

CHAPTER II

THE GENERAL CONDITION OF THAILAND AND THE DYNAMICS OF THAILAND POLICY ON LABOR

In this chapter the writer describes about general condition of Thailand and border of Thailand and its aspects of Political history, geographically, the structure of Socio-culture, and the economic structure.

A. General Profile of Thailand

Thailand is one developing country in south Asia but it has different history from other countries in Southeast Asia. Thailand is never colonized by other country.

a. Historical Profile

Thailand has a different history among other states in Southeast Asia because Thailand is never colonized by other country, geographically Thailand is in the central part of Southeast Asia. Thailand became a protectorate state.

Thailand has a long history. In the ninth century B.C., Mon and Khmer people established kingdoms that included large areas of what is now Thailand. Much of what these people absorbed from contacts with South Asian peoples religious, social, political, and cultural ideas and

institutions later influenced the development of Thailand's culture and national identity.

Sukhothai Period (1238–1438): In 1238 a Tai chieftain, Sri Intraditya, declared his independence from Khmer dictator and was going to ratify a kingdom at Sukhothai in the Chao Phraya Valley in central Thailand. The people of the central plain took the name Thai, which means “free,” to differentiate themselves from other Thai people who are still under foreign rule. The Kingdom of Sukhothai won in the Isthmus of Kra in the thirteenth century and financed itself with war booty and tribute from vassal states in Burma, Laos, and the Malay Peninsula.

Ayutthaya period (1350–1767): The city state of Ayutthaya was founded in 1350 and established its capital in 1351 on the Chao Phraya River in central Thailand. It was called Ayutthaya (name before Ayodhya), the Indian city of the hero Rama in the Hindu epic Ramayana. In 1360 Ramathibodi (1351–69) declared Theravada Buddhism as the official religion and compiled a legal code based on Hindu legal texts and Thai custom that remained in effect until the late nineteenth century.

Thon Buri period (1767–82): The Thai made a quick development and resumption under the leadership of a half-Chinese military commander, Phraya Taksin. Taksin had escaped from the besieged Ayutthaya and organized resistance to the Burmese invaders and finally drove them out. Taksin declared himself a king and ratified a new capital

at Thon Buri, a fort center over the river from modern Bangkok. By 1774 Taksin had occupied Lan Na and reunited Ayutthaya in 1776.

Early Chakri period (1782–1868): Another general, Chakri, alias the sovereign and take the name Yot Fa (Raa I, 1782–1809). Yot Fa ratified the ruling house that continues until now, and moved across the river to the village of Bangkok, revived the kingdom's economy and build up what remained of the artistic legacy of Ayutthaya. The Kingdom of Bangkok unity claims a territory in Cambodia and the Malaysia state of Kedah while Britain occupied territory in an area that had been contested by the Thai and the Myanmar for centuries, and following treaties in 1826 with Britain and in 1833 with the United States granted foreign trade concessions in Bangkok.

Reign of Chulalongkorn, Reforms, and War (1868–1932): Real reform occurred during the reign of Chulalongkorn (Rama V, 1868–1910). After his formal rule in 1873, he said that, he wanted to reform of the judiciary, state finance, and the political structure of Thailand. An antireform revolt was suppressed in 1874, after Chulalongkorn embarked on less radical approaches.

The emergence of constitutional Rule (1932–41): A bloodless coup in 1932, engineered by a group of Western oriented and nationalist minded government officials and army officers, really the ended monarchy and ushered in a constitutional regime. The first parliamentary elections were

held in November 1933, confirming Minister of Finance Pridi Phanomyong's popularity, but Luang Plack Phibunsongkhram (Phibun) used his considerable power as Minister of Defense to assert the superior efficiency of the military administration over the civilian bureaucracy. In 1938 Phibun succeeded as prime minister, with Pridi continuing with the finance portfolio. Phibun administration promoted nationalism and in 1939 officially changed the nation's name from Siam to Muang Thai (Land of the Free), or Thailand. Foreign owned businesses (mostly Chinese-owned) were heavily taxed, and state subsidies were offered to Thai-owned enterprises.

Civilian Government (1945–47): Shortly after the war II, Seni Pramoj briefly served as prime minister. In May 1946, a new constitution was promulgated. It called for a bicameral legislature with a popularly elected lower house and an upper house elected by the lower house. The name Siam was officially restored. The 1946 elections set the stage for Pridi's accession to the prime minister ship. However, two weeks after the election Pridi was accused of being implicated in the untimely death of King Ananda Mahidol (Rama VIII, 1935–46), and he resigned and left the country. The new king, Bhumibol Adulyadej(Rama IX, 1946).

Return to Military Rule (1947–73): The civilian government's failure eventually led to the restoration of the Phibun military faction. Phibun had been arrested in 1945 as a war criminal but was released soon afterward. A coup in November 1947 ousted the civilian leaders, and

Phibun took over as prime minister in April 1948. During his second government (1948–57), Phibun restored the use of the name Thailand, reintroduced legislation to make Thai social behavior conform to Western standards, improved secondary education, and increased military appropriations.

Transition to Democratic Rule (1973–76): The stern moved by the Thanom regime led to popular dissatisfaction among university students and organized labor, accompanied by growing anti-U.S. sentiments. Some feared Thanom would even overthrow the monarchy and ratify a republic. In a demonstration on October 13, 1973, some 250,000 people pressed their grievances against the government. The following day, troops fired on the demonstrators, killing 75 of them. King Bhumibol took a rare direct role, forcing the cabinet's resignation; Thanom and his close colleagues were allowed to leave the country secretly. Thammasak University president, Sanya Dharmasakti, was appointed interim prime minister, and it was he who fully credited the student movement with bringing down the military dictatorship. A new constitution went into effect in October 1974, providing for a popularly elected House of Representatives. The elections were inconclusive, and conservative Seni Pramoj eventually formed a government that lasted less than a month. A military junta took control of the government, declared martial law, annulled the constitution, banned political parties, and strictly censored the media.

Multiparty Democracy (1992–2006): In March 1992, with a new constitution in force and new elections held, General Suchinda Kraprayoon, one of the February 1991 coup leaders, became prime minister and leader of a five-party coalition. When those parties withdrew their support, Suchinda resigned in May 1992, and Anand Panyarachun, a civilian who had served as acting prime minister between March 1991 and March 1992, was named prime minister. Anand embarked on new reform measures, but he was replaced after the September 1992 elections by Democratic Party (Phak Prachatipat) leader Chuan Leekpai, the head of a four-party coalition. Chuan's government pushed through constitutional amendments that provided for more wide ranging democratic practices, enlarged the House of Representatives, reduced the size of the appointed Senate, lowered the voting age from 20 to 18 years of age, guaranteed equality for women, and established an administrative court. In January 1985, the Thai Nation Party (Phak Chat Thai) won the largest number of House seats, and its leader, Banharn Silapa-Archa, headed the new coalition government. In March 1996, Banharn appointed the members of the new Senate; unlike earlier Senates, most members were civilians instead of military officers. The failure of his coalition, however, led to new elections and a new six-party coalition government in November 1996 led by General Chavalit Yongchaiyudh, head of the Phak Khwam Wang Mai (New Aspiration Party).

In February 2005, the Thai Rak Thai won a 75 percent majority in the House of Representatives elections, and, for the first time, a single-party government was formed. The following year, however, there were mass protests calling for Thaksin's resignation over corruption issues. He called for early parliamentary elections in April 2006 that were boycotted by the major opposition parties and declared unconstitutional in May. Amidst growing protests, Thaksin continued as prime minister until September 19, 2006, when military forces staged a successful coup and set up a military-controlled regime. In Thailand, there are two parties, Democrat party and Thai Rak Thai party, which are always competition.

Thai Rak Thai party was registered on July 15, 1998, by telecommunications entrepreneur Thaksin Shinawatra and 22 other founding members, including Somkid Jatusripitak, Thanong Bidaya, Sudarat Keyuraphan, Purachai Piumsoombun, Thammarak Isaragura na Ayuthaya, and Prommin Lertsuridej, who are businessmen.

b. Government and Politics

The government system uses constitutional monarchy. The head of state is the King and the head of government who controls politics in the country is the Prime Minister.

Executive Branch: The constitutional monarch and head of state is King Bhumibol Adulyadej (Rama IX of the Chakri Dynasty). The Privy Council, which is still provided for in the interim constitution, is an 18

member constitutional body that advises the king on matters of legislation, government affairs, clemency, awards, and other matters requiring the king's signature. The Privy Council, whose members are appointed by and serve at the pleasure of the king, also recommends the name of a suitable person to hold the position of regent when the king is absent from Thailand or unable to perform his duties. Under the interim constitution, executive governmental power is exercised through a cabinet headed by a prime minister appointed by the king (with the concurrence of the Council for National Security (CNS) chairman) and the 19 members of the Council of Ministers who head major ministries.

c. Geography

As a tropical country, Thailand has three seasons. The first is hot and dry season starting from February until May with temperature around 34E C and 75 percent relative humidity. Second season is followed by rainy, cooler season brought by the southwest monsoon from June to September with temperature around 29E C and 87 percent relative humidity. A cooler, dry season, caused by the northeast monsoon, lasting from November until January with temperatures ranging from 32E C to less than 20E C and lower relative humidity. The Isthmus of Kra is always hot and humid and has the heaviest rainfall. The lightest rainfall is in the northeast. Temperatures in Bangkok range between 20E C and 35E C.

Figure 2.1 Map of Thailand



Source: U.S. Department of State, <http://www.state.gov/p/eap/ci/th/> (accessed November 17/11/2015).

Thailand is divided into 6 regions including: Northern, North East, west region, central region, East region, and Southern region.

Natural Resources: Thailand's most natural resources are fluorite, gypsum, lead, lignite, natural gas, rubber, tantalum, tin, and tungsten. Renewable resources include fish and timber. (Thailand, July 2007)

Location: Thailand is located in the center of peninsular Southeast Asia. Burma, Laos, Cambodia, Malaysia border Thailand in the west, north, east, southeast and south consecutively. The south coast of Thailand

faces the Gulf of Thailand, while the Isthmus of Kra is bordered on the west by the Andaman Sea (part of the Indian Ocean) and on the east by the Gulf of Thailand. The total land boundary is 4,863 kilometers in length, including borders with Burma (1,800 kilometers), Laos (1,754 kilometers), Cambodia (803 kilometers), and Malaysia (506 kilometers). Thailand also has rivers such as Chao Phraya, which, with its tributaries, drains about 33 percent of the national territory and flows south into a delta at Bangkok, The Mun and many other smaller upland rivers are tributaries of the Mekong, which forms the border between Thailand, Laos, Cambodia and Vietnam and into South China sea.

d. Socio-culture

Thailand socio-culture has several religions in country but mostly Thai people religion is Buddhist. Thailand has many cultures including language, dress, and many more. Therefore, Thailand's society is various.

Population: Thailand population is around 67,010,502 million people (Official Thai sources report on 1, July, 2013) The population growth rate was estimated in 2010-2015 at 0.5 percent. Around 32 percent lived in urban areas and 68 percent of the population lived in rural areas (including people that live near to river).

Ethnic Groups: Official government estimates that people of Thai ethnicity make up 75 percent of the population. Another 14 percent are ethnic Chinese, and 4 percent are Malay. Religion: The predominant

religion is Theravada Buddhism, representing about 94 percent of the practicing population and about 90 percent of all Thai people. Muslims represent 4.6 percent, Christians 0.7 percent, Hindus 0.1 percent, and Sikhs, Baha'i Faith, and others, 0.6 percent. Section 73 of the constitution of states will protect all religions.

e. Economy

Thailand's development; Thailand has mixed economic system in which there is a variety of private freedom, combined with centralized economic planning and government regulation.

Currency and Exchange Rate: Thailand's currency is the baht. One U.S. dollar was equivalent to 32.456 Thai baht.

The imports include raw material, fuel, and electrical appliances, Vehicle parts; the exports include mechanical appliances, electrical apparatus, Refined Petroleum

f. Business in Thailand

The continuous growth of economic in Thailand can be attributed to the presence of sufficient infrastructure and an efficient work force, backed by strong support from the government. Thailand have tree type of business structure there are unregistered ordinary partnerships, registered ordinary partnerships and Limited partnerships. Limited companies such as private or closely held companies and Public companies. The first there

is The Civil and Commercial Code and the second by the Public Company. Most of business group in Thailand are china businessman¹, include Thaksin Chinnawat and Yigluk Chinnawat they are head of Thai Rak Thai party. And most of party in Thailand also have business group are wallet of party.

B. Thailand policy on labor

a. Policy

Significant policies or developments which impact victims or perpetrators

1. The National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons (2011-2016) following on from the National Policy and Plan on Prevention, Suppression and Combating of Domestic and Transnational Trafficking in Children and Women (2005-2010)
2. National Policy and Plan to Eliminate the Worst Forms of Child Labour (2009-2015)

¹ Akira Suehiro and Natenapha Wailerdsak, *Family Business in Thailand its management, governance and future challenges*, ASEAN Economic Bulletin Vol,21,No. 1 (2004). pp.81-93,Family business in the Thai economic

These laws allow for severe penalties for individuals found guilty of charges relating to prostitution, exploitative labour, forced begging and other inhumane acts.²

b. Policies on Child Labor

The National Policy and Plan (NPP) to eliminate the Worst Forms of Child Labor 2009-2014 is Thailand's comprehensive policy framework to address the worst forms of child labor. It is designed to protect both Thai and non-Thai children. The strategy aims to prevent, protect, and withdraw children from the worst forms of child labor, improve legislation and law enforcement related to the worst forms of child labor, and build the capacity of officials who administer policies and programs on the worst forms of child labor. There are five key performance indicators intended to measure the success of the NPP. These indicators include a reduction in the number of children engaging in the worst forms of child labor; increased efforts to remove children from the worst forms of child labor; increased criminal prosecutions against employers who exploit children; increased capacity and knowledge of practitioners working in this field; and increased national- and provincial-level administrative and management efforts to eliminate the worst forms of child labor. During the reporting period, the DLPW held consultations with relevant agencies on

² Mekong region country human trafficking datasheets, strategic information response network, Thailand Human Trafficking Datasheet, Trafficking & law in Thailand, retrieved from <http://www.brandeis.edu/investigate/slavery/docs/thailand-uniap-datasheet-2010.pdf>, Accessed on 02-02-2017

these performance indicators. The DLPW planned to begin to collect data on these indicators in mid-2013.

During the reporting period, part of the Government's budget of \$2.7 million assigned to the NPP was used by the various subcommittees to update the list of hazardous occupations and working conditions prohibited to children, and to provide services to support over 96,000 anti-Trafficking in Persons activities, with more than 1.3 million beneficiaries.

The Government's National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons 2011-2016 is a comprehensive Anti-Trafficking in Persons Policy. The Policy contains five strategies to be operationalized in annual action plans. The strategies are: prevention; prosecution; protection and assistance; development of policy and promotion mechanisms; and development and management of information. The 2012 Anti-Trafficking in Persons action plan prioritized, among others, the following actions related to children: (1) victim identification; (2) investigation and prosecution of trafficking offenders and officials engaged in trafficking-related corruption; (3) labor inspection standards and procedures; (4) protection of workers in the fishing sector; (5) protection of migrant workers; and (6) ratification of the United Nations Convention on Transnational Organized Crime. During the reporting period, the Thai Cabinet approved \$5.1 million for the 2013 Anti-Trafficking in Persons action plan. In addition, the Ministry of Tourism

and Sports recently established a subcommittee to draft new measures to address child sex tourism.

During the reporting period, the Government adopted the National Child and Youth Development Plan 2012-2016. This plan is based on five main principles, among which include: the enforcement and implementation of the National Child and Youth Development Promotion Act of 2007 and relevant laws; the idea that every child and young person has the right to receive basic education of the highest quality; the notion that children and youth have the right to basic healthcare services with the highest standard; and the idea that children and youth have the right to play, rest, and participate in recreational activities.

During the reporting period, the Government also announced a new policy to extend healthcare benefits to all Thai and migrant women and children, including free healthcare for children, pre-natal care for expecting mothers, vaccinations for children, and early child care centers. In addition, the Government reduced visa fees for workers from Laos, Cambodia, and Burma to encourage workers to enter Thailand legally, and announced measures to register up to 200,000 children of migrant workers through the National Verification process, after which these children could gain legal status in the country.³

³ United States department of labor's bureau of international labor affairs , Thailand child labor, p.4-5, retrieved from <https://www.dol.gov/ilab/reports/child-labor/findings/2012TDA/thailand.pdf>, Accessed on 02-02-2017