating in the political process; thus they might take appropriate actions to smooth the progress of their political participation.

1.9 Organization of Chapters

The organization of the rest of the thesis is as follow. The next chapter, chapter two, is the background of Hmong. It will briefly clarify such terms as Hmong, Miao and Meo, as well as discuss about the 'origin' of Hmong and their migration and integration into Thai society. Chapter three will be a conceptual

framework. It will show what political participation is, why and how people get involved in politics and their levels of participation. Chapter three will also explore the right to political participation under the 1997 and 2007 Thai Constitutions and international human rights treaties that Thailand has become a party to. Chapter four will assess to what extent Hmong in Thailand are currently participating in the political process by presenting the empirical data, the facts gathered from the field research. In chapter five, education, discrimination and income were analyzed whether and how they correlate to Hmong political participation. From the analysis it is argued in chapter five that these factors were not overall positively correlated to Hmong political participation. Finally, chapter six will be conclusions, recommendations, and suggestions for further research.

CHAPTER II
HMONG BACKGROUD

2.1 Introduction

This chapter provides a brief background of Hmong. First, it will clarify such terms as Hmong, Miao, and Meo. Next, it will, with some critiques, look briefly at the debate of the 'origin' of Hmong. Finally, this chapter looks at Hmong migration into Thailand and their integration into Thai society.

2.2 Hmong, Miao, or Meo?

Currently, in the literature the terms Hmong, Miao and Meo are being used interchangeably to refer to an ethnic group.[1] Upon hearing this, questions that come to one's mind might be: Are they one and the same group of people? If they were, why would three appellations use to refer to them, instead of one? If not, why would three appellations use interchangeably to refer to them, as if they were one? This section aims to clarify these questions. But before doing that let us briefly locate where Hmong live geographically in the world today. The majority of Hmong are currently lived in southwestern China, northern Vietnam, Laos, northern Thailand, and Burma. After the so called 'secret war'[2] in Laos ended in 1975, a large number of

[1] See in "Miao or Hmong?" by Joakin Enwall. *Thai-Yunnan Project Newsletter*, no. 17, June 1992; *Hmong/Miao in Asia* edited by Culas, et al. Chiang Mai: Silkworm Books, 2004.

[2] In Vietnam, the war there is called the Vietnam War (or the American War, from a Vietnamese's point of view), but in Laos it has been known as the 'secret war'. According to the Geneva Agreement of 1962, Laos was supposed to be neutral and the civil war in Laos should be dealt by the Laotian themselves. But because the nature of the Cold War where both the superpowers (USA: free market, human rights, democracy; USSR: socialist economy, communism/Marxism) were competing for world domination, this was not possible, for these two superpowers intervened not only in Lao but also countries around the world for influence. The former, through the Central Intelligence Agency (CIA), had supported the Royal Lao government and recruited Hmong (50,000-60,000) under the leadership of General Vang Pao to be part of its secret operation against the Lao Communist Party and its supporters (North Vietnamese, Chinese, and Russians). Likewise, the latter—USSR—had supported the Lao Communist Party. Both of their actions had to be secret in order to be *de jure* compatible with the Geneva Agreement of 1962, though each side knew *de facto* well what the other side was doing. This is why the war in Laos has been known as the 'secret war'. As we know, the Lao Communist Party had won the civil war in Lao in 1975. Therefore, Hmong who had supported the CIA and other high ranking Royal Lao government officials had to flee to the West. It is interesting to note that a group of Hmong had neither fled to the West, nor surrendered to the Lao Communist government; they instead had fled to the deep jungles of Laos, and from there they have kept fighting the Lao government to the present time. This has been a protracted problem for the Lao government for

Hmong (estimated to be around 100,000) have migrated to settle in the West. Hence nowadays one can also find Hmong reside in such countries as the USA, Canada, France, French Guyana, Germany, Argentina, and Australia. (See figure 1 below) In this study, the term Hmong is generally used. However, when quoted from sources that Miao or Meo is used, it will be retained as such for reason of authenticity. Having said that, let us now clarify Hmong, Miao and Meo, starting first with Hmong.

Figure 1: Distribution of Hmong Worldwide

Country	Number in Population
Argentina	500
Australia	1,600
Burma/Myanmar	25,000
Canada	600
China	7,393,035 (all groups of Miao[3])
France	10,000
French Guyana	1,400
Germany	N/A
Laos	315,465
Thailand	126,300
Vietnam	787,604
United States	250,000-300,000
Total	9,000,000 (approximately)

Source: Leepreecha (2001:33)

The term 'Hmong' is the self-appellation of the Hmong themselves, that is, the name the group gives to itself. Some writers, out of compassion for their plight and struggles, have defined Hmong as 'free people' (Yang Dao 1993; Brittan 1997: 5;

over thirty years now, and this group of Hmong has from time to time escaped to Thailand whenever the Lao government begins its crackdown campaign against them. We talk more about this below.

[3] There are four subgroups that come under the nationality (or *minzu*) of Miao in China today. Hmong is one of those and constituted the largest number: 2,500,000-3,000,000 (Kaiyi Yang, 1996). The other three groups are: Amao, Mo and Guoxiong. These four groups are, however, not homogenous; for instance, one group might not be able to understand the language of another intelligently, though they have many words in common; their traditional costumes are also differ; they live in different villages and provinces. This is perhaps analogous to the Tai group, which encompasses many scattered subgroups. The group that had migrated to Southeast Asia during the 18th and 19th centuries was mainly the Hmong group.

Giacchino-Baker 1995: 50; Chan 1993: 2; Conquergood 1986: iii). But as a Hmong myself, Hmong is simply an appellation, a name; it does not, at least for the moment, mean anything.[4] From a human rights perspective the point, one can contest, is not what Hmong means but who has the power to name and define what it means, and particularly from the point of view of self-determination or indigenous or minority rights, one can further contest, Hmong (or for that matter any ethnic group) should have the right to decide their own self-appellation and the rest should respect their aspiration. For if self-determination means anything it must, at the basic level, guarantee this right: the right for minority or indigenous peoples to determine their own self-appellation, to define who they are or want to be.[5] This is not an unreasonable argument. However, to inquire into that in detail here would be beside the point of this study. Hence we should reserve that discussion for other occasion, for our main concern here is simply to define what Hmong means. Evidently, Hmong is just an appellation.

Second, the term 'Miao' has been existed for a long time in Chinese history. Officially, it is used, as indicated, to designate four sub-ethnic groups in China today. These groups include Hmong, Amao, Mo, and Guoxiong.[6] Publicly these groups accept whatever designation the Chinese government has given to them, for one cannot challenge the government's view. One cannot challenge the government's view because China is not a democratic country; one does not have a genuine freedom of speech or expression in China, in other words. However, privately and historically

[4] By saying that at least for the moment 'Hmong' does not mean anything presupposes that in the future it can mean something. This is precisely my point. Because meanings are what we human beings give to words, they can be changed, modified, or added or deleted when the appropriate time or circumstance arrives. If Hmong as a group decide to define Hmong as 'free people' or something else or something like that, they should be able to do so, though it will take some time to popularize it.

[5] Historically, minority and indigenous communities did not have much say about their own self-appellations. They were, and still are, generally known by names given to them by others or outsiders. For instance, the European had collectively called the native peoples in the United States 'Indians' (mistaken for the Indians in Asian) and later 'American-Indians' or 'Native-Americans,' but these groups have always preferred their own self-appellations: Chippewa, Sioux, Cherokee, Iroquois, etc. In Thailand, the tribal peoples are collectively known as 'hilltribes,' but they prefer their own names: Karen, Hmong, Mien, Lahu, Akha, Lisu, etc. There are still many examples like these around the world. Is not it now the time for these marginalized groups to utilize human rights instruments, especially the principle of self-determination to determine who they want to be? For the ability to assert consciously one's own self-appellation empowers one to be on an equal footing with the majority population; it improves one's self-esteem or dignity or worth; and it makes one proud about one's identity, culture, and history.

[6] The Chinese Communist Party, emulated the Soviet system of ethnic identification, has classified its various ethnic groups according to their common language, historical territory, and psychological sentiments, though each of the nationality has a few distinctive subgroups. For example, as noted, Hmong, Amao, Mo and Guoxiong have been classified under Miao nationality. Officially, China has 56 nationalities, including the Han who make up over 90% the population of 1.3 or so billion people.

these groups have never accepted Miao as their appellation. Miao first appears in bone inscriptions as early as the eleventh century B.C. that is, during the Shang dynasty.[7] At that time Miao was used to refer to peoples who inhabited on the basins of Yellow and Yangtze Rivers before the founding of the Xia dynasty (2255-2206 B.C.). Subsequently, Miao was also mentioned here and there in the context of military conflicts in classical Chinese historical documents, such as Plots of Warring State (*Zhangou Ce*), Records of the Grand Historian (*Shi Ji*), and Book of Documents (*Shujing*[8]). Miao was sometimes totally disappeared in Chinese historical records for centuries and then reappeared again centuries later. We do not know for certain why this was the case, but the likely explanation is when the Chinese were not at war with Miao/Hmong it was not worth mentioning them in Chinese history, for the Chinese have always had negative perceptions not only of Miao/Hmong but also other non-Han ethnic groups generally. The Chinese have always perceived its civilization as more 'civilized' than the northern (namely, Mongolians, Manchurians, Tartars) and southern (namely, Miao, Man, Tai) barbarians. Ruey Yih-fu, a Taiwanese who had conducted his ethnological and documentary researches on Miao in southwestern China, has outlined their long history into three main periods:

> 1. The Miao as an Ancient Legendary Ethnic Group or Groups—The Age of the Legendary Miao (2300-200 B.C);
> 2. The Miao hidden under and not distinguished from the collective name Man—The Age of the Unidentified Miao (200 B.C.-1200 A.D);
> 3. The Miao as a Modern Ethnic Group or Groups—The Age of the Modern Miao (1200 A.D. to the present) (1962: 180).

As written in Chinese, Miao is composed of the 'grass' (⺾) radical over a 'field' (田). Scholars have interpreted this character (苗) to mean various things, for example, 'son of the soil,' 'rice-plant shoot,' 'young plant,' or 'indigenous or

[7] Trueba, E. T. et al. (1994) *Power in Education: The Case of Miao University Students and Its Significance for American Culture*. London: Falmer Press. pp. 75.

[8] For example, *Shujing* says, "The Miao along with other seven tribes, namely the Yung, Shu, Chiang, Wei, Lu, P'eng, and P'o, assisted King Wu (1121?-1116? B.C.), the first king of the Chou Dynasty (1122?-221 B.C.), in subjugating King Chou, the last King of the Shang or Yin Dynasty (1765?-1122? B.C.)." See Ruey Yih-fu (1962) "The Miao: Their Origin and Southward Migration," a paper presented at the International Association of Historians of Asian, Second Biennial Conference, Taipei (held from October 6-9, 1962), pp. 181.

aboriginal'.[9] Miao had gone a radical change by the Yuan dynasty (1271-1368). Since the Yuan dynasty Miao and Man had been used interchangeably to refer to all the non-Han ethnic groups in southwestern and southern China and its meaning had by then also changed to 'barbarian' or 'uncivilized' (Yang 1982: 6). In other words, Miao was first used to designate a group (or at most few groups) of people and its meaning was neutral; however, over the centuries its designation had evolved to encompass the non-Han ethnic groups in southwestern and southern China and its meaning had had political connotations.

Third, as Hmong migrated from southwestern China to settle in Southeast Asia during the 18th and 19th centuries, Miao had deformed into Meo. The term 'Meo' (แม้ว) would sound catlike literally in Thai and Lao languages (แมว), if one pronounced it incorrectly or slightly different. A lot of times when a Thai or Lao referred Hmong as Meo, he saw Hmong as subhuman, as no more than a cat, as wild people, or as savages. Because the repulsive feelings Hmong have had against these designations, Hmong in these two countries did not, and still do not, like to be called Meo.

Since there are negative connotations associated with Miao and Meo, Hmong have continued to reject them to the present time. Hmong have always preferred to be known as or called Hmong, their self-appellation. Nevertheless, the Hmong in China are still popularly known as Miao, and Meo is still being used widely to refer to the Hmong in Vietnam and Thailand by the bureaucrats and general public there, except perhaps the academic community and NGOs who have worked closely with them and who are concerned about their plight and aspiration. In Laos, since 1975 Meo has replaced with *Lao Soung*, a generic term referring to all the tribal groups in northern Laos. In the Western countries, because the Hmong there, it seems, are more conscious of their rights, are better educated and more politically active their self-appellation is more respect than what has been the case with their relatives in Asia.

2.3 Where did Hmong originate from?

[9] Louisa Schein (2001) *Minority Rule: the Miao and the Feminine in China's Cultural Politics*, Durham & London: Duke University Press. pp. 37-39.

Scholars are still debating about this question. For our purposes here it is not necessary to exhaust every theory of the origin of Hmong because other writers have done so elsewhere.[10] Suffice it to give some samples of those theories to give the reader a sense of the debate. In this section, we will present some theories of the origin of Hmong, with some critiques.

First, Father Savina, a French missionary who had done extensive researches on Hmong in northern Vietnam and southwestern China early in the twentieth century, has placed the origin of Hmong somewhere in Mesopotamia.[11] The reason he gave to support his theory is the similarity between Hmong and Babylonian legends, for instance, the creation of the world, the creation of the original couple, and the coming of a savior. Second, Keith Quincy, a political scientist turned historian, in citing their blond and blue eyes, their fair skin (Caucasian-like, according to him) to support his theory, has placed the origin of Hmong in southern Russia or Iranian plateau.[12] Third, some Hmong in America, out of a yearning to search for their homeland, cited the phonetic similarity between the ethnonym 'Hmong' and the phoneme 'Mong-' in Mongolia, have argued that their ancestors were from Mongolia.[13] Last but not least, Hmong-Chinese and Chinese scholars, rejected all of the above (and the like[14]) theories, have insisted that Hmong were in fact originated in China on the basins of Yellow and Yangtze Rivers.[15]

How are we to make sense of these theories? Frankly speaking, these (and the like) theories are problematic because their authors were confusing between the origin of Hmong as people (as humans) and the origin Hmong as an appellation (as a name). As will be demonstrated, there is a difference between these two, and if this difference were explicitly pointed out the debate of the 'origin' of Hmong would be resolved

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[10] For those who are interesting to learn more about Hmong history see further in, for example, Savina (1924) *Histoire des Miao*, Hong Kong: Societe des Missions Etrangeres de Paris (a copy is at Chulalongkorn University, Thailand); Mottin (1980) *Hmong History*, Bangkok: Rung Ruang Ratana Printing; Quincy (1988) *Hmong: History of a People*, Washington: Eastern Washington University Press; and Chan (1994) *Hmong Means Free: Life in Laos and America*, Philadelphia: Temple University Press.

[11] Savina (1924) cited by Schein (2001: 44-45).

[12] *Ibid*.

[13] Schein (2001: 44-45). However, this 'Mongolia origin' has been refused by a Hmong-Chinese scholar who had visited the United States in 1990s. See "Hmong Mongolian?" by Kaiyi Yang (1996), *Hmong Forum*, ST. Paul, MN: Haiv Hmoob, Inc.

[14] Some writers say Hmong came from the west of China (e.g. Tibet) before settling on the basins of Yellow and Yangtze Rivers.

[15] This is according to *Brief History of the Miao*, an authoritative Chinese official account of history of the Hmong/Miao in China, which cited by Schein (2001: 38).

once and for all, or so the present writer argues. If by 'origin of Hmong' we refer the former, then it does not make any sense to claim that Hmong originated in Mesopotamia, in southern Russian or Iranian plateau, in Mongolia, or on the basins of Yellow and Yangtze Rivers. For before they came to settle in one of these places, given that it was true, Hmong must have come from somewhere else; unless one believes that each ethnic group, including the Hmong, was literally and abruptly created by God in six or seven days and dispersed to different places throughout the world.[16] However, just as believing the Earth was at the center of the universe[17] or the Sun revolved or rotated around the Earth [18] did not make it true, so did the belief that humans were created by God because the overwhelmingly archaeological and other scientific evidences so far have supported the evolutionary theory, which makes a reasonable person in the 21st century can hardly invalidate those evidences. So, if Hmong must have come from somewhere else, and it is contended that they must have, before they settled in one of the above places, one simply cannot claim that they originated in one of those places, though they might have once lived in one of those places. Or to put it differently, it is one thing to say Hmong had once lived in Mesopotamia, in southern Russian or Iranian plateau, in Mongolia, or on the basins of Yellow and Yangtze Rivers; it is quite another to say they originated in one of these places. Since the present writer takes the term 'origin' to mean first appear or exist, to trace the origin of Hmong (or for that matter any human group) would mean to trace the origin of the first single cell. As the evolutionists have told us, it took millions upon millions of years for that first single cell to gradually evolve into a higher and higher life form and finally to be what we are today: Homo sapiens. Because we human beings have evolved from the same ancestors, we are almost genetically the same. Geneticists say there are 50,000 genes in each human being, and change fewer

[16] By referring to this story I do not attempt to lookdown or degrade those who faithfully believe that the world was created in six or seven days by God. As a human rights student, I respect their right to hold such a belief. My point is simply this: believing is one thing, reality is quite another.

[17] Copernicus (1473-1543) was able to prove the Earth is not at the center of the universe. Hence no longer could the Earth be considered the epitome of creation, as religious preachers had long preached. The Earth is one planet like many other planets. This has a profound impact on people's philosophical thinking; it has made people reexamine their beliefs. See *The New Encyclopedia Britannica*, v.5, pp. 145-47.

[18] Galileo (1564-1642) was able to amass evidence to prove the Earth revolves around the Sun, not the other way around, as people at that period, especially the Roman Catholic Church generally believed. Because of this radical departure from religious thinking, he was tried by the Inquisition in Rome, and forced under house arrest for the last years of his life. See *The New Encyclopedia Britannica*, v.7, pp. 851-53.

than ten of those genes could vary our skin color.[19] For instance, those in Africa have a darker skin when compared to those in Europe or Asia because the climate there is hotter. Though human beings might have originated from the same ancestors, as we dispersed to different parts of the world we have to adapt to different environments in order to survive. However, since each environment is different, our adapting and struggling process would also have to be different in order to be compatible with the environment in which we live; because our adapting and struggling process is different, different human cultures or civilizations were gradually evolved. Hence before we knew it we already spoken different languages; became yellow, white, or black physically; believed in Christianity, Buddhism, animism, or Islam religiously; became Hmong, Chinese, Lao, Anglo-Sax, or Thai ethnically. Despite these conventional differences, essentially under the skin we human beings are almost the same genetically because we originated from the same ancestors millions of years ago.[20]

On the other hand, if by 'origin of Hmong' we refer to the first time the term Hmong was used or existed, then we simply look at the historical records to see when it was first used.[21] This, however, will be a daunting task because Hmong, we must keep in mind, did not have a written language of their own until one, the Romanized

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[19] See Steven Jones, "We are all cousins under the skin," *The Independent*, 12 December 1991 and *The Language of the Genes* (1994), London: Flamingo. Both of these works have been cited in *Sociology: Themes and Perspective* (2004, sixth edition), edited by Haralambos and Holborn, published by Collins, London. Pp.156.

[20] But sadly this fact, the fact that we human beings are naturally the same, was not, and still is not, appreciated. We have often been divided by such travail and conventional or social constructions as language, race, culture, belief, civilization, class, religion—things that later added to our nature. We see those who do not have or share the same language, race, culture, belief, civilization, class, skin color, or religion as 'other,' as not one of us. Such a rationale has given us a justification to treat them differently. Consequently, this has led to human rights violations: racial discrimination, religious persecution, conflicts, genocides, apartheid, among other hatreds and brutalities that we have witnessed in the course of human history. If we study human evolution carefully, it could give us some foods for thought, and hopefully, it would broaden our mind and heart to accept others, those that are different from us. Though language, culture, belief, civilization, religion, and the likes are important to us as 'social animals,' they should not trivialize the fact that ''**we are all cousins under the skin**." Hence we should treat each other with dignity and respect.

[21] Perhaps this example, the origin of Americans, unlike the case of the Hmong, might be a better illustration because it was more recent. If one asked about the 'origin' of Americans, it means two things: the origin of Americans as humans or people and the origin of America as an appellation or a name. If we refer to the former, in the case of Caucasian-Americans, we have to trace their origin to Europe because their ancestors were from there; in the case of Native-Americans or Asian-Americans, we have to trace their origin to Asia, and the same logic is applied to other groups found in America. But essentially the point is this: if we trace the origin of Americans as humans or people we have to retrogressively trace the origin of human beings themselves, and this would mean a period of millions of years into the past. On the other hand, if by origin of America we refer to the first time the term 'United States of America' was [officially] used, then it was in July 4th 1776, a time when people in the 13 colonies declared their independence from England. When historians wrote about the origin of an ethnic group, they had often failed to make this distinction: the distinction between the origin of that group as humans or people versus the origin of its name or appellation.

Popular Alphabet, was created for them by missionary in Laos as recently as 1953. Accordingly, their history prior to that period had often been recorded by the Lao, Vietnamese, and Chinese; it was not done in a systematic and chronological way but only in a context of military conflicts; and more importantly, the term Hmong was not even used in the records.[22] Thus, we might never know when the term Hmong first originated or used. If historians or researchers were to point out explicitly which of the above two senses they meant when they wrote the origin of Hmong, we would not be as puzzled as we are nowadays.

Though we neither know when was the term Hmong first used, nor do we know where Hmong came from or had lived prior to their settlement in China, Hmong (by the name of Miao) had lived, according to Chinese records (*The brief History of the Miao People* published in Beijing in 1985), on the basins of the Yellow and Yangtze Rivers as early as 5,000 years ago (Kaiyi Yang, 1996; Trueba et al. 1994: 75). This does lead one author to claim,

> Of their pre-history only one thing is certain, that is that the Miao were in China before the Chinese, for it is the latter themselves who indicate the presence of the Miao in the land, which they, the Chinese, were gradually infiltrating, and which was to become their own country (Mottin 1980: 16).

Hmong and Chinese had fought countless times during their long history of intermingling. But since the Chinese numerically outnumbered the Hmong, and also since their weaponry was more advanced than that of the Hmong, Hmong were often defeated by the Chinese. When they were defeated, Hmong took a southward course as a means to escape the Chinese. Military and population expansion into the basins of Yellow and Yangtze Rivers by the Chinese (i.e. the Huangdi or Yellow Emperor and his tribe) around 21st century B.C.[23] had forced the Hmong there to migrate southwards to the mountainous regions of southwestern China, where the majority of them are still currently lived, for instance, in Guizhou, Human, Yunnan, Sichuan, Guangxi, and Hubie. From that lofty mountainous areas [of southwestern China] Hmong had fought the Chinese empires time in time out for more than two millennia.

[22] Miao or Meo was used, instead of the term Hmong, in the historical records.
[23] Schein (2001), pp. 48.

Some Hmong had completely assimilated the Chinese's way of life and become, one could say, indistinguishable from the Chinese; this group had been known as the 'cooked Miao'. Others had refused to accept the Chinese's way of life and kept resisting its rule and domination for thousands of years; this group was called the 'raw Miao'. During the 18th and 19th centuries intensive and brutal suppression of Hmong and other minorities in southern and southwestern China by the Qing government took place, because they refused to accept its mandarin system. Such suppression, coupled with the lack of arable land for cultivation, famines, and rebellions (e.g. Taping Rebellion), had pushed some Hmong in southwestern China to migrate further south for better opportunities.[24] The pull factors that motivated Hmong to move to Indochina were abundant, unconquered and unoccupied lands for growing opium poppies (their main cash crop), practicing swidden or shifting cultivation, and security. Hmong first entered Indochina and crossed into northern Thailand and Burma.

2.4 Hmong in Thailand

Janse argues Hmong had penetrated to Indochina not less than 200 years and probably not more than 400 years.[25] But when exactly was the first group of Hmong entered Thailand? Writers are differing on this. According to Father Mottin, they had crossed the Mekong River to Thailand during the middle of 19th century (1980: 55). The evidence he inferred to support this claim is some aged Hmong in Nan Province said they were born in Nan around 1900, but their parents had settled in the region quite some time before that time (1980: 55). From this information, Mottin inferred, the first group of Hmong entered Thailand during the middle of the 19th century. Other writers disagree with Mottin; they suggest that Hmong actually came to Thailand much later than the date he proposed. For example, Copper and his associates say Hmong had penetrated into Thailand during 1880s because by 1929 there were Hmong in Tak Province (1991: 6). Likewise, McCarthy, who had traveled extensively in northern Thailand, wrote in 1894 that Hmong might have crossed the

[24] See further in Jenks, R. D. (1994) *Insurgency and Social Disorder in Guizhou: The Miao 'Rebellion', 1854-1873*. Honolulu: University of Hawaii Press.

[25] This is cited as footnote 95 by Geddes, W. R. (1976) in his *Migrants of the Mountains: The Cultural Ecology of the Blue Miao (Hmong Njua) of Thailand*. Oxford: The Clarendon Press. pp. 27. (See the author's own work in *The People of French Indochina*, Washington: Smithsonian Institute, War Background studies.)

Mekong River within the last eight years, that is, in 1886.[26] Last but not least Wibulswasdi claims Hmong had entered Thailand in 1890s, though the author does not give evidence to substantiate this claim (1982: 87).

How are we to reconcile these incongruous dates? All these dates are accurate if we view Hmong migration to Thailand as a continuous process, and it should so be viewed. Consequently, some Hmong might have come to Thailand during the middle of the 19th century, as suggested by Mottin; others might have entered Thailand much later than that; and still others who had, we must keep in mind, just entered Thailand as recently as thirty or so years ago. In fact, there were those that just entered Thailand as recent as a few years ago. Hence if different researchers asked these different groups of Hmong they would inevitably get incongruous dates, as the examples above showed. Despite what these researchers have suggested, we simply cannot ascertain when exactly the first group of Hmong entered Thailand because the lack of evidence, especially documentary records. However, the date given by Mottin is not an unreasonable one. It is, therefore, assumed that Hmong have started penetrating into Thailand since the middle of the 19th century. One might ask, what is the fuss of ascertaining the date Hmong first entered Thailand? There are two reasons; one is historical, the other political. Politically, the earlier Hmong entered Thailand, the more legitimate their claim to Thai citizenship.

As stated, it is also important to note that Hmong have kept coming to Thailand to the present time. For instance, the 7,000-8,000 Hmong who are currently found in Phetchaboon Province came to Thailand within the last few years. Now and then one would read or hear that Thai police have arrested some Laotian Hmong who were trying to cross to Thailand, and some of these, even children,[27] have been forcefully and secretly repatriated to Laos. These recent groups of Hmong claimed they have been persecuted by the Lao government because they or their relatives were the remnants of CIA during the 'secret war' in Laos. However, the Thai authorities

[26] *Ibid*. pp. 29. (See the author's own survey in *Surveying and Exploring in Siam* (1900), John Murray, London.)

[27] A group of children (21 girls and 5 boys), who had wandered too far off their camp to collect firewood, were arrested, jailed and secretly deported to Laos in December 2005. Some of these youths, after being abused by the Lao authorities and set free, have escaped to Thailand for the second time. As reported in *Bangkok Post*, Yang (who was 15 at the time and 17 now) was one of these. According to her story, she was beaten, deprived of food, and sexually abused by a Lao officer who said, "Don't think that I dare not kill you. You are just a minority group member living in this country. I can kill you any time." After she was able to flee from the Lao authorities, she escaped to Phetchaboon for the second time in 2007 (*Bangkok Post*, August 15th 2007, p. 4A).

have denied this claim, arguing that they are not real political refugees as defined in the Refugee Convention of 1951; they came to Thailand hoping to settle with their relatives in a third country, or for economic reasons. Accordingly, the Thai government has denied the United National High Commission for Refugee (UNHCR) an access to determine who is or is not a refugee. Since there is no process to determine their status, we do not know how many have a real fear of being persecuted by the Lao government and how many are coming for other reasons, whether hoping to settle with their relatives in a third country (America, for instance), or whether for economic reasons. Some had been repatriated to Laos recently (June-July of 2008). Currently, a camp has been set up for this group of Hmong in Phetchaboon by the Third Army there.

Briefly, the Hmong in Thailand can be classified into three major groups, according to their political status: (1) those that have been in Thailand for a long time and are now Thai citizens; (2) those that are recent refugees whom we just mentioned; and (3) those that are neither of these two groups. This third group can be further divided into two subgroups: (a) those that have been in Thailand for quite some time, but the Thai government has, for one reason or another, failed to register since its various past registration surveys, for instance, those who hold the blue ID card or 13 digit residence permit; (b) those who were Laotian Hmong refugees in the camps from 1975-1992, but they had failed either to settle in a third country or to return to Laos, and had subsequently dispersed to various parts of northern Thailand. When one talks about Hmong in Thailand, it is important to indicate which of these groups one is talking about, for each has its own problems, at least in the legal and political senses. The group this study focused was the first group, those that have been in Thailand for a long time (since the middle of 19th century) and are now Thai citizens.

2.5 Hmong integration into Thai society

Since the early groups of Hmong entered Thailand during the middle of the 19th century they settled in the mountainous areas of northern Thailand and continued to practice their traditional way of life at ease without any disruption from the Thai state. To be accurate at that time there was no such entity as Thai state or government. The northern part of Thailand was still belonging to the princes of Lanna. Nevertheless,

these princes were busied engaging their own administrative affairs. Hence the scattered mountain peoples (or what later to be known collectively as 'hilltribes' or *chao khao*) were left to engage their own activities. In the case of Hmong, they did shifting and opium cultivation, worshiped their ancestors, and lived harmoniously with nature and the wild spirits. This Hmong adage could perhaps demonstrate the sentiment better than what have been trying to convey here, "Rivers are belonging to the fish; trees and sky are belonging to the birds, but mountains are belonging to the Hmong". Hmong had been lived in isolation for some time before they came to contact with the outside world, and even then the nature of such contacts was rather sporadic until the latter part of 1950s. For instance, Thai government officials did occasionally go to interview Hmong in their isolated villages; border patrols[28] and police officers did sometimes go to Hmong villages to settle serious criminal cases, for instance, murder (Lee 1987). Yunnan-Chinese and Thai merchants did bring soaps, metal, clothing, textiles, salt, and other necessities to trade with Hmong, especially their cash crop: opium. Missionaries did go to Hmong villages to try to convert them to Christianity. Finally, anthropologists had gone to study Hmong culture, religion, and language in their villages. But apart from these sporadic contacts, one could say, there were few contacts between Hmong and the outside world. Even as late as 1955 the Thai government still took little notice of the presence of Hmong and other hilltribes in the region (Mottin 1980: 57; Lee 1987). For example, Hmong, unlike the lowland Thais, were not required to pay regular taxes, engage in national services (enlisted as soldiers, for instance), or include in national censuses (Lee 1987). The Thai government has begun to take a serious concern of Hmong and other hilltribes since the latter part of 1950s. This, however, was done neither out of goodwill nor a genuine concern about their welfare, but rather it was done because these three factors: (1) the instigation of the communist insurgency in the area, (2) the high rate of deforestation, and (3) the pressure of the United Nations and the United States to stop opium cultivation. The rationale for the concern was the belief that hilltribes, especially Hmong were joining and supporting the CPT, thus posing a threat to Thai national security; destroying the forest because

[28] The Border Patrol Police (BPP) has five major tasks: (1) furnish medical care, (2) build schools and teach, (3) develop agriculture, (4) build strategic roads, and (5) keep the border secure (Mottin, 1980:57).

their shifting cultivation method, thus causing damages to the forest and watersheds; and growing opium poppies, thus aggravating the drugs and heroin problems in the area. In introspect, it was true that during 1960s-1980s some Hmong had joined the CPT; others had neither abandoned their shifting cultivation method nor stopped growing opium poppies entirely. Hence at that time the Thai government's concern was a legitimate one; however, whether it had responded appropriately to these concerns is another debate.[29]

Despite the concern to do something about these problems, the so called 'hilltribes problems,'[30] the Thai government at first did not know how to approach the hilltribes because it had little information or knowledge about them. For example, the government did not know how many groups there were to begin with; what they believed; how large their population was; what their socioeconomic status was; what their health, education, or mortality rate was, and so forth. Accordingly, the first thing the Thai government did was trying to collect these basic data of Hmong and other hilltribes. This task was assigned to agencies or committees established under various governmental departments (e.g. Health, Social Welfare, and Education) that aimed primary at the so called 'hilltribes problems.'

Among the nine or so recognized hilltribes groups, Hmong were alleged to be the most responsible for the so called 'hilltribes problems'. There are some truths about these allegations. But in the final analysis Hmong (or hilltribes as a group) have been a scapegoat because they do not have a participatory voice in the discourse—power, truth, knowledge, identity, and otherness—of these problems. Discourse is about power; who has power can construct truth; truth becomes knowledge; knowledge becomes identity; and identity differentiates 'us' versus 'them'. When those in power (be they Thai national security council, the press or media, forest officials, the police, other government agencies) say that hilltribes destroy the forest, are a threat to Thai national security, and are opium growers or

[29] See, McCaskill, D. and Kampe, K., Eds (1997), *Development or Domestication? Indigenous People of Southeast Asia*. Chiang Mai: Silkworm Books

[30] The so called 'hilltribes problems' is generally referring to three things: (1) hilltribes are threatening Thai national security because they join the CPT; (2) hilltribes are destroying the forest and watersheds because of their shifting cultivation method; and (3) hilltribes are growing opium poppies, and are drugs or amphetamine dealers. See Marks, A. T. (1973) "The Meo Hill Tribe Problem in North Thailand," *Asian Survey*; Kathleen Gillogly (2004) "Developing the 'Hilltribes' of Northern Thailand." In *Civilizing the Margins*, ed. Christopher R. Duncan. Cornell.

drugs or amphetamine dealers, the general Thai public (who might not have an opportunity to get to know or interact with the hilltribes intimately) views these accusations as true, neglecting other perpetrators who are equally or more so responsible for these problems; for instance, logging company and road construction projects have, one can argue, destroyed the forest at a greater proportion than the shifting cultivation method practiced by the hilltribes. But such a view, sadly, is not the dominating view in the public discourse of the so called 'hilltribes problems'. In the mainstream Thai public discourse, hilltribes are always seen as destroying the forest, threatening Thai national security, and opium growers or drugs or amphetamine dealers. Such knowledge of the 'truth' over time has become a form of public consciousness, as the Thai public internalizes it. Thus, any time 'hilltribes' is mentioned one automatically associates it with one or all of the above accusations, which in turn negates the lowland Thais' way of life. In the end, hilltribes are seen as 'other'; they are not Thais, for to be a Thai one must not cut the forest, one must not join the communist or cause troubles or problems, and one must not grow opium poppies or become drugs or amphetamine dealer. To be accepted into mainstream Thai society, many hilltribes have concealed or hidden their identity (Leepreecha and Trakhamthamrong 2005); others do not speak their own native language or dialect even among themselves when they are around their Thai friends, classmates, or co-workers, as they are too ashamed to reveal their hilltribes identity, an identity that often associates with negative appellations. The more this has been the case, the more successful the discourse has become, and the more successful the discourse has become, the worse the conditions of the hilltribes. For instance, one of the consequences of perceiving hilltribes as other could give a Thai government official the rationale (1) not to grant hilltribes their Thai citizenship; (2) to kill them extra-judicially (as had been the case during the war-on-drugs policy where many were killed among the 2,500 or so people[31]); (3) not to provide them with quality education, healthcare, and other social services; (4) to discriminate against them, and so forth. All of these would not make that official feel guilty, for he or she could rationalize,

[31] The war-on-drugs-policy was initiated by the Thaksin administration, of which 2,500 or so people had been killed as a result. Though we do not know how many hilltribes, especially how many Hmong had been killed during the process, two or three in Khek Noi were killed and many have been put in jail until the present, according to the Hmong in Khek Noi.

"Why should I care? After all they are not one of us; they are merely hilltribes (or *chao khao*); they are not Thais". One might say these are speculations, but we must keep in mind they are not illogical conclusions derived from the premise of viewing or perceiving hilltribes as other. Nowadays, because indigenous and minority rights movements, hilltribes have started developing their own discourse (of how to manage the forest by their traditional or primitive knowledge, for example, *Ntoo Xeeb*[32] in the case of the Hmong; of how to live harmoniously with nature and the forest; of replacing cultivating opium poppies with other commercialized commodities; of showing their traditional festivities to tourists) to counteract the negative representations that have been taking place in Thai public discourse since the last half century.

The TRC had played an important role in researching and disseminating information of the so called 'hilltribes problems' and other information of the hilltribes, like their health, belief systems, culture, education, population or demographic, census, mortality rate, residence, and so on. After the basic data of hilltribes was collected, many projects, initiated by the Thai government, UN, NGOs, foreign governments and the Royal Family, were followed. These are some examples of those projects:

- Thammacarik Project: which tried to introduce Buddhism to the hilltribes;
- Hilltribes Radio Station Project: which aimed (1) to educate the Hmong, Mien, Karen, Lisu, Akha and Lahu in their native language about the negative consequences of shifting and opium cultivation and (2) more importantly to counteract the negative propagandas aired by radio of the CPT from the southern border of China;
- Nikhom (Land Settlement) Project: which aimed to settle the scattered hilltribes more permanently;
- His Majestic the King's many projects on agriculture, crop replacement;

[32] *Ntoo Xeeb* is a traditional Hmong ritual practice. Basically when Hmong move from one place to settle in a new place they will locate the biggest and best tree in the surrounding area because they believe that protective spirits live in that tree, and in order to receive their protection Hmong must protect that tree and keep it and the surrounding vicinity from outside disturbance. In so doing, Hmong have indirectly protected the area from being cut down by the villagers. This ritual practice conducts once a year.

- UN-Thai Project aimed to reduce opium cultivation;
- Thai-Norwegian Church Aid Highland Development Project and Thai-German Highland Development Project targeted opium reduction.

In addition to these projects, the Thai government had also declared national parks to preserve the virgin forest from further deteriorating[33] and to make opium an illegal commodity.[34]

The aims of these projects were targeted particularly at the so called 'hilltribes problems'. First, the government intended to stop opium cultivation. If this were achieved, opium cultivation could be eradicated or at least minimized. Second, the government hoped to stop shifting cultivation; therefore, it could preserve the virgin forest or keep it from further deteriorating. Third, the government wanted to alleviate poverty of and 'civilize' the hilltribes, that is, to assimilate the hilltribes by introducing Buddhism to replace their traditional animist beliefs,[35] by taking their children to Thai schools or by building schools in their villages and starting teaching them Thai language, culture, and history. Last but not least, the government wanted to make the hilltribes Thai citizens, that is, to integrate the hilltribes into the larger Thai society by registering them, by building roads to their once isolated villages, by granting them amnesty for having joined or supported the CPT,[36] all of which aimed to pull the hilltribes from the communist camp. If succeeded, the government hoped, hilltribes would not pose as a threat to Thai national security, and more importantly they would be loyal to the Thai state and the King.

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[33] The Thai government, in emulating the national park system from the United States of America, has declared many national parks throughout the country, which has an impact on many people, especially the hilltribes who have previously lived in those areas. Hence just a matter of night they have become illegal national park intruders, despite the fact that they have been living there for generations. As a result, many hilltribes continue to have problems with the national park officials and the Forest Department to the present, for example, Hmong were in Doi Pui long before it was declared park of Suthep-Pui National Park in 1964, or the Karen at the Thung Yai Naresuan Wildlife Sanctuary have been living there for generations before it became a wildlife sanctuary. See, Reiner Buergin (2003), "Trapped in environmental discourse and politics of exclusion: Karen in the Thung Yai Naresuan Wildlife Sanctuary in the context of forest and hilltribes policies in Thailand" in *Living at the Edge of Thai Society: The Karen in the highlands of northern Thailand*, edited by Claudio O. Delang, published by RoutledgeCurzon in London and New York.

[34] The 1958-59 Opium Act.

[35] From a Buddhist point of view animism, which believes in spirits, ghosts and supernatural powers, is irrational. Hence the tribal peoples should abandon such a belief and adhere to Buddhism, a rational and scientific religion. Accordingly, Buddhist monks have been sent to various hilltribes' villages to teach them Buddhism. However, it has not been as successful as once thought because many hilltribes are still strongly adhered to their animist belief, a belief that has been with them for hundred, if not thousand, of years.

[36] This amnesty (Proclamation Order No. 66/1980 issued by then PM General Prem Tinsulanonda) was also given to students, who had fled to join CPT after the massacres of 14 October, 1973 and 6 October, 1976 at Thammasat University; many students were killed during that time. For those who were able to escape they joined the CPT.

As a consequence of these developments or projects, one could argue that over the past few decades hilltribes' lives have been gradually improved; for example, there are roads and electricity to their once isolated villages; they have replaced growing opium poppies and practicing shifting cultivation with commercialized commodities such as cabbages, flowers, mangos, coffees, strawberries, lychees, pineapples; they can bring their handicrafts, ornaments, jewellery, traditional costumes, souvenirs, and farm products to sell in the city, at the night bazaars, for instance; they have settled more permanently; and more importantly, they are no longer seen as a threat to Thai national security, as the CPT was no longer existed (Leepreecha 2001:35). In this sense, the Thai government has somewhat succeeded at tackling the so called 'hilltribes problems,' though not a 100% satisfactory because it has failed to register many hilltribes during its various registration periods, which began in the early 1970s. Those whom the government has failed to register have continued to encounter problems, for example, accessing Thai citizenship. Without a Thai citizenship one cannot access education, health care, job, and other social services or benefits. We do not know how many hilltribes and how many Hmong have not had obtained their Thai citizenship. According to one estimate, 490,000 hilltribes have not had their Thai citizenship (*The Nation*, June 28, 2001, 8A); another source says only about 1/3 of hilltribes have Thai citizenship (*Bangkok Post*, 25 July 2001). The other 2/3 have been issued various identification cards, for instance, the blue ID card or 13 digit residence permit. Some are without any form identification card at all: they become stateless people.

Though development projects have improved the hilltribes' lives, they at the same time also have disrupted their traditional way of life.[37] For example, many young hilltribes are learning Thai and seeking employment in the city, think no more of returning to their village; many do not see the relevance of learning their traditional culture, language, or religion; others, as stated, in order to be accepted into the mainstream Thai society, have changed their names and outlooks to be like the lowland Thais; some have brought new problems (e.g. HIV AIDS, amphetamine, heroin, and frivolous, consumer and materialistic life styles) to the village; and still

[37] See, McCaskill, D. and Kampe, K., Eds (1997), *Development or Domestication? Indigenous People of Southeast Asia*. Chiang Mai: Silkworm Books.

others have embraced Buddhism or Christianity at the detriment of their traditional animist belief or ancestor-worship. This has created conflicts or misunderstandings within the community, or between the older and younger generations.

There are approximately 126,300 Hmong in Thailand.[38] These are those who have obtained their Thai citizenship. Given the unreliable and lack of data, we do not know how many Hmong have not had obtained their Thai citizenship. For those who have obtained their Thai citizenship they make up approximately 0.21% of the national population of 63 or so millions (Culas and Michaud 2004: 71); in term of tribal population, Hmong make up about 17.8% of the approximately 935,189 hilltribes (*The Nation*, July 10, 2001, 5A). Hmong in Thailand have scattered across twelve provinces, mostly provinces in northern Thailand. Chiang Mai, Nan, Tak and Chiang Rai have over 2/3 of the whole Hmong population in Thailand. (See Figure 2 below)

Figure 2: Distribution of Hmong in Thailand

Province	Number in Population
Chiang Mai	18,272
Chiang Rai	25,460
Kamphaengphet	3,210
Loei	808
Mae Hong Sorn	4,061
Nan	22,243
Phayao	6,109
Phetchaboon	12,161
Phitsanuloke	6,306
Phrae	2,090
Sukothai	689
Tak	23,865

[38] Since this number was obtained in 1998 (Leepreecha 2001:34), the actual number of Hmong in Thailand now (2008) should be higher. However, I do not have the latest figure. My guess is that during these ten years the number of Hmong (only those who have Thai citizenship) in Thailand should have exceeded 150,000, given that Hmong have a high birth rate.

Total	126,300

Source: Tribal Welfare Division, Public Welfare Department, 1998, cited by Leepreecha (2001:34)

Furthermore, there are more contacts between Hmong and lowland population nowadays, as there are roads to their once isolated villages. More and more Hmong have come to work, sell their traditional costumes or handicrafts, live or study in the metropolitan areas, such as city of Chiang Mai, Bangkok, among other major cities. In term of education, Chiang Mai University (CMU) alone has over thirty Hmong students, studying various fields, ranging from law to political science to medicine and engineering. Each year the incoming Hmong freshmen students are increasing, according to the informants at the university. One can also find Hmong students, though fewer in number than at CMU, at such prestigious universities as Chulalongkorn, Thammasat, and Mahidol. Hmong communities in big metropolitan cities, like Chiang Mai, Bangkok and its surrounding vicinity, are growing; these are those who are well educated and taking professional jobs.

So, in conclusion we can say that, though Hmong have experienced many difficulties since they first entered Thailand during the middle of 19th century, Hmong are now integrating more into mainstream Thai society. If the present trend continues, the present writer is optimistic about positive developments of Hmong future in Thailand, as more and more young Hmong have an opportunity to get an education, and as Thai society as a whole has become more participatory and pluralistic.

CHAPTER III
CONCEPTUAL FRAMEWORK

3.1 Introduction

This chapter provides a conceptual framework. It will first discuss the nature of political participation, the operational definition of political participation, why and how people get involved in politics and their levels of political participation. Finally, the last two sections will be spent exploring the right of political participation under both the 1997 and 2007 Thai Constitutions, as well as international human rights treaties that Thailand has become a party to.

3.2 What is Political Participation?

3.2.1 The nature of political participation

The term 'political participation' comes from 'politics' and 'participate,' respectively. To 'participate' is basically to have a share, say, or voice with others in an activity (Parry 1972: 3). It is more difficult, however, to define precisely what politics is because it is very ambiguous or vague, and can also be used in different contexts or settings. Though it is difficult to define precisely what politics is, it can in general be defined either narrowly or broadly. If we define it broadly, according to Sherman and Kolker, "Politics is the process by which two or more people maneuver for relative advantage" (1987: 6). Likewise, Milbrath and Goel define politics as "the adjustment efforts of humans attempting to coexist in an interdependent relationship" (1977: 1). So, according to these writers, when two or more people are interacting with or trying to influence one another they are engaging in a political relationship. Shively argues politics is always involved (1) the making of a common decision for a group of people and (2) the use of power. Power, according to him, is simply "the ability of a person to cause another to do what the first wishes by whatever means." (2001: 2-3). Of course, we can debate what means is legitimate or moral (e.g. rational persuasion) and what means is not (e.g. violence, lie, corruption), but that is not our

concern here. On the other hand, if we define politics narrowly, according to Marxists, politics is "the process through which classes with antagonistic interests (mainly the proletariat and the bourgeoisie) struggle to obtain, retain, or influence state power" (Callinicos 2004). Similarly, liberals see politics as activities that are taking place in the public sphere, in the institutions of state, in the parliament, or in the government house. By implication it means those acts that are taking place outside the public sphere, for instance, in the domestic or private areas, are not considered political acts, according to the liberals. Feminists have criticized this narrow view of politics, especially the distinction between private and public spheres. This distinction, feminists have argued, has marginalized women because it relegates them to the private, domestic domain, and whatever taken place there is no longer the concern of state. Consequently, domestic violence against women—sexual and other abuses—is neglected by the state. To remedy this narrow view of politics feminists have advocated for a broader view of politics, one that would include both the private and public domains. Hence politics, for the feminists, should or ought to be concerned with the struggle over control and distribution of power across a whole range of sites: home, workplace, not only sites within the institutions of the state.[1] If we inquire further, there is no doubt that an environmentalist, a postmodernist, a Muslim, a Confucian, a Buddhist, or a Christian would have his or her own conception of what politics is or ought to be, but the above examples are sufficient to demonstrate our point, that is, there is a plurality of what politics is and there is no right or wrong way of defining it. What is important is one should be explicit what definition one is using and why it is the appropriate one in the context in which one is using.

Since in this section we want to understand the nature of political participation, we should define politics as broad as we can. Accordingly, the shortest and perhaps best definition of politics is the one given by the late American political scientist Harold Lasswell some 70 years ago. For it can accommodate both the narrow and broad views of politics we just discussed. According to Lasswell, politic

[1] Judith Squire (2004), "Politics and Beyond Boundaries: A Feminist Perspective in *What is Politics?: the activity and its study*, edited by Adrian Leftwich. Cambridge: Polity Press.

is about deciding 'who gets what, when, and how.'[2] Based on this definition, *who* refers to the participants, which might also be the beneficiaries; *what* refers to the thing(s) the participants try to get done (this is the output, in the technical sense); and *when and how* refer to the process (this is the means or the input). We can, at this point, define political participation, in the broadest sense, as a process in which two or more people are taking part to decide 'who gets what, when, and how.' It is a means towards an end; it is an activity by which people try to get more of whatever there is to get—money, job, policy, law, or even love (Dye 2001: 1). This would be the broadest definition of political participation one could possibly get.

If we define political participation in such a broad way, a critical mind might ask, are not all our actions always political actions? If not, how can we distinguish or differentiate one from the other? Of course, it is not easy to differentiate between a political act and a non-political one. But the following examples should illustrate the point: A brother teases his sister is not a political action, whereas a family decides where to live or how the household chores should be divided is a political act; a college student decides to read an extra novel for pleasure is not a political action, whereas a college class decides or debates what books to read for the class is a political act; a person decides not to marry is not a political action, whereas a couple decides when to marry and how many children they would have is a political act. From these examples we can extrapolate that political action must always involve (1) at least two persons (2) who are making a decision (3) about 'who gets what, when, and how'. Hence political participation can take place in a family, in a college classroom, in the private room of a couple, in a trade union, or in a church, not only in a government house or in the parliament, as we are conventionally understood or being taught. But how would one differentiate political acts that are taken place in a family, in a college classroom, in the private room of a couple, in a trade union, or in a church from those that are taken place in government politics? In other words, what makes the two different? The former is taken place in a specific setting, and as such its influence or impact is extended not beyond such a setting. For example, parents might try to persuade their children to do the family's chores in order to go to a

[2] This is the title of an important book, *Politics: Who gets What, When, and How* (1936) by one of the American foremost political scientists, Harold Lasswell. New York: McGraw-Hill.

movie. Because the children want to go to a movie, they are willing to do the chores as told by their parents, but since they also want to go to the zoo after the movie, they might bargain or reason with their parents, "Dad and mom, we are willing to clean the house, wash the dishes, and even mow the lawn, but you have to take us to the zoo after the movie." As one can see, in this hypothetical example children and parents are maneuvering about 'who gets what, when, and how.' However, its impact is limited to this family specifically. On the other hand, in government politics decisions about 'who gets what, when, and how' extend to the whole society, and only government, we must keep in mind, can legitimately use force or violence to implement its decisions.[3]

Having said that, it was not the objective of this thesis to assess political acts that are taking place in a family, in a college classroom, in the private room of a couple, in a trade union, or in a church; these examples are given here to enhance the reader's understanding of the nature of political participation in the broadest sense. What this thesis focused was political acts that are taking place in the institutions of state; or to put it in another way, this study focused on government politics.

3.2.2 Political participation in government context

Social and political scientists have not yet agreed on what political participation is. For example,

- McClosky refers to political participation as "voluntary activities by which members of a society share in the selection of rulers and, directly or indirectly, in the formation of public policy" (1968: 252);
- Verba and Nie refer political participation to "those activities [engaged] by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions they take" (1972: 2);
- Goel and Milbrath define political participation as "those actions of private citizens by which they seek to influence or to support government and politics" (1977: 2);

[3] *Ibid*, pp.3.

- Nelson and Huntington refer to political participation as "activity by private citizens designed to influence governmental decision-making" (1976: 4);
- Verba, Nie and Kim define political participation as "those legal acts by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions that they take" (1978: 1).

Though these writers have not had a uniform definition of what political participation is, what they do agree, one can synthesize, is political participation must have three components: (1) voluntary legal activity or activities (2) engaged by private citizens (3) aiming to influence the selection of government officials and/or the actions they take. Or to put it differently, these writers are more or less trying to determine: *Who governs? For what ends? By what means.* They try to concretize the definition of politics given by Lasswell some 70 years ago. The *who* of politics, according to these writers, refers to the participants: the voters, special-interest groups, political parties, television and the press, corporations and labor unions, foundations and think tanks, bureaucrats, judges, lawyers, politicians, NGOs, etc; the *what* refers to public policies that come out of the process: social welfare, health care, education, national security, climate change or environmental policy, taxation, human rights, and thousand other more; and the *when and how* of politics refer to the political process, the means: voting, campaigning, political reporting or debating in the media, fund raising, lobbying, demonstrating, decision making in the parliament or in the executive branch, becoming a candidate for political office, etc. (See figure 3 below)

It is important to note that these authors limit political acts to the 'voluntary legal acts' engaged by 'private citizens' aiming to influence the select of government officials and/or the decisions they take. But one might legitimately ask, cannot the 'illegal'[4] political acts of non-citizens also influence, or have the potential to influence, government and/or its decisions? The answer is affirmatively 'yes'. Since the 'illegal' political acts of non-citizens can influence, or have the potential to influence, government and/or its decisions, it would be to our own peril or disadvantage if we neglect this side—the unconventional or informal form—of political participation. Hence we should discuss it briefly before we proceed.

[4] I prefer unconventional or informal political act rather than illegal political act. However, in order to be congenial with legal political act, 'illegal' political act is used. Hence illegal political act is really unconventional or informal political act, such as violent demonstration, rebellion, insurgency, etc.

Figure 3: Who gets What, When, and How

Who Governs: Participants

Governmental:
Executive: the president, bureaucrats.
Legislature: congress men and women
Judiciary: judges, police.

Nongovernmental:
Voters/citizens
Campaign contributors
Interest group leaders
Political party leaders
Corporation and union leaders
Media and reporters
Lawyers and lobbyists
Think tank personnel
NGOs

When and How: Institutions and Process

Institutions:
Constitution: rules of the game
- Civil rights and liberties
- Separation of power
- Checks and balances
- Federalism
- Judicial review

Electoral system: political parties
Presidency
Congress:
- Senate
- House

Court:
- Supreme Court
- Appellate Court
- District Court

Press and media

Process:
Demonstrating
Socialization and learning
Voting
Contributing money
Joining interest groups or PP
Talking about politics
Running for office
Campaigning
Fund raising
Parading and political rallying
Lobbying
Adjudicating
Logrolling

What: Public Policy Outcomes

Health Care
Social Welfare
Education
Tax policy
National security
Foreign affairs
Human Rights
Civil Rights laws
Climate change policy
etc

Source: Dye (2001: 3)

Marger argues that political participation can be divided into institutionalized form (conventional or formal) and noninstitutionalized form (unconventional or informal) (1981: 268). According to the author, "institutionalized forms of political participation are the established and acceptable methods of citizen action, those [that are] recognized as legitimate by the prevailing political system" (1981: 268). Examples of these are what we have just referred to, for instance, voting, campaigning, peaceful demonstration, becoming candidate for political office, and the likes. On the other hand, the noninstitutionalized forms of political participation are those that "are not recognized as legitimate, extended beyond the official definitions of what is appropriate citizen behavior" (268). Examples of these would include civil disobedience, violent confrontation with authorities, and most extreme of all, actions aimed to overthrow the government: terrorism, insurgency, or rebellion.

Both of these—conventional and unconventional—have equal potential to influence government and/or its decisions. In fact, in certain cases, the latter, because it is more forceful and dramatic, has a greater potential to influence government and/or its decisions than the former. There are numerous examples one can cite to prove this proposition, but 9/11 is a good one. By attacking on the World Trade Center and Pentagon on September 11th, 2001 al Qaeda[5] was aiming to influence American foreign policies in the Middle East, policies that were, according to them, detrimental to their interest.[6] One week after the unconventional attack American government had changed the course of its foreign policy in the Middle East, perhaps to the contrary of what the terrorists had hoped. For instance, it sent American troops to Afghanistan and later Iraq to go after Bin Laden and his supporters. Eventually, the US and its allies were able to take down both of these governments, despite international criticisms. At home the US Congress had passed national security laws

[5] Al Qaeda has been classified by the US State Department as a terrorist organization. Those who carried out the unconventional attack on Sept. 11th, 2001 were not even American citizens, but their action has had an influence on American policies (both domestic and foreign) ever since.

[6] First, American government has provided billions of dollars of military assistance to Israel each year; the latter has utilized these assistance to suppress the Muslim Palestinians. Second, by expanding trades, American goods (e.g. Hollywood movies, American consumer or materialistic life styles, KFC, MacDonald, Pepsi, etc) to the Middle East and the Muslim World, Americans, al Qaeda claimed, have destroyed their sacred and spiritual way of life. Third, American government has always wanted to extract oil and other natural minerals from the Middle East, despite what it has claimed to the contrary. Fourth, American government (or the West in general) has used free market, democracy and human rights as a means to disguise, to conceal its neo-colonialist and imperialist policies that have fundamental impact on Muslims' way of life (the 'clash of civilization' rationale); the West has also used human rights and democracy as a pretext to criticize Islam and Muslim countries. These are some policies that al Qaeda considered to be detrimental to their interests.

the US and its alliance down both of these governments, despite international criticisms. At home the US Congress had passed national security laws to protect American people and America's ports from further terrorist acts; for instance, the Patriot Act has given more power to the FBI and CIA to scrutinize those whom they suspect would commit future terrorist acts, especially those who are Arab-Americans or from the Middle East. As this example testified, unconventional political act can, at times, have a greater influence on a government and/or its decisions than the conventional one, and furthermore, it is not necessarily always true that only citizens can influence their government.

Political conflicts arise because people disagree about 'who gets what, when, and how'. People disagree because resources are limited, whereas our wants and desires are unlimited. The conventional wisdom tells us that resources are limited to natural resources, things like water, gas, fuel, foods, gold, diamond, etc. But this is rather a narrow view of what constitutes 'resources'. I suggest resources should encompass such things as political ideology, religion, justice, freedom, equality, autonomy, independence, human rights—abstract values that we hold dear to our hearts and minds, or what we consider the 'good life'. For even if people have enough natural resources to satisfy their wants and needs, conflicts would still exist because people would still disagree about 'the good life'. Hence humans are not only struggling to get the finite natural resources, but also trying to propagate their values, political ideology, or what they consider 'the good life' to others.

The question of 'who gets what, when, and how' (whether we are dealing with natural resources or abstract values) can either be settled peacefully through the formal channels or violently through violent confrontations. If people cannot participate conventionally in the political process to decide 'who gets what, when, and how,' they would or could resort to the unconventional means to achieve their goal. Here are some contemporary examples to substantiate this proposition: the Muslims in Xingjian Province and the Tibetans in Tibet Autonomous Region, China;[7] the

[7] Both of these groups have over the years tried to break away from central Chinese government. But since this is not possible in the system, some have resorted to violent means (e.g. terrorist acts). In the case of Tibet, it has once again become an issue of international concern, as the Chinese government has violently cracked down on the Tibetan protestors in Lassa on March, 2008. Both Tibetan monks and lay people (including some Han Chinese) were killed. As many as 100 or more had been killed, according to the exiled Tibetans; many hundred others have been arrested. As a result of this serious human rights violation, a worldwide protest has been carried

ethnic minority groups in Burma;[8] the Tamils in Sri Lanka;[9] the Maoists in Nepal;[10] the Thai-Malay separatists in southern Thailand. Because these groups cannot participate in the political process conventionally or because they feel it is not an effective means to achieve their goal (e.g. economic development, equality, autonomy, cultural and religious identity, or independence), some have resorted to arms. Such a means has continued to create problems in these countries, for instance, human rights violations, bombing, other abuses and killings. In the case of Thailand, since 2004 there have been daily killing in the three southernmost provinces. In responding to these killings, the Thai authorities have sometimes overreacted, which has led to further human rights violations.[11] In the case of the Hmong, during the communist insurgency in Thailand (roughly from 1960s-1980s) some had taken an unconventional act, for instance, by taking arms and joining the CPT, for at that time they could not, as pointed out by Tapp and Lee, get their grievances resolved through the formal channels.

So, to prevent people from resorting to unconventional political acts, the heart of a democratic society guarantees the equal participation of ordinary citizens to

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out against the Chinese Olympic Games (which will be held on August, 2008), especially against its worldwide torch run relay.

[8] Karen, Shan, Chin, Kachin, etc. have tried, even before Burma got its independence from British rule in 1942, to break away from the lowland Burmese rule. However, because of military dictatorship in Burma after independence, this has not been possible. Currently, there are still fighting between these minority groups and the military dictators.

[9] Tamils (who are the minority and Hindu) have tried to challenge and break away from the Singhalese's (who are the majority and Buddhist) rule. Among other things, because Sinhalese dialect is the national language, the language of education and administration, and also because Sinhalese identity has been promoted as the national identity, Tamils have become dissatisfied and precisely because of this dissatisfaction they want to separate from Colombo. However, since they cannot do so through peaceful means within the system, they are taking arms, forming 'terrorist' organizations: Tamil United Liberation Front (LULF) and Liberation Tiger of Tamil Eelam (LTTE).

[10] To update on this: the Maoists have agreed to put down their arms (after years of fighting against the Nepali government) and contest the national election, which was held on April, 2008. Surprisingly, their Communist Party has won most of the seats.

[11] Historically, the relationship between the Thai-Malays in the southern provinces and central Bangkok government has not been an easy one because there are many dimensions to it: ethnicity, religion, autonomy, separatism, equality, language rights. But in recent decades things seemed to get better till the Krue Sae Mosque incident where 7 Thai-Malays were shot dead by the military on Aril 28th, 2004. As a consequence of this incident, many Thai-Malays in the south started protesting. The military and police were overreacted on these protestors. For instance, 78 protestors were suffocated or crushed to dead in Tak Bai on October 25th, 2004. Consequently, violence in the south has intensified and been a daily basis ever since. According to a study released by the Thai Journalist Association and Prince of Songkhla University, there were 5,460 violent incidents—some at the hands of insurgent groups and others by security forces—resulting in 1,730 deaths and 2,513 injuries to civilians and government officials between January 2004 and August 2006. http://hrw.org/englishwr2k7/docs/2007/01/11/thail14839.htm. Accessed on February 20th, 2008.

decide 'who gets what, when, and how.'[12] In a democratic society, ordinary people can petition their government to address their problems; they can join an interest group or a political party to advance their interests; they can criticize or peacefully demonstrate against a policy that is contrary to their interest; and most important of all, they can become candidates for political offices to have direct say in the parliament, if they so wish.. Because the importance of political participation to a democratic society, political participation is often specifically guaranteed under various provisions in the country's constitution, the highest law of the land. Furthermore, the international community also recognizes that 'if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression…human rights (including the right to political participation) should be protect by the rule of law"[13] and "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote or by equivalent free voting procedure."[14] To make these rights come into reality, they are specifically included in major international human rights treaties. In the case of Thailand, the right to political participation is guaranteed both under the 1997 and 2007 Constitutions as well as international human rights treaties that Thailand has become a party to. We shall come to explore this in the last two sections of this chapter. But before doing that we should be clear about the operational definition of political participation, why and how people get involved in politics as well as their levels of political participation first.

3.2.3 The operational definition of political participation

As indicated, because this study is about government politics, political participation refers voluntary legal activities citizens engaged aiming to influence the selection of government officials and/or the actions they take. Accordingly, this research excluded those political acts that are engaged by non-citizens, though this is

[12] People in a non-democratic country (e.g. China or Cuba) also desire to have a genuine say about 'who gets what, when, and how'. However, they have been banned from doing so by their government. But this suppression cannot continue forever, for it goes against the very core of human nature to freely determine the course of their destiny by themselves. Thus, it is just a matter of time for the people in China or Cuba to rise up to demand a genuine participation about 'who gets what, when, and how.'

[13] Preamble of UDHR.

[14] Art. 21 of UDHR

not insinuated that their action has no influence on government and/or its decisions; it was simply not the focus of this thesis. Furthermore, this study also excluded the unconventional political acts, such as violent confrontations with the authorities, taking arms, and rebellion. This study merely assessed the voluntary legal political activities engaged by Hmong who are Thai citizens aiming to influence the selection of government officials and/or the actions they take. However, since there are so many voluntary legal activities a citizen can engage to influence his or her government and/or its decisions, a line must be drawn somewhere. Hence this study was limited to five specific legal political acts:

(1) Voting, which includes:

- Voting at the local level (village headman).
- Voting at district level (Tambol Administrative Organization or TAO).
- Voting at the provincial level (Provincial Administrative Organization or PAO).
- Voting at national level (members of Parliament, both representatives and senators).

(2) Discussing about and/or paying attention to politics or current events:

- Do they pay attention to politics or current events?
- How those events affect or relevant to their lives.
- How they respond to those events, if at all.

(3) Contacting representatives:

- Contact can be either writing a letter or going in person.
- Representatives include village headman, members of TAO or PAO, members of Parliament, and other government officials in Bangkok.
- The purpose of such a contact is to have their problems or concerns solved.

(4) Membership of political parties or interest groups:

- Becoming a member of political party or interest group is to advance their interest, whatever that interest might be.

(5) Becoming a candidate for political office:

- Offices here include positions from the local village headman to the district, provincial and national level.
- Whether or not they have been successfully elected is irrelevant, as long as they had once been candidates for one or more of the above offices.

The rationale for chosen these five was to assess to what extent Hmong in Thailand are currently participating in the political process, ranging from the least active (e.g. merely voting) to the most active (e.g. actually becoming candidate for political office).

3.3 Why and How Do Citizens Participate?

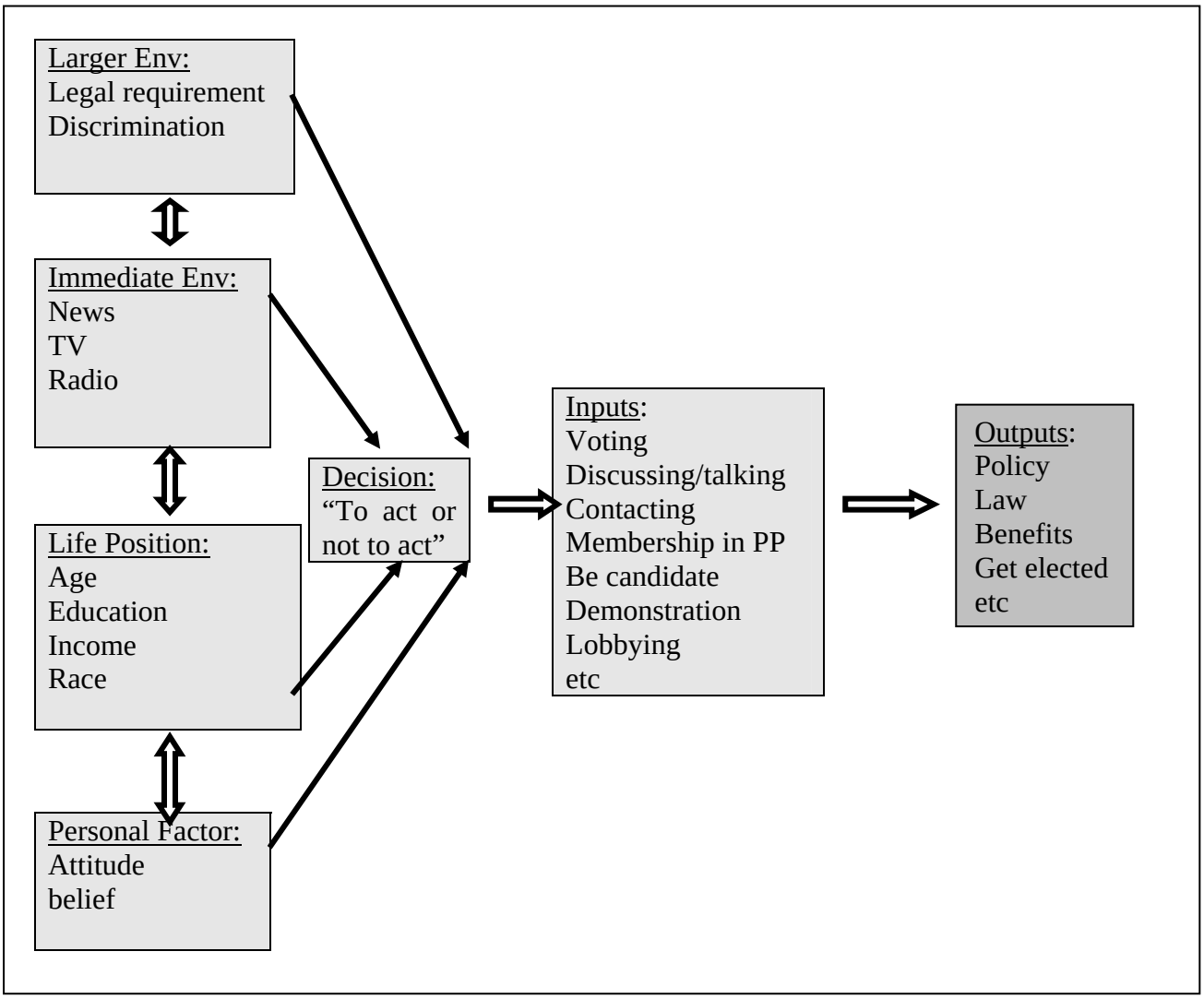
Why and how do citizens participate in politics? Because political participation is a means towards an end, and because each citizen has his or her own end, each citizen is, therefore, participating in the political process for a different reason, depending on his or her unique circumstance. For example, a farmer might go to the voting booth to select a candidate or party that would advance his farm interest; a restaurant worker might ring his representative and ask the latter to vote for an increased minimum-wage bill; a college student might campaign on behalf of a candidate who favors human rights, environmental or liberal issues; a 70 years old retiree, writing a letter to the editor, might complain about the high price of his medication. The same logic is applied to a business person, a cab driver, a teacher, a parent, a professor, a minority, etc. Others participate in the political process because there is a legal requirement for them to do so; for example, if one does not vote one would forfeit certain rights or privileges. This, in fact, has been the case in Thailand. Both the 1997 and 2007 Constitutions require a person to vote; for instance, Section 68 of the 1997 Constitution and Section 72 of the 2007 Constitution, in an identical language, say,

> Every person shall have a duty to exercise his or her right to vote at an election. The person who fails to attend an election for voting without notifying the appropriate cause of such failure shall lose his or her right to vote as provided by law.

Some of the privileges a Thai would lose if he or she did not go to vote are: he or she, among other things, cannot register to amend the constitution or to enact law directly in the parliament. And still others participate in the political process because they follow their husband, wife, relatives, or those whom they trust, or because they are being paid to participate to vote for certain candidates or party. So, tentatively we can say that citizens participate in the political process because they hope to achieve or gain something relative to their interest from the process; this is the output or the *why* citizens participate. As to *how* citizens participate (or the input), there are a variety of means; for instance, they can vote, lobby, campaign, protest, join a political party, contact representatives, become candidate for political office, etc.

But are all citizens participating in the political process the same way or at the same rate? Are all citizens voted? Are all citizens contacted their representatives? Are all citizens discussed about and/or paid attention to politics or current events? Are all citizens criticized their government? Are all citizens become candidates for political offices? The empirical data in the literature suggest not. If not all citizens participate in the process the same way or at the same rate, then why are some more active than others? This has been the perennial question in the mind of political scientists, and as such it has been the main focus of their researches. Milbrath and Goel have provided a very useful framework (1977: 33). Hence it was adopted, modified, and used in this study. (See figure 4 below) According to this framework, Milbrath and Goel argue that there are inter-related factors that lead an individual citizen to decide whether to act or not, that is, whether to participate in the political process or not.

Figure 4: Factors Affect People's Political Participation



3.3.1 Political participation as function of larger environment

Variables that fall under this category are external factors in the larger environment that often go beyond an individual's control: voting eligibility, discrimination, and other legal requirements. The technical term for this is 'structural barriers' to political participation; they are hurdles in the system that make political participation more difficult. Some of these barriers are designed intentionally to prevent certain groups from participating in the process; others are less intentional but

nonetheless have the same effect.[15] If there are hurdles present in the environment, they could be a problem for a citizen's political participation, and inversely the lack thereof could enhance his or her participation. For example, if there is a law stipulates (as had been the case in many countries—USA during the civil rights movement, or South Africa during the apartheid era) that only citizens over the age of 21 years old, only property owners, only those who can read, only those who pay taxes, or only men can vote those who fall outside this category would not be eligible to vote. Though they can utilize other means of political acts to influence their government (for example, writing a letter to the editor, demonstrating or striking, or worse taking unconventional means, like terrorism act or rebellion), they cannot utilize the means of voting; voting is not a means in which they could contemplate. The same logic is applied to discrimination,[16] residential requirement, and other legal regulations or requirements.[17] So, our larger social, political, or legal environment, an environment that we as individuals can sometimes hardly control, can affect how we participate in politics. It can either hinder or facilitate our political participation, depending on the specific context under which we live.

3.3.2 Political participation as function of immediate environment

Variables that fall under this category are stimuli presented in our daily activities, for example, how often we have been exposed to radio, television, newspapers, or other means of the mass media; how often we have been contacted by political parties, interest groups, or vice versa. The findings in the literature do not suggest that by being exposed to these means would directly *cause* us to be more active or to participate more. It only shows a correlation, that is, the more stimuli (particularly political stimuli) we received in our immediate environment, the greater the likelihood we would participate in politics, and also the greater the depth or

[15] Peter G. Renstrom and Chester B. Rogers (1989) *The Electoral Politics Dictionary*. Santa Barbara, CA: ABC-CLIO, pp.76-77.

[16] African-Americans have been discriminated to vote on various grounds: literacy tests, the poll tax, property ownership requirement, white primary (technique preventing black to vote on primary), etc. The passing of the Civil Rights Act of 1964 as well as the Voting Rights Act of 1965 have enhanced their political participation, for it has done away with some of these unreasonable and discriminatory legal requirements.

[17] For example, Section 107(3) of the 1997 Thai Constitution requires a person to have a tertiary education (at least a BA) before he or she can contest for the office of a representative or senator. Those who do not have such a tertiary education are out of the picture. Though the 2007 Constitution has lifted the BA requirement in the lower house, it still retains such a requirement in the upper house. This is an example how legal requirement in the environment hinders a person's political participation.

intensity of our participation would be. For by being exposed to the radio, television, political parties, interest groups, newspapers, or other means of the mass media we gain political knowledge and awareness; we become aware of the current political events, of what public policy that would affect us as individuals, and such a an awareness in turn might lead us to take political action, action that might mitigate the negative consequences of the policy.

3.3.3 Political participation as function of life position

Variables that fall under this category are one's income, education, occupation, race, religion, nationality, and the likes. It is not necessary to elaborate every factor of these here because other researchers have done so elsewhere.[18] Suffice it to state the general proposition, that is, those in the upper ladder of social and economic hierarchy, those with a higher income, and those with a better education are more likely to participate in the political process. This is so because they have more opportunities to interact with the activists, to join interest groups; they receive more political stimuli in their immediate environment; they have more political skills; they feel more competent; their world view is broader when one compared to those in the bottom of the socioeconomic hierarchy. Those who do possess these—high income, better education, professional occupation—tend to be more politically active, and conversely, those who do not tend to be less active, according to the findings of Milbrath and Goel.

3.3.4 Political participation as function of personal factors

Variables that fall under this category are one's attitudes, beliefs, personality traits—self-confidence, alienation, assertiveness, and so forth. Certainly, it is not easy to measure these because they are subjective. However, what is important to note is if an individual feels alienated from society for whatever reasons, or if he or she feels his or her voice is not going to make any difference, he or she might either be less active or not get involved in the political process at all. To the contrary, if a person feels, perhaps through political socialization, that there is a civil obligation to participate or get involved in politics, then he or she would more likely than not to

[18] See Milbrath and Goel (1977).

participate. If an individual is an aggressive and unreasonable person, he or she might, instead of participating through the formal channel, choose to take an unconventional act (for instance, violent demonstration) to change a policy he or she dislikes. Hence our beliefs, attitudes and/or personality traits can affect how we participate in politics.

Milbrath and Goel also point out that these four categories are not isolated: they are in fact inter-related, that is, one category influences the other on how and why we get involved in politics. For example, a person with a higher socioeconomic status tends to have a better education, hold a professional job, receive more political stimuli, and be exposed to more political news or events; and through these means he or she builds self-confidence, and has political knowledge or information, which might lead him or her to take political action. Though these categories are overlapped or inter-related, one category might have a greater influence on a person's decision to participate in the political process than another.

3.4 Levels of Political Participation

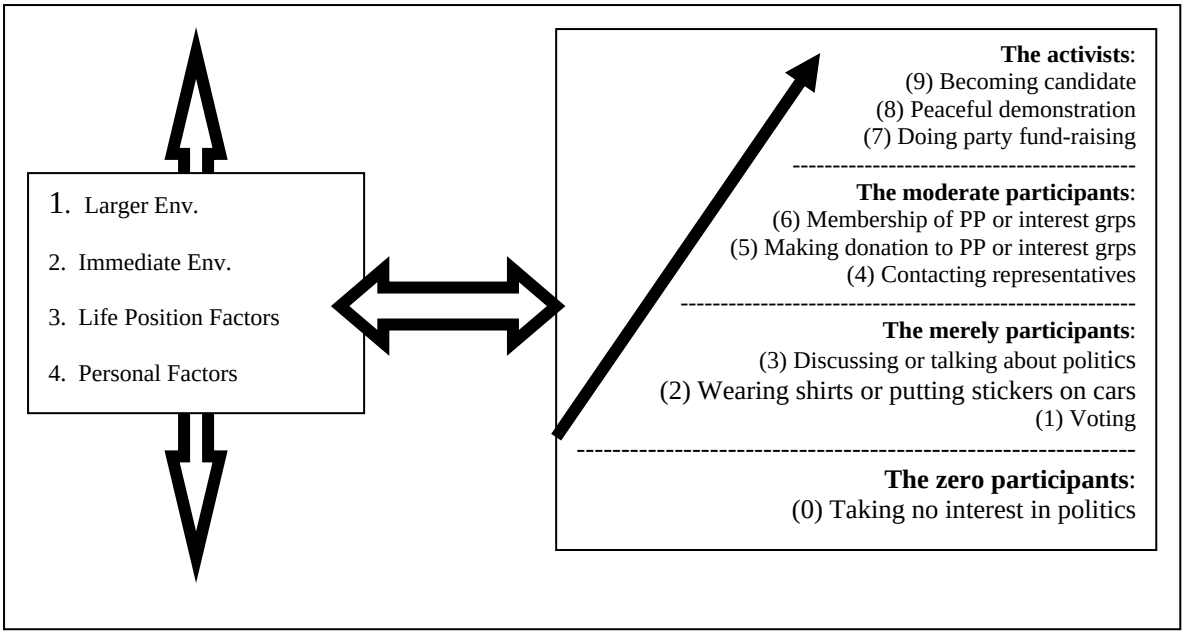
As have been argued, because not all citizens participate in the political process in the same way or at the same rate, how can we categorize their political acts? Roth and Wilson categorize people who are participating in politics into three levels.[19] The first is what they called the 'onlookers'; these are those who are merely paying attention to political developments, discussing about politics or current events from time to time, voting, and occasionally attending political rallies. Next, the second or middle level is the moderate participants, for instance, those that are active members of political parties or interest groups, or campaign workers. Finally, the third or highest level is the activists; these include the candidates themselves, the professional politicians, and the active leadership of other organizations (such as trade union, think tank, interest group, etc). This scheme is interestingly corresponded to what Milbrath and Goel have written. Milbrath and Goel have classified people who are participating in the political process into three classes, according to their political

[19] David F. Roth and Frank L. Wilson (1980), *The Comparative Study of Politics*. Eaglewood Cliffs, NJ: Prentice-Hall.

passion or intensity. These three classes are: apathetic, spectator, and gladiator. Apathetics are persons who are withdrawn from the political process entirely; these are those who do not take any interest in politics at all. Spectators are persons who are minimally involved in politics, for example, they sometimes vote and attend political rally. Usually this group, the spectators, makes up the majority of population. In the case of the United States, the spectators make up approximately 60-70 percent of American adult population. Gladiators are the active combatants, though they make up merely 5 percent of American adult population (Milbrath and Goel, 1977: 11). In order to visualize more clearly, this analogy is perhaps more helpful: if we closed our eyes and imagined a Roman play, where a small group of gladiators battling each other to please the spectators, who in turn cheer, clap, and finally, vote to decide who has won the battle; the apathetics are not even showed up to see the play. In every country, there will be a small group of active members at the top of the pyramid; there will be the majority of people who are merely or moderately participants in the middle; and there will be a small group of people who are not interested in politics at all at the bottom of the pyramid.

With that in mind we can now classify people who are participating in politics into four levels or groups: (1) the zero participants, (2) the merely participants, (3) the moderate participants, and (4) the activists. (See figure 5 below)

Figure 5: Hierarchy of Political Involvement



Generally citizens would move from one level to the next, corresponding to the intensity or passion of their interest in politics, the stimuli present in their immediate environment, their social and personal factors, as well as the legal barriers or challenges in their larger environment. If these four categories are positive it would accelerate their participation. Conversely, if these factors are negative it would impede their political participation. Or to put it differently, those in the higher ladder of the socioeconomic hierarchy, those stimuli present in their immediate environment, those who feel competent, those who have a higher income or education, and those who do not face many legal barriers in their lager environment tend to be more active, for instance, moderate participants or even activists. Conversely, those in the bottom of socioeconomic hierarchy, those stimuli are absent in their immediate environment, those who do not feel competent, those who have lower education or income, and those who face stringy legal challenges in their larger environment tend to be less and less active, for instance, merely participants or worse zero participants.

3.5 The Right to Political Participation under the 1997 and 2007 Constitutions

After discussed what political participation is, the operational definition of political participation, why and how people get involved in political as well as their levels of participation, we are now in a position to explore the right to political participation under both the 1997 and 2007 Thai Constitutions and international human rights treaties that Thailand has become a party to.

Since the Sukhothai period of the early 13th century A.D. to the 1932 Revolution Thailand, then known as Siam, had been ruled by an absolute monarchy, a government by one person.[20] He is absolute in the sense that he has the power of life-

[20] This is contrast to democracy where the majority rules. However, it does not necessarily presuppose that monarchy is always wrong or bad and democracy right or good, or vice versa. For if a ruler in a monarchical system is virtuous, just and kind he or she can bring peace and prosperity to his or her subjects. If the majority of people in a democratic system are ignorant of the democratic principles, they can bring disasters to the country. Hence it really depends on the people, not the system, because if the people are virtuous and the system is sinful, they would definitely find ways to improve it; on the other hand, if the system is good but the people are vice, selfish and corrupted they would absolutely find ways to elude the system for their own end. Remember: 'Power

and-death; his words are the laws of the land and the final judgments, though he might seek advice from people around him. Because he is so powerful, if he is virtuous and kind ruler[21] his subjects would be happy and prosperous. On the other hand, if he is a tyrannical and authoritarian king, his subjects would be suffering. In the course of human history, we have seen both these types of rulers. In brief, for a total of about 800 years the Thai people had been ruled by an absolute monarchy; they had no rights to actively participate in making public policies, though they could petition the king for their grievances.[22] However, since the 1932 Revolution, a time when the country had bloodlessly changed from an absolute monarchy to a constitutional one, the Thai people have gradually been given more opportunities to have a direct say about 'who gets what, when, and how' in the country's affairs.

Since 1932 to the present (total of 70 or so years) Thailand has had a total of 18 constitutions.[23] The 1997 and 2007 Constitutions have given an important place to political participation. In fact, the 1997 Constitution was known as the 'People's Constitution' because the people, contrary to the previous constitutions, had widely and nationally participated in drafting it. Chapter three of that constitution deals with 'Rights and Liberties of the People', which is including political participation. When one examines the 1997 Constitution, political participation can be derived directly or indirectly from the following provisions:

Section 37: "A person shall enjoy the liberty of communication by lawful means."

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corrupted, absolute power corrupted absolutely," except perhaps when the ruler is a philosopher king, sage king, or *Dharma* ruler.

[21] Writers differ on the ideal ruler. For Plato a ruler should be a philosopher king because he is able to differentiate reality from its appearance; he knows what the ideal of the 'good' is. Hence he rules accordingly, and thus he is able to govern the polis justly. For Confucius a ruler should be a sage king who has cultivated the ultimate moral virtues (*shu*: empathy, *zhong*: loyalty, *ren*: humanity, *li*: propriety) inside his heart and mind. In this way, the sage king can act outwardly correct, for to govern, according to Confucius, is to rectify. To rectify is to act according to the ideal [ruler, parent, teacher, brother, etc] one impersonates. For Buddha a king or a ruler should be one who understands *Dharma* (i.e. what is what), for without understanding *Dharma* a ruler would rule according to his unlimited selfish desires, which would be detrimental to his or her subjects' interests.

[22] For instance, during the era of King Ramkhamhaeng the Great (Sukhothai period, 13th-15th Centuries) his subjects could come to ring a bell hung in front of his palace gate to petition for their discontents. Once the king hears the call, he goes and questions the petitioner, examines the case, and then dispenses justice for him or her. In addition to this, he also invented the Thai script, as well as did not levy taxes on his subjects and their goods. The reign of King Ramkhamhaeng was considered the 'golden age' of Siam, as there are, as the old saying goes, always 'fish in the water and rice in the fields.'

[23] The reason Thailand has had so many constitutions is each time there was a military coup the constitution current at the time would be abolished (to prevent a treason charge against the coup leaders), and an interim constitution would be issued by the military while awaiting the drafting of a new constitution. This process has kept repeating itself since 1932.

Section 39: "A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicize, and make expression by other means."

Section 44: "A person shall enjoy the liberty to assemble peacefully and without arms."

Section 45: "A person shall enjoy the liberty to unite and form an association, a union, league, co-operative, farmer group, private organization or any other group."

Section 47: "A person shall enjoy the liberty to unite and form a political party for the purpose of making political will of the people and carrying out political activities in fulfillment of such will through the democratic regime of government with the King as Head of the State as provided in this Constitution."

Section 60: "A person shall have the right to participate in the decision-making process of State officials in the performance of administrative functions which affect or may affect his or her rights and liberties, as provided by law."

Section 61: "A person shall have the right to present a petition and to be informed of the result of its consideration within the appropriate time, as provided by law."[24]

These rights collectively guarantee an effective means of political participation to the Thai people, from the local to district, provincial and the national level. For example, one can make one's opinion known through various public means, such as demonstration, communication, print, etc; one can join a trade union or a political party to advance one's interest; one can petition the government for one's dissatisfaction; one can even become a candidate for political office. In fact, if we interpret these rights literally, they are not only rights for the Thai people as such, but also rights for anyone who is resided in Thailand because every provision starts with '*a person* shall have the right to….' Because it makes no distinction between a Thai and a non-Thai citizen, from a human rights perspective, the 1997 Constitution is rather an advance or a progressive constitution, though this does not, of course, insinuate that a non-Thai citizen can become a candidate for political office in Thailand. What it does mean is that a non-Thai citizen in Thailand enjoys his or her basic human and civil rights, for instance, the right to free speech, the right to

[24] http://en.wikisource.org/wiki/1997_Constitution_of_Thailand. Accessed on November 11th 2007.

peacefully assembly, the right against racial, sexual or religious discrimination, and the right to due process and equality before the law. Though the 1997 Constitution had been abolished by a military coup on September 19th 2006, its spirit, one can argue, is living on. The evidence for this is many provisions pertaining to political participation of the current 2007 Constitution are in fact derived directly from the 1997 Constitution. For instance:

Section 45: "A person shall enjoy the liberty to express his opinion, make speech, write, print, publicize, and make expression by other means."

Section 58: "A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties, as provided by law."

Section 59: "A person shall have the right to present a petition and to be informed of the result of its consideration within the appropriate time."

Section 60: A person shall have the right to sue a government agency, State agency, State enterprise, local government organization or other State authority which is a juristic person to be liable for an act or omission done by its government official, official or employee.

Section 63: "A person shall enjoy the liberty to assemble peacefully and without arms."

Section 64: "A person shall enjoy the liberty to unite and form an association, a union, a league, a co-operative, a farmer group, a private organization, a non-governmental organization or any other group."

Section 65: "A person shall enjoy the liberty to unite and form a political party for the purpose of making political will of the people and carrying out political activities in fulfillment of such will through the democratic regime of government with the King as Head of State as provided in this Constitution."

Section 66: "Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion:

Section 67: "The right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately."

Section 87: "The State shall act in compliance with the public participation policy as follows: (1) encouraging public participation in the determination of public policy and the making of economic and social development plan both in the national and local level; (2) encouraging and supporting public participation to make decision on politics and the making of economic and social development plan and the provision of public services; (3) encouraging and supporting public participation in the examination of the exercise of State power at all levels in the form of profession or occupation organization or other forms; (4) strengthening the politics power of the public, and preparing the laws establishing civil politics development fund for facilitating the communities to organize public activities and for supporting networks of the groups of people to express opinion and requirements of the communities in the localities; and (5) supporting and providing education to the public related to the development of politics and public administration under the democratic regime of government with the King as Head of State, and encouraging the public to exercise their rights to vote honestly and uprightly".

Section 163: "The persons having the right to vote of not less than ten thousand in number shall have a right to submit a petition to the President of the National Assembly to consider such bill as prescribed in Chapter 3 and Chapter 5 of this Constitution."[25]

Section 164: "The persons having the right to vote of not less than twenty thousand in number shall have a right to lodge with the President of the Senate a

[25] Chapter 3 deals with Rights and Liberties of the Thai people, Chapter 5 with Directive Principles of Fundamental State Policies, such as national security policy, state and administration policy, religion, social, public health, education and culture policy, land and justice policy, etc. In other words, at least 10,000 people who have the right to vote, and actually have voted, can directly propose laws that come under Chapters 3 and 5 in the Parliament; they do not have to work through their representatives.

complaint in order to request the Senate to pass a resolution under section 274 removing the persons under section 270 from office."[26]

Section 165: "A person having the right to vote in an election shall have the right to vote in a referendum."

Section 291: "An amendment of the Constitution may be made only under the rules and procedure as follows: a motion for amendment must be proposed…. by persons having the right to votes of not less than fifty thousands in number under the law on the public submission of a bill."[27]

From the above provisions one can say that the 2007 Thai Constitution, the highest law of the kingdom, guarantees the Thai people the right to political participation. Hmong and other marginalized groups, who in the past had not had an opportunity to participate in the political process, can now utilize these rights to address their grievances or concerns formally in the system; they can use these rights to have a voice about 'who gets what, when, and how.' Furthermore, Thailand has also become a party to the major international human rights treaties, and these treaties, among other rights, also guarantee the right to political participation.

3.6 The Right to Political Participation under International Human Rights Treaties

All of human rights law, including the right to political participation, presents a challenge to the traditional notions of absolute state sovereignty, where a state that is often controlled by a few elites can do whatever it wants with its citizens. The right to political participation, according to Fox, "rejects this *de facto* control test by asserting that the mass of citizens is the ultimate repository of sovereignty."[28] This

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[26] Persons under Section 270 are: Prime Minister, Minister, members of the House of Representatives, senator, President of the Supreme Court of Justice, President of the Constitutional Court, President of the Supreme Administrative Court or Prosecutor General, who is under the circumstance of 'unusual wealthiness' indicative of the commission of corruption, malfeasance in office, malfeasance in judicial office or an intentional exercise of power contrary to the provisions of the Constitution or law or seriously violates or fails to comply with ethical standard, may be removed from office by the Senate. Furthermore, the following persons also include under Section 270: (1) judge of the Constitutional Court, Election Commissioner, Ombudsman and member of the State Audit Commission and (2) judge, public prosecutor or high ranking official in accordance with the organic law on counter corruption. These persons may be removed from office if at least 20,000 qualified voters made a complaint to the Senate.

[27] www.asianlii/org/the/legis/const/2007/l.html. Accessed on February 5th 2008.

[28] Gregory H. Fox (2003), "The right to political participation in international law" in *Democratic Governance and International Law*. Edited by Gregory H. Fox and Brad R. Roth, published by Cambridge University Press, pp 49.

repository of sovereignty is made known through fair and competitive elections; or as the UDHR says,

> The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures" (Art. 20).

Thailand has become a party to some of the major international human rights treaties, for instance, CERD, ICESCR, ICCPR, CEDAW, and CRC; and recently Thailand has also become a party to CAT on October, 2007. As indicated in chapter one, once a state becomes a party to an international treaty, international law requires such a state to faithfully carry out its treaty obligations. For instance, Art. 26 of Vienna Convention on Law of Treaties (1969) says, "Every treaty in force is binding upon the parties to it and must be performed by them in good faith"; Art. 31 of the same convention goes on to say, "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose". In the following sections, we will discuss international human rights treaties that Thailand has become party to that are relevant to political participation.

3.6.1 UDHR

A declaration is generally not a binding document.[29] A declaration proclaims certain human rights principles that states should observe. Hence if a state chooses not to follow a declaration, it would not have any legal consequence for that state, though it might be criticized by the international community. Because international criticisms, especially criticisms against human rights violations do affect a state's public image and its relation with other states, most states have observed certain well-known human rights principles, such as those in the UDHR. Furthermore, although the UDHR is merely a declaration, scholars have argued that it, unlike other declarations, has become customary law; some of its important provisions (e.g. the right against torture, the right against slavery, non-refoulement principle) have in fact

[29] A declaration becomes legally biding only if it has become customary law and *jus congens*.

become *jus congens*.[30] Customary laws are evolved gradually from states' practice. When such a practice becomes peremptory norm or *jus congens*, it overrides other treaties that contradict it. In addition, specific rights within the UDHR have been converted into specific human rights treaties, for example, the right against torture has been developed into CAT; the non-discrimination principle under UDHR has been converted into various non-discrimination conventions: CERD and CEDAW; the political and civil rights clauses under UDHR have become the ICCPR; and the social, economic and cultural rights provisions have become ICESCR. And we must not forget that the UDHR is the concretization of the human rights provisions[31] of the United Nation Charter, which is binding on all members of the UN. Because Thailand and other 190 or so countries have become parties to the UN Charter, they have an obligation to observe its provisions, including human rights provisions, which have developed into the UDHR. Provisions of the UDHR that deal specific with political participation are: Art. 19, Art. 20, Art. 21, and Art. 27.

> **Art. 19**: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."
>
> **Art. 20**: "(1) Everyone has the right to freedom of peaceful assembly and association; (2) no one may be compelled to belong to an association."
>
> **Art. 20**: "(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (2) everyone has the right to equal access to public service in his country; (3) the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

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[30] See Louis Henkin in "Human Rights and State Sovereignty" (Sibley Lecture, March 1994). Later it was published in *Georgia Journal of International and Comparative Law* Vol. 25 nrs 1-2 (1995/1996), pp. 31-45.

[31] Human rights provisions that mentioned in the UN Charter are: We the people of the United Nations determined…to reaffirm faith in fundamental *human rights*, in dignity and worth of the human person…(**preamble**); the Purposes of the UN are…to achieve international cooperation …in promoting and encouraging respect for *human rights* and fundamental freedoms for all…(**Art.1.3)**; the General Assembly shall initiate studies and make recommendations for the purpose of…assisting in the realization of *human rights* and fundamental freedoms…(**Art.13(b**)); the UN shall promote…universal respect for, and observance of, *human rights* and fundamental freedoms…(**Art.55(c**)); the Economic and Social Council may make recommendations for the purpose of promoting respect for, and observance of, *human rights* and fundamental freedoms for all (**Art.62.2**) (emphasis added)

Art. 27: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and share in scientific advancement and its benefits"

So, according to the UDHR, everyone has the right to participate in the cultural life of his or her community, from the local to the state and national level. For instance, one can hold opinion, demonstrate peacefully, form association, vote in periodic and genuine elections, have access to public services offered by one's government without any form discrimination, become candidates for political offices, etc.

3.6.2 ICCPR

Thailand has become a party to ICCPR since October, 1996. Though Thailand has reserved the right to interpret a few articles,[32] it does not affect articles pertaining to political participation, which are Art.1, Art. 25, and Art. 27. Art. 1 says,

> (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;
> (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources….

Scholars have not agreed what the terms 'peoples' and 'self-determination' legally mean. However, if we interpret these words in their ordinary, plain language, it should indicate that people have the right to participate to decide their own destiny politically, socially, economically, or culturally; that is, to ultimately decide 'who gets what, when, and how.' What does that suppose to mean? In concrete terms, it means people can decide the form of government or economic system they would like to have; the social or cultural beliefs they want to hold and propagate to future generations; the organizations, associations, interest groups or political parties they want to join, etc. Because the principle of self-determination can be interpreted so broadly, including the right to autonomy or even secession, governments around the world are fearful that minorities or indigenous peoples in their country or territory would utilize this right to break away from the mother country. Hence when a state

[32] Thailand has reserved the right to interpret Art. 1(2), Art. 6(5), Art. 9(3), and Art. 20(1).

becomes party to ICCPR (or for that matter ICESCR, for it also has an identical provision), it usually makes a reservation on, or reserves the right to interpret, Art. 1. Thailand is no exception to this rule. It has reserved the right to interpret Art. 1 when it became party to ICCPR, which says that the right to self-determination does not in any way insinuate the right for any [minority] group in Thailand to separate from the mother country.[33] Though currently self-determination has not yet given the right to secession, it certainly gives minority and indigenous communities, like the Hmong, the right to dispose their local natural resources as they see appropriate; to form local association to propagate their language and cultural beliefs to future generations, among other things.

Art. 25 of ICCPR stipulates that every citizen has the right to take part in the conduct of public affairs, directly or through freely chosen representative; to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot; and to have access, on general terms of equality, to public services in his country.[34] Hence Art. 25 has three main components: first, it guarantees the right of every citizen to participate directly or indirectly in the political process generally; second, it specifically guarantees the right to vote in periodic and genius elections; and third, it guarantees the right to receive public services offered by the government. If we interpret this article (and other articles of ICCPR) in conjecture with Art. 2,[35] everyone when exercises his or her rights to political participation should not be discriminated against because of his or her race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Hence States parties cannot ban a person to participate because these reasons.

Art. 27 says,

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[33] What the Thai government has in mind is the Thai-Malay separatist movements in southern Thailand who have over the years tried to break away from central Bangkok government, or at least they have tried to call for self-autonomy in the three southernmost provinces. Thailand does not want these groups to use Art. 1 to their advantage.

[34] As one might have noticed, this article is taken directly from Art. 20 of the UDHR.

[35] Art. 2 of ICCPR stipulates, "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their groups, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Though this article does not say anything particularly about political participation, the Human Rights Committee, a committee whose duty is to interpret rights under ICCPR and to ensure states' compliance with ICCPR, in interpreting Art. 27, says that decisions of government that affect or have the potential to affect a minority community must first ensure that such a community has the right to participate in that decision (General Comment on Art. 27). So, for instance, if government wants to build a dam or road in a minority community, the people in that community must have a say in that decision, for instance, public hearing about the positive and negative consequences of the project, the environmental impacts. In this sense, Art. 27 indirectly guarantees the right of political participation to minority community regarding to decisions that affect or have to potential to affect their community.

Other rights guaranteed under ICCPR that are essential to political participation include: the right to freedom of thought and conscience (Art. 18), the right to hold public opinion and expression (Art. 19), the right to peaceful assembly and demonstration (Art.21), and the right to form association or join trade union (Art. 22).

3.6.3 ICESCR

Thailand has become party to ICESCR on December, 1999. Generally this treaty deals with, as its name indicates, economic, social and cultural rights, for instance, the right to work, the right to fair wage, the right to safe and healthy working environment, the right to social security, the right to education, the right to be free from hunger, the right to food, clothing and housing, among other rights. What relevant to political participation are Articles 1 and 8. Like what it has done with ICCPR, Thailand has also reserved the right to interpret Art. 1 of this treaty. However, since Art. 1 of ICESCR is identical to Art. 1 of ICCPR, and since we have discussed it at length above, we need not delve further here. We shall go directly to discuss Art. 8, which is relevant to political participation. Art. 8 states,

> States Parties to the present Covenant undertake to ensure: (a) the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests…. (b) the right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) the right of trade union to function freely subject to no limitations…. (d) the right to strike.

As one can see, this article does guarantee the right of workers to participate in forming trade union locally, nationally and internationally. In so doing, workers would be able to bargain more effectively with their employers to advance their interests: fair wage, safe working environment, health coverage, retirement pension, and right to rest and leisure. The rights to form trade union and strike are essential tools to effective political participation for the workers. Without these rights workers would be powerless to decide 'who should get what, when, and how' in their specific working context or environment. Finally, the right to take part in the cultural life of a community (Art. 15, ICESCR) is also applicable to political participation. Hmong workers can use these rights to advance their interest.

3.6.4 CEDAW

Thailand has become party to CEDAW on August, 1985. Art. 7 guarantees equal participation of women in the public life without discrimination based on sex. Specifically, Art. 7 says,

> State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) to vote in all elections and publish referenda and to be eligible for election to all publicly elected bodies; (b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) and to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Art. 8 says,

> States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

When Thailand became a party to CEDAW in 1985, it has made reservations to seven articles,[36] including Art. 7. However, Thailand has subsequently withdrawn some of these reservations by changing or amending its domestic laws in order to be compatible with the treaty's obligations; for instance, Section 30 of the current 2007 Thai Constitution says that "men and women shall enjoy equal rights." Thailand has done this in order to be conformed to the spirit of CEDAW. So, Thai women are legally on an equal basis with Thai men to participate in the political arenas. Nevertheless, in terms of practice we know that Thai women are still lag behind Thai men in the political arenas, though the gap is narrower than decades ago. Thai women are still lag behind because the patriarchal beliefs and practices prevailing in Thai society. If we inquire further, the case is even worse for ethnic minority women, like Hmong or hilltribes women, for these women have to first overcome the discrimination in their own community, where men are dominating in the decision making process. Second, once they step into the mainstream Thai society, they face the same predicament as other Thai women. In short, minority women have faced a double discrimination. Nevertheless, they, whether minority or Thai women, can use the rights guaranteed under CEDAW to advance their interest, especially the right to decide 'who gets what, when, and how.'

3.6.5 CERD

Thailand has become a party to CERD on January, 2003. The main objective of CERD is to eliminate all forms of racial discrimination. Racial discrimination is defined as

> Any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoying or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (Art. 1).

[36] The other articles that Thailand has made reservations to are: Arts. 9 10, 11, 15, 16 and 29.

To concretize this right or definition, in the area of politics, Art. 5 of CERD specifically states,

> States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national origin….to (c) political rights, in particular the right to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.

Section (d) of the same article guarantees other civil rights: the right to freedom of thought, the right to freedom of opinion and expression, the right to freedom of peaceful assembly and association, the right to form and join trade union, and the right to equal participation in cultural activities. These rights are essential to political participation.

From the inquiry above what can we say about the right to political participation in Thailand? Well, we can claim that it is firmly guaranteed under both the 2007 Thai Constitution and international human rights treaties that Thailand has become a party to. Hence it is just a matter of how Hmong and other minority groups in Thailand use these rights to decide ‘who gets what, when, and how’ in the political processes.

CHAPTER IV
THE EMPIRICAL FINDINGS

4.1 Introduction

This chapter assesses to what extent Hmong in Thailand are currently participating in the political process. It assesses five specific modes of legal political acts that Hmong have utilized in the political process, namely, (a) voting; (b) discussing and/or paying attention to politics or current events; (c) contacting their representatives; (d) are members of political parties or interest groups; and (e) are candidates for political offices. This chapter will simply present the empirical findings, the facts gathered from the field research. A thorough analysis of why these facts the way they are reserves for the next chapter, chapter five.

4.2 To what extent do Hmong vote?

In a democratic society, voting, if genuine and voluntary,[1] is often thought as a means citizens utilize to express their will to determine who should be elected to office and thus legitimately take charge of the course of public policy or direction of the country. Furthermore, voting is legal political act citizens engaged to make their representatives are accountable to them, and thus to make the latter fulfills their needs, wants, or aspirations. If a representative is able to get citizens' needs, wants, or aspirations fulfilled, he or she might be reelected again, and if not, citizens might decide to choose someone whom they think will best represent their interest. To determine to what extent the Hmong in Thailand vote, two direct questions were asked: (1) "How often do you vote?" and (2) "Did you vote on the last election?" For the first question the respondents have three choices: vote every time, vote

[1] If people vote because they are being paid to do so, it is not really reflected what they really have in mind. If people are forced to vote, it will be a passive vote, not an active or critical one. Therefore, vote-buying and compulsory-voting are not good indicators of the real desire of the population. This is why in a communist or authoritarian country the voting rate is often as high as 98% or 99%, but it does not very count because people do not have a real choice as to whom or what party they prefer; they must vote because they are being told to do so by those who control the government.

sometimes, and never vote. For the second question they can either respond 'yes' or 'no'. Here we concern neither about what political party or candidate they were voting for, nor about the reason why they were voting, nor about local, district, provincial or national election. We simply assessed their voting rate. The results are shown in Figure 6.

Figure 6: Voting Rate

1. How often do you vote?	**N=54**
Every time	**46 (85%)**
Sometimes	**7 (13%)**
Never	**1 (2%)**
2. Did you vote on the last election (April 2nd, 2006)?	**N=54**
Yes	**46 (85%)**
No	**8 (15%)**

There are reasons to doubt the accuracy of these findings; for example, some participants might not vote on every election as they had indicated in their answers, but since they wanted to impress the researcher, they so indicated. However, before the questionnaires were given the participants were asked to be as honest as possible in marking their answers. Hence the findings above do reflect their actual voting rate, given that the participants were honest in their answers. This, of course, does lead one, or at least the present writer, to wonder why Hmong voting rate is higher than the national voting rate (average between 60% to 70%), given that Hmong, like other tribal and minority groups, are one of the most marginalized groups in Thailand socioeconomically, educationally, or politically. Some possible explanations will be presented in the analysis in the next chapter.

4.3 To what extent do Hmong discuss and/or pay attention to politics or current events?

If citizens are discussing and/or paying attention to politics or current events, it is a good or positive indicator that they are interested in politics, which, in the long run, would lead them to take an active role in the political process. Discussing

and/or paying attention to politics or current events presupposes, of course, they have the freedom or right to do so. Hence in a democratic society, freedoms of assembly, speech, press and expression are also guaranteed. Two questions were posed to elicit data to what extent the Hmong in Thailand discuss and/or pay attention to politics or current events. The first was "Do you discuss politics or current events among your friends and relatives?" and the second: "Are current political events relevant to your life?" (See Figure 7) Current political events here refer to the alleged unethical business dealing of PM Thaksin and his family, the demonstrations of People's Alliance for Democracy (PAD), the dissolution of parliament by PM Thaksin, the decision of three major opposition political parties not to contest the April 2nd general election.[2]

Figure 7: Discussing Politics or Current Events

[2] The field work of this study was conducted between June-July, 2006. Many people, especially the middle and upper classes, NGOs as well as the intellectuals have become dissatisfied with the increasing authoritarian ruling style of PM Thaksin, or what they called "Thaksin system". They claimed that since he came to office Mr. Thaksin has gradually eroded the power of the independent agencies (rendering them as 'paper tigers'), intruded the press/media, threatened to sue those who are critical of him for an unbelievable amount of money, transferred high government officials unfairly, intervened the upper House—all of which are to his own advantage. These acts, his critics alleged, go against the spirit, if not the law, of the 1997 Constitution. Peoples' discontent finally broke out when his family sold their Shin Corp. stocks to Temasek (a Singaporean government investment firm) in late January, 2006 for approximately 73 billions Baht without being taxed. Many people alleged that this deal was unethical, if not illegal. This belief, in addition to the many discontents discussed, mobilized more and more people join the PAD (a moment aimed to oust PM Thaksin from office) to protest on the streets of Bangkok. As the situation escalated, PM Thaksin dissolved the parliament and scheduled a new national election, hoping to settle the volatile political situation in Bangkok. The three major opposition political parties decided not to contest in the general election because they believed the dissolution of parliament was not right or legitimate, for it would not solve the political problem at hand; second it was done by the PM to escape political scrutiny; and third it gave them little time (only 30 days) to prepare for election. Nevertheless, the election was held on April 2nd, 2006. However, the political instability continued even after the election. The King asked the Constitutional Court to find ways to solve what he called the most "serious crisis" of the day. The Court declared the election of April 2nd unconstitutional due to the disclosure of ballots in the election, which was supposed to be held in secret. The political confrontation between the pro- and anti-Thaksin groups had intensified as each day went by. Finally, as we know, to prevent bloodshed the military decided to take over the country by a coup on September 19th, 2006. Since then until now the political situation in Thailand has not returned to normal. Instead, it seems to get worse. The country has divided regionally and politically. For instance, regionally people in the North and Northeast tend to support one political party (that of the former PM Thaksin: the PPP), whereas those in Bangkok and in the South tend to support the other (the Democratic Party). Politically, those in the bottom of the socioeconomic ladder tend to support the PPP, whereas the middle class and those with a better education tend to go with the Democratic Party. The political situation has become tensed with the proposed plan to amend the 2007 Constitution by PPP and its allies. Because this division has penetrated so deep in peoples' hearts and minds, many observers fear that violent confrontation between the pro- and anti-Thaksin groups is inevitable; it is just a matter of time when and how such a confrontation would come about, for only such a dramatic and violent occurring could have awaken the Thai people to a sense of normal again. Nowadays no one is listening to the other anymore; a rational discussion or debate between the anti- and pro-Thaksin camps is not possible; one sees the other as enemy. So, at issue here is a classic illustration of politics: the Thai people, one can say, are currently disagreeing about 'who gets, what, when, and how'. This disagreement, it seems, cannot be resolved rationally through the formal channels because the emotion of both sides is too high. One could only hope that violent confrontation would never come. But one must also keep in mind that violence is a means to resolve conflict if such conflict cannot be solved rationally, and this is when we human beings become worsen than beasts, no longer rational animals, as we have always claimed to be.

1. Do you discuss and/or pay attention to politics or current events?	**N=54**
Yes	**39 (72%)**
No	**15 (18%)**
2. Are current political events relevant to your life?	**N=54**
Yes	**47 (87%)**
No	**7 (13%)**

As to what specific issues the participants were discussing about, these are some: (1) whether or not they would elect and support Mr. Thaksin and his Thai Rak Thai (on April 2nd general election) despite many allegations against him and his party; (2) how the political instability in Bangkok (e.g. demonstrations of PAD, dissolution of parliament) affected their lives.

Many of the participants in this study, like other rural Thais, did not know what the PM Thaksin's family business dealing was; they certainly did not know Temasek (a Singaporean government investment entity), nor did they know why the parliament was dissolved, why the three political opposition parties decided not to contest the general election, why people were demonstrating in Bangkok, etc. However, they all had the feeling that political instability affected their lives. For example, a Hmong woman who was a seller in Doi Pui said that since the political instability took place in Bangkok, few and few tourists came to the village. Consequently, she was not able to sell as much of her needlework, traditional costumes and other souvenirs as before. Her income had dropped significantly because she and most of the villagers in Doi Pui were dependent on [foreign] tourists for their livelihood. Likewise, those Hmong who came to sell souvenirs at the Night Bazaar in Chiang Mai also showed the same concern.

For those who were not sellers, for instance, those in Khek Noi, they believed that the political instability in Bangkok contributed to the increased price of commodities, such as food, gas, fuel, fertilizer, etc. Hence by implication if the political situation were to return to normal, the price of these goods and services would also resume their normal rate. In brief, from the discussions above it is clear

that most of the participants in this study did discuss current political events, but to the extent that those events were relevant to their lives. The alleged unethical conduct of PM Thaksin, why people demonstrated in Bangkok and why the three opposition political parties not involved in the election are too remote for most of the participants to comprehend. My argument is based on the proposition that we are concerned about issue we are conscious of, whatever its nature might be. If this proposition is accepted, it is logically sound for the rural poor and the uneducated not to concern about issues like legitimacy, accountability, transparency, human rights, popular sovereignty, morality of governance or good governance, things like the alleged unethical conduct of PM Thaksin, for they are not conscious or aware of these issues. Because these issues are not presupposed in our human nature, we are required to learn them. However, we can only learn and become accustomed to them to the extent that our social environment facilitates. Evidently, Hmong and other rural and uneducated Thais, unlike the middle and upper classes or the Bangkokians, do not have a chance to learn these abstract principles. Therefore, they are ignored of these principles, which is not their fault. This explains why many participants in this study, unlike the middle and upper classes or the Bangkokians, concern little about the alleged unethical conduct of the PM Thaksin, accountability, transparency, popular sovereignty, good governance, and human rights. Of course, this is only a generalization. Therefore, it is not applicable to all the Hmong or rural folk because some of them are, one can contest, actually concerned more about politics than those in Bangkok. However, since many participants in this study did not realize how detrimental it would be if one does not take into account legitimacy, accountability, transparency, human rights, popular sovereignty, good governance, some in the focus group in Khek Noi suggested that even if what was alleged against PM Thaksin were true, they would still willing to forgive him, to give him another chance, and to vote for him and his TRT. In fact, many of them, the majority of them indeed, had voted for the TRT on April 2nd, 2006. What concerned the participants most, it seems, was more about their basic necessities (food, shelter, medicine, and clothing) than abstract principles: popular sovereignty, accountability, transparency, human rights, rule of law. Because of such a *raison d'être,* they would support whomever or whatever party that would help them getting their needs

fulfilled. From the discussions in the focus group, it appears that Mr. Thaksin and/or his TRT (who had initiated many populist policies) was the most likely candidate; and this is no doubt why the majority of the participants have become members of the TRT. This finding confirmed what social and political scientists have long held: 'a genuine political participation is possible only after peoples' basic needs and wants are fulfilled' (Milbrath and Goel 1977). Those whose basic needs and wants are unfulfilled or unmet spend most their time and energy coping with their environment to meet these needs, which allows them little time and energy to be active in the political arenas.[3]

4.4 To what extent do Hmong contact their representatives?

Contacting one's representatives personally is a specific act, depending upon the urgency of the situation, for instance, one's social security check has suddenly been cut, or serious human rights violation has been taken place or is about to take place. In such situation, a citizen might ring his representative or senator (who has authority) for intervention. So, in contacting our representative, we hope he or she can intervene to mitigate or minimize the urgent problem or problems we face. If there is no urgent concern, people prefer other means of communication, such as writing a letter expressing one's dissatisfaction with a tax policy, or faxing a text message to praise a policy they have supported in parliament that is beneficial to one's interest. In this study, representatives include local, district, provincial and national representatives. Furthermore, other government officials, people working in the Interior, Health, Education, and the like ministries, are also included. To contact means either to write a letter or to go in person. The purpose of such a contact, as noted, is to get one's problems or concerns resulted. (See Figure 8)

Figure 8: Contacting Representatives

1. Did you ever contact your representatives?	**N=54**
Yes	**10 (18%)**
No	**44 (82%)**

[3] Milbrath and Goel (1977: 84)

As the former village chief of Doi Pui pointed out:

> Whether to contact our representatives or not is entirely dependent on the aim of such contact. If there is something or are some problems in the village that beyond our ability to handle, then we will consider contacting them. Otherwise, there is no point in contacting them.

Another woman in the same village also indicated that if she had a problem, instead of contacting her representatives at the district or higher level (i.e. provincial or national level), she would first go to the village headman and ask him for help, and usually her problem or concern was solved there. When asked, what was the nature of her contact? She said her concerns would be things like family dispute, asking the village headman about the price of farm products or fertilizers, asking someone who spoken Thai to accompany her or her family members to town in case there was an emergency, going to the hospital or Tambol, for instance. This is an exceptional case because this woman was quite old (in her 70s) and not able to understand Thai well, though she could understand simple Thai words. So, in a sense Hmong like to deal with their own problems first. If there are problems that go beyond their ability to tackle, they would go to the higher authority for help. For instance, the villagers both in Doi Pui and Khek Noi stated that they had asked budgets from the Tambol Administrative Organization (TAO) for road repairs in their village; they had also submitted youth and sport proposals to the TAO for budgets. Some proposals were successful; some were not. In conclusion, the findings have shown Hmong did contact their representatives but mostly at the village level or at most at the TAO level. None of the participants, however, had ever contacted their representatives, senators, cabinet members, prime minister, and other bureaucrats at the provincial or national level, whether personally or in writing, because there was no need to do so, from their point of view.

4.5 To what extent are Hmong becoming members of political parties or interest groups?

The aim of becoming a member of a political party or an interest group is to advance one's interest. Individually, one's action is not as effective and loud as a collective one. To determine to what extent Hmong in Thailand are becoming members of political parties or interest groups, three questions were asked: (1) "Are you a member of a political party?" (2) "If so, what party?" and (3) "Are you a member of other interest groups?" The results show in Figure 9 below.

Figure 9: Members of Political Parties or Interest Groups

1. Are you a member of a political party?		**N=54**
Yes		**16 (30%)**
1. a	**If yes, what party?**	**N=16**
	TRT	**11 (69%)**
	Democrat	**4 (25%)**
	Others	**1 (6%)**
No		**38 (70%)**
2. Are you a member of other interest groups?		**N=54**
Yes		**10 (18%)**
No		**44 (82%)**

As one can see, the majority of the participants, 38 out of 54 (70%), were not members of any political party. However, for those 16 (30%) who were about 11 (68%) were members of TRT,[4] 4 (25%) were Democrats, and 1 (7%) was member of other political party.

Regarding membership of interest groups, 10 out of 54 (18%) said they were members of interest groups, while the majority 44 (82%) were not. However, it is important to note that these interest groups were interest groups found mostly in the village, for instance, a sport club, a youth club, or a housewives association, not professional interest groups: a trade union, religious association, consumer protection association, environmental club, Greenpeace, and the likes. A few Hmong youths have become members of various hilltribes associations. But overall the

[4] The TRT, however, had been dissolved by the Constitutional Court last year (2007) due to its electoral frauds; its 111 executive members (including Mr. Thaksin) have been banned from politics for five years.

majority of Hmong are still not aware the significance of joining professional interest groups and the way these groups would advance their interest.

4.6 To what extent are Hmong becoming candidates for political offices?

Of the five specific modes of legal political acts that concern us in this chapter, becoming a candidate for political office is the most active and critical one. To become a candidate for political office, unlike the other four modes of political acts that we just discussed, one is hoping to have a direct impact on public policy, to have a direct say in enacting law, if get elected. In this study, political offices range from the local village to the district, provincial and the national level. Whether or not the candidate had succeeded in getting into office is irrelevant, as long as he or she had once been a candidate for one or more of these offices. Two questions were asked to determine to what extent Hmong in Thailand are becoming candidates for political offices: (1) "Had you ever been a candidate for political office?" and (2) "Are you interesting to be a candidate for political office?" (See Figure 10 below)

Figure 10: Candidates for Political Offices

1. Had you ever been a candidate for political office?	**N=54**
Yes	**7 (13%)**
No	**47 (87%)**
2. Are you interested to be a candidate for political office?	**N=54**
Yes	**11 (20%)**
No	**43 (80%)**

For the first question, 7 out of 54 (13%) indicated that they had once been a candidate for political office; for example, the former village chief and current assistance chief of Doi Pui were among these 7 persons. The other five had contested for political offices at the village or district level, but they had not been successful; none of the participants had ever contested for political offices at the provincial or national level.[5] However, in Khek Noi there was a Hmong who had been elected to the provincial level (PAO). Unfortunately, the researcher did not

[5] I was told that someone from another hilltribe group (I cannot recall which group) had been successful elected to political office at the national level, but so far there has not been a Hmong elected to the national level.

have a chance to interview him because he was out of town during the duration the researcher was there. The district chief (*Khaman*) of Khek Noi is also a Hmong because Khek Noi is a confederated of 12 villages, and because it has a very large Hmong population, the largest in Thailand: over 10,000 people.

Not many participants were interested to be candidates for political offices. About 11 of the 54 said they were interested to be candidates for political offices, whereas the majority, 43 out of 54, indicated otherwise. When asked a woman in Khek Noi whether she would like to be a candidate for political office some time in the future if she ever had an opportunity to do so, her response was, “How can I when I do not have that much knowledge and capacity?” However, when the same question was posed to young and educated Hmong man in Doi Pui, the response was different. He said that, though he had never been a candidate for political office, if there were ever a chance he would like to contest for political office at the national level (i.e. to become a representative or senator) because in this way he could help his people; he, as a Hmong, could help enacting laws that relevant to Hmong problems and concerns. This young man is in his 30s; he had graduated with a BA in Education from Chiang Mai University. However, he, instead of looking for a job in town, has helped his family run their family business: selling souvenirs and Hmong traditional costumes and herbal medicines to the tourists in Doi Pui.[6] In the main time, he concluded, he must spend the time being building his family. This young man had just married three months prior to our interview.

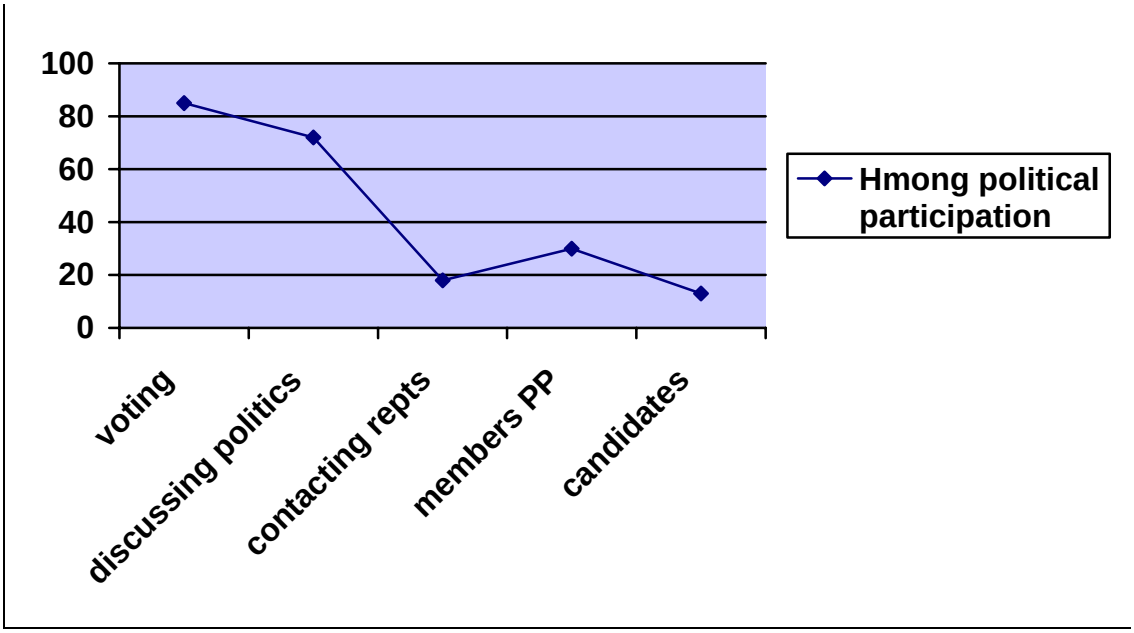
4.7 Summary

As one might have observed, in sections above there are sometimes two questions each. In doing so, it was aiming to get as much information of Hmong political participation as possible. However, the analysis only focused on five specific questions, of which could be summarized in the following table. Furthermore, in order to visualize the findings more clearly, a graph is also provided.

[6] Selling souvenirs, traditional costumes, and herbal medicines to the tourists makes more money than taking a job in town. For a lot of young Hmong in Doi Pui who are well educated do not seek jobs in the city; they prefer helping their parents selling souvenirs to the tourists; almost every Hmong family in Doi Pui has its own little shop in front of their house selling a variety of things.

Table 1: summary

1. Voting (on April 2nd election)	**N=54**
	46 (85%)
2. Discussing and/or paying attention to politics/current events	**N=54**
	39 (72%)
3. Contacting representatives	**N=54**
	10 (18%)
4. Membership of political parties	**N=54**
	16 (30%)
5. Becoming candidate for political office	**N=54**
	7 (13%)



From the graph above a clear pattern of Hmong political participation has been established, which can be summarized in a general proposition: 'the more active the mode of political participation, the less likely Hmong participate there and vice versa.' In the next chapter, we will attempt to find some possible explanations for this. We will specifically determine whether and how education, discrimination and income correlate to Hmong political participation.

In the sections that follow, education, discrimination and income are the independent variables, while voting, discussing and/or paying attention to politics or current events, contacting representatives, membership of a political party or an interest group and becoming a candidate for office are the dependent variables. So, in each section there would be one independent variable and five dependant variables. Based on the graph in each section, the analysis is simply determining whether there is a correlation between the independent and dependent variables. The data are drawn mainly from the questionnaires, supplement when appropriated by data from the interview and focus group. The final sections offer some possible explanations why there is or is not a correlation between the variables.

5.2 Is education a factor?

Before we can determine whether there is a correlation between the participants' education and their political participation, we must know the former first; we must first operationalize or measure the educational level of the participants, in other words. Accordingly, two questions were asked to get this information. Figure 11 shows the educational level of the 54 participants, which can be divided into five groups.

Figure 11: Literacy Factor

1. What is your level of education or schooling?	**N=54**
Never been to school	**14 (26%)**
Grade 1st -6th	**11 (20%)**
Grade 7th -12th	**21 (39%)**
Two-year college	**2 (4%)**
BA	**6 (11%)**
MA or higher	**none**
2. Do you speak and understand Thai [language]?	**N=54**
Yes	**54 (100%)**

Though all the participants can speak and understand Thai, certainly not all have the same ability. For instance, some (e.g. those who had never been to school

CHAPTER V
ANALYSIS

5.1 Introduction

As indicated in the previous chapter, the empirical findings have shown 'the more active the mode of political participation, the less likely Hmong participate there and vice versa.' In this chapter, we attempt to provide some possible explanations why this is the case. We will particularly analyze whether (1) education, (2) discrimination and (3) income correlate to Hmong political participation. These three factors were chosen because Hmong, as a hilltribe group, are affected by them the most.[1] Furthermore, we can only determine whether there is (or is not) a correlation between these factors and Hmong political participation, and if there is, whether it is a positive or negative correlation. We cannot determine the cause(s) of why Hmong participate in the political process one way or the other, for this study has not been designed specifically to control other factors that have the potential to influence Hmong political participation. In addition, we must always keep in mind that in social sciences (of which this study is an example), unlike physical or biological sciences, it is not easy to determine precisely what one social phenomenon causes the other, because human emotions, beliefs, values, etc. are subjective and therefore often eluded our measurements.

As the framework in chapter three indicated, the assumption here is the higher the education one obtains, the more active the level of one's political participation; the more discrimination prevalent in one's environment, the less active one becomes; and the higher the income one obtains, the more active one becomes. This chapter will determine whether these assumptions hold. However, it is argued that overall they were not, with one or two exceptions.

[1] When one compares to the general population, Hmong do have a lower literacy or educational rate; Hmong have lower socioeconomic status (e.g. income); and Hmong, like other hilltribes or minority groups, have often been discriminated against.

In the sections that follow, education, discrimination and income are the independent variables, while voting, discussing and/or paying attention to politics or current events, contacting representatives, membership of a political party or an interest group and becoming a candidate for office are the dependent variables. So, in each section there would be one independent variable and five dependant variables. Based on the graph in each section, the analysis is simply determining whether there is a correlation between the independent and dependent variables. The data are drawn mainly from the questionnaires, supplement when appropriated by data from the interview and focus group. The final sections offer some possible explanations why there is or is not a correlation between the variables.

5.2 Is education a factor?

Before we can determine whether there is a correlation between the participants' education and their political participation, we must know the former first; we must first operationalize or measure the educational level of the participants, in other words. Accordingly, two questions were asked to get this information. Figure 11 shows the educational level of the 54 participants, which can be divided into five groups.

Figure 11: Literacy Factor

1. What is your level of education or schooling?	**N=54**
Never been to school	**14 (26%)**
Grade 1st -6th	**11 (20%)**
Grade 7th -12th	**21 (39%)**
Two-year college	**2 (4%)**
BA	**6 (11%)**
MA or higher	**none**
2. Do you speak and understand Thai [language]?	**N=54**
Yes	**54 (100%)**

Though all the participants can speak and understand Thai, certainly not all have the same ability. For instance, some (e.g. those who had never been to school

and tended to be 50 years or older) can understand and read simple Thai words, while others (e.g. the younger and middle age people) have no difficulty understanding and communicating Thai. In fact, most of the youths in Doi Pui were spoken mainly Thai even among themselves in their Hmong village. Though less so than what has been the case in Doi Pui, the researcher also found the youths in Khek Noi and at Night Bazaar to be the same, that is, they spoken mainly Thai. Having said that, let us turn to our analysis, starting chronologically with voting, discussing and/or paying attention to politics or current events, contacting representatives, membership in a political party or interest group, and becoming a candidate for office.

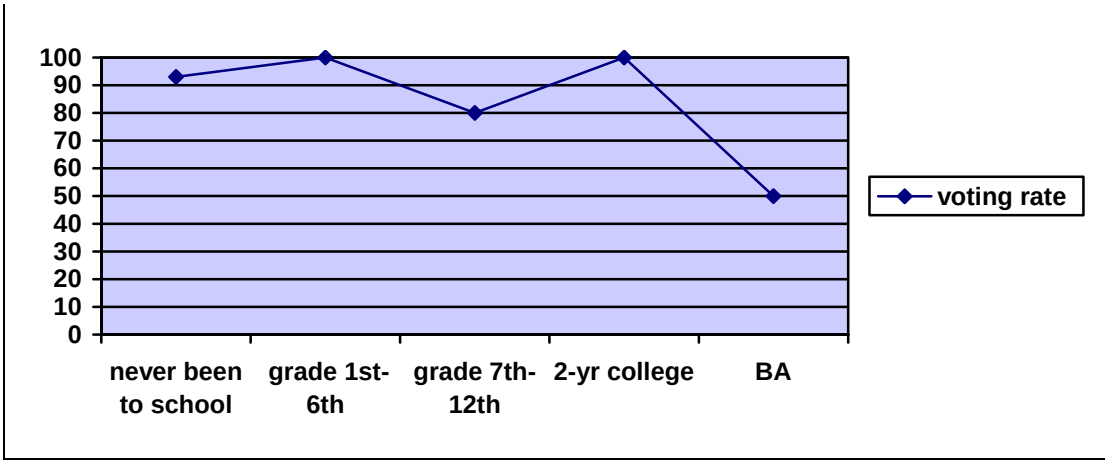
5.2.1 Literacy and voting

The participants, as noted, can be divided into five groups, according to their educational level: (1) those that had never been to school; (2) those that had finished a primary education; (3) those that had completed a secondary education; (4) those that had finished college (i.e. two-year college); and (5) those that had obtained a BA degree.[2] It was found that 13 of 14 participants (93%) in the first group had voted in the election of April 2nd 2006; all (100%) of the second group had voted; 17 of 21 (80%) of the third group had voted; all (100%) of the fourth group had voted in the election of April 2nd general election. Interestingly, only 50% of those that had a BA degree, the fifth group, had voted in the April 2nd election. To see more clearly the following table and graph are provided.

Table 2: literacy and voting

Those never been to school (N=14)	Grade1st-6th (N=11)	Grade 7th-12th (N=21)	Two-year college (N=2)	Those with BA degree (N=6)
13 (93%) voted	11 (100%) voted	17 (80%) voted	2 (100%) voted	3 (50%) voted

[2] No one in this study has obtained a M.A. or higher degree.



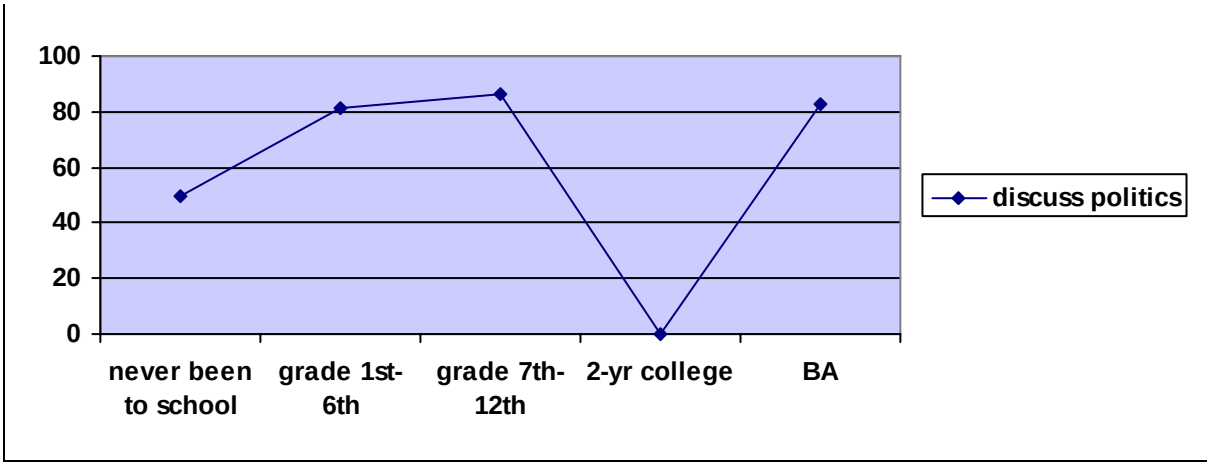
From the foregoing results or graph, is there a correlation between Hmong educational level and their voting? There is no positive correlation because as the educational level of the participants increases it is not necessarily followed that their voting rate would also increase; their voting rate for first four groups is relatively almost at the same pace (averaging 93%, which is very high). For the fifth group, those who had a tertiary education, half (50%) had not voted in April 2nd election, and for this group there is an inverse (or a negative) correlation between their educational level and their voting turn out. Though there is no statistical significance done, one can see the degree of association between the fifth group and the rest of the groups in the graph above; that is, as the education of the fifth group increases they tend to vote less (30%-50% less) when compared to the other four groups.

5.2.2 Literacy and discussing and/or paying attention to politics or current events

Table 3: literacy and discussing/paying attention to politics/current events

Those never been to school (N=14)	Grade 1st-6th (N=11)	Grade 7th-12th (N=21)	Two-year college (N=2)	Those with BA degree (N=6)
7(50%) discussed or paid attention to politics or	9(82%) discussed or paid attention to politics or	18(86%) discussed or paid attention to politics or	None had discussed or paid attention to politics or	5 (83%) discussed paid attention to politics or

current events	current events	current events	current events	current events



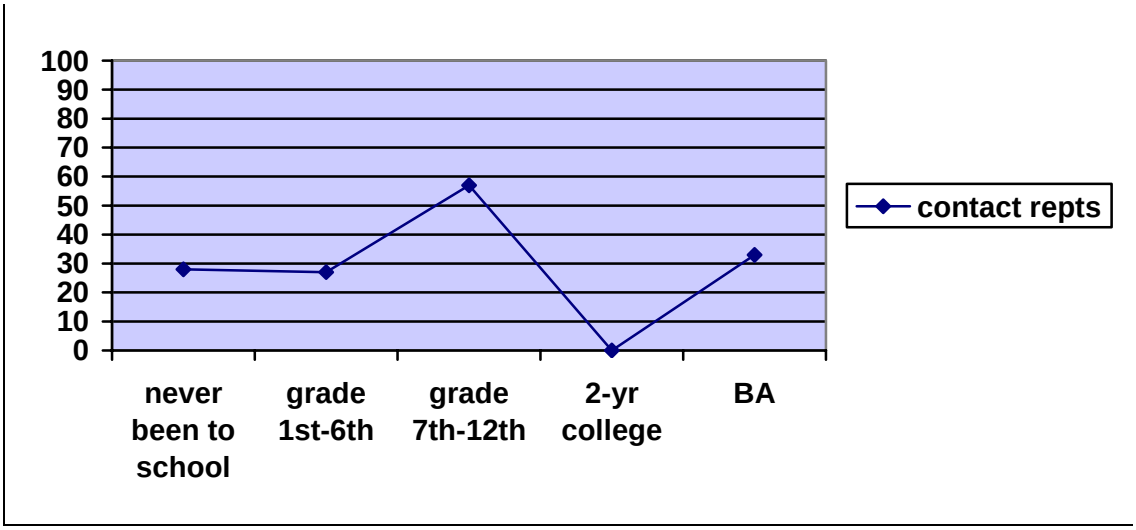
From the results or graph above, is there a correlation between Hmong educational level and their discussing and/or paying attention to politics or current events? The answer is not clear because the results do not elucidate a clear pattern; for instance, it shows half of those who had never been to school, the first group, had discussed and/or paid attention to politics or current events among their friends and relatives, and yet as we move to those who had finished two-year college none had actually talked and/or paid attention to politics or current events; the other three groups had relatively the same percentage (over 80%) of discussing and/or paying attention to politics or current events. As had been pointed out in the previous chapter, the nature of their discussions are things (e.g. rising price of goods and services, political instability, the demonstrations of PAD in Bangkok) that are relevant to their lives, not abstract principles (e.g. transparency, good governance, human rights, rule of law).

5.2.3 Literacy and contacting representatives

Table 4: literacy and contacting representatives

Those never been to school (N=14)	Grade 1^{st}-6^{th} (N=11)	Grade 7^{th}-12^{th} (N=21)	Two-year college (N=2)	Those with BA degree (N=6)
4 (28%)	3 (27%)	12 (57%)	None	2 (33%)

contacted their representatives	contacted their representatives	contacted their representatives	contacted their representatives	contacted their representatives



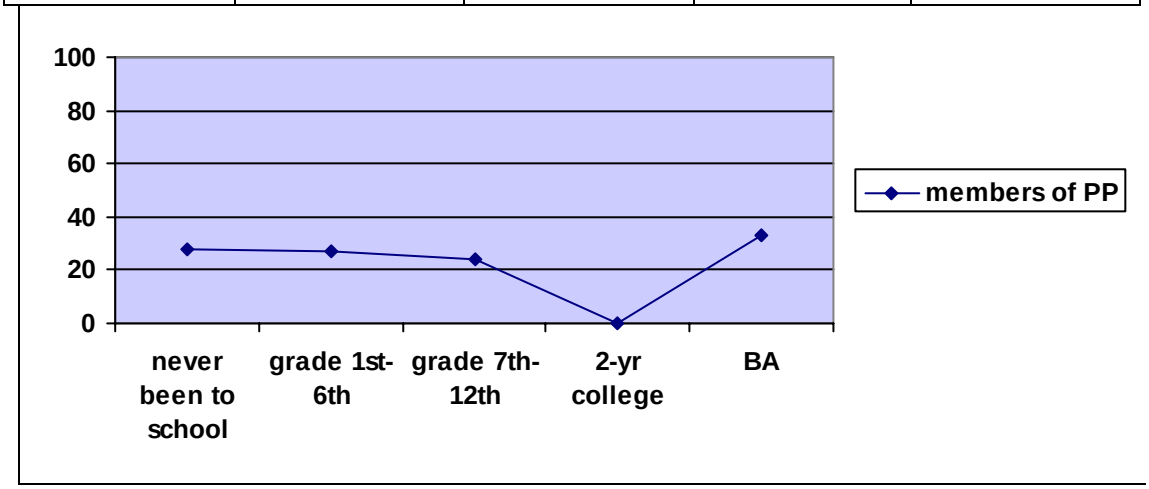
Is there a correlation between Hmong educational level and their contacting their representatives from the graph above? The answer is, once again, not clear, though the latter two groups who have a higher level of education (e.g. those with a two-year college education) actually had a lower percentage of contacting their representatives than the first three groups. On average, 30% of all the participants had contacted their representatives. However, we should reiterate the nature of such a contact again; most of the contacts took place at the village or district level; for example, the woman in Doi Pui, whom we mentioned earlier, went to the village headman and asked him when the political instability in Bangkok would return to normal, so she could sell more of her souvenirs. Sometimes the village headman and his team went to the TAO to ask budgets for road repairing or sport activities in the village. No one of the participants had ever written to or gone in person to contact their representatives at the provincial or national level; nor did they contact their MP or members of the Cabinet or officials in Bangkok.

5.2.4 Literacy and membership of a political party

Table 5: literacy and membership in a political party

Those never	Grade 1^{st}-6^{th}	Grade 7^{th}-12^{th}	Two-year	Those with BA

been to school (N=14)	(N= 11)	(N= 21)	college (N=2)	degree (N=6)
4 (28%) became members of political party	3 (27%) became members of political party	5 (24%) became members of political party	None became member of political party	2 (33%) became members of political party



For the foregoing results or graph, is there a correlation between Hmong educational level and their becoming a member of a political party? The answer is no because the variation between these groups was not much difference. However, for those who were members of political parties, 69% were members of Thai Rat Thai; 25% were Democrats; and 7% were members of other political parties. The majority are members of the Thai Rat Thai because they like its concrete, populist policies, for example, 30 Baht health care scheme,[3] war-on-drugs policy,[4] SML,[5] OTOP,[6] one

[3] According to the 30 Baht health care scheme, if a person is poor, if his income is at certain level, he only pays 30 Baht to see a doctor for treatment; government will reimburse the rest to that doctor or hospital. Many Hmong have utilized this policy when they are sick.

[4]As amphetamines expanded to parts of Thailand (including the sites of this study), the Thai government under PM Thaksin had implemented an aggressive war-on-drugs policy; extra-judicial killing [of those whom the police suspected of dealing with amphetamines] was one such a method. As a result of this policy, amphetamines had decreased dramatically. However, at the same time, as many as 2,500 people had also been killed extra-judicially without having gone through the judicial process. Hence the name 'extra-judicial killing' has come to signify this policy. Though Hmong and other hilltribes had been killed or put in jail during this period, the participants of this study indicated that they liked this policy because amphetamine problems in their village have gone down since the implementation of this policy. However, as a result of war-on-drugs-policy, the Thai government has been criticized by human rights organizations and the international community to the present.

[5]The SML is a policy in which government gives some cash directly to each village for its own development or use. For example, 100,000 Baht, 200,000 Baht and 300,000 Baht are given, respectively, to the small (S), medium (M), and large (L) village. The villagers can use this money to development their village the way they want or see appropriate, without bureaucrats' intervention.

scholarship per one Amphor,[7] eradication of poverty policy, government loans, etc. For instance, Mr. Thong, a young Hmong in his 30s, said,

> Though it is understood that the 30 Baht health care policy is not as good as what we would pay out of our own pocket when we go to visit a doctor, but without it a lot of us would not be able to see a doctor.

He further added that most Hmong in his village, including his family members and relatives, have utilized the 30 Baht health care scheme. Another man in his 60s, Mr. Pao, a blacksmith in Khek Noi, had supported and voted for TRT because, according to him,

> Governments prior to PM Thaksin do not care much about the rural poor, especially the mountain people (*chao kho*). But since Mr. Thaksin came to office development programs and/or money[8] have actually reached the poor people in the mountains, like the Hmong.

5.2.5 Literacy and becoming candidate for political office

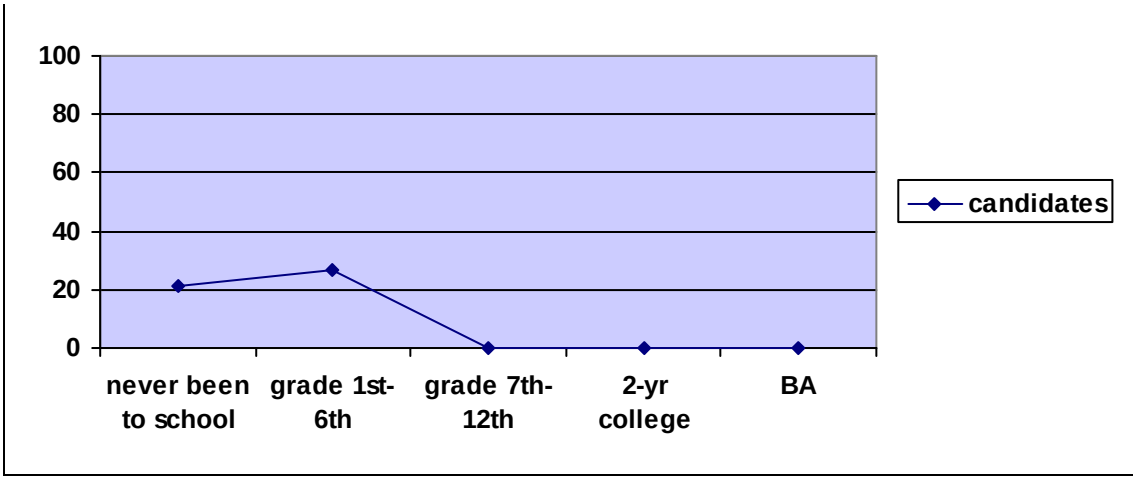
Table 6: literacy and becoming candidate for political office

Those never been to school (N=14)	Grade 1st-6th (N=11)	Grade 7th-12th (N=21)	Two-year college (N=2)	Those with BA degree (N=6)
3 (21%) became candidates for political offices	3 (27%) became candidates for political offices	None became candidate for political office	None became candidate for political office	None became candidate for political office

[6] One-Tambol-One-Product (or OTOP) is a policy in which the government encourages each Tambol to specialize in one product, whatever it might be. Such specialization would produce good quality products, which could be sold at a very high price both in the country and abroad. This in the end will help the rural poor improve their lives.

[7] The government has provided a full scholarship to each student from each Amphor to study abroad. Each Amphor would select each student from its district for this scholarship, given that that student is from a poor family and excellent in academic works. A few Hmong students have received this scholarship; the two that I aware had gone to study at Khuming University for Nationalities, Yunnan Province, China. Their dream [of going to study abroad] would never have been possible without this scholarship. Hence program has become very popular among the rural poor, though very few are able to get it.

[8] This he probably referred to the monthly pension paid to the elderlies, which is about 500 or so Baht per month.



From the above results or graph, is there a correlation between Hmong educational level and their becoming candidates for political offices? The answer is yes, but it is an inverse or negative relationship, that is, the higher the education one obtains, the less likely one becomes a candidate for political office.

In summation of this section, the analysis has shown that in four cases Hmong educational level is not positively correlated to their political participation (e.g. voting, discussing and/or paying attention to politics or current events, contacting representatives, and membership of a political party). For regardless of whether a participant has a tertiary, two-year college, secondary or primary education, he or she has relatively the same rate of political participation. In one case, there is a strong negative correlation between Hmong educational level and their political participation, that is, the higher the education one obtains, the less likely one becomes a candidate for political office. We can, therefore, conclude that education or literacy is not overall positively correlated to Hmong political participation.

5.3 Is discrimination a factor?

Like the literacy or educational factor above, before we can determine whether there is a correlation between discrimination and Hmong political participation we must determine the former first. There are ways to determine this; for instance, we can either objectively examine the larger social environment whether discrimination actually takes place there, or we can look at the participants' subjective view of whether they feel they have been discriminated against. The latter was chosen

because here we are concerned with what motivated people to participate in the political process. The rationale here, according to the framework provided in chapter three, is if the participants felt they had been discriminated against, they would be less likely to participate in the political process, and if they did not feel they had been discriminated against, the inverse would be true. Accordingly, two direct questions were asked: (1) "Did the Thai officials treat you the same as other ethnic Thais [when you went to vote, contacted them, or dealt with them]?" and (2) "Did you ever felt discriminated against because you were a Hmong?" (See Figure 12) Two questions were asked, but only one was used in the analysis; the second question was asked for information. The participants can be divided into two groups: those that felt they had been discriminated against and those that did no feel this way. This is based on their subjective view of how they had been treated by Thai officials.

Figure 12: Discriminatory Factor

1. Did the Thai officials treat you the same as other ethnic Thais [when you went to vote, contacted them, or dealt with them]?	**N=54**
Yes	**41 (76%)**
No	**13 (24%)**
2. Did you ever felt discriminated against because you were Hmong?	**N=54**
Yes	**23 (43%)**
No	**31 (57%)**

Article 1 of CERD (1969) defines discrimination as

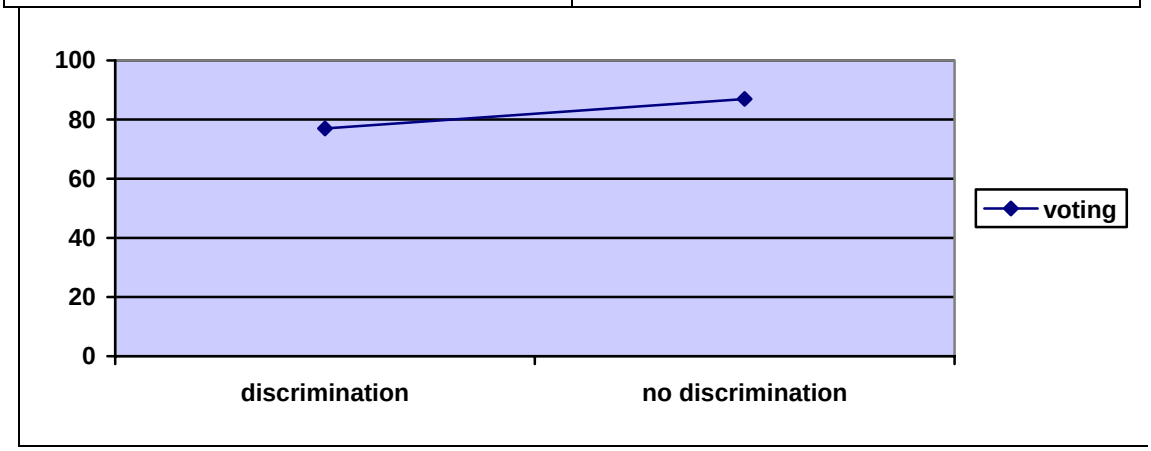
> Any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin [and/or other status] which has the purpose or effect of nullifying or impairing the recognition, enjoying or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Having thus defined what we mean by discrimination, let us now start our analysis, first with voting.

5.3.1 Discrimination and voting

Table 7: discrimination and voting

Those felt they had been discriminated against (N=13)	Those felt they had not been discriminated against (N=41)
10 (77%) voted in April 2nd election	36 (87%) voted in April 2nd election



What does this graph tell us? Is there a correlation between discrimination and voting? A positive correlation has somewhat been extrapolated; in other words, those that felt they had not been discriminated against actually had a higher voting rate than those who felt they had been discriminated against, but the difference, we must keep in mind, is only 10%. Hence it only shows a weak positive correlation.[9]

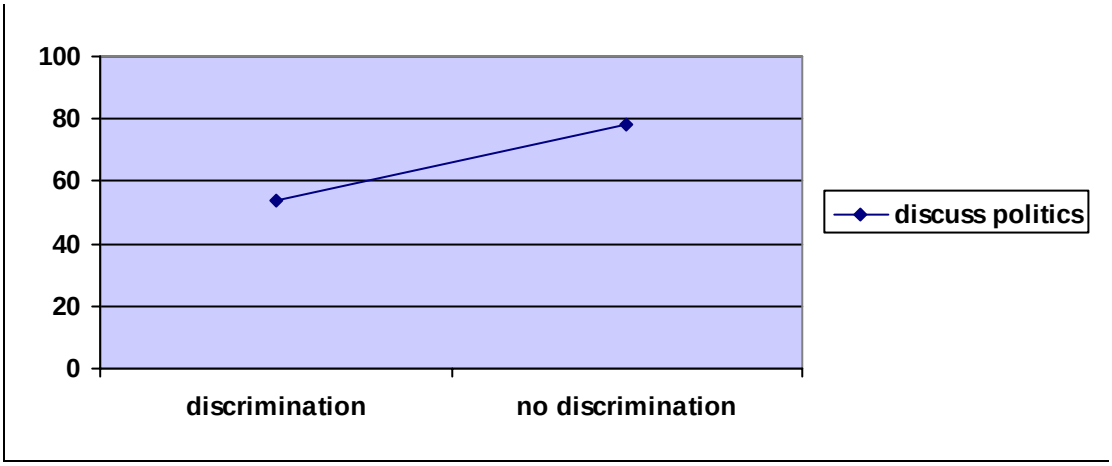
5.3.2 Discrimination and discussing about and/or paying attention to politics or current events

Table 8: discrimination and discussing and/or paying attention to politics or current events

Those felt they had been discriminated against (N=13)	Those felt they had not been discriminated against (N=41)

[9] The wider the gap of the percentage differences between discrimination and non-discrimination, the stronger the correlation. So, for example, if the percentage difference is more than 50%, a positive correlation would have taken place, and the higher the percentage, the stronger the positive correlation. On the other hand, if the percentage difference is less than 50%, a negative correlation would have taken place, and the lesser the percentage, the weaker the negative correlation.

7 (54%) discussed and/or paid attention to politics or current events 6 (46%) had not discussed and/or paid attention to politics or current events	32 (78%) discussed and/or paid attention to politics or current events 9 (22%) had not discussed and/or paid attention to politics or current events



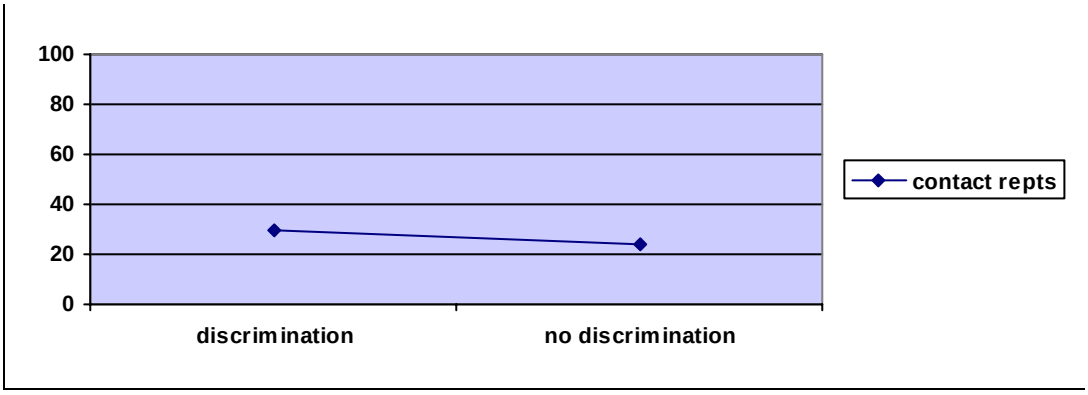
Is there a correlation between discrimination and Hmong discussing and/or paying attention politics or current events? The answer is yes, but it is a weak positive correlation because the percentage difference is not above 50%. In other words, those who felt they had been treated the same as other Thais when they dealt with Thai officials (which is the no discrimination group) had a higher percentage (a 24% difference) of discussing and/or paying attention to politics or current events among their friends and relatives than those who felt they had not been treated the same as other Thais (which is the discrimination group).

5.3.3 Discrimination and contacting representatives

Table 9: discrimination and contacting representatives

Those felt they had been discriminated against (N=13)	Those felt they had not been discriminated against (N=41)
4 (30%) contacted their representatives 9 (70%) had not contacted their	10 (24%) contacted their representatives 31(76%) had not contacted their

representatives	representatives

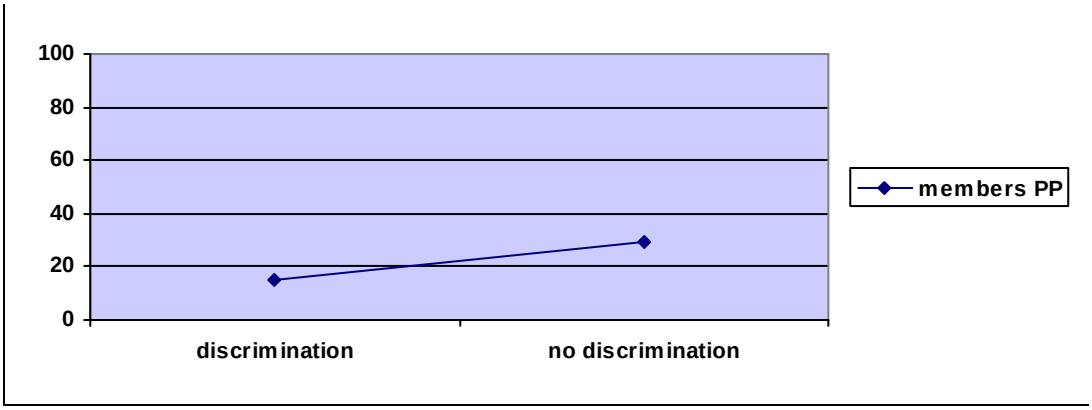


What do the results above say about the relationship between discrimination and Hmong contacting their representatives? Based on the graph, it says that those who felt they had been discriminated against contacted their representatives more than those who had not. Is there a correlation here? There is a very weak negative correlation, for the percentage difference is only 6%. According to our conceptual framework, the reverse should have been found. We will provide some explanations at the end of this chapter why this is the case.

5.3.4 Discrimination and membership in a political party

Table 10: discrimination and membership in a political party

Those felt they had been discriminated against (N=13)	Those felt they had not been discriminated against (N=41)
2 (15%) became members of political parties 11 (85%) had not been members of any political parties	12 (29%) became members of political parties 29 (71%) had not been members of any political parties

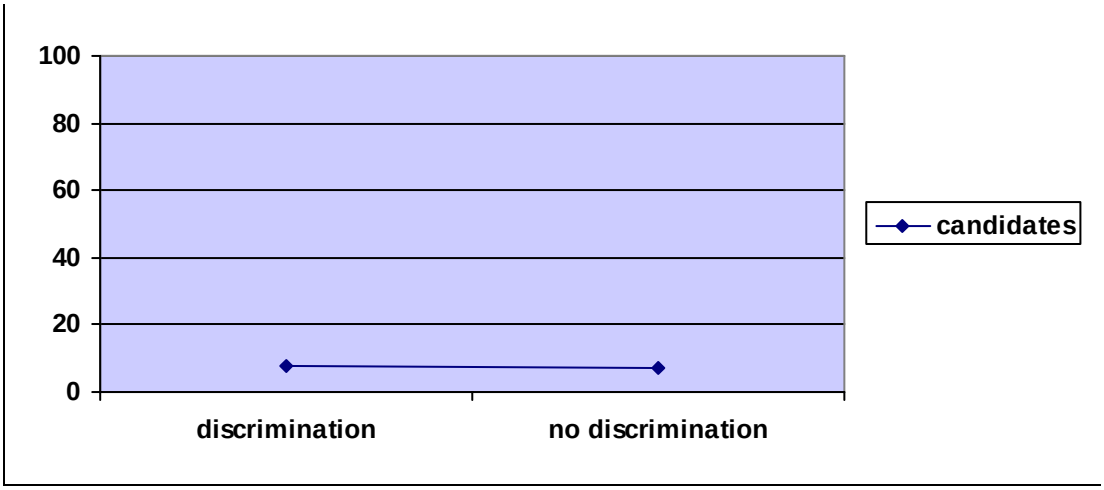


Is there a correlation between discrimination and Hmong becoming members of political parties? Based on the graph, it tells us that those who felt they had been discriminated against, or had been treated differently from other ethnic Thais when they dealt with the Thai authorities, were less likely to become members of political parties than those who had not, a 14% gap difference. So, there is somewhat a weak positive correlation between discrimination and Hmong becoming members of political parties.

5.3.5 Discrimination and becoming candidate for political office

Table 11: discrimination and becoming candidate for political office

Those felt they had been discriminated against (N=13)	Those felt they had not been discriminated against (N=41)
1 (8%) became candidate for political office 12 (92%) had not become candidates for political offices	3 (7%) became candidates for political offices 38 (93%) had not become candidates for political offices



Is there a correlation between discrimination and Hmong becoming candidates for political offices? The answer is clearly no, because 1% gap difference between these two groups does not tell us whether a positive or negative correlation has been taken place, though the graph does indicate a very, very weak negative correlation.

What can we conclude from the analysis in this section? The analysis has shown there are three weak positive correlation cases between discrimination and Hmong political participation, namely voting, discussing and/or paying attention to politics or current events, and becoming membership of political parties; there are two very weak negative correlation cases, namely contacting representatives and becoming candidates for offices. Hence overall there is no strong positive correlation between discrimination and Hmong political participation. This does not, however, insinuate that objective discriminations prevalent in the larger social environment have no impact upon Hmong political participation, as will be explained below.

5.4 Are socioeconomic disadvantages a factor?

Like the two previous factors, before we can determine whether socioeconomic disadvantages correlate to Hmong political participation we have to operationalize socioeconomic disadvantages first. Socioeconomic disadvantages can be measured by various means, for instance, the negative aggregation of a person's education, income, religious status, occupational skills, residence, etc. For example, if a person has a low level of education or income, holds a not well-paid job, has a

minority religious status,[10] or lives in a rural area, then he or she is socioeconomically disadvantage. However, in this section we focus on the participants' income and whether it correlates to their political participation, though occupation was also asked in the questionnaires, but this was done to get information. (See Figure 13)

Figure 13: Socioeconomic Disadvantageous Factor

1. What is your annual income (approximately)?	**N=54**
Less than ฿30,000	**33 (61%)**
฿30,000 but not over ฿100,000	**14 (26%)**
Over ฿100,000:	**7 (13%)**
2. What is your occupation?	**N=54**
Farmers	**16 (30%)**
Non-farmers	**38 (70%)**

In term of income, the participants of this study can be divided into three groups: (1) those that make less than 30,000 Baht per year; (2) those that make between 30,000 Baht and 100,000 Baht per year; and (3) those that make over 100,000 Baht per year. In term of occupation, the participants can either be farmers[11] or non-farmers. The non-farmers include students, photographers, teachers, local officials, menial laborers, the unemployed, needle workers, blacksmiths, sellers or traders, etc. Those who are traders or sellers have a higher income than the farmers. Having said that, let us now analyze whether income correlates to Hmong political participation, starting first, as usual, with voting.

5.4.1. Income and voting

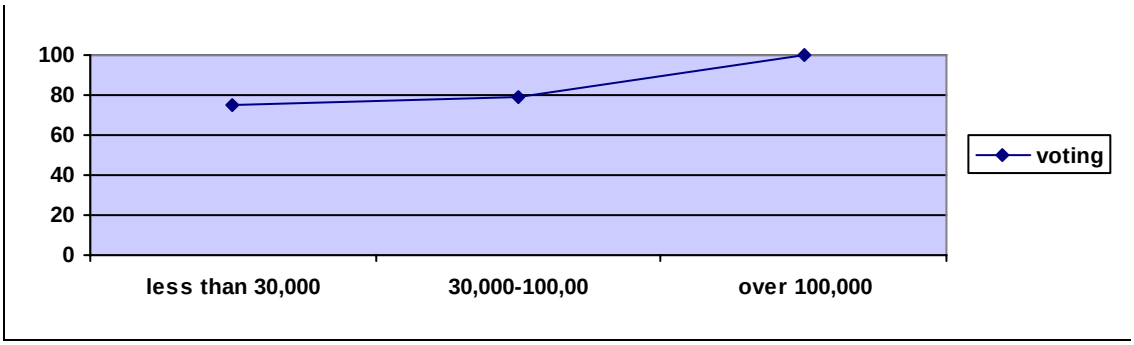
Table 12: income and voting

Those make less than 30,000 Baht per year	Those make b/ 30,000-100,0000 Baht per year	Those make over 100,000 Baht per year

[10] By 'minority religion' I refer to a religion that not too many people adhere to. So, in the case of Thailand, since approximately 95% of the Thais are Buddhists, a person who is an animist, a Christian, a Sikh, or a Muslim would hold a minority religious status. Accordingly, he or she would be in a disadvantageous position when compared his or her Buddhist countrymen, for things (e.g. holidays, festivities, etc) are usually done according to the Buddhist calendar, and this would in turn lead him or her to participate in the political process less than his or her Buddhist counterpart.

[11] Farmers here are not just those who grow rice, but also include those who grow cabbages, lychees, pineapples, flowers, tomatoes, etc.

(N=33)	(N=14)	(N=7)
25 (75%) voted on April 2nd election	11 (79%) voted on April 2nd election	7 (100%) voted on April 2nd election

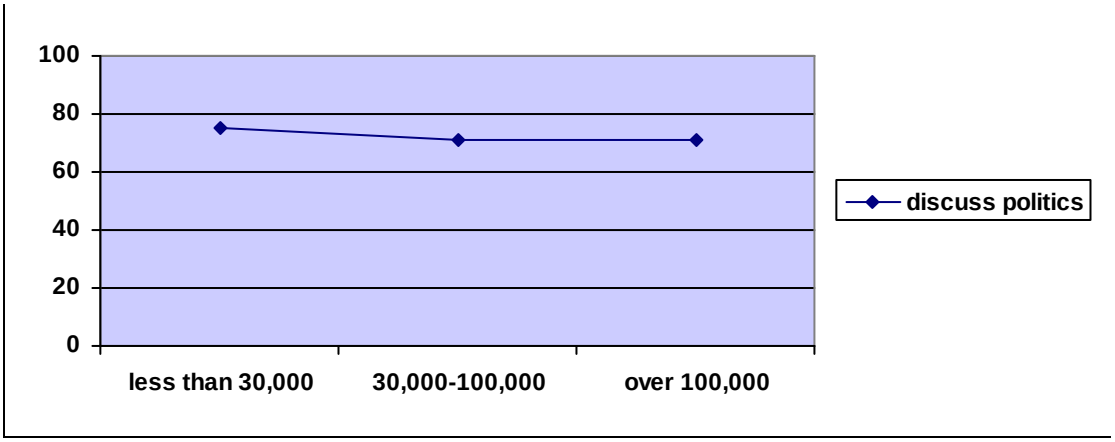


Based on the graph above, is there a correlation between the participant's income and their voting rate? The answer here suggests yes, that is, as one's income increases one is more likely to vote; the graph has shown this to be a consistent pattern. However, it is a weak positive correlation.

5.4.2. Income and discussing and/or paying attention to politics or current events

Table13: income and discussing and/or paying attention to politics or current events

Those make less than 30,000 Baht per year (N=33)	Those make b/ 30,000-100,0000 Baht per year (N=14)	Those make over 100,000 Baht per year (N=7)
25 (75%) discussed and/or paid attention to politics or current events	10 (71%) discussed and/or paid attention to politics or current events	5 (71%) discussed and/or paid attention to politics or current events

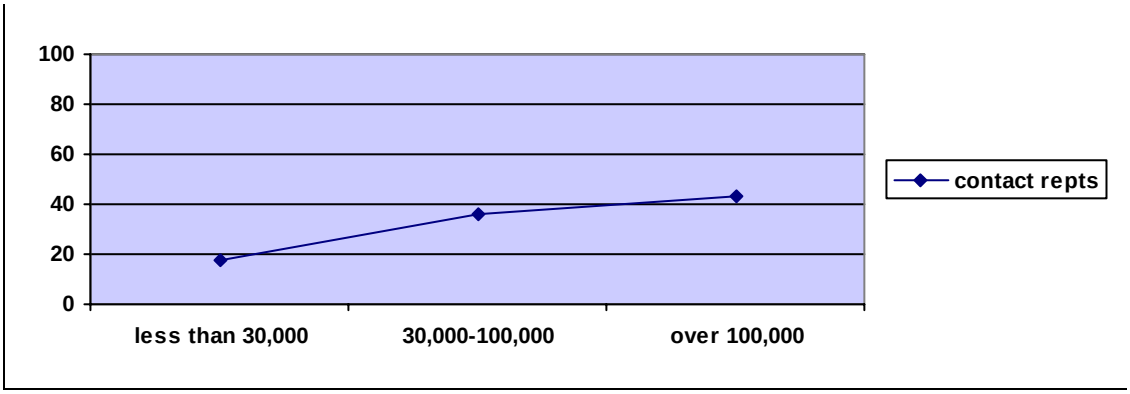


What do the above results tell us? Based on the graph, is there a relationship between income and the participants' discussing and/or paying attention politics or current events among their friends and relatives? There is a weak negative correlation, that is, as one's income decreases one is more likely to discuss and/or pay attention to politics or current events among one's friends and relatives, though the gap is only 4% difference.

5.4.3 Income and contacting representatives

Table 14: income and contacting representatives

Those make less than 30,000 Baht per year (N=33)	Those make b/ 30,000-100,0000 Baht per year (N=14)	Those make over 100,000 Baht per year (N=7)
6 (18%) contacted their representatives	5 (36%) contacted their representatives	3 (43%) contacted their representatives

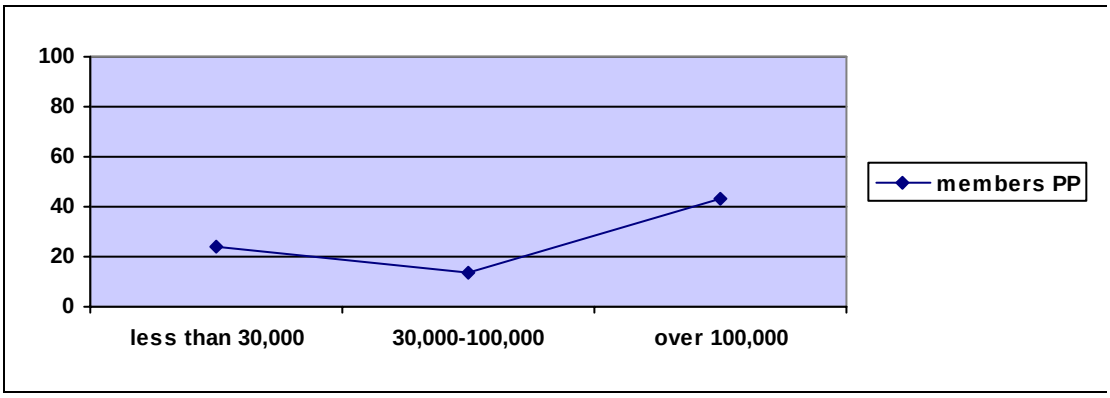


From the results or graph above, is there a correlation between the participants' income and their contacting their representatives? The trend—18-36-43—suggests there is a weak positive correlation exists, that is, as one's income increases one is more likely to contact one's representatives. However, we must reiterate that the contacts took place at the village or at most district level. None had ever contacted their representatives at the provincial or national level.

5.4.4 Income and membership in a political party

Table 15: income and membership in a political party

Those make less than 30,000 Baht per year (N=33)	Those make b/ 30,000-100,0000 Baht per year (N=14)	Those make over 100,000 Baht per year (N=7)
8 (24%) are members of political parties	2 (14%) are members of political parties	3 (43%) are members of political parties

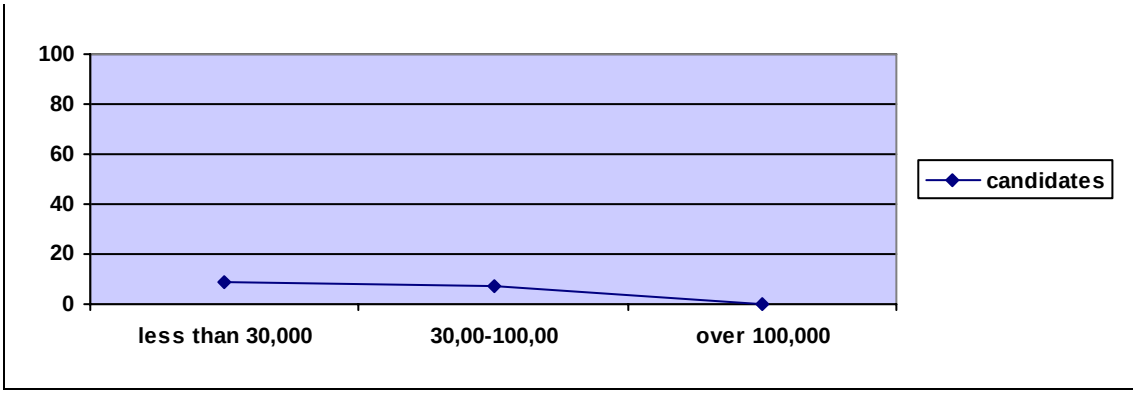


Is there a correlation between the participants' income and their becoming membership of political parties? Though those who had the highest income (over 100,000 Baht per year) are more likely to be members of political parties when compared other two groups, the pattern is not clear because those who made less than thirty thousands Bath per year (the lowest group) are actually more likely than those who made between thirty and one hundred thousands (the middle range) to be members of political parties.

5.4.5 Income and becoming candidate for political office

Table 16: income and becoming candidate for political office

Those make less than 30,000 Baht per year (N=33)	Those make b/ 30,000-100,0000 Baht per year (N=14)	Those make over 100,000 Baht per year (N=7)
3 (9%) had once been candidates for political offices	1 (7%) had once been candidates for political offices	None of this ever been a candidate for political office



Is there a correlation between the participants' income and their becoming candidates for political offices? The trend—9-7-0—suggests a very weak negative correlation, that is, the higher the income one obtains, the less likely one becomes a candidate for political office; or to say it differently, as one's income decreases one is more likely to be a candidate for political office, though gap is not that wide to be conclusive.

In summation of this section, the analysis has shown that income and Hmong political participation correlates positively in two cases: voting and contacting representatives. In one instance, there is no clear correlation between income and Hmong political participation: becoming membership of political parties; and in two cases, there are negative or inverse correlations between income and Hmong political participation, namely discussing about and/or paying attention to politics or current events and becoming candidate for political office. Hence overall we can say that there is no strong positive correlation between income and Hmong political participation.

5.4.6 Conclusion

What can we conclude from the foregoing analysis? Though there are some exceptions, educational level, discrimination and income of the participants are not overall positively correlated to their political participation. This conclusion is contrary to what the conceptual framework proposed by Milbrath and Goel in chapter three says, which are: the higher the education one obtains, the more active the level of one's political participation; the more discrimination prevalent in one's environment, the less likely one participates; and the higher the income one obtains, the more active the level of one's political participation (1977:33). Why would these claims not applicable in the case of the Hmong in Thailand? Some possible explanations are offered in the following sections.

5.5 Possible explanations why there is no positive correlation between the dependent and independent variables

5.5.1 Voting and discussing and/or paying attention to politics or current events

What are some possible explanations why education, discrimination and income of the participants are not overall positively correlated to their voting and discussing and/or paying attention to politics or current events? We start first with voting. There are several possible explanations why education, discrimination and income of the participants are not overall positively correlated to their voting. First and foremost, voting is not a very sophisticated act; it requires one, if qualified, to go to the voting booth and cast his or her vote on the voting date. Thus, it follows that anyone who is qualified can vote, regardless of whether he or she has a very high education or not, whether he or she feels he or she has been discriminated against or not, or whether he or she has a high income or not. Second, contrary to the researcher's initial thought, in every village there is a voting precinct, which has made it easier for the voters to vote. Prior to going to the field the researcher thought that Hmong and other hilltribes who live in the remote and mountainous areas would have to come down to town to vote, which would have hindered their voting turn out. But this thought was entirely not sound, for in every village there is a voting precinct, which has facilitated people to vote; they do not have to come down to town to vote.

Third, the participants do feel that voting is their duty; for example, a woman in Khek Noi said she actually took the day off from her rice field in order to vote on the voting day. Fourth, because Hmong tend to follow their clan[12] leader's advice, if such a leader asks them to vote, they would more likely go to vote, though they may or may not be conscious of the significance of their vote or whom they are voting for. This was confirmed by Mr. Mo, the current assistant chief of Doi Pui. He said, "It is the responsibility of those who know and understand politics to teach those who do not". From this we can infer that he must have asked his fellow villagers to vote, and since he is from the Vang clan he might have as well asked the Vangs to vote. Since Mr. Mo is a member of TRT, no wonder why there were pollsters of candidates of TRT all over Doi Pui. Fifth, during the election period many politicians (from the district, provincial and national level) do come to the village to solicit their votes, though afterward they rarely return, according to the informants. These politicians would walk from one corner to the other, from north to south, east to west, shaking hands and asking the villagers to vote for their party and/or candidates. This must have been one reason which motivated them to vote. Finally and more importantly, many Hmong are not aware that if they do not vote they would lose certain rights and privileges,[13] but for those who do this is one reason motivated, if not force, them to vote, regardless of their educational level or income, or of whether they felt they had been discriminated against. Most of the participants in this study, however, indicated that they were aware of this legal duty, the duty to vote. The foregoing reasons are some possible explanations why educational level, discrimination and income of the participants were not overall positively correlated to Hmong voting.

What are some possible explanations why education, discrimination and income of the participants are not overall positively correlated to Hmong discussing and/or paying attention to politics or current events? Discussing and/or paying attention politics or current events, like voting, are not very complicated acts. Hence as long as one is aware of current political events, or is affected by them, one

[12] There are approximately 12-18 clans in Hmong society: Vang, Lee, Xiong, Thao, Lor, Yang, Fang, Hang, Moua, etc. Hmong probably get these surnames from the Chinese because they have had intermingled with the Chinese for thousands of years.

[13] Section 68 of the 1997 Constitution says, "Every person shall have a duty to exercise his or her right to vote at an election. The person who fails to attend an election for voting without notifying the appropriate cause of such failure shall lose his or her right to vote as provided by law." Furthermore, Section 72 of the current 2007 Constitution, in identical words, also says the same thing.

definitely would talk about those events, regardless of one's education or income, or of whether one has been discriminated against. Because 100% of the participants in this study can understand and speak Thai, they listen to or watch (and in some case even read) news regularly. In certain cases, one can argue, precisely because we have been discriminated against that motivated us to, instead of shy away from politics, as the conceptual framework would have made us believe, discuss and/or get involved in politics in order to mitigate the discriminatory act or effects. This might be one of the explanations why we found negative correlations between discrimination and Hmong contacting their representatives and Hmong becoming candidates for offices.

Of course, education (especially a tertiary education) does broaden a person's perspective or worldview. Thus, it generally will give that person an advantage over those who have not been to school. For instance, it might give him or her better insight into politics or current events, or it might make him or her understand politics or current events more comprehensively or systematically than those who have not been to school. Nevertheless, this does not infer that without this insight or understanding of politics or current events one cannot discuss and/or pay attention to it. For example, many participants of this study, even those who had never been to school, said they had frequently discussed politics or current events among their friends and relatives, though to the extent that those events were relevant to their lives, namely the rising price of commodities, the demonstrations of PAD in Bangkok. This does explain why both those who had been to school (e.g. two-year and tertiary education) and those who had not been to or had been to primary or secondary school had discussed and/or paid attention to politics or current events relatively at the same pace, and furthermore, this is why there was no positive correlation between these two variables: educational level of the participants and their discussing and/or paying attention to politics or current events. The same logic is applied to income, that is, whether they have a high income or not, they discuss and/or pay attention to politics or current events relatively at the same rate.

5.5.2 Contacting representatives, membership of a political party, and becoming candidate for office

What are some possible explanations why education, discrimination and income of the participants are not positively correlated to their contacting their representatives, becoming members of political parties, and becoming candidates for political offices? Contacting one's representatives, becoming a member of political party or a candidate for political office, unlike voting and discussing politics or current events, are more complicated acts. Thus, one must be more sophisticated in order to successfully execute these more complex tasks. This does explain, one can argue, why in the literature those who have not been to or at most finished elementary or secondary school and those who have a lower income are not often undertook these difficult tasks: contacting their representatives, becoming a member of political party or a candidate for political office (Milbrath and Goel 1977). But if this were the case, one may object, by implication it would insinuate that those with a higher education or income and those who do not feel they have been discriminated against would more likely contact their representatives, become members of political parties or candidates for political offices. But the analysis above has proven this to be false; this study has in fact shown that there is overall no positive correlation between these variables: educational level, discrimination and income and Hmong contacting their representatives, becoming members of political parties, or becoming candidates for political offices. Why? One possible explanation is those with higher education (two-year college or university degree) and income (make above 30,000 Baht per year) tend to be younger; they are in their late 20s or early 30s; some are newly married; they are in the process of 'building' their family. Since they are in the process of building their family, they are not ready (both financially and time), and do not have the influence and experience (because they are young), to take the leadership position, such as contemplating to be a candidate for the position of village headman or member of TAO. This explains why those with a better education and higher income were, in certain instances, actually having a lower rate of participation than those with lower income and education who were older (in their 40s or 50s); for instance, 21% of those who had never been to school in this study had once been candidates for political offices and 18% of those who finished primary education had similarly done so, whereas none of those who finished secondary education, two-year college, or university education had ever been a candidate for political office. So, in brief, those

who are ready to become candidates for political offices at the provincial and national level do not possess the sophisticated skills (because they lack a formal education and income) and legal requirement (at least a BA in the case of MP)[14] to do so, while those who posses these skills are not ready to take such task (because they are young and inexperience). Hence it neutralizes their political participation to relatively the same pace, regardless of their educational level or income, or of whether they feel they have been discriminated against.

Another possible explanation why educational level, discrimination and income of the participants are not overall positively correlated their contacting their representatives, becoming members of political parties, and becoming candidates for political offices is the participants did not feel they could make a difference, regardless of their educational level or income, or of whether they felt they had been discriminated against. A good example of this comes from Mr. Xieng, the former headman of Doi Pui. He felt it is time for the Hmong in Thailand to have a representative of their own people in the parliament, for this is the only means by which their voice and concern can be authentically represented. This, however, might not come in the foreseeable future because, according to him, Hmong in Thailand are, instead of concentrating on one particular place, scattering to over twenty or so provinces in northern Thailand. Therefore, even if a Hmong were to be a candidate for political office at the provincial or national level he or she would not likely get elected because the votes of the Hmong alone are insufficient to win an election at provincial or the national level. When asked, "Why does not a Hmong candidate solicit the votes of other non-Hmong?" He replied,

> The general Thai public will not cast their votes for a Hmong candidate, unless that candidate is exceptionally well-known in Thailand, and currently there are very few Hmong who are actually reached that point.

Similarly, the same sentiment could also be elucidated from the group discussion in Khek Noi. The participants there said that for the past elections (i.e. elections for

[14] For example, Section 107(3) of the 1997 Thai Constitution requires a BA before one can become a candidate for MP (for both of the two Houses). Though Section 115(3) of the current 2007 Thai Constitution had done away with a BA requirement in the lower House, it still retains that requirement in the upper House.

TAO and PAO) there were very few ethnic Thais who actually caste their votes for Hmong candidates.[15] Few Hmong in Khek Noi were able to get elected into the Tambol and Provincial Administrative Organizations because the Hmong population in Khek Noi, unlike other Hmong villages in Thailand, is very large: over 10,000 people. We can infer from this that there are still prejudices against Hmong.[16] So, it would be pointless for a Hmong (even if he or she has a tertiary education or a high income, or does not feel he or she has been discriminated against) to contemplate becoming a candidate for political office, for one knows in advance that one has little or zero chance of succeeding or making a difference in the election. This might be another possible explanation why educational level, discrimination and income of the participants are not overall positively correlated their becoming candidates for political offices.

Finally and more importantly, we must keep in mind that there are factors that we have not dealt in this study, and yet these factors, one could argue, have the potential to influence Hmong political participation, for instance, gender, residence, role of cultural beliefs, lack of citizenship, lack of political consciousness, structural barriers in the larger social environment, etc. These, and the like, factors might have influenced Hmong political participation more so than education, discrimination or income, which might have made the latter three not overall correlate to their political participation, as this study has shown. This is another possible, and perhaps the most important, explanation why educational level, discrimination and income of the participants are not overall correlated to their political participation, be it voting, discussing and/or paying attention to politics or current events, contacting their

[15] I was told, as indicated early, one Hmong in Khek Noi has been elected to the Provincial Administrative Organization, and the district chief (*Khanan*) of Khek Noi is also a Hmong. It is interesting to contrast this example with the one found in America. In 2002, the Hmong in Minnesota had successfully and historically elected two Hmong to that state's assembly: a senator (who is surprisingly a woman) and a representative. Of course, the votes of the Hmong in the districts in which these two candidates live are not sufficient to get them elected. Hence they must have solicited the votes of non-Hmong in their districts in order to get enough votes to win. They (both Democrats) were actually able to defeat the white Caucasian candidates from the Republican Party. Recently (August, 2008), Barack Obama, the first African-American, has historically become the nominee of a major political party to be its presidential candidate for the 2008 presidential election, an event that no one would have thought possible a decade early; and if elected, he would be the first African-American President, after the first black was brought to America as a slave over two hundred years ago Having said that, racial discrimination and/or prejudice still exists in American society, but nowadays it has become less and less significant pertaining to how one gets elected into office; the majority of Americans nowadays concern more about the ability, vision, and ideas of the candidate than the color of his or her skin.

[16] Prejudice is the feeling of dislike certain people because of their race, national origin, sexual orientation, skin color, religious belief, etc. However, when such a feeling manifests into action, it becomes a discriminatory act.

representatives, becoming members of political parties, or becoming candidates for political offices.

5.6 Summary and Conclusion

The analysis in this chapter has shown that educational level, discrimination and income of the participants are not overall positively correlated their political participation, though there are exceptions. Hence the assumptions in the conceptual framework—the higher the education one obtains, the more active the level of one's political participation; the more discrimination prevalent in one's social environment, the less active one becomes; and the higher the income one obtains, the more active one would be—are not universally applicable. Does this insinuate that education, discrimination, or income have no impact upon Hmong political participation? Certainly, the answer is not. Though our analysis has shown education, discrimination and income are not overall positively correlated to Hmong political participation, the researcher was convinced they are important to Hmong political participation.

First, as we know, education is one of the most, if not the most, important factors broadening a person's perspective or worldview. Without an education (both formally and informally) a person may not fully comprehend the larger social reality where he or she lives. How could one participate in politics if one does not understand one's social environment? Second, without an education, Hmong who live in the mountaintops of northern Thailand would not be able to understand, speak, or read Thai.[17] How could one participate in the political process if one does not understand, speak, or read basic Thai? Third, without an education, one will be socioeconomic disadvantage; one may not understand one's rights and duties as a Thai national; one may not have the confidence, political knowledge or skills to join interest groups or political parties, all of which are essential to political participation. Last but not least, without at least a tertiary education, one cannot overcome the threshold legal requirements, for instance, Section 115(3) of the current 2007 Thai

[17] Though study has shown that most of the participants were able to speak and understand Thai, their understanding, one can contest, was only superficially because most had never been to the formal school; they have learnt their basic Thai from television, interacting with the tourists, etc.

Constitution.[18] The foregoing reasons show how important education is to Hmong political participation. Hmong political participation would have been different if most, or at least the majority of them, have an opportunity to get a tertiary education. The present writer is very optimistic about this prospect because an increasing number of young Hmong have enrolled at various universities across Thailand; some are even having gone to study abroad.

Second, because it is domestically and internationally deplorable and unacceptable act,[19] discrimination often occurs implicitly. Hence we are generally not aware if there is a discrimination against us. Nevertheless, if there is, whether explicitly or implicitly, it affects us. Suffice it to give an example to substantiate this claim. Not many people, and certainly not the participants in this study, would say that Section 115(3) above is discriminatory. However, it is argued here that, though this law might not intend to discriminate against any specific group when it was enacted, it has discriminatory effects on certain groups, for instance, the Hmong and other hilltribes; as such it affects their political participation in some respect. Section 115(3) has discriminatory effects on Hmong because an unreasonable differentiation has been made between Hmong (who rarely have an opportunity to get a university education) and those with a tertiary education (mainly ethnic Thais and people who reside in town), which is contrary to Art. 25 of ICCPR[20] and Section 30[21] of 2007 Thai Constitution. Ideally, a representative, one would say, is someone who is honest, knowledgeable, and concerned about his or her constituents' needs and interests. There is no evidence to prove that having a tertiary education (in this case a BA)

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[18] For example, "A person having the qualifications and having no any of the prohibitions as mentioned below has the right to be a candidate in an election or selection of senators: … (3) having graduated with not lower than a Bachelor's degree or its equivalent…." However, the 2007 Thai Constitution, unlike the 1997 one, does not require a BA for members of the House of Representatives; it only requires such requirement in the upper House, the senate. Nevertheless, such requirement does pose an obstacle for Hmong (and other hilltribes) to participate, for Hmong, unlike other lowland population, have not had an opportunity to go to school until recently, not to mention a tertiary education. So, not many of them are having a BA degree. If they do not have a BA, they simply cannot consider contesting for a member of the upper House, even if they so enthusiastically wish

[19] Discrimination is prohibited under the 2007 Thai Constitution (e.g. Section 30) as well as international human rights treaties (e.g. ICCPR, ICESCR, CERD, CEDAW, CAT) that Thailand has become a party to.

[20] Every citizen shall have the right and opportunity, without any of the distinctions mentioned in Article 2 and without *unreasonable restrictions*: (a) To take part in the conduct of public affairs, directly or through freely chosen representative; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country." (emphasis added)

[21] Section 30 of the Thai Constitution says, "*Unjust discrimination* against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal status or social standing, religious belief, education, or constitutional political views, shall not be permitted." (emphasis added)

would make one more honest, knowledgeable, and effective or caring representative than those without one. Nevertheless, such a requirement requires under Section 115(3). Hence it favors those who have an opportunity to get a tertiary education, which usually are the middle and upper classes or those who live in the cities and towns and who are mostly ethnic Thais. It disfavors those who do not have, or never have, opportunity to get a university education and these are usually people like the Hmong and other hilltribes or minority groups. We must keep in mind that not many Hmong or hilltribes have an opportunity to go to school until few decades ago. Since Section 115(3) affects an entire group, it is indirectly discriminated against that group. If Section 115(3) were to be abolished, it will facilitate Hmong political participation when they are contemplating to become a candidate for political offices. This example has shown how discrimination can impact Hmong political participation.

Third, income is a variable indicating the socioeconomic status of a society. This study has specifically shown that overall there is no positive correlation between income and Hmong political participation. This does not, however, mean that income is not important to their political participation. Income is generated by the occupation in which one holds. If one works as a menial laborer (blue-collar), one would be paid less than a white-collar worker (e.g. banker, teacher, nurse, college professor, secretary, etc), for the latter group requires more education, training, knowledge, skills. Hence if the majority of Hmong in Thailand have a high income, it would presuppose that the majority of them have a high education and thus professional jobs. Education, as noted, does lead one to be more aware of the larger political and social environment in which one lives, to be more self-confident or efficient. These are essential for political participation, especially participation at the more active level: becoming a candidate for political office. There is no positive correlation between income and Hmong political participation in this study because those who have a high income get their income from selling or trading, not from their occupation. Thus, they might be making over 100,000 Baht per year, but it has little influence on their political participation. In the long run, if the Hmong in Thailand as a group have a higher income than what it is now, it would mean that they as group have moved from being farmers or traders or sellers to take professional jobs, like banker, teacher, doctor, secretary, professor, nurse, etc. To qualify for one of these jobs would require

years of education and training—factors that are essential for political participation. So, income does matter to Hmong political participation, though this study found no positive correlation between it and Hmong political participation.

In conclusion, though this research has found that education, discrimination and income are not overall correlated positively to Hmong political participation, this does not imply that these factors are not important to Hmong political participation in the long run.

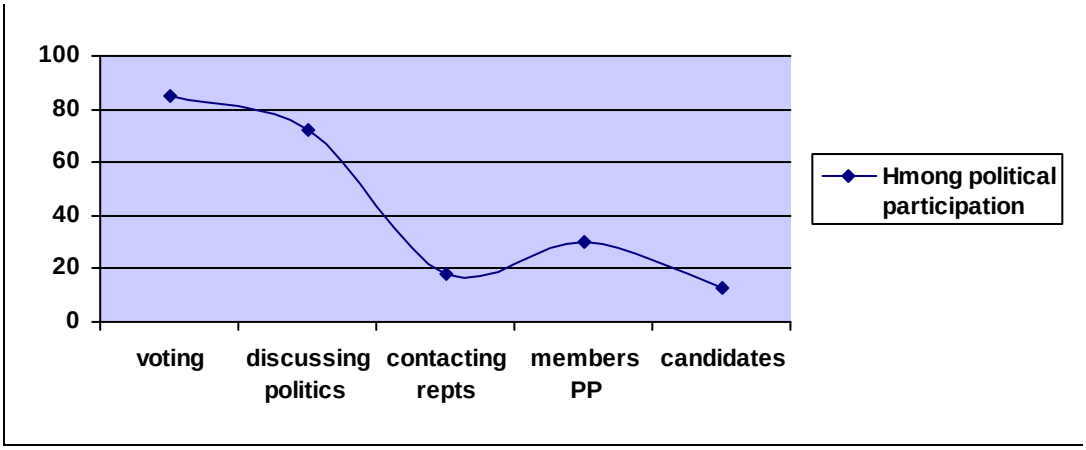
CHAPTER VI
CONCLUSIONS, RECOMMENDATIONS, AND SUGGESTIONS

6.1 Summary

Before some major conclusions, recommendations, and suggestions for further research are drawn, let us briefly recapitulate what this study is all about once more time. Despite the fact that the Hmong in Thailand are now integrating more into mainstream Thai society, we still have little information or knowledge about their political participation. This has been the case because their political participation has not been an issue of research or concern for most researchers. Therefore, the objectives of this thesis are: (1) to assess to what extent the Hmong in Thailand are currently participating in the political process; specifically, this study assesses to what extent they vote, discuss and/or pay attention to politics or current events, contact their representatives, are members of political parties, and are candidates for political offices; (2) to analyze whether and how literacy, discrimination and income correlate to their political participation.

From the field research it is found, among other things, that

- 85% voted on the national election of April 2nd, 2006
- 72% discussed and/or paid attention to politics or current
- 18% contacted their representatives
- 30% were members of political parties
- 13% had once been candidates for political offices



From these data or from the graph above a clear pattern of Hmong political participation has been elucidated from this study: the more active the level of political participation, the less likely Hmong participate there and vice versa.

The analysis has argued 'the more active the level of political participation, the less likely Hmong participate there and vice versa' is not overall positively correlated to their educational level, feeling of being discriminated against, or income. For the participants participate in the political process relatively at the same pace, regardless of their educational level or income, or of whether they feel they have been discriminated against. Thus, it has proven the assumptions—the higher the education one obtains, the more active the level of one's political participation; the more discrimination prevalent in one's environment, the less active one becomes; and the higher the income one obtains, the more active one would be—in our conceptual framework in chapter three invalidated, not universally applicable. Furthermore, in chapter five we also offered some possible explanations why, though there are few exceptions, overall there is no positive correlation between education, discrimination and income and Hmong political participation. Having thus summarized the thesis, what can we conclude from this study?

6.2 Conclusions

There are several conclusions one can draw from this research. First, Bernatzik had observed in the late 1930s that Hmong political organization or participation in Thailand was not beyond the village level, although they were very active at the village level (Bernatzik 1970:66). This study has shown that Hmong

political participation has now moved beyond the village level; for instance, few Hmong have been elected to the Tambol Administrative Organization and in some cases to the Provincial Administrative Organization. If current trend continues, one could expect there to be Hmong representatives at the provincial or even national level in the foreseeable future, as Hmong become more integrated, and are getting an education. The present researcher is very optimistic about this prospect.

Second, overall, Hmong political participation is not as low as the present writer initially thought. Initially, the researcher thought that Hmong political participation would be lower than what this study has found because Hmong, like other hilltribes or minority groups in Thailand, have often been relegated to the periphery of Thai society. But as this thesis has shown their voting rate (85%-90%) is actually higher than the national rate (average between 60%-70%), and about 13% of them had actually once been candidates for political offices.

Third, 'the more the active level of political participation, the less likely Hmong participate there and vice versa' is not a peculiar problem for the Hmong as such. Generally, it is a problem for the majority of the rural Thai people. Hence if one were to ask 54 rural Thais, using the same research tools, one would probably come up with the same findings as this study has done, because Hmong and the rural Thai are relatively at the same pace socioeconomically. So, this is rather a structural problem for every society, not only for Thai society.[1] In every society, there will be very few who are active (e.g. gladiators) at the top of a pyramid versus the majority who are not so active (e.g. moderate participants or spectators) or even passive (e.g. apathetics) at the bottom of the pyramid.

Fourth, there is not a single factor causing the Hmong in Thailand to participate one way or the other in the political process. There are overlapping factors, some of which we have not dealt in this study: gender, residence, occupation, religious status, role of cultural beliefs, lack of citizenship, structural barriers, political consciousness, etc.

Finally, this study has found that the right to political participation is firmly guaranteed under both the 2007 Thai Constitution and international human rights

[1] For example, in the case of America, 70% or so of American adult population are moderate participants or spectators; only 5% are considered active (Milbrath and Goel, 1977:11).

treaties that Thailand has become a party to. Hence it is a matter for Hmong in Thailand to learn about and utilize these rights to their own advantage.

6.3 Recommendations

- In the short run, in order to be fully concurring with its international obligations (Art. 25[2] ICCPR) the Thai Government should repeal Section 115(3) of the current 2007 Thai Constitution. This may enhance Hmong political participation; for this will get rid of the threshold legal requirement of a BA (a structural barrier) before one can become a candidate and contest for certain political offices (e.g. senator). Of course, this act by itself is insufficient, but it is a good beginning.
- In the long run, in order to be fully compliance with its domestic obligations (Sections 58, 67, 87 of the current 2007 Constitution[3]) and its international obligation, the Thai government should provide an environment which would help facilitated political participation to its people, especially Hmong and other hilltribes or minority groups who have often been marginalized in Thai society. For example, the

[2] It says, "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected at genuine periodic elections which shall be by universal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) to have access, on general terms of equality, to public service in his country."

[3] **Section 58**: "A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties, as provided by law." **Section 67**: "The right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately." **Section 87**: "The State shall act in compliance with the public participation policy as follows: (1) encouraging public participation in the determination of public policy and the making of economic and social development plan both in the national and local level; (2) encouraging and supporting public participation to make decision on politics and the making of economic and social development plan and the provision of public services; (3) encouraging and supporting public participation in the examination of the exercise of State power at all levels in the form of profession or occupation organization or other forms; (4) strengthening the politics power of the public, and preparing the laws establishing civil politics development fund for facilitating the communities to organize public activities and for supporting networks of the groups of people to express opinion and requirements of the communities in the localities; and (5) supporting and providing education to the public related to the development of politics and public administration under the democratic regime of government with the King as Head of State, and encouraging the public to exercise their rights to vote honestly and uprightly".

government and those who are concerned (e.g. the press or media, parents, teachers, NGOs) should provide an environment that conducive to democratic, human rights and multicultural or pluralistic education for all children as early as possible. All children, regardless of race or ethnicity or socioeconomic status, should have an equal opportunity to be educated about democratic principles, human rights, multiculturalism, pluralism, etc. This is the only way that, in the long, could and would produce tolerant, humane, caring, responsible and politically active citizens. This method, of course, does take time and resources, but it is a worthwhile investment.

- Since the right to political participation is firmly guaranteed under both the 2007 Thai Constitution and international human rights treaties that Thailand has become a party to, it is recommended that Hmong in Thailand should utilize this right—the right to political participation—to enhance their political participation to address their needs, concerns, and/or problems.

6.4 Suggestion for further research

Using this study as a background, future research can explore other aspects that this thesis has not been dealt, for example, whether Hmong political inputs had successfully yielded the political outputs they desire; to what extent the lack of citizenship negatively impacts Hmong political participation; whether isolation (live in the mountainous areas) makes any difference on how they participate; how influential their political participation affects politicians and their behavior; what is the role, if any at all, of Hmong cultural beliefs have on their political participation, etc.

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APPENDIX

APPENDIX A

List of persons formally interviewed

Name	*Occupation*	*Interview date*	*Location*
Mr. Xieng	Former village chief of Doi Pui	06/12/2006	Doi Pui
Mr. Mo	Current assistant chief of Doi Pui	06/10/2006	Doi Pui
Mr. Bee	Pharmacist	06/21/2006	Khek Noi
Mr. Pao	Black smith and farmer	06/21/2006	Khek Noi
Mr. Thong	Souvenir seller	06/13/2006	Night Bazaar

- **Some persons informally talked to:**

- In Doi Pui, in addition to the two persons formally or systematically interviewed, the researcher also had an opportunity to informally talk to other five persons, three men and two women. After they had finished filling out the questionnaires, they were asked for further clarification, for example, why they voted; how the political instability affected their lives; their daily activities; was political participation important, relevant to their lives? etc.
- At the Night Bazaar and in Khek Noi the researcher had asked many participants for further clarification after they had finished filling out the questionnaires. However, this process was not done in a systematic way. Rather, it was more or less like free talk and discussion between the researcher and Hmong. See the questions provided in Appendix II below.

APPENDIX B

List of Questions for the Interview and Group Discussion

- Why do you go to vote? Is voting a right or a duty, or both?
- Are current political events (e.g. demonstration in Bangkok, political instability) relevant to your life? If so, would you please indicate?
- Do you discuss politics or current events among your friends and relatives? If so, what are some issues do you discuss? Can you give me some examples?
- Are you a member of a political party or an interest group? If so, what party or interest group are you belonging to?
- Why do you prefer TRT over Democratic and other political parties? In your opinion, why do most Hmong prefer TRT?
- Had you ever been a candidate for political office? If so, what office? Are you interesting to be a candidate for political office in the future? Should Hmong now have a representative of their own in the parliament and/or at the Provincial Administrative Organization?
- What do you think about the alleged unethical conduct of PM Thaksin (e.g. the untaxed of his family business dealing)? Is it matter to you?
- Do you feel discriminated against? What do you feel when a Thai called you 'Meo'? Had you ever been called 'Meo'?
- Do you read newspapers, see news on TV, or listen to news political news on the radio?

- In your opinion, what are the major obstacles to Hmong political participation?
- What is your annual income?
- What is your occupation?
- What is your level of education?

APPENDIX C

Questionnaires (English Version)

Dear participants,

I am Mike Vang, a student at Mahidol University. I'm now working on a thesis "Political Participation of the Hmong in Thailand". I would be very appreciating if you would please help me filling out the following questions. All information will be confidential.

I. PART ONE

1. How often do you vote?
   Every time_____
   Sometimes_____
   Never_____

2. Did you vote in the last election (April 2nd 2006)?
   Yes_____
   No_____

3. Do you discuss politics or current events among your friends and relatives?
   Yes_____
   No_____

4. Are current political events relevant to your life?
   Yes_____
   No_____

5. Did you ever contact your representative, senator, or local officials?
   Yes_____
   No_____

6. Are you a member of a political party?
   Yes_____, what party? TRT_____Democratic_____Other_____
   No_____

7. Are you a member of an interest group?
   Yes_____
   No_____

8. Had you ever been a candidate for a political office?

Yes_____
No_____

9. Are you interesting to be a candidate for political office in the future?
Yes_____
No_____

II. PART TWO

1. Where is your place of residence?
In the City _____
In a Hmong Village_____

2. What is your level of education?
Never been to school_____
Grade 1st -6th_____
Grade 7th -12th_____
College_____
Bachelor Degree_____
Master Degree or beyond_____

3. Do you speak and understand Thai [language]?
Yes_____
No_____

4. Do you read newspapers, listen to or see political news on TV or radio?
Never_____
Often_____
Sometimes_____

5. Did the Thai officials treat you the same as other ethnic Thais when you went to vote, contacted them, or dealt with them?
Yes_____
No_____

6. Did you feel discriminated against because you were a Hmong?
Yes_____
No_____

7. What is your annual income (approximately)?
Less than ฿30,000_____
More than ฿30,000 but not over ฿100,000_____
Over ฿100,000_____

8. What is your age?
18-25_____

26-33_____
34-40_____
41-50_____
51 or over_____

9. Are you a male or female?
Male_____
Female_____

10. What is your occupation?
Farmer_____
Non-farmer (please indicate) _____

Thank you very much for your cooperation and help.

APPENDIX D

Questionnaires (Thai Version)

เรียนทุกท่านที่เคารพ

กระผมชื่อ ไมค์ แซ่ว่าง เป็นนักศึกษาจากมหาวิทยาลัยมหิดล ซึ่งในขณะนี้กระผมกำลังทำวิทยานิพนธ์เรื่อง “การมีส่วนร่วมด้านการเมืองของชาวเขาเผ่าม้งในประเทศไทย (Political Participation of the Hmong in Thailand)” กระผมขอขอบพระคุณอย่างสูงที่ท่านกรุณาตอบแบบสอบถามฉบับนี้ ข้อมูลทุกอย่างจะถูกปกปิดเป็นความลับ

ตอนที่ 1

1. ท่านไปเลือกตั้งบ่อยแค่ไหน?
   ❑ ทุกครั้ง ❑ บางครั้ง ❑ ไม่เคย

2. ท่านได้ไปเลือกตั้งครั้งล่าสุดหรือไม่?
   ❑ ไป ❑ ไม่ไป

3. ท่านได้พูดคุยปรึกษาเรื่องการเมืองกับเพื่อนหรือญาติ บ้างหรือไม่?
   ❑ ใช่ ❑ ไม่ใช่

4. สถานการณ์ทางการเมืองในปัจจุบันมีผลเกี่ยวเนื่องกับการดำเนินชีวิตของท่านหรือไม่?
   ❑ ใช่ ❑ ไม่ใช่

5. ท่านเคยติดต่อกับผู้แทน สมาชิกสภา หรือเจ้าหน้าที่ในท้องถิ่นหรือไม่?
   ❑ ใช่ ❑ ไม่ใช่

6. ท่านเป็นสมาชิกพรรคการเมืองหรือไม่?
   ❑ ใช่
   พรรคการเมืองใด ❑ ไทยรักไทย ❑ ประชาธิปัตย์ ❑ อื่นๆ(โปรดระบุ)_____
   ❑ ไม่ใช่

7. ท่านเป็นสมาชิกกลุ่มที่น่าสนใจกลุ่มอื่นๆ หรือไม่
   ❑ ใช่ ❑ ไม่ใช่

8. ท่านเคยเป็นผู้สมัครรับเลือกตั้งในตำแหน่งทางการเมืองหรือไม่?
   ❑ ใช่ ❑ ไม่ใช่

9. ท่านสนใจเป็นผู้ลงสมัครรับเลือกตั้งในตำแหน่งทางการเมืองหรือไม่?
   ❑ใช่ ❑ ไม่ใช่

ตอนที่ 2

1. ท่านอาศัยอยู่ในภูมิลำเนาใด?
   ❑ ในเมือง ❑ หมู่บ้านม้ง ❑ อื่นๆ_____

2. ท่านจบการศึกษาระดับใด?
   ❑ ไม่เคยเข้าโรงเรียน
   ❑ ประถมศึกษาปีที่ 1-6
   ❑ มัธยมศึกษาปีที่ 1-6
   ❑ วิทยาลัย
   ❑ ปริญญาตรี
   ❑ ปริญญาโท หรือ สูงกว่า

3. ท่านพูดและเข้าใจภาษาไทยหรือไม่?
   ❑ใช่ ❑ ไม่ใช่

4. ท่านอ่านหนังสือพิมพ์ ดูข่าวจากโทรทัศน์ หรือ ฟังข่าวจากวิทยุ บ่อยหรือไม่?
   ❑ บ่อย ❑ บางครั้ง ❑ ไม่เคย

5. เมื่อท่านไปเลือกตั้งและติดต่อกับเจ้าหน้าที่ เจ้าหน้าที่คนไทยปฏิบัติต่อท่านเหมือนคนไทยกลุ่มอื่นๆ หรือไม่?
   ❑ใช่ ❑ ไม่ใช่

6. ท่านเคยรู้สึกว่าถูกเลือกปฏิบัติเพราะท่านเป็นชาวม้งหรือไม่?
   ❑ใช่ ❑ ไม่ใช่

7. ท่านมีรายได้ต่อปีเท่าใด (โดยประมาณ)?
   ❑ น้อยกว่า 30,000 บาท
   ❑ มากกว่า 30,000 บาท แต่ไม่เกิน 100,000 บาท
   ❑ มากกว่า 100,000 บาท

8. ท่านมีอายุเท่าใด?
   ❑ 18-25 ❑ 26-33 ❑ 34-40 ❑ 41-50 ❑ 51 หรือมากกว่า

9. ท่านเป็น ❑ ชาย ❑ หญิง

10. ท่านมีอาชีพใด? ❑ ชาวนาชาวไร่ ❑ ไม่ใช่ชาวนาชาวไร่ (โปรดระบุ)_____

ขอขอบพระคุณอย่างสูงในความร่วมมือและความช่วยเหลือของท่าน

APPENDIX E

- **Rights Relevant to Political Participation under 1997 Thai Constitution**

Section 37: "A person shall enjoy the liberty of communication by lawful means."

Section 39: "A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicize, and make expression by other means."

Section 44: "A person shall enjoy the liberty to assemble peacefully and without arms."

Section 45: "A person shall enjoy the liberty to unite and form an association, a union, league, co-operative, farmer group, private organisation or any other group."

Section 47: "A person shall enjoy the liberty to unite and form a political party for the purpose of making political will of the people and carrying out political activities in fulfilment of such will through the democratic regime of government with the King as Head of the State as provided in this Constitution."

Section 60: "A person shall have the right to participate in the decision-making process of State officials in the performance of administrative functions which affect or may affect his or her rights and liberties, as provided by law."

Section 61: "A person shall have the right to present a petition and to be informed of the result of its consideration within the appropriate time, as provided by law."

- **Rights Relevant to Political Participation under 2007 Thai Constitution**

Section 45: "A person shall enjoy the liberty to express his opinion, make speech, write, print, publicize, and make expression by other means."

Section 58: "A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties, as provided by law."

Section 59: "A person shall have the right to present a petition and to be informed of the result of its consideration within the appropriate time."

Section 60: A person shall have the right to sue a government agency, State agency, State enterprise, local government organization or other State authority which is a juristic person to be liable for an act or omission done by its government official, official or employee.

Section 63: "A person shall enjoy the liberty to assemble peacefully and without arms."

Section 64: "A person shall enjoy the liberty to unite and form an association, a union, a league, a co-operative, a farmer group, a private organization, a non-governmental organization or any other group."

Section 65: "A person shall enjoy the liberty to unite and form a political party for the purpose of making political will of the people and carrying out political activities in fulfillment of such will through the democratic regime of government with the King as Head of State as provided in this Constitution."

Section 66: "Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion:

Section 67: "The right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately."

Section 87: "The State shall act in compliance with the public participation policy as follows: (1) encouraging public participation in the determination of public policy and the making of economic and social development plan both in the national and local level; (2) encouraging and supporting public participation to make decision on politics and the making of economic and social development plan and the provision of public services; (3) encouraging and supporting public participation in the examination of the exercise of State power at all levels in the

form of profession or occupation organization or other forms; (4) strengthening the politics power of the public, and preparing the laws establishing civil politics development fund for facilitating the communities to organize public activities and for supporting networks of the groups of people to express opinion and requirements of the communities in the localities; and (5) supporting and providing education to the public related to the development of politics and public administration under the democratic regime of government with the King as Head of State, and encouraging the public to exercise their rights to vote honestly and uprightly".

Section 163: "The persons having the right to vote of not less than ten thousand in number shall have a right to submit a petition to the President of the National Assembly to consider such bill as prescribed in Chapter 3 and Chapter 5 of this Constitution."

Section 164: "The persons having the right to vote of not less than twenty thousand in number shall have a right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution under section 274 removing the persons under section 270 from office."

Section 165: "A person having the right to vote in an election shall have the right to vote in a referendum."

Section 291: "An amendment of the Constitution may be made only under the rules and procedure as follows: a motion for amendment must be proposed…. by persons having the right to votes of not less than fifty thousands in number under the law on the public submission of a bill."

APPENDIX F

Rights Relevant to Political Participation under International (HR) Law

- **UDHR**

Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article 20: "(1) Everyone has the right to freedom of peaceful assembly and association; (2) no one may be compelled to belong to an association."

Article 20: "(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (2) everyone has the right to equal access to public service in his country; (3) the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

Article 27: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and share in scientific advancement and its benefits"

- **ICCPR**

Article 1: "(1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation…."

Article 18: "Everyone shall have the right to freedom of thought…."

Article 19: "(1) Everyone shall have the right to hold opinions without inference. (2) Everyone shall have the right to freedom of expression; this

right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Article 21: "The right to peacefully assembly shall be recognized. No restriction may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."

Article 22: "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests."

Article 25: "Every citizen shall have the right and opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representative; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

Article 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their groups, to enjoy their own culture, to profess and practice their own religion, or to use their own language".

- **<u>ICESCR</u>**

Article 1: "(1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation…."

Article 8: "(1) States Parties to the present Covenant undertake to ensure: (a) the right of everyone to form trade unions and join the trade union of his

choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests…. (b) the right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) the right of trade union to function freely subject to no limitations…. (d) the right to strike….”

- **CERD**

Article 5: States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national origin….to (c) political rights, in particular the right to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service. Section (d) of the same article guarantees other civil rights: the right to freedom of movement and of thought, the right to freedom of opinion and expression, the right to freedom of peaceful assembly and association, the right to form and join trade union as well as the right to equal participation in cultural activities.

- **CEDAW**

Article 7: “State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) to vote in all elections and publish referenda and to be eligible for election to all publicly elected bodies; (b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) and to participate in non-governmental organizations and associations concerned with the public and political life of the country.”

Article 8: “States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to

represent their Governments at the international level and to participate in the work of international organizations."

BIOGRAPHY

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