The International Dimension of Human Trafficking in Early Twentieth Century Siam

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Abstract

Ninety years ago, Siam was party to the International Convention for the Suppression of the Traffic in Women and Children of 1921. The paper discusses how international developments influenced legal and social change in Siam in the following two decades. The focus is on the then-new League of Nations, in the framework of which Siam was actively involved in shaping international law of the times and from which it derived numerous influences for its domestic modernisation. The paper aims to demonstrate that through international cooperation in the League of Nations the phenomenon of human trafficking, primarily of Chinese women into Siam, became perceived as a problem for Siamese society and the civilized model of society the urban elites were following. Effects on immigration policies and policies towards prostitution are discussed as well as on legislation regarding the age of consent and on the penal code.

Introduction

Four weeks ago, on 28 June 2011, the U.S. Department of State presented its 2011 Trafficking in Persons Report, an annually updated watch list on which Thailand continues to rank as a ‘Tier 2 country’, which signifies, in the U.S. administration’s view, that in present-day Thailand ‘the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing’.¹ Victims are trafficked into Thailand, from Thailand to other countries, and transited through Thailand. Human trafficking affects adults

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and children of both sexes and is one of the major social and humanitarian concerns Thailand and the international community face today.

Human trafficking as a phenomenon of law is a century old. In this paper I revisit the genesis of human trafficking as a legal issue from the perspective of a country on the fringes of global politics but at the heart of the development of international law. Ninety years ago, Siam (Thailand) was party to the landmark International Convention for the Suppression of the Traffic in Women and Children of 1921. The paper discusses how international developments influenced legal and social change in Siam in the following two decades. The focus is on the then-new League of Nations, in the framework of which Siam was actively involved in shaping international law and with which it had complex interactions in a variety of policy areas.

The paper aims to demonstrate that through international exposure in the League of Nations the phenomenon of human trafficking, primarily of Chinese women into Siam, became perceived as a problem for Siamese society and the Western-oriented model of civilised society the urban elites were following in their modernising policies. The paper will also analyse effects on immigration policies and policies towards prostitution as well as on legislation regarding the age of consent and on the penal code.

This paper has three limitations. First, the focus is on trafficking of women for prostitution or marriage and not on trafficking of illegal labourers, which has become a major issue in present-day Thailand. Second, human trafficking is discussed in the realm of international law and is therefore limited to international human trafficking, as opposed to the domestic phenomenon of human trafficking from the country’s rural northeast to the urban centre Bangkok. Finally, Third, this paper is not a history of prostitution in Thailand or a history of social change in Thai society, it is rather limited to the specific issue of the interaction between international law on the one hand and governance and modernisation in Siam on the other.

*Human trafficking as an issue before the League of Nations*

Trafficking of humans across borders is an international issue by definition, which cannot be tackled by one national administration alone.\(^2\) As a social and economic phenomenon, human trafficking requires a market in which there is a demand, and it involves both organised crime and illegal immigration. Human trafficking describes the transportation and harbouring of persons, by means of threats, force or deception, for the purpose of exploitation.\(^3\) The trafficking of women for sexual exploitation is an international, organised, criminal phenomenon that has consequences for the safety, welfare and human rights of its victims.

‘White slave traffic’, as it was commonly called, became an issue of international concern when the phenomenon of globalisation in technology and communications led to increased mobility of people via railways and trans-ocean shipping during the late nineteenth century. New means of transport led not only to increased emigration but also to a virtual explosion of human trafficking. An International Bureau for the Suppres-
sion of Traffic in Women and Children was established in 1899. A first international agreement in 1904 and a first international convention in 1910, both concluded in Paris, aimed to define the problem and to agree on common aims in curbing human trafficking, mainly by improving immigration procedures. After the First World War the creation of the League of Nations then allowed to continue these efforts in an institutionalised global setting.

The League of Nations was the first great experiment of a standing multilateral organisation with global authority. Born from the traumatic experiences of the First World War and inspired by predominantly Anglo-Saxon liberal democratic and pacifist ideas, the League stood for a new world order which it was to guarantee by facilitating the peaceful resolution of international conflicts, increased cooperation among states, a broader body of international law and a new form of open diplomacy. The League of Nations was at the centre of multilateral international relations in the 1920s and 1930s. It set innovative rules and procedures for the conduct of national administrations in a wide array of policy areas, ranging from the classical political and security questions to very modern policy areas such as drug and public health policy, protection of children’s rights, disarmament, the fight against human trafficking, international trade, or technology transfer. In short, the League dealt with all policy areas which national administrations could no longer cope with individually due to their increasingly important international dimensions. The League was thus an institutionalised expression of globalisation.

Siam had achieved a remarkable diplomatic feat in the course of the First World War, when it declared war on Germany and Austria-Hungary, sent troops to Europe, participated in the Paris Peace Talks after the war’s end as one of the Allied and Associate Powers and ultimately, became an original member of the League of Nations alongside Great Britain, France, Japan and others. Thereafter, Siam remained a member of the League for twenty-six years, until the defunct organisation dissolved itself and handed over its responsibilities and assets to the new United Nations after the end of the Second World War.

The League’s founding fathers entrusted the organisation with the responsibility to take up the problem of international human trafficking on the basis of article XXIII(c) of the League of Nations Covenant. In pursuit of this mandate, the League of Nations set up two advisory committees under the Social Section of its Secretariat. Importantly, ‘white slave traffic’ was a matter of concern for Western societies, as the term implies, because victims were Western, or ‘white’ women. Asia came into focus of the Western efforts to limit ‘white slave traffic’ mainly because of the increasing number of Russian and Jewish women from Eastern Europe, who, as a result of the Russian Revolution and the aftermath of the First World War, were brought to Asian brothels. This globalisation of trafficking in women and children led to a clash of different standards of morality and different sexual conventions as well as gender roles. Western societies, in the words of Leslie Ann Jeffrey, ‘were seeking to impose not a more equitable gender arrangement

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4 The International Agreement was signed on 18 May 1904; the International Convention was signed on 4 May 1910. On early international efforts to combat human trafficking see H. Wilson Harris, Human Merchandise: A Study of the International Traffic in Women, London: Ernest Benn, 1928; Edward J. Bristow, Prostitution and Prejudice: The Jewish Fight Against White Slavery, 1870-1939, Oxford: Clarendon, 1982.

but, rather, a gender code that reflected Western understanding of civilised gender roles.6

Prostitution and human trafficking in Siam in the early twentieth century

Human trafficking in the early twentieth century happened predominantly for sexual exploitation and is, therefore, closely connected with prostitution, a society’s attitude towards prostitution, and a state’s policies regarding prostitution.7 Throughout the period under review in this study, prostitution in Siam was widespread, legal, profitable and, to a large extent, socially acceptable. Already during the times of Ayutthaya, the government was taxing prostitution8, and it remained fairly uncontroversial until King Chulalongkorn gradually abolished slavery between 1874 and 1905. This reform was a cornerstone of the king’s modernisation programme, but led to widespread social uprooting of uneducated women who lost their social status and the security provided by the traditional system of slavery. This, in turn, resulted in an increase in the number of women who, lacking the option to sell themselves into socially accepted positions as second wives or mistresses, turned to prostitution.9 Complementing this social trend, prostitution became a lucrative investment for businessmen. In the words of Scot Barmé, it ‘rapidly developed into a burgeoning industry [as] part of a broader regional phenomenon stimulated by the spread of imperialism and the concomitant growth of the international market economy.10 These socioeconomic changes, which were nothing other than local effects of the process of globalisation, prompted the need for control, and led the state to intervene by enacting the Prevention of Venereal Diseases Act in 1908. The act established a registration system for prostitutes, imposed registration fees and set minimal hygiene standards in the light of an alarming prevalence of sexually transmitted diseases.11 Importantly, prostitutes had to state that they were working by their free will, and brothels had to ensure that they engaged only prostitutes who worked by their free will and were at least fifteen years of age.12

7 Brown has pointed to the important distinction that human trafficking and sexual exploitation are closely connected but two separate issues. They are connected because victims of trafficking are highly likely to be forced into sexual slavery but some were rather forced into marriage to Chinese men in Siam. See Louise Brown, Sex Slaves: The Trafficking of Women in Asia, London: Virago, 2000, p. 21.
12 On the 1908 act see ibid., p. 78f.; Jeffrey, Sex and Borders, p. 12. The act contained a number of interesting provisions, such as section 5, which stipulated that only women could be brothel-keepers or sections 16 and 31 which stipulated that ‘no prostitute shall behave in such a manner as to cause annoyance to people passing outside the brothel, for instance, pulling, dragging, or making jests at them.’ Violations could be punished with imprisonment of up to one month and a fine of up to 20 baht. Ibid.; Wathinee
Human trafficking and prostitution together formed a social problem in Siam primarily in the context of the Chinese minority and Chinese immigration; the victims of human trafficking were mainly Chinese women and girls who were brought into Siam illegally. The demand for these women and girls came primarily from single Chinese men, who immigrated to Siam in search of work in considerable numbers. These men desired Chinese women as brides and, more often, as prostitutes. Rooted in the massive influx of male Chinese labourers into Southeast Asia, agrarian poverty in China and traditional Chinese social values, trafficking of Chinese women and girls was a phenomenon affecting the whole, largely colonised region of Southeast Asia.\(^{13}\) Not only the victims of trafficking were predominantly Chinese, but so were also the traffickers and the clients.

While Chinese immigrants during the nineteenth century were predominantly single men, the authoritative studies by Skinner and Landon and the most recent study by Bao show that the number of women immigrating to Siam during the 1920s and 1930s increased dramatically, by stunning 140 percent during the 1920s and again by nearly seventy percent between 1929 and 1937.\(^{14}\) This trend greatly improved the sex ratio among the Chinese minority in Siam and resulted in less assimilation, as it was now much easier for a Chinese man to marry a Chinese woman.

*Cooperation between Siam and the League of Nations*

The League of Nations in 1920 set out to cope with the task of suppressing human trafficking by first of all establishing a body of information and data, in order to assess the dimension of the problem. The immediate aim of this information gathering was to prepare for an improved international agreement, which was to supersede the first basic agreement of 1904 and convention of 1910 and was to contain clear commitments for signatories. The League first sent out questionnaires to member states enquiring on national legislation combating human trafficking and the Siamese government responded by submitting the relevant sections of the penal code (sections 243 to 246 and sections 273 to 277) and the Prevention of Venereal Diseases Act of 1908.\(^{15}\)


\(^{15}\) Prince Charoon to Drummond, 29 June 1921, Serial Document C.45(s).M.22(s).1921.IV., League of Nations Archives, Geneva (LNA), S 178.
The League’s Conference on Traffic in Women and Children opened on 30 June 1921 at Geneva. Minister of Foreign Affairs Prince (Phra Ong Chao) Devawongse Varropakarn was unsure as to whether Siam should be represented and only registered after China and Japan asked to be represented at the conference. While a sense of prostitution as a social phenomenon requiring regulation was present among the Siamese elite, a genuine sense of human trafficking as a problem can not be detected among policy makers dealing with the League of Nations in 1920-21. The confinement of the problem largely to the Chinese minority in Siam was the main reason for this lack of interest. Prince Devawongse’s careful approach to the question of participation in the forthcoming conference was also an expression of the generally careful Siamese policies during these early days of multilateralism and international organisation.16

While the reply to the League’s questionnaire did express the intention to draw up national legislation to regulate immigration and check human trafficking, Prince (Phra Ong Chao) Charoonsakdi Kritakara, Siamese Minister in Paris and Siam’s delegate to the conference, considered himself not exactly an expert on the matter, as he made clear in a telegram to Prince Devawongse, ‘I know there are the cases in Siam of Chinese girls brought in from China but I am not aware of circumstances’.17 Until 5 July the conference debated a draft convention, which was to be signed by League members during the General Assembly in autumn of 1921 in Geneva. Prince Charoon advised that the Siamese government ‘should favourably consider the Resolution’.18 The measures recommended by the convention were mainly aimed at improving immigration procedures. A major innovation was the introduction of a system of so-called central authorities in each country or territory, which were to be located in the respective ministry of interior or police headquarters and which should serve as domestic focal points for the international co-ordination of action against traffickers. Driven mainly by Western women’s rights groups and social activists, the convention’s ultimate goal was to prohibit prostitution altogether, a goal which Prince Charoon judged as impossible to achieve ‘so long as human beings are’.19

At the conference the issue of age of consent emerged as the main impediment for Prince Charoon’s efforts to paint a picture of Siam as a progressive and civilised country. In 1921, the age of consent in Siam was twelve years, to be raised to fourteen years in the new penal code, which was being drafted. The conference proposed to universally set the age under which trafficking would be a criminal offence at twenty-one years of age, which should serve as a universal age of majority. The Siamese penal code, however, did not fix a legal age of majority or age of marriage, in addition to the age of consent. Siam was in company of India and Japan, which faced a similar problem, with the age of consent in India at eleven years and the age of majority in Japan at sixteen years. The Indian delegate expressed his concern about raising it to twenty-one years and argued, interestingly, that one should acknowledge the ‘much earlier age at which maturity was reached in the East’.20 Prince Charoon agreed with the Indian delegate in calling on the conference to let each state decide on this issue individually, ‘in accordance

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16 Prince Devawongse to Prince Charoon, 27 May 1921, Thai National Archives (TNA), KT 96.1.81/5. Interestingly, Prince Charoon did, however, vote against a British suggestion on a procedural question during the conference, which was aimed at accommodating France; see Prince Charoon to Prince Devawongse, 16 July 1921, TNA, KT 96.1.8.1/4.
17 Prince Charoon to Prince Devawongse, 11 June 1921, TNA, KT 96.1.8.1/5.
18 Prince Charoon to Prince Devawongse, 16 July 1921, TNA, KT 96.1.8.1/4.
19 Ibid.
with the customs and climatic conditions [sic] of the land.’ A Bangkok newspaper commented that ‘it would be a lamentable thing if the Siamese delegate at Geneva has given out to the world that the penal code of thirteen years ago is Siam’s last word on the subject’ but, at the same time, advocated caution when considering whether to adopt Western legislation in regard to age of consent or not.21 In a very pragmatic approach, Prince Devawongse did not regard this issue as problematic:

Fixing the age of consent at 21 does not seem to present serious difficulties for Siam, because the age thus fixed is not to be considered the age of majority for other purposes but solely confined to the purpose of proposed agreement, namely Traffic in Women and Children. But, of course, if it could be agreed upon to leave each country free to fix its own age limit, all the better for us.22

In the end, article 5 of the resulting International Convention for the Suppression of the Traffic in Women and Children set the age of majority at twenty-one years. Accordingly, trafficking a woman or girl under this age was to be considered a criminal offence. Prince Charoon signed the convention on behalf of the Siamese government on 30 September 1921, and the Siamese ratification was deposited on 13 July 1922. At the same time, Siam also formally adhered to the agreement of 1904 and convention of 1910.23 Siam adhered to the 1910 Convention with a reservation regarding the age of majority for Siamese nationals in paragraph b, which set the age of majority at twenty years, and signed the 1921 Convention with the same reservation.

King Vajiravudh was strongly in favour of Siam’s new international commitments in this regard. Influenced by Western ideas of emancipation, he was interested in improving the position of women in society and in including women in his programmes to strengthen patriotic sentiments. The king, who expressed his belief that the status of women in society reflected its degree of civilisation, devoted a third of his entire annual speech from the throne in January 1923 to Siam’s membership in the League of Nations and adherence to the convention:

As you are all well aware, improvement in communications generally leads to an ever closer and more intimate intercourse between nations and such intercourse may, in turn, result in a community of thought and co-ordination of action, that is to say, it may, in short, cultivate and promote union among nations. It is the constant aim and purpose of my Government to keep abreast of the times in every direction, so as to be worthy of their status as member of the League of Nations. For the purpose, I have decided to sign and apply a number of international conventions and agreements. We have, for instance, signed the League of Nations Convention on the Traffic in Women and Children which covers the former international conventions for the Suppression of the White Slave Traffic and I have approved and confirmed the same by my ratification of the 11th April of this year.24

This move prompted a Bangkok newspaper to comment, ‘Nobody seems to know quite clearly what Siam has committed herself to’; but the same commentary acknowledged that, ‘Anyhow Siam is now one of the pioneers in this matter, having been the

21 TNA, Bangkok Times, 22 and 23 September 1921.
22 Prince Devawongse to Prince Charoon, 15 September 1921, TNA, KT 96.1.3/4.
24 TNA, Bangkok Times, 3 January 1923. This point on King Vajiravudh’s interest in the role of women follows Walter F. Vella, Chaiyo! The Role of King Vajiravudh in the Development of Thai Nationalism, Honolulu: University of Hawaii Press, 1978, p. 151.
second power to ratify this new convention.\textsuperscript{25} In retrospect it appears that this assessment is accurate, and that the signature of the 1921 convention was indeed primarily intended for international rather than for domestic consumption. However, standing at the forefront of this progressive international initiative did also underscore the Siamese elite’s progressiveness and international standing domestically.

It took a number of years and a number of sessions of the League’s Advisory Commission on the matter, however, until the national laws of Siam were adjusted to the convention, especially with regard to extending the authority of the Siamese police towards traffickers.\textsuperscript{26} Available official figures provided by the Siamese government to the League regarding convictions related to trafficking in persons under the provisions of the 1908 penal code state that a total of fifty-six sentences were passed between 1921 and 1924, of which eight cases involved trafficking of minors under the age of twelve.\textsuperscript{27}

In late 1924 a case of human trafficking stirred up media attention in the Siamese capital. The case involved two Chinese girls who had been lured to Siam to work as prostitutes under false pretences. The case put the spotlight on the ongoing trafficking of girls from Canton to Bangkok via Hong Kong.\textsuperscript{28} Under existing laws, Siamese immigration authorities were unable to take Chinese girls, who were on average thirteen years of age, from their traffickers upon arrival in the kingdom, and the girls themselves were normally too frightened to accuse the traffickers. An important institution lacking in Bangkok before the Second World War was a shelter for victims of trafficking, where they could be protected from traffickers and where they would ultimately feel safe enough to disclose details of their ordeal and specifics concerning the trafficker. Such a place of safety already existed in the Federated Malay States by the mid-1920s, and the British colonial administrative even offered the Siamese government technical assistance to set up such a shelter in Bangkok, but the offer seems not to have been taken up by the Siamese side.\textsuperscript{29}

According to official figures reported by the Siamese government to the League, Bangkok in 1924 had 205 licensed brothels and 893 licensed prostitutes, with the vast majority of licensed brothels (181) and prostitutes (796) being Chinese. The total number of prostitutes in this period was, of course, much higher, by some estimates even as large as 20,000 in Bangkok. Clearly, registration did not work. The 1924 report contained a detailed description of how women and girls were lured into becoming prostitutes in Bangkok. Chinese girls were ‘deceived and persuaded that they will be given employment or assisted to find husbands’, but were then forced to repay alleged debts to the traffickers by working as prostitutes; this scheme seemed to work as well 85 years ago as it does today. The report went on to explain reasons why the victims fell prey to traffickers. In the case of Chinese girls, rural poverty and political turmoil in China were

\textsuperscript{25} TNA, Bangkok Times, 18 July 1922. W.H. Mundie, editor of the Bangkok Times, sent a letter to Prince Devawongse on the same day asking ‘to what definite action is the country committed thereby?’, but he received only an evasive reply from the Minister of Foreign Affairs; see Mundie to Prince Devawongse, 18 July 1922 and Prince Devawongse to Mundie, 19 July 1922, TNA, KT 96.1.8.1/9.

\textsuperscript{26} TNA, Bangkok Times, 13 April 1925.


\textsuperscript{28} TNA, Bangkok Times, 13 April 1925.

\textsuperscript{29} Waterlow to Prince Traids, 27 July 1926, TNA, KT 96.1.8.1/42.
identified as the main reasons, while in case of Russian women the ‘effect of the bolshevist regime’ was cited as the cause for rendering them homeless and adrift in China.\textsuperscript{30}

When ships from China arrived in Bangkok, officials would board and question young women unaccompanied by relatives. If it was found that they were being brought to Siam against their will, they were entrusted to the care of the captain of a ship leaving for China ‘with a letter to the Police Authorities in Hong Kong asking that they be sent to the Chinese Protectorate so that they may be returned to their respective homes.’ Women who were willing to become prostitutes in Siam on the other hand, were granted licenses and were informed of their rights and duties.\textsuperscript{31} A report by the Siamese secret service of January 1928 listed thirteen Chinese women found to have been victims of trafficking and taken from arriving ships from Hong Kong between April and September 1927, most of whom were sent back to Hong Kong.\textsuperscript{32}

As mentioned above, in the course of the 1920s, the number of Chinese women entering Siam increased sharply. Large numbers of these women married Chinese men who had already settled in Siam earlier, and this led to gradual social change, as Chinese men now did not assimilate as easily as they had before by marrying Siamese wives, but remained increasingly isolated by founding Chinese families in Siam. By early 1926, the Siamese government was ready to prepare for an immigration law in earnest. An interministerial committee was set up under the chairmanship of Attorney-General Phraya Deb Vidul to draft the law, in which the Ministries of Justice, Foreign Affairs, and Commerce and Communications participated as well as representatives of the Railways Department and the Department of Legislative Redaction. Facilitated by Raymond Stevens, who was adviser to the Ministry of Foreign Affairs and a member of the drafting committee, the British Minister in Bangkok supplied the committee with the ordinances and regulations from the Straits Settlements and Federated Malay States on immigration in general and on the ‘undesirable immigration...of Chinese prostitutes in particular’.\textsuperscript{33} The new Immigration Act B.E. 2470 was promulgated on 11 July 1927 and was designed primarily to limit the influx of Chinese women.

International observers immediately questioned the effectiveness of this new immigration act, which centred on the requirement of identification papers for immigration, beyond the port of Bangkok.\textsuperscript{34} But the new act served the important purpose to meet the country’s international obligations in the fight against human trafficking under the League of Nations convention of 1921. It can, therefore, be attributed at least in part to the pressure created by Siam’s League membership, a view shared already by contemporary observers.\textsuperscript{35} By 1928, the first Siamese law on human trafficking, the Traffic in Women and Girls Act B.E. 2471, was then enacted in compliance with the League of Nations international convention of 1921 and in response to international pressure from the League of Nations and from individual League members with colonies in Southeast Asia. Under the new act, traffickers could be punished with up to seven years of imprisonment and a fine of up to 1,000 baht. The act further gave authorities the right to de-

\textsuperscript{30} Report to the League of Nations in Reply to the Questionnaire (C.L.61.1924.IV) concerning Traffic in Women and Children, sent on 30 April 1924, TNA, KT 96.1.8.1/24. The estimated number of prostitutes is quoted by Loos, \textit{Subject Siam}, p. 144, note 40.

\textsuperscript{31} Prince Traidos to Drummond, 4 November 1924, LNA, R 674/12/40891/28438.

\textsuperscript{32} Secret Service Report of 12 January 1928, TNA, KT 96.1.8.1/53.

\textsuperscript{33} Waterlow to Prince Traidos, 27 July 1926, TNA, KT 96.1.8.1/42.


\textsuperscript{35} TNA, \textit{Bangkok Times}, 13 May 1928.
tain the victim of trafficking for up to thirty days as a protective measure. Another provision, which was included in response to international pressure, was that if the woman freed from the trafficker was a foreign citizen, the act stipulated that she should be returned to her home country and the Siamese government would bear the costs of repatriation up to the home country’s border. In the light of this progressive domestic legislation, it was fitting that Siam’s new Permanent Representative to the League of Nations, Prince (Mom Chao) Varnavaidya Voravarn, was elected rapporteur for the 1928 General Assembly’s Fifth Committee on Traffic in Women and Children, and that his work received unanimous approval from his fellow delegates.

The 1928 legislation had a significant impact on the number of convictions for trafficking in persons. The above-mentioned fifty-six convictions during the four years between 1921 and 1924 seem small in number compared to the twenty-seven offences involving only Siamese victims reported by the Siamese government to the League of Nations for the year 1930 alone. The annual reports on human trafficking, which the Siamese government submitted to the League, make for highly unpleasant reading, as they list, in a very plain style, crimes involving girls of as young as five years of age. The reports show that offenders involved in human trafficking or running illegal brothels were mainly Chinese, followed by Siamese nationals; only occasionally do Western or other Asian nationals appear in the reports as traffickers. Sentences for traffickers in the year 1930, for example, ranged from imprisonment between three months and two years.

The commission of enquiry on trafficking in women and children, 1930

The League of Nations had conducted an enquiry into human trafficking in Europe as well as North and South America in the years 1924 to 1926, and it then set its eyes on Asia. A commission of enquiry sent out by the League of Nations travelled extensively through East, Southeast and South Asia and the Middle East for eighteen months between October 1930 and March 1932. In Southeast Asia, the commission visited the Philippines, French Indochina, the Netherlands Indies, the Federated and Unfederated Malay States, the Straits Settlements, and Siam. The commission was composed of Bascom Johnson as chairman, Dr. Alma Sundquist and Carol Pinder as commission members, and Dr. Werner von Schmieden as secretary. They arrived in Bangkok on 6

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36 It is important to note that this act applied only to international trafficking, not domestic trafficking. The provision on foreign nationals was highlighted as late as 1993 in a study by civil rights groups in: Asia Watch and The Women’s Rights Project (eds.), A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, New York et. al: Human Rights Watch, 1993, p. 21. The act of 1928 is still considered today as an important landmark in the fight against human trafficking in Thailand; see, for example Pasuk Phongpaichit, Sungsidhi Piriyarangsan and Nualnoi Treerat, Guns, Girls, Gambling, Ganja: Thailand’s Illegal Economy and Public Policy, Chiang Mai: Silkworm Books, 1998, p. 211. See also Virginia Thompson, Thailand: The New Siam, New York: Macmillan, 1941, p. 687ff.

37 These developments in Geneva again resonated in the Bangkok press: TNA, Bangkok Times, 28 October 1929.

38 Kingdom of Siam, Report on Traffic in Women and Children for the Year 1930, enclosure in Prince Damras to Drummond, 14 July 1931, LNA, R 3057/118/29723/25849.

November 1930 and spent the month of November in the kingdom. The Ministry of Interior appointed three people to assist the enquiry, Major-General P.I.E. Warming, the adviser to the ministry, who held the conferred noble title Phraya Beja Indra, Phraya Adhikarana Prakas, Director-General of Police and Gendarmerie, and Phraya Vichai Prajab, Director of the Immigration Department.40

The information provided by the Siamese government to the League’s commission provides an excellent summary of relevant developments during the first ten years of the League’s existence.41 The commission interviewed public health officials, immigration officials, police officers, judges, teachers, missionaries and many other official and non-official persons in order to assess the dimension and the specifics of human trafficking in Siam. Werner von Schmieden, secretary of the commission of enquiry, gave a brief account of the commission’s stay in Siam after their arrival at their next stop in Saigon, in French Indochina:

The Siamese authorities were particularly kind to the Travelling Commission. They had themselves appointed a Commission...to furnish us the information we required. In addition an officer of the police was put at our exclusive disposal. On our arrival we were given the written reply of the Government to our questionnaire, sent out from Geneva in September, and in this way the carrying out of our enquiry was greatly facilitated...We obtained valuable informa-

The commission compiled a report on their findings, which was ‘the first comprehensive study ever made on the traffic in women and children in that area’ and which ‘aroused world-wide interest.’43 According to this report, which was published in 1932, there was considerable traffic in women and young girls in Asia, the victims being mainly Chinese. The commission found the largest numbers in British Malaya, followed by Hong Kong, Macao and Siam.44 The commission observed accurately:

As a matter of fact, traffic in Chinese women appears to be intimately connected with the Chinese migratory movement and its aspects very according to the different conditions of life and work and social standing of the Chinese immigrants to the different territories.45

The most significant impact of the visit of the League of Nations commission of enquiry to Siam was that it led to the Penal Code Amendment Act of 1931. Eight years after ratifying the international convention of 1921, Siam still maintained its reservation with regard to the age of majority, which the convention set at twenty-one but which was still set at twelve years of age, the age of consent, in Siam. India had already amended its penal code in 1923 by inserting sections 366a and b, which made procuring of girls less than eighteen years of age a punishable offence. Japan had followed suit in 1927 by accepting the age limit of twenty-one and had, accordingly, withdrawn its res-

40 The files relating to the League’s commission of enquiry are in TNA, KT 96.1.8.1/69 through 73 and file 83. Large sections of these files are illegible because they have been destroyed by bookworm; see also TNA, Bangkok Times, 8 August and 27 October 1930.
42 Von Schmieden to Crowdy, 4 December 1930, LNA, R 3046/11B/23102/5580.
45 Von Schmieden to Crowdy, 4 December 1930, LNA, R 3046/11B/23102/5580.
ervation to the International Convention of 1921.\textsuperscript{46} Of a total of forty ratifications by the year 1927, this left only Siam with a substantial reservation with regard to the age of majority. As Raymond Stevens pointed out in a frank letter to Prince (Phra Ong Chao) Devawongse Varothai, successor of his father Prince Devawongse senior as minister of foreign affairs, in late 1930, ‘It will thus be noted that His Majesty’s Government will have the lowest standard of all nations bound to the Convention’.\textsuperscript{47} By the end of October 1930, just days before the arrival of the commission of enquiry in Bangkok, officials at the Ministry of Foreign Affairs became quite concerned about Siam’s image with regard to the age of consent, as a letter to the Ministry of Interior shows, ‘His Majesty’s Government would be subjected to criticism if these age limits are not increased’. After ratifying the 1921 convention, the Foreign Ministry had forwarded the relevant provisions in the draft new penal code to the League of Nations, according to which the age of consent was to be raised from twelve to fourteen years, but this draft was never enacted, which, in turn, was never communicated to the League. Minister of Foreign Affairs Prince Devawongse assumed that the whole plan of amending the penal code ‘was laid aside and forgotten’ when his father, the senior Prince Devawongse, became ill and passed away. Prince Devawongse worried that the League of Nations, therefore, ‘considers the situation in Siam better than it is’ and that the commission of enquiry’s final report ‘might not be beneficial to the standing of His Majesty’s Government.’ He concluded that the situation should be remedied before the commission would submit its final report and proposed to set up a drafting committee made up of the Ministries of Foreign Affairs, Interior, and Justice, in order to rapidly amend the penal code by raising the age limit.\textsuperscript{48} This committee met within a matter of days and drew up amendments to the penal code, which were then presented to the cabinet council. The cabinet council decided in early 1931 to set new age limits, sections 241, 274 and 275 now stipulated that trafficking and procurement of minors under eighteen (raised from twelve) years of age was a punishable offence with a maximum fine of 2,000 baht and up to five years of imprisonment. Although still three years below the limit stipulated by the International Convention of 1921, the limit of eighteen years of age went well beyond the fifteen years suggested by the inter-ministerial drafting committee, ostensibly to raise it at least as high as the Indian age limit. The minimum age of prostitution was also raised to eighteen in section 271 from the previous fifteen years of age, and sections 244, 245 and 246 finally raised the age of consent marginally from twelve to thirteen years.\textsuperscript{49} The age of consent in Thailand today is 16 years, as stipulated in section 277 of the penal code.

The League’s enquiry was an important stepping-stone on the path from the first League convention of 1921 to the second international conference on human trafficking and the resulting convention of October 1933. This second convention expanded the first by outlawing not only trafficking of underage girls, but of all women and girls regardless of their age. From the coming into force of this second international convention in August 1934, international trafficking of any woman or girl against her will, or even

\textsuperscript{46} TNA, Bangkok Times, 14 February 1927.

\textsuperscript{47} Stevens to Prince Devawongse, 24 November 1930, TNA, KT 96.1.8.1/75.

\textsuperscript{48} Draft Letter Minister of Foreign Affairs to Minister of Interior, 28 October 1930, TNA, KT 96.1.8.1/75. The miscommunication between Bangkok and Geneva and the abandoned amendment to the penal code is explained in detail in two lengthy memoranda by the Ministry of Foreign Affairs of 10 and 12 November 1930, both in TNA, KT 96.1.8.1/75.

\textsuperscript{49} Note on meeting of cabinet council by Phraya Srivisarn (Deputy Minister of Foreign Affairs), 27 February 1931, TNA, KT 96.1.8.1/75.
with her consent, was a punishable offence under international law. Siam, however, never signed or adhered to this convention of 1933, and only some twenty ratifications were deposited in total with the League before the outbreak of the Second World War.\textsuperscript{50}

Only a few weeks after the commission of enquiry completed their extensive tour of Asia in March 1932, Siam witnessed the most profound political change with the overthrow of absolute monarchy in the coup d’état of June 1932. Among the manifold social and political changes this event brought about was a new approach to questions regarding the social position of women, which the civilian and military promoters of the coup brought with them as they assumed power from the traditional royal elites. Under the new regime, women were to have equal voting rights as men, thereby preceding Japan by a decade and a half, female education was actively promoted and while it did not end the practice of men having minor wives or mistresses, polygamy was outlawed by the mid-1930s.\textsuperscript{51} In contrast to these liberalising tendencies, the 1930s also saw Siam’s immigration legislation become increasingly restrictive towards Chinese immigrants in general and female immigrants in particular. Together with other discriminatory measures enacted by the increasingly authoritarian administration, this led to an exodus of Chinese from Siam back to China by the late 1930s.\textsuperscript{52}

\textit{The 1937 conference on trafficking in women and children in Bandung}

Immigration authorities, when acting alone, remained unable to effectively counter human trafficking in Asia. Isolated contacts, complaints or efforts to coordinate policies and procedures took place in the course of the 1920s and early 1930s between Siam, Hong Kong, the Federated Malay States, and the Straits Settlements. But by the mid-1930s, the time was ripe for a concerted action in form of a regional conference of police and immigration authorities, the so-called central authorities. The facilitator and driving force behind this first Asian conference on trafficking in women and children was, once again, the League of Nations.

The plan to hold a conference on trafficking in women and children in Asia was brought forward during the 1933 General Assembly with a view to implementing the recommendations of the commission of enquiry of 1930-32. The conference was to be, in the opinion of a leading Siamese official:

...the crowning result of several years of study and investigations conducted by [the] League Commission on the subject of the traffic in women and children in the Far East, and the methods of effectively combating the traffic and thereby promoting social security and welfare.\textsuperscript{53}

The Netherlands government invited the League to hold the event at Bandung on the island of Java and the conference of the South, Southeast and East Asian central authorities met from 2 to 13 February 1937 with the following aims: to improve the exchange of information and the degree of cooperation between the central authorities of Asian countries and territories, to improve control of migration and to protect migrants from trafficking, to discuss the possibility of outlawing brothels in the region, to improve

\textsuperscript{50} League of Nations (ed.), \textit{The Aims, Methods and Activity of the League of Nations}, Geneva, 1935, p. 171. It is important to emphasise that the two League of Nations Conventions applied only to international trafficking of persons and did not regulate domestic trafficking.

\textsuperscript{51} See also Barmé, \textit{Woman, Man, Bangkok}, p. 232ff.

\textsuperscript{52} Landon, \textit{Chinese in Thailand}, p. 204ff.

cooperation between officials and private organisations, to increase the number of female employees among law enforcement and immigration officials in the region, and finally, to enquire specifically into the situation of Russian women in the Far East who were endangered of becoming victims of trafficking. These goals should be reached at the conference, however, through exchanges of information and discussions rather than by drawing up a formal agreement. This was one striking difference to the conference on trafficking in women and children fifteen years earlier at Geneva, which drew up an international convention but lacked the authority the Bandung Conference had. While in 1921 diplomats met at Geneva, at Bandung now law enforcement and immigration officials sat around the conference table, people who had an intimate knowledge of the issues and who were directly in charge of implementing national polices to combat trafficking in persons. A further difference between the two conferences was that by 1937 a wealth of statistical, legal and empirical material had been collected in Asia and around the globe on human trafficking, which gave government representatives in Bandung a much clearer picture of the extent and the details of the problems.

Next to the Netherlands Indies, the following governments sent representatives of their central authorities to Bandung, Siam, Great Britain (for the Straits Settlements, the Federated Malay States and Hong Kong), China, Japan, France (for Indochina), India, Portugal (for Macao) and finally, with the status of an observer, the United States (for the Philippines). A number of non-governmental organisations also took part in the conference as observers, such as the Salvation Army, the YMCA and YWCA, the International Missionary Council and the Pan-Pacific Women’s Association. The participation of Japan was remarkable because its resignation from the League of Nations in 1933 over its invasion of Manchuria had formally taken effect in 1935 and therefore, highlights the importance and high hopes attached to the Bandung Conference among Asian administrations. As was the case with earlier regional League of Nations conferences in Bangkok and Singapore, Siam, which had only recently regained its full judicial sovereignty from the colonial powers, participated in the Bandung deliberations on equal footing with representatives of Western colonial governments.

In preparation of the conference, a string of meetings took place in Bangkok at the Ministry of Interior, the Ministry of Foreign Affairs as well as on cabinet level. The cabinet decided in December 1936 that Prince (Mom Chao) Sakol Voravorn should represent Siam at Bandung in his capacity as adviser to the Ministry of Interior together with Colonel Phra Bicharn Nalakitch, Deputy Director-General of the Police Department under the same Ministry. They were instructed to agree to a closer cooperation between the Bangkok immigration authorities and officials at ports of origin of incoming vessels, to contact the few charitable associations in Siam for support in caring for victims of trafficking, to employ more female immigration officers, and to the acceptance of abolition of brothels. On this final point, however, Prince Sakol was to make it clear at Bandung that such a policy could only serve as a long-term goal, because any immediate abolition of legal brothels would rob the government of its control over the brothels and

54 All relevant documents on the Conference of Central Authorities in Eastern Countries on Traffic in Women and Children in LNA, serial documents nos. C.228.M.164.1937.IV.; C.476.M. 318.1937.IV.; C.516.M.357.1937.IV. The minutes of the conference can also be found in TNA, SR 0201.17/14 (Part 2 of 3) and in LNA, Serial Document C.476.M.318.1937. IV.
55 Minutes of Cabinet Meeting, 11 November 1936; Minutes of Cabinet Meeting, 12 December B.E. 2479 (1936), TNA, SR 0201.17/14 (Part 1 of 3).
the prostitutes, and would, therefore, likely lead to an increase of crime and venereal diseases.\(^{56}\)

At the Bandung Conference in the course of February 1937 the British delegates, while conceding that Singapore had become the regional hub for trafficking in persons, continued to demand stricter border controls from the Siamese authorities. But in spite of the attention which trafficking across the Siamese-Malay border was receiving by the British administration in Malaya, the number of persons involved was marginal compared to the large-scale influx of Chinese women into Siam as well as into the British territories on the Malay Peninsula. Prince Sakol explained that in Siam the sex ratio among the Chinese population had changed in recent years from three to one in favour of men to now two to one, due to both the increasing immigration of Chinese women and decreasing immigration of men. Nevertheless, he continued, stricter immigration laws had very recently led to a decrease of female Chinese immigrants, and also of Chinese prostitutes in Siam.

Abolition of licensed brothels and tolerated prostitution, as it was being enforced in Singapore since the late 1920s, was the ultimate goal of the conference. The Siamese delegation submitted a draft resolution to the effect that the conference declared itself unanimously in favour of abolition of licensed brothels as a long-term goal, which was ultimately accepted by all delegates. The conference participants were also aware that an eventual abolition had to ‘be accompanied by administrative, medical and social measures in order to guarantee the permanence of its success’.\(^{57}\) It appears that by setting the maximum goal of complete abolition, Siam’s delegates had skilfully averted any more practical steps towards abolition of brothels being adopted instead.

Anne Guthrie, who participated at the conference as an observer for the YWCA in Manila, gave the following account of Prince Sakol’s role:

> Prince Sakol Varavarn, adviser to the Ministry of Interior of Siam, and one of the most active delegates at the Conference, spoke especially on this point [abolition of licensed brothels]. His oriental background combined with English education made him acutely aware of all the problems involved and the difficulty of finding solutions, yet at the same time he was one of the delegates most eager to work toward the creation of a better moral and social order...\(^{58}\)

The Bandung Conference further recommended to improve controls on ships and in ports and to involve ship owners in this process. It also suggested that all immigration authorities introduce the provision of photographs for the identification of female and minor emigrants, as practised in Hong Kong.\(^{59}\)

Upon their return to Siam, Phra Bicharn and Prince Sakol submitted a very detailed report to the Minister of Interior and the cabinet, in which they rightly pointed out the positive Siamese role during the Bandung deliberations.\(^{60}\) The report conceded that Siamese immigration authorities were not yet able to introduce compulsory photo identification papers for immigrants like British authorities in Hong Kong. The report also

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56 Minutes of the 68th Cabinet Meeting, 6 January B.E. 2479 (1937) and Memorandum by Ministry of Foreign Affairs, 12 January B.E. 2479 (1937), TNA, SR 0201.17/14 (Part 1 of 3).
57 LNA, serial document no. C.476.M.318.1937.IV.
58 Anne Guthrie in TNA, Bangkok Times, 29 July 1937. On Siam’s representation at the conference see TNA, SR 0201.17/14 (Parts 1-3); see also Phraya Rajawangsan to Ekstrand, 17 December 1936, LNA, R 4695/11B/14852/14852.
60 Report on the Bandung Conference, dated 2 March B.E. 2479 (1937), submitted to Cabinet by Minister of Interior on 6 March B.E. 2479 (1937), TNA, SR 0201.17/14 (2 of 3).
conceded that Bangkok was the only major port in Asia which did not have a shelter for the victims of trafficking and urged the government to take action in this regard.

The Bandung Conference clearly had an impact on public opinion in Bangkok. Shortly after the end of the conference, several Bangkok newspapers ran articles on the sale of Siamese children by their parents, who then typically ended up working in brothels. A *Bangkok Times* article commended the government for having set up the legal framework in the penal code to allow severe punishment of traffickers and went on to comment on the Bandung Conference:

Siam also has membership in the League of Nations, one of whose Committees has recently been investigating, in Java, the question of the traffic in women and children, a Committee on which Siam was represented. The recommendations of that Committee are being awaited with some interest in the various countries concerned, but these recommendations must of necessity be international in conception and operation. In Bangkok, however, the problem is more in the nature of a domestic one...  61

Nevertheless, the government did not manage to create awareness among the general public for combating the practice of selling girls from poor families in rural areas during the lifetime of the League, a practice which remains an issue of concern until today.  62

With regard to human trafficking and prostitution, the view was expressed among the Bangkok elite in the late 1930s that ‘the government hopes to better conditions in Thailand by co-operating in the plans for social advancement as laid down by the League of Nations Conference.’ It is, of course, no coincidence that social advancement was also the main thrust of the public awareness and modernisation campaigns initiated in these years by Luang Phibun and Luang Vichit Vadhakarn, which were to dominate the public discussion for much of the following years. One important aspect of this emphasis of social advancement and ‘Thai-ness’ was an increasing anti-foreign sentiment, which was directed mainly against the Chinese minority in Siam. As a result, immigration procedures were tightened and, as mentioned earlier, the number of Chinese immigrants, male and female, dropped sharply by the late 1930s. While, according to Skinner, some 155,000 Chinese immigrated legally to Siam in 1927-28, this figure fell to only 25,000 in 1939-40.  63

As in the field of public health, much of the impact of the League of Nations on Siam’s society in the fight of human trafficking during the 1920s and the 1930s was due to the activities of Prince Sakol. As he outlined at a lecture to the Bangkok Rotary Club on 4 March 1937 and in an interview with the *Bangkok Times*, his goal was to promote, as a result of the Bandung Conference, the ‘four R’s’, re-education of the prostitute and the public, rescue, rehabilitation, and refuge. One initiative, for which Prince Sakol won the financial support of Prince Aditya Dibabha, head of the Council of Regency, was to open a first mother-and-child home for prostitutes with newborn children. In order to counter the growing number of abandoned infants in Bangkok, mothers should find shelter at this house with their newborn children and receive training to enable them to

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62 This topic was a matter of public discussion in Siam as early as the 1930s; TNA, *Bangkok Times*, 16 April 1937. A case of selling a girl into prostitution which aroused public opinion immediately after the Bandung Conference, is recalled in detail by Landon, *Thailand in Transition*, p. 199f. Prince Sakol had expressed his admiration for such provisions for victimised children in Asian colonies and the desire that Siam could also claim to possess such provisions; see Minutes of the Bandung Conference, LNA, Serial Document C.476.M.318. 1937.IV., p. 30.
later find employment as maids, cooks etc. The home started with room for twenty-five mothers with newborn children and was headed by two female volunteers who had studied and been trained in social work in Europe. Prince Sakol urged widespread propaganda for the home and the whole issue of prostitution and human trafficking, in order to ‘have a strong body of public opinion, seeking to eradicate an evil which all nations are desirous of abolishing’.  

The Bandung Conference also triggered action of the law enforcement agencies. The Siamese government reported to the League that in 1937-38 eighteen people had been convicted for trafficking in women and children in Siam, of which seventeen had received prison sentences. In the months after the conference, ‘the Police Department of Siam have instituted a vigorous campaign against the nefarious practice obtaining in Siam of the sale of children, particularly females, ostensibly for domestic service, but to become, in time, probably inmates of brothels’. But, in spite of all above-mentioned domestic, regional and international efforts, by the end of the 1930s, awareness for the plight of victims of human trafficking remained very limited and confined to parts of the urban, internationally-oriented elite. While for them the fight against human trafficking became important as a part of their efforts to turn Siam into a Western-inspired modern and civilised country, it was of no particular concern to the general public.

Conclusions

We have seen that during the two interwar decades for Siamese governments to be progressive and civilised meant also to pursue modern policies towards human trafficking and prostitution. In this development, the issues were, to a large extent, forced upon the Bangkok governments from Geneva by virtue of their desire to be seen as a respected League member. Human trafficking was originally an issue which, if it was a concern for the Siamese elites at all, was of concern only as a corollary of immigration policies regarding the Chinese minority. But policy makers in Bangkok, while they rushed into signing the 1921 League of Nations convention perhaps without an extensive awareness of the implications of this action, did then pick up human trafficking as an issue which needed to be addressed with the instruments of Western law, in order to underscore Siam’s sovereignty and demonstrate its modernity. The first national legislation to suppress human trafficking of 1928, promulgated amidst increasing League pressure, was a major milestone in this regard. During the 1930s a number of changes took place, beginning with a further improved legal framework to prosecute traffickers and to protect their victims, to an increased awareness of the necessity of protecting children from trafficking, and to serious reviews of government policies regarding prostitution.

Through its large-scale enquiry in 1930 and the Bandung Conference in 1937, the League addressed a specific Asian problem of the times, trafficking in Chinese women and children. And the League stimulated, as a prerequisite to these actions, since 1920 the collection of relevant data, information, and legislation from Siam and other Asian territories, while, in parallel, increasing the basic awareness among policy makers and parts of Asian societies for the problem of human trafficking and other social effects of prostitution.

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64 TNA, Bangkok Times, 5 March 1937.
66 TNA, Bangkok Times, 16 April 1937.
By encouraging unified law enforcement structures and immigration standards, the League then facilitated, to a certain extent, an early form of regional cooperation within Southeast Asia. This regional cooperation took place between independent Asian governments and European colonial administrations, which made it remarkable with regard to the League’s role of a platform for cooperation during colonial times, as well as with regard to the seriousness of the problem. It was the extent of human trafficking in Asia and the severity of problems this was causing to independent and colonial administrations alike, which brought Siam together with the surrounding colonies in the search for regional strategies against human trafficking, inadequate immigration procedures, and unacceptable living conditions of prostitutes. Nevertheless, until today neither the League of Nations nor the United Nations have managed to rally member states to stage an effort comparable to the fight against drug trafficking. A recent study conjectures that ‘perhaps this comes about because the social costs fall on some of the world’s poorer countries, unlike drugs which are largely a rich country problem.’

Siam’s involvement in the international cooperation of states to suppress human trafficking led to a League-induced change of laws and attitudes in Siam, as well to the improvement of the living conditions of some individuals. But the progress made before the Second World War must, while acknowledging it in its own right, be put into context of the decades since the 1960s, when the American rest and recreation programmes during the unfolding Vietnam War led to a virtual explosion of the number of women entering prostitution in Thailand and, in its wake, an explosion of the problem of human trafficking.

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67 Pasuk, Sungsith and Nualnoi, Guns, Girls, Gambling, Ganja, p. 190.