
Dubious Development Projects and Their Ethnocidal Impacts on the *Akha* People of Northern Thailand

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Abstract

The *Akha* have suffered civil wars in Burma and relocation by the Thai authorities, and they have been subjected to extensive poverty. They are stateless, and the majority of the *Akha* residing in Thailand do not have Thai citizenship, leaving them open to both political and economic persecution. This research documents the human rights abuse of the ethnic hill tribes in Thailand, specifically the *Akha*, and addresses the Thai immigration laws, which adversely affect them. Another important element of this research lies with the *Akha*'s loss of their cultural identity. Christian missionaries, who impose their values and teachings upon the *Akha*, have played a role in the destruction of *Akha* culture. The narratives of the *Akha*, who are considered to be a hill tribe minority by some, or stateless refugees by others, show how they have dealt with the issues of cultural survival and how their traditional practices have been violated or eliminated by authorities.

Introduction

Political conflicts surrounding human rights in Southeast Asia

have intensified since the end of the Cold War and continued on, especially since the time of the recent regional economic crisis in 1997. Conceptions of human rights in general are inevitably controversial, as they reach to the heart of a society's political and cultural identity.¹ This research explores various social and political issues that have arisen for the *Akha* as a result of Thailand's development policies and how they have affected, reduced, or altered the standards of rights presented in the Universal Declaration of Human Rights. It also addresses the thematic elements of genocide and ethnocide, according to the definitions set forth by the U.N. Convention on the Prevention and Punishment of the Crime of Genocide.

Human rights, as they are currently conceptualized, are based on a set of values. These values include respect for human rights in the widest sense such as the promotion of peace, human security; the meeting of human needs such as access to food, water, shelter, health care, and education; freedom from the threat of armed conflict and war; and legitimate systems of government that enable the informed participation of the people.²

Compared to its neighboring countries of Burma and Cambodia, whose governments have committed egregious human rights violations, Thailand is regarded by the international community as being a rather stable, democratic state. In fact, Thailand is considered to be the only democracy standing in the Burma-Indochina region because the government is democratically elected, and power is vested in both the government and the chambers of parliament. Thus, one may not consider Thailand and its government as actors in such atrocious acts of genocide.

According to its Ministry of Foreign Affairs, Thailand

recognizes the universality of human rights and adheres to the principles enshrined in the Universal Declaration of Human Rights.³ Additionally, since Thailand did not sign the 1951 Geneva Convention and Protocol Relating to the Status of Refugees, it does not have to comply with UN regulations regarding refugees or asylum seekers or to let people seek shelter in the country. However, Thailand has served as a refuge for both Indochinese refugees and mountain minorities of neighboring countries, such as Akha, Lahu, Lisu, Hmong, and Mien.⁴

In Thailand, the ethnic minority group called *Akha* is forced to adapt to a changing situation and confront new problems brought on by government development policies. The *Akha*, also known as *E-kaw*, are better known to Thais and Western tourists as being one of the Southeast Asian “hill-tribes.” Due to slight linguistic discrimination, a sense of superiority over the *Akha*, and the negative connotation that comes with the use of the term “tribe,” they will be referred to in this paper as an “ethnic minority” or “highlanders.”

There are at least eight ethnic minority groups living in the mountainous region of Thailand, but the *Akha* is the group that—even after government campaigns to “assimilate” or “integrate” —remains the most traditional or even the most backward. This makes them more susceptible to abuse. The *Akha* is considered to be one of several Southeast Asian indigenous groups who originally migrated from Tibet. Because of civil unrest, they have lived a migratory existence, before eventually settling in the Yunnan province of Southwest China. Today, the *Akha* live scattered among the hills in Burma, northern Thailand, and Laos.

Members of the *Akha* groups can be easily recognized by

their traditional headdress of beads, feathers, and dangling silver ornaments. They often appear in tourist guides or on travel channels to promote tourism by the Thai government and tour companies.⁵

Many of the *Akha* living in Thailand are not given citizenship



Figure 1: Akha woman.

or basic rights comparable to that of ethnic Thais, and the government policies support assimilation, often by force, rather than preserving and protecting their language, culture, and religion.⁶ According to the statistical figures provided by the Tribal Research Institute in 2004, the total number of ethnic highlanders is 562,139, or 1% of the population of Thailand; they are distributed in 20 provinces throughout the north.⁷ Currently,

the total population of the *Akha* is

about 500,000, with a population of less than 70,000 who settled in northern Thailand (see table below).

Table 1: Akha Population in Thailand			
Number of villages	271	Adult males	20,948
Number of households	11,178	Adult females	21,876
Number of families	12,909	Juvenile males	12,756
		Juvenile females	13,073
Total Population			68,653
Source: Tribal Research Institute, Chiang Mai Thailand.			

Other ethnic minority groups such as the Lahu, Lisu, Yao, Karen, and Hmong, have also migrated to this region because of political problems such as wars, economic, or other social pressures in their native lands. Such migrations began in the middle of the nineteenth century as a consequence of wars in Southern China, Burma and later, Vietnam. Given the lack of national identification papers, many mountain peoples become much more like refugees. This posed political, administrative, economic, and social problems for several different Thai governments over the last 50 years. Despite the ongoing problems with citizenship, land ownership and discrimination towards the highlanders, the general Thai public recognizes that they make important contributions to the region's economy, through tourism, cheap labor, and environmental knowledge.⁸

Explained one *Akha* elder in Phah Nom village in Mae Jan District, Chiang Rai Province, "we have no books or written language of our own creation, or social organization above the village level" or even the comfort of geographical unity since the *Akha* live scattered throughout the northern region. A great number have chosen to live closer to modern development and assimilate; yet most of the *Akha* are simply stateless⁹ in the countries they inhabit. Some *Akha* strive to follow the ways of their ancestors and live in harmony with nature. They have managed to succeed, until recently, when migration is no longer an option, and their survival now depends upon the benevolence of strangers, in this case, the Royal Thai Forest Department, the Royal Thai Army, and Border Patrol Police.

At present, the *Akha* are adapting to a changing situation and confronting new problems brought on by government development

policies. The Forest Department is reputed to have displaced the highlanders by moving into their villages and planting trees on the land while the highlanders are still using it. Professor Anan Ganjanapan of Region Center for Social Science and Sustainable Development (RCSD), Chiang Mai University stated that “the central Thai government formally claimed sole ownership of the forest in 1899, thus beginning the era of competition for control and management of forest land between poor villagers, both ethnic Thai and people of the highlands.” Up until the present day, the government viewed highlanders as a threat to national security because of the constant migration and their practice of shifting cultivation, especially to opium before the government’s eradication campaign in the 1950s. Further, the Thai government does not recognize any kind of customary laws granting villagers the rights to lands. Elders or even village headmen do not have authority beyond settling basic disputes among their subordinates.¹⁰

The shaping of development policy and administration of ethnic highlanders is influenced by external as well as internal concerns. On the one side, there has been international pressure to replace opium cultivation with the promotion of other cash crops among the ethnic minority living in the highlands. On the other side, the Thai government is concerned about the integrity of the nation-state and has enforced a strict policy in the highlands, in terms of population movement and control, land tenure, and the management of natural resources. Thus far, it can be concluded that government policies and development activities have had considerable impact on the highlanders’ lives, especially when the government has made little efforts to provide the *Akha* with education or training in their campaign to eradicate opium.¹¹

Sentiment Towards Highlanders

The Thai majority has long regarded the highland minorities as inferior people whose language, economics, socio-cultural customs, and religion are at a more primitive level. Highlanders, therefore, often have no sense of national belonging or national consciousness. Sontaya Manosaen, a border patrol official in Mae Jan district, confirms this attitude by stating that “[members of] hill tribes, in general are seen as separate, cohesive groups living on the edge of Thai society. They have no social values, [are] ignorant of the laws and norms of Thai society, and [are] even ungrateful at times when it comes to all the good things the Thai government has done for them.”¹² Even though the Thai public recognizes the highlanders’ contribution to the region’s economy, awareness of, and interest in highland minority people amongst the Thai population is minimal. Further, it seems that the gap between mountain peoples and Thai lowlanders is widening rather than narrowing.

As a result of this widening gap, incorporation policies formulated in 1967, such as the formal granting of Thai citizenship, have been constantly behind in their implementation. In some provincial districts, the proportion of the highlander population with Thai citizenship is as low as 10 percent.¹³ In 1988, the Thai government introduced “blue cards” intended to register as many highlanders as possible, but registering for and receiving the card did not include the granting of citizenship. In fact, those possessing “blue cards” are forbidden to move from their villages.

Citizenship

In 1992, the government issued a decree indicating that all those who had entered Thailand before February 28, 1986, would be able

to obtain Thai citizenship. As a result of this, another type of card was issued. This time, they were green cards with red borders; these cards do not give a right to obtain an official ID card. The granting of “real” ID cards indicating that holders are Thai citizens stagnated again under the Thaksin administration that took office in 2001. The problem for the many highlanders who have no ID cards (making up an average of 40% or more of 350,000 people who do not have citizenship) is their inability to possess vehicles, conduct business, access social services, or receive primary education. When traveling, these highlanders are often arrested as illegal aliens due to lack of proper Thai national identification cards, even though more than a half of the estimated number have lived in Thailand for several generations.

Akha from Ja Loh and Phah Nom villages are often stopped at check points when going into town. Those who do not possess



Figure 2: Checkpoint at Phah Nom village.

either the Thai national ID card or a highland ID card risk being fined or arrested as illegal aliens. Outside visitors also must show identification

to checkpoint officials, state the

purpose of their visit, and indicate with whom and how long they are staying in the village. This citizenship issue may be seen as a dilemma for the government because Thailand is a very homogenous

country whose populace speaks a national Thai language and shares a common culture. The enactment of the 1965 Nationality Act states that a person born in Thailand is automatically a Thai citizen, but the law covers only children whose parents are Thai nationals.¹⁴ Interpreting this, one should question the peculiarity behind such a law and wonder if a child can be granted Thai citizenship as long as his or her parents are Thai nationals, and the same is expected of the grandparents, great-grandparents, and prior generations. The denial of Thai citizenship prompts a question of whether or not it will ever be possible for any of the highland population who live migratory existences to obtain Thai citizenship.

According to Lt. Colonel Prajak Awai-yawanon, police superintendent of the Mae Fah Luang District in Chiang Rai Province, “having identification cards can also stimulate massive urbanization, which may eventually lead to the rise in crime rate, drug use, and competition for social services including education and health care.”¹⁵ However, those who do not have identification cards still have ways to find work in big cities, though risking arrest and exploitation by the sex industry. And, as poverty drives many girls and young women to go to cities in search of work and brighter future, some end up going voluntarily into prostitution.

The effective statelessness of many women from the highlands makes them particularly vulnerable to joining the large sex industry in Thailand because they are often unable to obtain jobs without an education. There have been numerous cases in which young girls and women are forced into the sex industry. David Feingold, a filmmaker who documented the sex trade in minority women in Thailand, Laos, and Burma, listed a number of problems that have led highland women to leave the countryside and migrate to

the sex trade: drug eradication programs with too little emphasis on alternative crops; population pressures; loss of land to other Thais; and conflict in neighboring Myanmar. But the greatest risk factor is the women's precarious legal status: minority groups have enormous difficulties obtaining Thai citizenship, and therefore, have few economic opportunities. Feingold is convinced that efforts to fight sex trafficking must focus on local issues, not just the universal terms of the United Nations' anti-trafficking protocols and the United States' laws to protect trafficking victims and punish transnational organized crime.¹⁶

Land Rights

Shifting cultivation represents another situation wherein people regularly move from site to site, clearing small tracts of land every few years, because prevailing ecological conditions will not support permanent forms of agriculture. Thin, infertile soil causes yields to decline sharply after a couple of years of cultivation, forcing highland farmers to move to another location, leaving their land to lie fallow before it can be cultivated again. In many parts of Thailand, the expansion of commercial logging and the growth of population have combined to exert excessive pressure on these resources, and, with them, cycles of population movement have become greatly modified.¹⁷

Most highland villagers have no legal rights regarding ownership of land. Several villages have been told over the years by the Thai Ministry of the Interior, Royal Thai Forest department, or military officials dealing with problems of national security that they would have to vacate their residence, regardless of the length of time villagers have occupied the sites. Over the years many

plans of resettlement have been carefully formulated and, in most cases, were very successful in expelling the residents. It seems that arguments for [forced] resettlement, such as national security, problems of deforestation, and watersheds spoiling, are valid only for minority peoples and not for others such as economically poor Thai farmers. At the same time, these government agencies have failed to indicate where the villagers might resettle or have selected to settle them on unproductive soil.

The “War On Drugs” Campaign

The Opium Act of 1959, enacted by member countries of the United Nations Office of Drugs and Crime (UNODC), banned the sale and the use of opium in Thailand, as requested in the United Nations and the United States. It took a very long time, nonetheless, before the ban of opium growing was implemented, as the interest of so many people of all layers of Thai society were involved. Officially, however, the mountain minority peoples were blamed, and it was cited as one reason, besides deforestation, to relocate them. It was also often incorrectly suggested that mountain peoples were growing opium mainly for sale and for their own consumption.

Upon taking office in February 2001, Prime Minister Thaksin Shinawatra declared the “prevention and suppression” of narcotic drugs as one of his top priorities by setting down guidelines for “concerted effort of the nation to overcome drugs. He pledged that the government would strictly enforce drug trafficking laws and remove legal and other barriers to drug treatment and rehabilitation.” The war on drugs campaign was initiated to eradicate the use

of illicit drugs such as *yaa baa*, or methamphetamine, the most popular amphetamine-type stimulant (ATS).¹⁸ *Yaa baa* pills are produced in neighboring Burma for the Thai market by the United Wa State Army (UWSA) and are rivals to both opium and heroin as the most profitable product in the narcotics trafficking business. The mountainous, minority-controlled border regions between Thailand and Burma have played a significant role in the recent emergence of the ATS trade. Long-established trading routes in the Golden Triangle area overlapping Thailand, Laos, and Burma now serve as an important trading hub for goods, including *yaa baa* pills. In Thailand, the use of methamphetamines has increased dramatically during the last four years. The Thai authorities claim that neighboring Myanmar is the source of these drugs but have been seemingly unable to restrict their entry into Thailand.¹⁹

The *Akha* have long been associated with opium, as growers, users, and distributors, who, until recently, dominated a portion of the Golden Triangle. After the suppression of opium poppy cultivation which began in the 1960s, the *Akha* have become both impoverished farmers and in many cases narcotic addicts. The Thai government has taken steps to eradicate opium cultivation and resettled the *Akha* into permanent villages. Most often, the settlement process was made against the will of the people. Some of the users were sent to detoxification centers where there have been accounts of people enduring beatings and forced confessions. The Thai media has misled the public into believing that the highlanders are responsible for drugs trafficking. Subsequently, when the government began fighting the war on drugs, the authorities shifted their focus towards ethnic minorities because of their known history and association with opium production and use. Many Thai and

ethnic minority alike faced arbitrary arrest where they were held without charges or trials and faced extrajudicial killings.

According to a speech by Dr. Surakiart Sathirathai, Minister of Thai Foreign Affairs, “laws were amended to treat drug addicts as patients not criminals. Hundred of thousands of them have turned themselves in for medical treatment.”²⁰ Despite his rhetorical commitment to humane responses to Thailand’s drug problems, Thaksin’s anti-drug campaign quickly evolved into a violent and murderous “war on drugs.” Beginning in February 2003, the Thaksin government instructed police and local officials that persons charged with drug offenses should be considered “security threats” and dealt with in a “ruthless” and “severe” manner.²¹ The results of the initial three-month phase of this campaign was some 2,275 extrajudicial killings, which the government blamed largely on gangs involved in the drug trade; inclusion of drugs suspects on poorly prepared government “blacklists;” intimidation of human rights defenders; violence, arbitrary arrest, and other breaches of due process by Thai police; and coerced or mandatory drug treatment.²²

Prime Minister Thaksin gave a green light to authorities to use violence against drug dealers, users, and any person caught with drugs in his or her possession. A number of human rights watchdogs, international and local non-governmental organizations (INGO/NGO), and several Thai senators criticized the government, saying that excessive violence hurts innocent victims. Deputy Prime Minister Chavalit Youngjaiyud, supporter of the campaign, rebutted by saying that “[I]t was designed to destroy the network of traffickers and peddlers, severing the link between drug producers and their pushers.” He also added that the extrajudicial killings

accounted for less than 0.03 per cent of drug-related deaths, making it worthwhile to continue.²³ Police began raiding villages of different ethnic groups, including those of the *Akha* throughout the Chiang Mai and Chiang Rai provinces. Many *Akha* suspected of drug possession or drug use disappeared suddenly from their village. Some are believed to have been ambushed while traveling between villages, especially at night. A good number of *Akha* from a village in Mae Jan district in Chiang Rai Province were beaten, brutalized and mutilated, without regard to age.²⁴ Beatings and killings of *Akha* also occur in places like detoxification centers and prisons. An *Akha* man in a provincial drug rehabilitation center was beaten by three soldiers who were annoyed at his inability to speak Thai; the man later died in the hospital upon arrival due to internal bleeding.²⁵

Prime Minister Thaksin has been repeatedly criticized over the improper way his government handled the war on drugs campaign. Following the extrajudicial killings in March 2003, the Ministry's Deputy Permanent Secretary Veerasak Futrakul invited United Nations Commission on Human Rights representative to make observations on the situations in the kingdom. However, according to Pradit Charoenthaitawee, a member of Thailand's National Human Rights Commission, the UN would like to dispatch Asma Jahangir as a special rapporteur to Thailand, but the Thai government has not allowed her entry.²⁶ As a response to the UN response to external interventions, PM Thaksin declared that "the UN is not my father. We, as a UN member, must follow international regulations. Do not ask too much."²⁷

Thematic Elements Of The Genocide Convention

Thailand's denial of the *Akha's* rights to citizenship and land already violates some of the basic principles enshrined in the Universal Declaration of Human Rights. The maltreatment towards the *Akha* during the "war on drugs" campaign also fits a definition of genocide included in the U.N. Convention on the Prevention and Punishment of the Crime of Genocide. The Convention clearly identifies elements crucial to the definition of the crime, including the notion of the intent to destroy groups; the types of groups to which the convention extends protection; and the kinds of acts considered genocidal.²⁸

The historical events of systematic annihilation of Armenians by Turks and of Jews by the Nazis during World War I and II provided the impetus for the United Nation's adoption of the Genocide Convention in 1948. According to Article II of the Convention, genocide is defined as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such":

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the groups, and
- e) Forcibly transferring children of the group to another group.

In its early formation, the word "genocide" was coined to apply

to situations in which individuals become the objects of destruction not for any reason particular to them, but simply because they are members of an identifiable social or ethnic group. Ethnocide conveys the same idea as genocide, but can be thought of as the destruction of culture which could be brought about by a variety of means including, but not limited to, outright killing of their members.²⁹ Some of the examples of ethnocide are conversion by missionaries and removal of poor children for placement in orphanages. These actions undermine existing culture and many ultimately prevent birth within the remaining groups of the population.

Missionaries' Role In Ethnocide

Christian missionaries in Thailand have played a role in the destruction of *Akha* culture, either through conversion or the removal of *Akha* children and the placement of these children in orphanages. Missionaries bring with them Western lifestyles, entice local people to believe in God via material incentives, and impose their values and teachings upon the *Akha*. At a time when non-Christians around the world are sensitive about the role of Christian missionaries, *Akha* people in northern Thailand get economic relief, along with the teaching of Jesus. In December 2002, President Bush created a center for faith-based initiatives within the United States Agency for International Development (USAID). The Department of Labor has since given \$700,000 to the International Justice Mission (IJM), a faith-based, human rights organization whose mission is to combat human trafficking efforts and abuses in developing countries.³⁰

Missionaries use funds to remove children from villages to educate them in parochial schools, creating tension within

communities, as well as undermining culture. According to Matthew McDaniel, (American activist) “missionaries have succeeded in converting close to 50 percent of the *Akha* villages in Thailand, and they are aggressively going after the rest.”³¹

However, despite the claim that Christian missionaries have contribute to the *Akha*’s loss of cultural identity, some argue that “the hill tribe people can still retain their culture, even after converting, since religion is only one aspect of their lives.” Moreover, since the Thai government have shown little attention to the hill tribe communities and have also ignored them on economic and social matters, without faith-based groups, many might be even worse off. The Christian missionaries care for orphans who lost their parents to AIDS, provide schooling in remote areas, and offer other services such as basic health care. Furthermore, some local Christian organizations even ensure that the *Akha* retain their language and family ties.³² Nevertheless, funds used in international development projects are difficult to monitor; organizations such as the IJM may use the plight of the *Akha* people as a cover to win foreign funding, in the name of economic development.

In addition to recruiting new converts, missionaries in Thailand are also known for their “family planning program.” Paul Lewis, one of the pioneer missionaries to serve in Burma and Thailand in the early 1960s, initiated a family planning program by using sterilization as a form of birth control among the *Akha* in Thailand. This method, according to Lewis, was popular among the *Akha*. The program was sponsored by the McCormick Family Planning Program and the Thai government.³³ However, controversy surrounds this issue because the program has not been attuned to the culture and needs of the *Akha*, and even though Lewis states

throughout his dissertation that the decision is made solely by the women themselves, some resent the decision afterwards when they realize that they can no longer conceive. Matthew McDaniel, who had worked with the *Akha* for the past 15 years, argues that Lewis and his colleagues forcefully sterilized *Akha* women against their will, or that the women were not fully informed about the procedure.³⁴ The important elements of genocide, “intent to destroy,” is not present in this family planning program, but the intent is actually to restrict the size of groups.”³⁵

Development Programs

However, notwithstanding the claims of various types of human rights violations, the Thai government, with the help of various international agencies, has planned the highlanders’ development programs since the 1960s. The quite idealistic objectives of the programs have been to stabilize the residence and secure the livelihood of highland peoples; to discourage and eventually replace opium production; to discourage and stop deforestation; and to encourage highlanders to participate as citizens in the national life of Thailand.³⁶ Further, His Majesty, the King of Thailand has launched “The Royal Projects” whose initiatives are to “bring prosperity to the highlanders.” The majority of the projects focus on agriculture, irrigation, and environment with simple objectives of teaching people the essentials of self-sufficient and environmentally friendly methods of farming.³⁷ Overall, the royal projects have contributed greatly to the alleviation of poverty amongst the *Akha* population; clean water is now available in remote areas, as well as sanitation and access to medical and health care.³⁸ However, critics argue that officials working under the project find even more legitimate

reasons to evict or relocate poor highlanders, using claims that they encroach on national forest land which is being planted with pine to be supplied to logging companies.³⁹

Conclusion

Thailand's constitution gives executive power to a prime minister and his cabinet. Thailand's current Prime Minister Thaksin Shinawatra and his government eased citizenship rules for hill tribes when his administration came to power in 2001, but it is not yet clear how many have benefited from the changes. Thaksin should consider granting full citizenship to members of the hill tribes, without any conditions. The fact that a large percentage of the hill tribe population lack citizenship leaves them ineligible to vote, own land, obtain lawful employment, and makes it harder for them to access education and health care. Up until now, the hill tribes are vulnerable to police corruption and abuse in Thailand.

Currently, Thailand is in the process of drafting a national human rights plan of action as well as a national education plan of action. The Thai government asserts that it "attaches great importance to creating awareness and understanding on the issues of human rights among the people at all levels, both those at risk of being violated and those who are prone to abuse their power." Over the past few decades, Thailand has consistently taken on humanitarian tasks, particularly in providing safe shelters for millions of displaced persons and refugees from neighboring countries. Further, during the 54th United Nations General Assembly in 1999, Thailand co-sponsored 33 draft resolutions in social, cultural and human rights. The items in which they place high interest are the rights of women, children, and the disabled, indigenous peoples which

include hill tribes displaced persons and refugees; national human rights institution; human rights education; right to development; and racism and racial discrimination.⁴⁰ However, despite the mentioned efforts, Thailand still acts as though it is afraid to grant citizenship to ethnic minorities and to regard them as Thai. Part of the reason maintained by the Thai government is that granting citizenship to ethnic minorities en masse will create overwhelming demand for citizenship by other groups, mainly illegal immigrants from Burma and Cambodia.

According to Article 15 of Universal Declaration of Human Rights, everyone has the right to a nationality and no one shall be deprived nor denied this right. In Thailand, citizenship is a right granted at birth to anyone born within the kingdom. It is available to foreigners living in Thailand after a certain number of years. Thus, the *Akha* who have been in the country for generations should not be denied of Thai citizenship.

In Thailand, societal discrimination against the *Akha* and other ethnic minorities is based on the beliefs that they were involved in drug trafficking and environmental degradation. There have been recognitions, particularly from the U.S. State Department, that allegations of mistreatment and abuse towards the highlanders are credible. They have also noted that the Thai government publicly acknowledged that the mistreatment occurred and has promised to punish those found responsible for such abuse.⁴¹ As listed in the Convention, Article IX allows for disputes between parties to be adjudicated by the International Court of Justice because accusations of genocide are made by one state against another; this process, however, has never occurred.

For the *Akha* in Thailand, there are not any existing legal

strategies that they can rely upon to ensure that they can truly benefit since there is no body of international law to clarify the parameters of the Convention. The various types of violations against the *Akha* will continue to occur simply because they are members of a visible minority group. Even after having lived their migratory existence in Southwest China and Burma before migrating to and remaining in Thailand for many decades, most *Akha* remain unlawful residents of Thailand. The lack of citizenship prevents them from legally owning land, participating in political process, and makes *Akha* vulnerable victims of labor exploitation and sex trafficking. Not having proper identification in Thailand may cause *Akha* and other ethnic minority to be fined or even deported. It also forces them to face systematic abuse from the Royal Thai Forest department, which has sole ownership of national forest land on which many *Akha* live. They are denied their migrating lifestyle, have to live in designated villages and are forced to relocate. The police target them as illegal aliens who do not belong to the country and often are subject to searches and arbitrary arrests, often citing lack of proper identification papers. Furthermore, Christian missionaries also play a role in the ethnocide of *Akha* culture by imposing western values on them and using material enticements in order to convert them. The *Akha's* long association with opium has negative impact from government policies, especially in the recent "war on drugs" by the Thaksin administration, which has been widely criticized for human rights violations.

There are some positive developments, however. His Majesty the King of Thailand initiated the "Royal Projects," which have increased the living standards of highlanders in general, including the *Akha*. The Thaksin administration eased some of the regulations which

deny citizenship to the *Akha*, and currently the Thai government is already in the process of drafting a human rights plan of action and a national plan of action on human rights education. The important questions, however remain: will these new developments will be instrumental in stopping the ethnocide of the *Akha* culture? Or, will they save this culture that is so prevalent in tourist promotion of Northern Thailand?

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