

Nationality discourse of the Thai state: transnational peoples in the Thai-Lao border of Ubon Ratchathani province*

วาทกรรมสัญชาติของรัฐไทย: คนข้ามรัฐที่ชายแดนไทยลาวในพื้นที่จังหวัดอุบลราชธานี

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Abstract

By weaving the concepts of power, people, and space, this paper analyzes the ways in which nationality discourse is produced. The Acts of Nationality of 1961, 1966, 1992/1, 1992/2, and 2008, and the Revolutionary Council Announcement of 1972 will be approached by discourse analysis. The language used in the five Acts and the Revolutionary Council Announcement of 1972 will be analyzed to detect how significance and identity are produced and reproduced. By reviewing literature, this article further examines the ways in which the nationality discourse constitutes the lives of transnational peoples in the Thai-Lao border of Ubon Ratchathani province.

Keywords: Nationality; Discourse Analysis; Border; Transnationalism

บทคัดย่อ

บทความชิ้นนี้วิเคราะห์ลักษณะการที่รัฐไทยผลิตวาทกรรมสัญชาติขึ้นโดยพิจารณาจากแนวคิดหลักสามประการคือ อำนาจ ผู้คน และพื้นที่ ผู้เขียนวิเคราะห์วาทกรรมจากพระราชบัญญัติสัญชาติ พ.ศ. 2504 พ.ศ. 2509 พ.ศ. 2535/1 พ.ศ. 2535/2 พ.ศ. 2551 ตลอดจน ประกาศคณะปฏิวัติ พ.ศ. 2515 ผู้เขียนพิจารณาภาษาที่ใช้ในตัวบทดังกล่าวเพื่อสังเกตลักษณะการกระบวนกรสร้างความหมาย และ อັ ต ลั ก ษ ณ์ ได้ ถูก ผลิต ขึ้น และ ผลิต ขึ้น ที่ เปลี่ยน แปลง ตาม นโยบาย ของ รัฐ นอกจากนี้บทความชิ้นนี้ได้ทบทวนวรรณกรรมว่าวาทกรรมสัญชาติที่ผลิตโดยรัฐไทยได้ส่งผลกระทบต่อวิถีชีวิตผู้คนข้าม ชาติบริเวณพรมแดนไทยลาวในบริเวณพื้นที่ชายแดนจังหวัดอุบลราชธานีอย่างไรบ้าง

คำสำคัญ: สัญชาติ; การวิเคราะห์วาทกรรม; ชายแดน; ลักษณะข้ามชาติ

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Introduction

In a state-centric paradigm, a state is composed of four elements -- territory, population, government and sovereignty (Evans and Newnham 1998 and Cord, Jones, Medeiros and Roskin 2006). The state is perceived as having complete power to control its territory and the peoples in it (Dunne and Schmidt 2006). A state establishes boundary to define territory within which it is theoretically expected to protect citizens from external threat. These boundaries are not only territory confinement but also a bio-political regimentation that they exclude and capture aliens who are not subjected to the state (Soguk 1999).

However, the definition of 'a state' mentioned above is a conceptualization of what an ideal state is. Whether such a state with a complete control over space and peoples actually occurs is still worth questioning. A number of anthropology researches in border have shown that the 'rationality' of the state and 'emotion' of peoples are never in accordance (Vail 2008). The law enforced by the state is often violated. This illegality is the example of non-compliance and non-conformity with the state.

In Thailand, known as Siam at that time, King Rama V implemented a modern state system based on the British model in India and Burma. Peoples and territory, irrespective of location, were controlled by the center, Bangkok (Thongchai 1994). This system extended the sovereign power of Bangkok over distant provinces as Ubon Ratchathani in the 1880s (Owen 2005).

Since then, lives in the regions close to the Thai-Lao border zones have not been in accordance with the implementation of state-centric policy. Lives in the Thai-Lao border are not the only one example. The insurgency in the southern provinces of the Thai-state also reflects the incongruence between the judicial and cultural maps which turn into violence (Decha 2008).

In the Thai-Lao border zones of Ubon Ratchathani, cultural interactions predated the formal establishment of the existing modern state boundaries under the throne of King Rama V in the late 19th century (Thongchai 1994). Peoples in Ubon Ratchathani and Champasak have a shared identity at certain extent -- they speak the same language (Ngaosyvathn 1985, and Viraphol 1985). They have been traveling freely between Ubon Ratchathani under the sovereign power of the Thai state and Champasak in Laos back and forth (Buttersby 1998-99, Bunchuay 2004 and Owen 2005).

Similar situation occurs in the Southern provinces of Thailand which border Malaysia. After the establishment of modern state, peoples still kept crossing the boundary. As cultural and juridical maps of the Thai-Malay border are not congruent, violence in which thousands of peoples have been killed during the past six years has occurred (Decha 2008). Compared to the Thai-Lao border of Ubon Ratchathani, lack of consideration of cultural recognition might lead to infringements of the rights of local peoples, causing tension, conflict, and threats to state security. If a state boundary is a territory confinement and people containment, the transnational movements of peoples in the course of daily lives along the border are challenging the territorial integrity of the two states (Vail 2008).

Much of the present situation regarding displaced peoples of Ubon Ratchathani province and Champasak arose from the Cold War period in which Lao people entered Thailand (Surke 1983, and Owen 2005). Some stayed in displaced people camps in Northeastern provinces like Ubon Ratchathani and other provinces. Others lived with members of their families already residing in Thailand. As time passed, camp peoples and those staying with relatives started their own families, some retaining their displaced people status and others gaining Thai nationality. Nowadays, some of these Lao people who had fled their homeland since the 1975 Revolution were removed from the Lao state census registration and, at the same time, many, as well as their siblings born on Thai soil, were refused Thai nationality by the Thai government. As a result they became stateless (Vail 2008). Such marginalization is termed according to Aristotle as sheer-fact-of living or *zoe*, which is contrastive to *bios*. Displaced people – stateless – are not recognized by any sovereign power. They can be killed, raped, tormented anytime without any legal protection (Vail 2008). According to Giorgio Agamben, these peoples are called ‘naked lives’. They are not guaranteed a legal protection by the sovereign power. Nevertheless, it is interesting that these marginalized peoples keep crossing the Thai-Lao border everyday without any sovereign recognition but they can disrupt the territorial integrity of the state.

Transnational peoples

Transnationality came to the attention of International Relations scholars such as Joseph Nye and Robert Keohane in the 1970s. They claimed that transnationalism was one of the multiple channels of interaction among nation-states. They explained that

transnational relations between the United States and Canada constitute the foreign policy of the two nation-states. Yet, transnationalism is marginalized in the studies of International Relations (Hill 2003). Transnationalism is also claimed to be a part of globalization (Willets 2006). In return, globalization reinforces the transnational paradigm of Grotius and weakens the vision of Hobbes of a sovereign territorial unit too (Badie 2001). Transnational actors can be categorized in economically, ideologically, and culturally (Hill 2003). They are namely transnational co-operations, finance, global media, and peoples in general whose movements transcend nation-state boundaries (Appadurai 1996). Yet, some scholars claim that such categorization overlooks certain groups of peoples (Decha 2006). The dystopic view of globalization, however, highlights those who refuse and/or are excluded by the nation-state system (Lionnet and Shu-Mei Shi 2005). One of the examples constituted by the reconfirmation of the sovereign power of the state-centric paradigm is the displaced Karen peoples from Burma who stay in camps at Tak province, western Thailand (Decha 2006)

Several scholars have conducted research on the movements of transnational peoples. In 2006, Philip L. Martin, Susan L. Martin, and Patrick Weil investigated transnational people from the Dominican Republic to the United States, Haitian immigrants to the Dominican Republic, and Chinese immigrants to the Netherlands and England. In 1999 Thomas Faist researched Turkish people living in Germany. These are similar to the displaced Laotians in Ubon Ratchathani that they are marginalized by the host state.

Arjun Appadurai coined the term *mediascape* to explain the movement of transnational peoples with collective imagined community. In such situation he cited an example of an Indian working in foreign country but still has contact with his family in home country. Such a case was researched by Rainer Baudöck in 2003. Once these peoples stay long enough they have citizenship of the host state which results in dual citizenship. Thus the analysis of collective identity and concept of citizenship of peoples in their host state and state of origin is the main focus of Baudöck . Appadurai also introduced the term *ethnoscape* to describe peoples on the move beyond the state boundary. Yet Decha suggested that Appadurai failed to notice the extreme difference between peoples in general and exceptions. The former, such as Indian diasporic natives, can transfer money from the United States to India, while those displaced Karens in the war zone of Thai-Burmese border do not know when they will be killed. The two

examples are considered transnational but the former is still protected by sovereign power whilst the latter is not.

Another group of unprotected transnational people has been researched by Tan Lay Lee in 2005. He stated that there are hundred thousands of Burmese people – both documented and undocumented – in the Thai state. Yet, he focuses on the human rights and gender and proposes that the problem be solved by means of international organizations. In 2007 Decha conducted another anthropology research on the lives of transnational Karens in the Contemporary Shelter Area in the border zone. They are ‘naked lives’ since they lack of sovereign protection. The fact their imperceptibility constitutes their perceptibility was paradoxical. Since they are not perceived, the naked Karens tried to be perceived as a human being by using violence. The Ratchaburi Hospital siege by the Karens was cited as an example of threat to the integrity and territorial sovereignty.

In 2007, Pantip Kanchancitra Saisunthorn and Peter Vail conducted extensive research concerning the transnational peoples along the Thai-Lao border in Ubon Ratchathani. The former paid attention to legal matters of nationality and human rights while the latter focused on the constitution of statelessness discourse on the lives of people in the border. Both demanded that the problem of statelessness be solved by the state mechanism.

Border

States establish borders to secure territories valuable to them because of their human and natural resources (Wilson and Donnan 1998). They are legal demarcations that define the geographic line of political entities and legal jurisdictions of nation-states but are not necessarily in accordance with socio-cultural and economic boundaries. Various researchers in border studies argued that cultural and juridical maps are often incongruent. They are Gupta and Ferguson, Thongchai, Battersby, Wilson and Donnan, and Decha. This incongruence of cultural and juridical mapping may lead to dangerous security issues at borders (Decha 2008). Map-drawing and the designation of boundary are part of process of establishing territory and identity (Cord, Jones, Medeiros and Roskin 2006). This process differentiates between groups of ‘We-selves’ and ‘Other-selves’ during the time of nation-state building. In 1992 Gupta and Ferguson recognized a dominant culture and ethnic group that tries to assimilate other groups in a nation-

state. If the non-dominant cultures and ethnic groups reject this attempt of nation building, they tend to be excluded and perceived as a threat. Though they accept to comply with the dominant culture, still they might be marginalized. However, such borders do not stop local people's everyday habits, as a villager in an American-Mexican area said after the drawing of a boundary, "*We did not cross border, border crossed us*" (Soguk 1999).

The Thai-Lao overland border area of Ubon Ratchathani is interesting that Ubon Ratchathani and Champasak was under same state during the time of modernization in 19th century (Thongchai 1994, Wyatt 2004). When Champasak was divided to Lao state, there was a boundary crossing over the space where peoples over there had been living (Bunchuay 2004). Also, after the 1975 Revolution in Laos, there were thousands of displaced Laotians flooding to the Thai soil (Surke 1983, and Surachai 2007). Although some stayed with the 'Thai' kin, a lot of them lived in camps in the overland border area on the Thai side. Those peoples still keep crossing the boundary in their everyday lives.

Nationality

Sovereignty according to modern state is perceived as a transcendental form of authority exercised over subjects within a define territory (Deane 2001). Its instruments are law, decrees, regulations and acts backed by coercive sanctions. In this section the current studies on the constitution of nationality acts as forms of power to control peoples will be analyzed. In the north, a number of hill-tribe peoples, despite having lived in Thailand for the whole their lives, have no nationality. The Mogan peoples in the South and Karen peoples along the western border face the same problems (Pantip 2007).

Nationality Acts in Thailand are based on *jus sanguinis* or blood relations (Tang Lay Lee 2005, and Vail 2008). If one has a Thai parent, one is eligible for Thai citizenship regardless of whether or not one was born on Thai soil. This law raises the possibility that children born in Thailand of alien parents are not eligible for Thai citizenship if these parents are residing in Thailand under 'temporary case' status. As a result, these children born in Thailand become stateless.

The research of how Nationality Acts of Thailand has constituted the lives of peoples has been conducted by a number of scholars. In 2005, Tan Lay Lee paid

attention to gender and human rights issues. In 2008, Peter Vail conducted anthropological research of how ‘stateless people’ have struggled and negotiated with the state officials, while Pantip Kanchancitra Saisunthorn paid attention to the human rights and legal matters. Indeed, these scholars, despite using different methods, they still view ‘nationality’ from the state-centric perspective. Their research helps explain the lives of transnational peoples in the border marginalized by Thai state as well as the ways in which these people negotiate with the state authority. However, they fail to understand the ways in which the identity and signification of Thai nationality are produced. This article provides alternative point of view to the issue of nationality. Discourse analysis framework is proposed as an alternative to examine the Nationality Acts of the Thai state.

Theoretical framework

Discourse analysis has been subject to a number of usages among social scientists such as Foucault, Habermas, Mouffe, and Laclau (Wodak and Krzyzanowski 2008). Also, discourse has been a subject in many disciplines such as sociology, philosophy, history, literary studies, cultural studies, anthropology, psychology and linguistics.

Foucault used the term discourse with 23 meanings in his writing and lectures (Wodak and Krzyzanowski 2008). However, it can be summarized as a system or procedure of constituting identity and significance in a society. Wodak and Krzyzanowski claimed that discourse was a connection between language and thought. It is a creation and societal maintenance of knowledge, truth and power. It involved discursive practices which include tradition, thought, beliefs, values, and institutions about that particular subject (Gee 1999). Discourse is constructed by a particular set of logics in a particular time and society. When a set of logics has been valorized, it becomes ‘a dominant discourse.’ At the same time, it subjugates other excluded discourses (Foucault 1972).

Contribution to the studies of International Relations

1. In this article, discourse analysis is used to examine power relations between transnational people and the sovereign power. The analysis of the ways in which nationality discourse is produced by the Thai state clarifies how violence along the border is constituted. Such understanding will bring about an awareness of the occurrence of violence in the exercise of power by the Thai sovereign over people along

the Thai-Lao border in Ubon Ratchathani and could lead to other research in other border provinces.

2. This article is also a statement that the study of International Relations should not be limited to state actors. To understand international politics, other non-state actors should also be included as power is not only exercised by nation-states. Thus transnational people along the Thai-Lao border in Ubon Ratchathani are included in this article and the nationality discourse imposed on these people is analyzed. It might be questioned whether these peoples are made stateless by the state system itself and could be further argued that the value in international organizations is one constitution of their statelessness. Such an understanding in International Relations adds a new perspective to the promotion of peace and stability along the Thai-Lao border.

Scope

In a modern state, sovereignty is perceived as a transcendental form of authority exercised to control the lives of people in a specific territory (Deane 2001). Its instruments are law, decrees, and regulations backed by coercive sanctions. In this article statelessness discourse as a form of power exercised by the Thai state is analyzed in the Naturalization Act of 1913 and the Nationality Acts of 1913, 1952, 1953, 1957, 1961, 1966, 1992/1, 1992/2, and 2008, and the Revolutionary Council Announcement of 1972.

The analysis of the ways in which nationality discourse is produced by the Thai state clarifies how knowledge of nationality along the border is constituted. Such understanding will bring about an awareness of the form of violence in the exercise of power by the Thai sovereign over peoples along the Thai-Lao border in Ubon Ratchathani.

Method

According to Gee (1999), there are 7 building tasks that a discourse analyst needs to question about the piece of language-in-use brought in to the examination. The 7 building tasks are namely significance, activities, identities, relationships, politics (the distribution of social goods), connections, and a sign system and knowledge respectively.

In this article, the language used in the set of rules of statelessness discourse is analyzed in the Naturalization Act of 1913 and the Nationality Acts of 1952, 1953, 1957, 1961, 1966, 1992/1, 1992/2, and 2007, and the Revolutionary Council Announcement of

1972. The analysis is to detect procedures, phases, orders, of how significance and identity of nationality are produced, maintained and changed by the Thai state. Below, the 7 building tasks accordingly to Gee (1999) and the discourse analysis questions will be listed.

1. *Significance*

Discourse analysis question: How are the Naturalization Act of 1913, the 9 Nationality Acts and the Revolutionary Council Announcement of 1972 used to make statelessness significant⁺ and in what ways?

2. *Activity*

Discourse analysis question: What activity or activities are the the Naturalization Act of 1913, the 9 Nationality Acts and the Revolutionary Council Announcement of 1972 used to enact or get others to recognize?

3. *Identities*

Discourse analysis question: What identity or identities are the Naturalization Act of 1913, the 9 Nationality Acts and the Revolutionary Council Announcement of 1972 used to enact or get others to recognize?

4. *Relationships*

Discourse analysis question: What sort of relationship or relationships are the Naturalization Act of 1913, the 9 Nationality Acts and the Revolutionary Council Announcement of 1972 seeking to enact with others?

5. *Politics (the distribution of social goods)*

Discourse analysis question: What perspective of social goods are the Naturalization Act of 1913, the 9 Nationality Acts and the Revolutionary Council Announcement of 1972 communicating, what is communicated as to what is taken to be 'normal,' 'right,' 'good,' 'correct,' 'proper,' 'appropriate,' 'valuable,' 'the ways things are,' 'the way things ought to be,' 'high status or low status,' 'like us or not like us'?

6. *Connection*

Discourse analysis question: How do the Naturalization Act of 1913, the 9 Nationality Acts and the Revolutionary Council Announcement of 1972 connect and disconnect things; How do they make one thing relevant or irrelevant to another?

7. *Sign systems and knowledge*

Discourse analysis question: How do the Naturalization Act of 1913, the 9 Nationality Acts and the Revolutionary Council Announcement of 1972 privilege or disprivilege specific sign systems such as Bangkok Thai dialect vs. Southern Lao dialect, technical language vs. everyday language, words vs. image or different ways of knowing and believing or claims to knowledge and belief?

Discourse Analysis of Nationality Acts of the Thai state

The language used in the set of rules of nationality discourse is analyzed in the Acts of Nationality of 1965, 1992, and 2008, and the 337 Revolutionary Council Announcement of 1972. The analysis is to detect procedures, phases, orders, of how significance, activity and identities of Thai nationality are produced, maintained, and changed.

A. The Act of Nationality of 1965

In **Section 4**, the term ‘aliens’ is used to define peoples who do not have Thai nationality. Aliens were perceived by the Thai sovereign as ‘others’. Be that as it may, the sovereign will protect its subjects, but exclude and thus threaten lives who do not belong to it. It means that the state has two faces. Once lives are recognized by the sovereign, they are embraced and cared for. However, once lives are excluded, they can be threatened to death.

In **Section 7**, the ways in which peoples acquire Thai nationality are indicated. This Nationality Act is based on *jus sanguinis*. It means that if one has a Thai father, one is eligible for Thai nationality regardless of whether or not one was born on Thai soil.

Power relation in the sense of gender can be noticed. If a person has a Thai mother, but there is no proof of the father’s nationality, say, the father does not have any nationality, that person can have a Thai nationality. Yet, if there is a proof that the father has a nationality of any nation-state, the person is not able to acquire Thai nationality.

In **Section 8**, it is more obvious that a person born on the Thai soil but from ‘alien parents’ will not be able to acquire Thai nationality. This is another way that a state contains peoples.

In **Section 9**, if ‘a female alien’ married to a Thai citizen wishes to acquire Thai nationality, she must hand in a petition to Thai officials according to the ways indicated by the Ministry of Interior. Section 9 indicates that whether she is qualified to be included under the protection of the sovereign power or not depends on the judgment of the agent – the Minister of Interior - of Thai sovereign power itself.

In **Section 10, 11, and 12**, the ways in which ‘a female alien’ is qualified by the Thai state are indicated. One common condition to be qualified as a Thai citizen is that that alien must be proved to be related by blood to a Thai citizen. Her behavior must be approved as a non-threat to state security. If she had benefit the Thai state it is even more advantageous to be accepted. She will be judged by the Ministry of Interior to be qualified as a Thai citizen.

In **section 13**, the ways in which a Thai woman married to an alien is denaturalized is indicated. It is stated that if the woman acquired her husband’s citizenship and wants to be denaturalized she can hand in the petition to the state officers. This article reflects not only the power relations between the sovereign power and peoples but also the power relations of patriarchal society. There is no article to indicate if a Thai man married to an alien wishes to be denaturalized has a rights to hand in a permission to a state official.

In **Section 14 and 15**, power relations between people and the sovereign power can be noticed. In the two sections, the ways in which a Thai citizen with an alien father can have a right to ask to be denaturalized would have to depend upon the judgment of the Minister of Interior.

In **Section 16**, a gender issue can be detected. It states the ways in which ‘a female alien’ who later acquired a Thai citizenship by marrying to a Thai citizen are denaturalized if she is proved to insult and threaten peace and order of the Thai state.

In Section 17, 18, 19, 20, 21 and 22 it states in general that if a Thai citizen is a threat to the Thai state, that person will be denaturalized by state officials such as the Undersecretary of the Ministry of Interior, the Director-general of the Department of Local Administration, the Director-general of the Department of Police, the Attorney General, the Minister of Interior.

In Section 23 and 24, the ways in which those denaturalized can be re-naturalized by asking to be considered by the officials of the Thai state are informed. In the article 23, a gender issue can be noticed as it talks about how a Thai woman already denaturalized.

B. The 337 Revolutionary Council Announcement of 1972

In the announcement, the ways in which peoples born on the Thai soil whose mother or father does not have Thai nationality are denaturalized. It is indicated that *'even though those people have Thai nationality, they are not loyal to the Thai-state. Hence, in order to protect and maintain peace and order of the Thai-state, these people are no longer to have Thai nationality'*.

In this announcement, the condition to acquire Thai nationality based on *jus sanguinis* or blood relation is more emphasized. Peoples unqualified to have Thai nationality are those whose father or mother is 'alien'. After this announcement, hundred thousands of peoples were denaturalized. Whether or not to a person categorized above wanted to be granted nationality would be judged by the Minister of Interior.

C. The Act of Nationality of 1992

In Section 3, it is indicated that the 337 Revolutionary Council Announcement of 1972 be revoked. It reflects the changed norms and values toward the issue of threat to the state. In the year 1972, peoples with the 'communist ideology' or from the neighboring communist nation-states were considered threat to the Thai state. Hence, state apparatus to contain peoples in that time was more intensive that of 1992.

In **Section 4**, it is indicated that the Article 7 in the Act of Nationality of 1965 is revoked. Women are given more rights as it can be seen in the sentence indicating that *‘a person born from a father or mother whose nationality is Thai, whether inside or outside the Kingdom of Thailand is able to have Thai nationality’*.

In **Section 6, 7, 8, 9, 10, and 11**, various articles of 1965 Nationality Act are revoked. Those with Thai nationality but alien father might have nationality of other nation-state. However, they are required to declare the only one nationality they want to have. If they fail to do so within a year after the age of 20, they will be denaturalized. In section 6, 7, 8, 9, 10 and 11, the power relation between the sovereign and peoples is noticed. There can be an exception for not being denaturalized but it has to be considered by the Minister of the Interior. Even though norms and values towards qualifications to have nationality have changed, state still has the upper hand to decide who is qualified or unqualified.

D. The Act of Nationality of 2008

In **Section 6**, Section 7 in the Act of Nationality is revoked. The definition of ‘father’ has been redefined. A father is whoever proved to be the father of the person according to ministerial regulations, even though he has not registered the marriage license. In this section, it is noticed that more rights have been granted to peoples who want to have Thai nationality. It is not as strict as it was in 1965 which narrowly defined the term ‘father’ that must be a legally proved.

In **Section 7**, even though the state still has the upper hand to decide who is un/qualified, it is noticed that human rights is brought into consideration together with the issues of state security.

In **Section 8 and 9, 10, 11, 12, and 13** more rights to be naturalized have been granted to the children, wife and husband of those who wish to have Thai nationality than in the Act of Nationality of 1965.

In **Section 14, 15, 16 and 17**, even though there are changes from the Nationality Act of 1965, the national security is still prioritized. This reflects the ways in which a person whose father or mother is alien is denaturalized. He/she who lives

outside the Kingdom with an alien father or mother may be denaturalized. Also, if he/she has done anything considered as a threat to the state, he/she may be denaturalized. State apparatuses such as prosecutor, courts, and the Minister have authority to judge whether that person should be denaturalized or not

In **Section 18**, man or woman with Thai nationality but later denaturalized by marrying an alien according to Section 13 of the Nationality Act of 1965 can be re-naturalized.

Section 23 is the highlight of this Act as it provides rights to those denaturalized by the 337 Revolutionary Council Announcement of 1972. Those people together with their relatives who lost the nationality can be re-naturalized. This change reflects the significance of human rights norm. The 337 Revolutionary Council Announcement of 1972 from the coup d'état is considered undemocratic by a democratic nation-state.

Nationality discourse over the lives of transnational peoples in Thai-Lao border of Ubon Ratchathani province.

During the Cold War, Laotians flooded into Thailand as displaced people (Owen 2005). Some of them stayed in displaced people camps in Northeastern areas such as Ubon Ratchathani and other provinces but some stayed with family on the Thai side of the border. As time passed, both the camp peoples and those who stayed with relatives started and raised families, some retaining their displaced people status and others gaining Thai nationality. Nowadays, some displaced persons who had fled from Laos since the 1975 Revolution were removed from the Lao state census registration. At the same time, many were refused Thai nationality by the Thai state (Vail 2008).

In 2007, there was an estimated 10,000 Thai-Lao ethnic people on the border of Thailand and Laos in Ubon Ratchathani provinceⁱⁱ. These peoples were stateless for different reasons. Some arrived in Thailand in the late 1970s and early 1980s as the result of problems in Laos and went to immigration camps and others stayed with kin who had Thai nationality (Surke 1983 and Vail 2008). After the Cold War, some might expect that people in the border areas would have their nationality issues resolved, and they would return to their homelands, enabling the establishment of security and

stability in the border regions. However, some of those who fled Laos during the 1975 revolution had had their names removed from the Lao census registration, meaning they no longer had Lao nationality, and many were fearful of the government retribution upon returning to the country (Vail 2008). Therefore, Peter Vail's anthropology research has shown that many of those people chose stay in Thailand, despite having no Thai nationality.

This situation has led to the marginalization of stateless people in terms of healthcare, education, travel and occupation (Vail 2008). Using Agambenian term, again, these people are naked lives. They are not recognized by the sovereign power. Their lives are merely 'zoe', which is not in the same condition as 'bios', according to Aristotle. Consequently, they faced with legal barriers, social constraints from government restrictions. This marginality occurs as a result of discursive practice of state security (Vail 2008). Ironically, such discursive practice may actually reduce the order of the state, as the groups in Ubon Ratchathani and other provinces which border Laos are claimed to be involved with insurgency in Laos during the Cold War. They are peoples who regard themselves as Laotians as well as Hmongs.(Surachai 2007). Those displaced and transnational peoples from the Lao state indeed pose insecurity to both states, even though they have not been perceived as political subjects. It is worth mentioning that such imperceptibility of others constitutes violence along the border. The case of Southern insurgency in the three provinces of the Thai state in which thousands of people have been killed can be cited. It is claimed that the Thai state might somehow overlook the identity of peoples in that area who are mainly Islamic (Decha 2008). Similar situation of imperceptibility of others is the case of Ratchaburi hospital which occurred in 2000. The fact that a group of Karens sieged the hospital indeed frightened the Thai state. If others are overlooked, there are certain prices that state has to pay (Decha 2008).

In the border of Ubon Ratchathani, an example of such a threat constituted by groups of displaced Laotians happened in the attack of the anti-communism movement in Vang Taoⁱⁱⁱ Check Point in Champasak, Laos PDR in July 2000. It was claimed that quite a few militants were stateless peoples living on the Thai soil (Vail 2008). Three years later, the suspected leaders of the group were claimed to be killed by gunmen paid by the Lao government, even though they were in Sirindhorn District, Ubon Ratchathani province, as reported by Suphalak Kanjanakhundee on the Nations Newspaper website,

May 26th 2006^{iv}. It cannot be denied that this alleged action by the Lao government against stateless people on the soil of Thailand is a threat to Thai sovereignty (Vail 2008).

Peoples without nationality in the Thai-Lao border of Ubon Ratchathani province are not legally recognized by the Thai sovereign. Their statelessness is characterized by uncertainty, poverty, and fear. There is no juridical power to protect their lives. Their fate depends upon the sovereign power. Local officials know how these peoples have to face hardship in lives, and at a policy level, they just pretend to close their eyes. Such 'naked lives' are still imperceptible by the state. Yet, such imperceptibility might be perceptible someday as what occurs at Vang Tao in 1999-2000. A group of 60 '*Lao-Thai*' people sieged the Immigration Check Point in Chong Mek, Champhasak Province, Lao PDR for 3 hours (Surachai 2007). The group was known as Lao Neutral, Justice and Democratic Party (LNJP). It was led by Major Saengphet Saengsurana, a former Lao military officer before the 1975. Revolution. Once, Lao military officers arrived at the spot, the Immigration Check Point was taken back. It was reported that 7 militants of the anti-government were killed, 23 others running away in the territory of Thai-state and were captured later. The rest of the group ran away into Lao territory. Quite a few of them are stateless people living in Thailand (Vail 2008). Three years later, say, in 2002, the issue was brought to the bilateral meeting between the two states. After the annual meeting of Thai-Lao Border for Peace, Thai government decided to push militants who had taken part in the Wang Tao attack in 1999 but still stay in the Thai soil out of the country (Surachai 2007).

Conclusion

If violence along the border was constituted by the group of these transnational and displaced peoples, it means if they are overlooked by both the state and International Relations scholars, certain explanations on international politics especially the Thai-Lao relations will be missing. Peoples without nationality in the Thai-Lao border of Ubon Ratchathani province are not legally recognized by the Thai sovereign.

The Vang Tao incident is the example of what actually happens as constituted by the nationality discourse of the Thai state in the border of Ubon Ratchathani Province. It, indeed, affects the international relations of the two states – Laos and Thailand. The discourse of Nationality is not Natural Law but made by the state. Its

meaning changes over time accordingly to the norm, values, and knowledge accepted by the state at particular era. It is worth mentioning that to overlook these groups of people, it means that the state or even International Relations scholars have certain price to pay. There are still other Thai provinces which border Laos, and there are other displaced Laotians living in those provinces. These peoples are reported to be involved with insurgency in the Lao-state as well as transnational network overseas (Surachai 2007). Therefore, what occurs as a result of nationality discourse produced by the Thai state in other provinces and of how such discourse has constituted the international relations of Thailand and Laos need to be further investigated in the future.

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End Notes

ⁱ I pluralize the term ‘people’ to show my stand point that I recognize the multiplicity of identities. In one state there can be more than one group of people. Hence, the term people is pluralized here.

ⁱⁱ This information was accessed on February 23rd 2008 from the following website

<http://www.psunews.net/viewdetail2.asp?id=1198>

However, it is not possible to view the website anymore.

Yet, the information about the number of displaced Laotians can still be found in the Memorendum of the Ministry of Interior in 2007.

ⁱⁱⁱ Some scholars use the “W” to spell Wang Tao. However, I have decided to use the “V” in Vang Tao, as it is common among Laotians who are influenced by the Francophonic style of writing.

^{iv} This is reported on the Nation Website in the address as follows.

http://www.nationmultimedia.com/2006/05/26/headlines/headlines_30004965.php