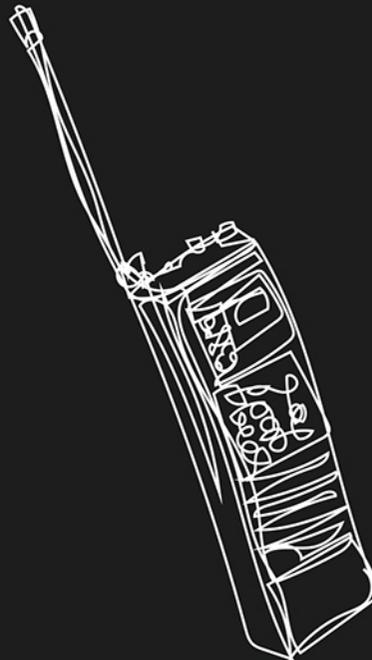
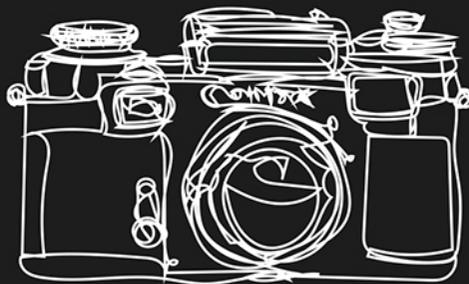
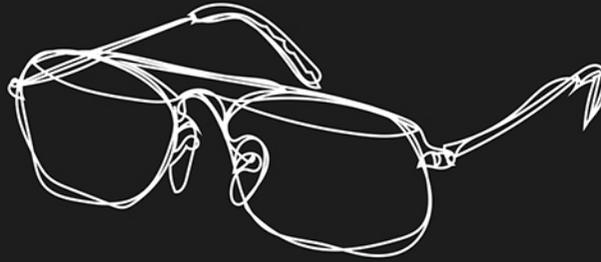


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**RANGSIT JOURNAL OF SOCIAL SCIENCES AND HUMANITIES (RJSH)**  
**Volume 4, Number 2, July – December 2017**

**Editor's Note**

His Majesty the late King Bhumibol Adulyadej's reign reaches its conclusion after an unprecedented 70 years of ruling the Kingdom of Thailand. His Majesty's demise at the age of 88 brings a great abundance of tears, yet still millions of Thais are still in mourning phase for the loss of the revered King. The late King of Thailand is not only the longest reigning monarch of the world but is also acknowledged as the most hard-working monarch in the modern world history.

This journal is still in the remembering period of the late King's death. Thus, if you look closely at the cover page of the journal, there are three items illustrated which are the late King's items by which all Thai people know best that these items were used by the late King and had served the King throughout his 70 years tenure. To be precise, the late King always carries three things with him every time he makes an inspection tour of a rural area: a map (that is cut and pasted by himself), a camera, and a pencil with a rubber end cap. Furthermore, King Bhumibol Adulyadej was an avid photographer and was rarely seen without his camera.

There are also another two items depicted on the cover page. The toothpaste reflects the self-being of the late King who is a person very appreciative of life as he always uses his toothpaste until the tube is completely flat. There is also a drawing showing an aircraft, which is referring to the Thailand Royal Rainmaking Project that was initiated in November 1955 by the late King himself. The aircraft used in the project is shown on our cover. King Bhumibol Adulyadej played a handful of different musical instruments, including the saxophone, clarinet, trumpet and more.

Hence, many may wonder how are those items connected to the contents of this very much anticipated journal. The best answer to this question is that the King is an inspiration to us, the Thais especially as well as to the rest of the world. His Majesty's charismatic yet fair leadership, alongside his soft touch to tackle the people's heart and emotion, bring an idea that a journal needs to follow the late King's approach in life: a life taking good care of others. A sacred living soul that during his Majesty's life tried hard to make others live comfortably. The journal's main objective, apart from becoming academic initiative, is also to provide a better world for people to live in by analyzing matters in different fields and subsequently trying to find solution and cure.

To be honest, this journal is a bit unique as it kickstarts its voyage with a lead article by Sompong Sucharitkul. Then only another seven (7) articles will come into the scene. The lead article is designed to provide such salient elements inherent in the formative process of the ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN). The process will then turn its attention to the chronology of events and occurrences, leading to the establishment of the Association, the birth and growth of ASEAN and the progressive developments of this collectivity of national societies.

Later, seven different papers are presented despite the fact that the emphasis is more likely narrowing to a mutual field of study as five out of seven of them are in the criminology field. The second journal is an article written by Thamavit Terdudomtham, about a policy in Thailand. The latter is referring to the Marijuana policy, whereby the author aims to analyze the problems related to Marijuana policy in Thailand and to discuss the possibility for alternative marijuana decriminalization. The author brings to our attention the need to revise the current policy, as it is deemed to be costly and has been largely unsuccessful.

Second in the journal is about Arrest Warrant Alert System (AWAS) written by the duo of Jomdet Trimek and Jirabhop Bhuridej. The authors aimed to study the possibility of using the AWAS to arrest the offenders. In addition, they would also like to survey the user's acceptance through Technology Acceptance Model as well as to propose the guidelines to develop the efficiency of the AWAS to trace those fleeing offenders.

Cyberattacks happen throughout the world, yet India is not a place free from this type of terror. The author, Srirath Gohwong, reflects on the cyberattacks and digital economy in India during 2004-2015 by finding out the types and patterns of all cyberattacks in India during 2004-2015. He also investigates the relationship between Gross Domestic Product (GDP) of India and its relationship with the cyberattacks and later comes up with the comparison of the cyberattacks between India and Thailand during 2012-2015.

Another criminology paper is neatly written by the group of visionary authors led by Suppakorn Poonyarit, Sunee Kanyajit, Nathapon Sokantat, Patcharaphan Nakpong, and Noppawan Unmareng. The main discussion of the paper is about the world which has already evolved drastically so as the people resided inside it. Crime already becomes rampant due to the various pressures faced by the criminals. The authors focus not only on the people's fear of crime, yet they also dig further on comparing people's fear of crime aspect.

The fifth in the list revolves around such heated discussion about the stance or the political perception of the university students in Thailand based on the red and yellow rallies happened in the country before. Thus, Kittisak Jermstittiparsert as well as Maneerat Kitipatmontree go for the study and compare the political attitudes of university students who played prominent roles in the gatherings of People's Democratic Reform Committee. The research is done by considering several individual factors such as their field of study, birthplace, parental occupation, and the latter income.

The sixth paper should be read in such peaceful mind as it touches about the critical acclamation of the history side. In this paper written by Tesfamhret Teklesenbet Haile, it attempts to produce a critical evaluation of the Colonial vs Secession argument on the Eritrean struggle for self-determination. By incorporating analytical qualitative approach, this article compares historical and contemporary facts with pertinent international instruments and finds out that the secession side is not well grounded. To be precise, this is one of the historical research that is a must-read, as it unravels bit by bit pertaining to such heated historical arguments that are not much deliberated nowadays.

Last but not least, an article from Shinto Teramoto and Yuriko Haga discusses a practical way to secure informed consent from contributors of big data in healthcare. The authors tried their best to find a practical way in which we can substantialize informed consent in the course of building big data in healthcare. In order to discuss this matter, the authors employed simplified social network models, as well as conducted intensive interviews with a group of practicing lawyers. Through this medium, the authors found that continuous diffusion of knowledge through hubs, which curate and disseminate newly developed knowledge, in information networks to citizens effectively assists contributors, builders and users of big data to give and gain substantial informed consent.

After all, that is why journals such as RJSH exist: to connect knowledge-seekers (learners) with producers of knowledge (researchers). As the editorial team, we see this as our job: sharing new knowledge, including alternative ways of perceiving the complex issues that all of our societies face on a day-to-day basis.

We welcome your comments and, of course, your manuscripts. Links to our manuscript submission site can be found at RJSH Online Submission and Review System: [www.rsu.ac.th/rjsh](http://www.rsu.ac.th/rjsh). We look forward to hearing from you.

Sincerely,



Anek Laothamatas  
Editor-in-chief

**RANGSIT JOURNAL OF SOCIAL SCIENCES AND HUMANITIES (RJSH)**  
**Volume 4, Number 2, July – December 2017**

**CONTENTS**

	Page
<b>Editor's Note</b>	
<i>Anek Laothamatas</i>	i-ii
<b>Lead Article</b>	
ASEAN at Fifty: Retrospectives and Perspectives on the Working, Substance and Future of ASEAN..... <i>Sompong Sucharitkul</i>	1-7
<b>Research Articles:</b>	
1. Marijuana Policy in Thailand and the Argument for Decriminalization..... <i>Thamavit Terdudomtham</i>	9-14
2. Arrest Warrant Alert System: AWAS..... <i>Jomdet Trimek and Jirabhop Bhuridej</i>	15-21
3. The Cyber-Attacks and Digital Economy in India during 2004-2015..... <i>Srirath Gohwong</i>	23-33
4. Fear of Crimes..... <i>Suppakorn Poonyarith, Sunee Kanyajit, Natthapon Sokantat, Patcharaphan Nakpong, and Noppawan Unmareng</i>	35-41
5. Red, Yellow, or No Shirt: Where do University Students of Thailand Stand?..... <i>Kittisak Jernsittiprasert and Maneerat Kitipatmontree</i>	43-50
6. Critical Evaluation of the Colonial vs Secession Argument on the Eritrean Armed Struggle for Self-determination: A Response to International Publicists..... <i>Tesfamhret Teklesenbet Haile</i>	51-67
7. Informed Consent in Building Big Data in Healthcare: The Essential Role of Hubs in Curating and Disseminating Knowledge..... <i>Shinto Teramoto and Yuriko Haga</i>	69-75
<b>Appendices:</b>	
APPENDIX A: Acknowledgements.....	A-1
APPENDIX B: Note for Authors.....	B-1
APPENDIX C: Research Article Template.....	C-1
APPENDIX D: Manuscript Submission Form.....	D-1
APPENDIX E: Copyright Transfer Agreement (CTA).....	E-1



## **ASEAN at Fifty: Retrospectives and Perspectives on the Working, Substance and Future of ASEAN**

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### **1. Preliminary Observations**

This brief note is intended to acquaint readers with some of the salient elements inherent in the formative process of the ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN). It will follow in essential detail the chronology of events and occurrences, leading to the founding of the Association, the birth and growth of ASEAN and the progressive developments of this collectivity of national societies, composing the ultimate regional community. Efforts will be made to pursue each significant step of the Association from infancy to maturity, and eventually to the up-coming celebration of ASEAN's 50<sup>th</sup> Anniversary on the 8<sup>th</sup> August 2017. As a prelude to the wider appreciation of the substantive importance of ASEAN, the picture of the pre-dawn of ASEAN will be given to Southeast Asia as a region or sub-region of turmoil and confusion amidst the withdrawal of Western Colonial Powers and severe competition among the outsiders to gain control over the disorder flowing from the struggles by the indigenous population, labouring their utmost to recover and retrieve their sovereign independence and to regain and retain their dignity in the Era of Decolonization, to ward off the danger and to prevent any possible return of further encroachment by any form of neo-colonialism, whether by way of capitalistic or socialistic take-over. It has not been easy for native South-East Asian nations to recover and steadfastly to maintain intact their own national sovereign independence, to survive as free societies, free from external interference and safe and secure without foreign or outside intervention.

### **2. Pre-Dawn of ASEAN**

"ASEAN" as an intergovernmental organization of Southeast Asia appears to have been one of the positive results of several exploratory endeavours on the part of Thailand, as its original founding father, to conceive, sustain and deliver the fruit of Thailand's labour. Thailand also undertook the role of mothering the regional organization, not only by giving utmost pre-natal care, but also after birth by mothering and ensuring the safety and security of the regional association, and by providing health care and comfortable workplace for the Working Group and the Drafting Committee in the preparation of the constituent instrument to serve as historic document in the regional effort to establish ASEAN as a living and growing regional legal entity, with an international legal personality, deserving recognition by non-member States of ASEAN and similar organizations constituted in other regions of the world, in particular, the European Economic Community or the European Common Market, which came to life in 1970, after twelve years since the Treaty of Rome (1958). It was widely understood that ASEAN would require longer time to achieve such economic integration, having regard to the variation in the social and cultural environments and background of each of the five founding members, namely, Thailand, Indonesia, Malaysia, the Philippines and Singapore.<sup>1</sup> It is a noteworthy coincidence that from the very beginning, all negotiations, discussions and consultations within ASEAN took place in English. Thus the use of English was adopted as the only official working language of ASEAN from the very start.

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<sup>1</sup> As will be seen in the photograph of ASEAN Ministers of Foreign Affairs, signing the ASEAN Joint Communiqué at Saranrom Palace, in the Thai Ministry of Foreign Affairs, on 8<sup>th</sup> August 1967, seated at the centre H.E. Dr. Thanat Khoman, on his right, H.E. Dr. Adam Malik, on his left, H.E. Tun Abdul Razak, on his extreme right, H.E. Narciso Ramos, and extreme left, H.E. Dr. Rajaratnam.

As recently portrayed in an article published in June 2015,<sup>2</sup> the birth of ASEAN as a regional association for closer economic and social cooperation, approaching integration by voluntary, gradual and progressive developments was proclaimed by the Bangkok Declaration on 8th August, 1967,<sup>3</sup> after several working sessions at Laemtaen, an official sea-side resort near Bangsaen, Choburi Province, Thailand. It is interesting to add that prior to the birth of ASEAN, Thailand had been engaged in the formation of a number of regional organizations with overlapping membership, such as ASPAC or the Asian-Pacific Council or currently APEC, Asia-Pacific Economic Cooperation, and ASA or the Association of South-East Asia. Indeed, for decades preceding the advent of ASEAN, Thailand had been occupied with the drafting and negotiations of the constituent instrument in the form of joint-communiqué to serve at that time as the 'Charter' or 'statute' or 'constituent instrument' of a regional organization or association, such as ASPAC in Seoul, Republic of Korea, only one year earlier in 1966, following the visit of President Park Chung Hee to Thailand in 1965. Preceding examples of such organization include ASA, the Association of Southeast Asia, and also the Manila Pact or SEATO, the Southeast Asia Treaty Organization for collective self-defence under Article 52 of the Charter.

As such, Thailand had long been preoccupied with the search for ways and means to preserve and maintain the sovereignty, independence and statehood, primarily of the Thai nation, and consequently, inevitably, also of all countries of Thailand's immediate South-East Asian neighbours, namely, Malaysia, Singapore, Indonesia and the Philippines, and eventually also additional members of ASEAN, namely, Unified Vietnam, Laos, Myanmar and Cambodia or Kampuchea. It should be noted that at the time of the formation of ASEAN, Sri Lanka also sent two senior officials of Ministerial rank to seek admission to the Meetings at Laemtaen during pre-ASEAN sessions of the Working Group and the Drafting Committee. However, H.E. Dr. Rajaratnam, the Foreign Minister of Singapore, himself a Sri Lankan, well versed in his Sri Lankan national affairs, advised the ASEAN Ministers and the Working Group at that time not to admit to the meetings the two senior officials from Sri Lanka, which otherwise appeared geographically remote from the core Member States of South-East Asia. Following the Declaration of Bandung in 1955, generally known as Declaration of Independence and Sovereignty of all nations of Asia and Africa, most of which had only just been decolonized, it should be recalled that the Bandung Declaration was attributable to President Sukarno of Indonesia. In actual fact, H.R.H. Prince Wan Waithayakorn or Krommun Narathip Bhongsraphan, the Foreign Minister of Thailand did have a strong hand in the first and final draft of that historic instrument, representing a Charter for peace-loving people of Asia and Africa to respect and preserve their national political independence and territorial integrity and to help each other as mutual assistance in all political, economic and social matters, otherwise often referred to as the 'principles of peaceful co-existence'.

### 3. The Birth of ASEAN

At the invitation of H. E. Dr. Thanat Khoman, Thailand's Minister of Foreign Affairs, Malaysia, Singapore, Indonesia and the Philippines sent their respective Foreign Ministers and senior officials to attend the meetings at Laemtaen, Thailand, on 6<sup>th</sup> August 1967 to discuss the draft document prepared by Thailand, which was earlier submitted to them by Minister Thanat Khoman himself on his visits to their capitals preceding the final working sessions in Thailand and the formal adoption at Saramrom Palace, Ministry of Foreign Affairs of Thailand in Bangkok on 8<sup>th</sup> August 1967. It is to be noted that this draft also included an additional preambular paragraph, suggested by H.E. Dr. Adam Malik of Indonesia, as well as the appellation 'ASEAN' as acronym for the Association of Southeast Asian Nations.<sup>4</sup> Prior to the inaugural session in Bangkok, the Ministers met at Laemtaen, a sea-side resort at Bangsaen reserved by the Royal Thai Government for invited official foreign guests, equipped with necessary facilities such as guest houses and the beach as well as a pleasant golf course for the Ministers and senior officials to relax and

<sup>2</sup> See "THAILAND AND ASEAN" by Sompong Sucharitkul, in *Rangsit Journal of Social Sciences and Humanities*, 2 (1), January-June 2015, pp. 1-8.

<sup>3</sup> 1931 UN Treaty Series, 236, the signing took place at Saramrom Palace, at 10.50 hrs. (Bangkok time).

<sup>4</sup> In a way not dissimilar from the attribution of 'ASEAN' to Bepah Adam Malik in the preceding year at Seoul, Republic of Korea, the Asia-Pacific Council was born under the name ASPAC, of which the acronym was attributable to Foreign Minister Narsico Ramos of the Philippines

discuss the formation of ASEAN and its future role and activities to promote unity among the nations and peoples of ASEAN on the basis of consensus to be achieved by governments, or MUSHAWARAH, or the 'ASEAN way' of proceeding, along with any and every ASEAN project if and when practicable for each and all of ASEAN members. The search for a common destiny led to the adoption of a final draft document to be further discussed and approved ultimately by the Ministers. The meetings at Laemtaen, Bangsaen, finally reached an agreement, known as the 'Spirit of Bangsaen' which led to the ASEAN Declaration or BANGKOK Declaration of 8<sup>th</sup> August 1967, announcing the BIRTH OF ASEAN.

Thus ASEAN was conceived, conserved and delivered as an infant organization, and thence began to grow from strength to strength, being nurtured by Thailand as its leading founding member together with Malaysia, Singapore, Indonesia and the Philippines from the birth and during infancy, awaiting opportunities to grow and gradually to expand with the entry of its new members at each appropriate juncture.

#### **4. The First Decade of ASEAN (1967-1977)**

##### **4.1 "ASEAN Projects"**

As approved from the Birth of ASEAN through its infancy and early childhood, ASEAN advanced steadily at a flexible pace, no great haste but without hesitation. The prevailing practice appeared to be that any project that would be attractive to one or two members of ASEAN could be started on trial, and the experiment could attract further participants on purely voluntary and exploratory basis. Any project of economic, social and cultural nature could start with any one or two members without having to wait for the approval or participation of the majority or of each and every one of ASEAN members, to be permitted to use the label of 'ASEAN'. This practice proved to be very liberal and practical without any need or necessity to wait for fuller participation. It was characterized by simplicity and liberality, worthy of the phrase "the ASEAN way", by way of consensus or absence of opposition or objection. Any project could be labeled 'ASEAN' even if started only by one or two of ASEAN member States and subsequently followed by the remaining members at later intervals without distracting from the label 'ASEAN'. Thus several projects were initiated as ASEAN by only two members at the outset and could end up with the rest of ASEAN members, who felt prepared and were willing to embark on the experiment at any subsequent time.

During the first decade of ASEAN existence, the annual sessions of ASEAN Ministerial Meetings would rotate from one capital city to another. Thus since its inauguration in Bangkok in 1967, the following Annual Ministerial Meetings were held in Jakarta (Indonesia), Kuala Lumpur (Malaysia), Manila, (The Philippines), and Singapore respectively with each country maintaining its national secretariat with national ASEAN Secretary-General, who in turn would hold Secretary-Generals Meetings by rotating from one ASEAN capital to another. The rotation of Annual Ministerial Sessions continued for ten years covering two rounds of complete rotation until it became reasonably clear and reaching adequate maturity to move to a permanent regional secretariat with one Secretary-General as a whole to head the permanent ASEAN Secretariat in Indonesia. The post of ASEAN Secretary-General could be filled by a national of any ASEAN member nation for a term of four years, renewable and also to be replaced by another succeeding Secretary-General to be appointed by the Ministerial Council of ASEAN as a whole.

As such, a general pattern of ASEAN evolution began gradually to emerge in clearer shape and form without any predilection or predetermination but by gradual and progressive development of practical feasible measures adopted the ASEAN way with clarity, assurance and apparent ascertainability.

##### **4.2 ASEAN Partners**

ASEAN began in earnest to improve and intensify its economic developments in terms of agricultural products and mining. ASEAN did so by accelerating closer cooperation in intra-ASEAN and bilateral inter-ASEAN relations with active mutual assistance and reciprocal exchanges in terms of investments and technologies, such as in the cultivation of rice and corn as well as in the production and refinement of mineral resources, such as tin, copper and oil as well as other forms of energy from gas and other natural resources.

ASEAN as an association for economic cooperation and eventual integration also began to gather its strength and accelerate its collective growth with the result that it provided an attractive market for outsiders and non-ASEAN members as well as European and other Western Powers, including the United States of America, Japan, Korea, Australia, New Zealand and other countries in Asia, Africa and also Latin America. A number of Asian neighbours stood out such as Japan, People's Republic of China, Korea and India, Bangladesh, Pakistan (East and West), Algeria and Nigeria.

These closer economic relations between ASEAN and Non-ASEAN countries became crystallized and could be studied in terms of ASEAN Plus, such as ASEAN + China, ASEAN + Japan, ASEAN + Korea, ASEAN + India, for instance. Many nationals from China and India may be seen as minorities in each of ASEAN countries. Thus, in Thailand, Malaysia, Singapore and Indonesia, there are generally Chinese natives or natives of Chinese descent, living and otherwise working on ASEAN soils without distinction or discrimination of any kind.

There are many types of ASEAN Plus, namely, ASEAN Plus One, such as ASEAN-China and ASEAN-India; or ASEAN Plus Two, such as ASEAN Plus Japan and Korea or ASEAN Plus Australia and New Zealand. This pattern of variation of relations with different groupings within the region of various sizes served to reassure inter-locking relations and closer cooperation to satisfy the particular needs of each appropriate grouping at the choice of ASEAN and ASEAN Members depending on the size, location requirements and availability of each of ASEAN partners. This variety of ASEAN Pluses served to provide a comprehensive picture of intensive cooperation between ASEAN and each of its able and willing partners within the region or a particular sub-region.

## 5. ASEAN Attaining Full-Fledged Maturity

After the first decade, ASEAN of five seemed to have gained self-assurance and was better prepared to accept new members of like-minded nations, in spite of differences in size and degrees of economic development, such as Brunei Darussalam in 1984, Vietnam in 1995, Laos in 1997, Myanmar in 1997 and Cambodia in 1999. Each in turn was considered and duly admitted as a new Member of ASEAN, with progressive involvement in the process of economic integration, bearing in mind the closeness in their cultural background, in the existing surrounding circumstances and natural environments. By then ASEAN emerged as a full-pledged inter-governmental organization complete with mature international legal personality, fully prepared to join the rank and file of legal entities under international law.

As distinctly proclaimed in the ASEAN Declaration of the first ASEAN Ministerial Meeting on 8<sup>th</sup> August 1967 in Bangkok, Thailand, the five Ministers of Foreign Affairs of the founding member countries of ASEAN, a new group of States was established as an Association for Regional Cooperation among the countries of Southeast Asia to be known as the Association of Southeast Asian Nations (ASEAN), complete with a full legal personality under international law. This acclamation is verified by ASEAN's entry into international agreements in its own name with other States and international organizations. An early instance of such transactions was the valuable assistance, financial and technical, given by the Government of the Kingdom of the Belgians in the name of the King, through the European Economic Community (EEC) for the restoration of Borombudur as the World Common Heritage of the Buddhist Monuments in the form of Chedi or Buddhist Pagoda and Stone Image of the Great Lord Buddha sitting in Prayer near Bandung in Indonesia. It, as a token of friendship between the European Union and ASEAN through Belgium and Indonesia, representing an act of explicit mutual recognition by the European Community and ASEAN. Neither Belgium nor Indonesia could be considered preponderantly Buddhist, Belgium being Catholic and Christian and Indonesia Islamic or Muslim by majority.

The ASEAN Declaration of 1967 also set out the aims and purposes of the association as follows:

- 1) To accelerate the economic growth, social progress and cultural development of the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for prosperous and peaceful community of South-East Asian Nations;
- 2) To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter;

- 3) To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields;
- 4) To provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres;
- 5) To collaborate more effectively for the greater utilization of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communication facilities and the raising of the living standards of the people;
- 6) To promote Southeast Asian studies;
- 7) To maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes, and explore all avenues for even closer cooperation among Members.

The ASEAN Declaration further identified the machinery to be established to carry out the seven aims and purposes of ASEAN as follows:

- a) Annual Meeting by Foreign Ministers, which shall be by rotation and referred to as ASEAN Ministerial Meetings and Special Meetings of Foreign Ministers may be convened as desired;
- b) A Standing Committee, under the chairmanship of the Foreign Minister of the host country or the representative and having as its members the accredited Ambassadors of the other member countries, to carry on the work of the Association between Meetings of Foreign Ministers;
- c) Ad-Hoc Committees, and Permanent Committees of Specialists and Officials on specific subjects;
- d) A National Secretariat in each member country to carry out the work of the Association on behalf of that country and service the Annual and Special Meetings of Foreign Ministers, the Standing Committee and such other committees as may hereafter be established.

It was further declared that “The Association is open for participation to all States in the Southeast Asian Region subscribing to the aforementioned aims, principles and purposes.” Finally it also proclaimed that “the Association represents the collective will of the Nations of South-East Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices for their peoples and for posterity the blessing of peace, freedom and prosperity.”

Thus ASEAN came into being, completely with its own constituent instrument, known as the ASEAN or Bangkok Declaration, the simple and least formal agreement form, but was nevertheless clear and unmistakable. This constituent instrument continued to apply for several decades until subsequently replaced by another more formal instrument in the name of ASEAN Charter, which merely confirmed the continued existence and legal personality of the Association without in fact creating a new legal entity where none had previously existed, as was sometimes inaccurately portrayed. The ASEAN Charter adopted forty years or so later in December 2008 and did not purport to create a new organization, but merely to update and reconfirm or strengthen the working of an organization already well-known to be in existence and still functioning in good conditions.

In other words, the ASEAN Charter did nothing to discredit the past deeds and excellent performances of ASEAN, as established by the Bangkok Declaration of 1967. To suggest that the Charter provided a new or different legal personality for ASEAN would be to overlook ASEAN’s earlier existence and such negative implication should be avoided at all costs. The Charter was intended to serve as a reconfirmation or re-awakening of the existing Association of Southeast Asian Nations, in a way not dissimilar from what Thailand needs to do to remind Thai nationals of the necessity to recover Thailand’s distinctive leadership in the ASEAN world and within the community of nations worldwide, in the context of the United Nations Organization, in regional organizations in Asia, Africa, Europe and Latin America, as well as in the United States of America and the British Commonwealth of Nations.

## 6. ASEAN Activities and Achievements

### 6.1 English as Official Common Language of ASEAN

It is very difficult to present a clear and vivid picture of all the activities and achievements of ASEAN as a regional association for economic, social and cultural cooperation and eventual integration. If the Treaty of Rome of 1958 took twelve years to achieve “European Single Common Market,” it had taken ASEAN much longer time to assimilate and unify the thinking and working habits of ASEAN nationals, who were vastly diversified. One positive factor of the distinctive use or employment of English as the medium of ASEAN internal communication from the very outset began with the ASEAN Declaration of 8<sup>th</sup> August 1967, until today, approaching half a century of ASEAN life in international society with full awareness and complete recognition by outsiders or non-ASEAN nations doing business with or within any of the members of ASEAN community. It is to be noted that even from the very beginning until today, English has been the official working language of the organization, although nationally it is the official working language of only a few, namely, Malaysia, Singapore and the Philippines, and not Thailand or Indonesia, and for that matter not otherwise for other later Members of ASEAN such as Laos, Vietnam and Cambodia, more conversant with French in the Lower Mekong Basin, although better known in Myanmar and possibly Brunei Darussalam and East Timor now awaiting to be admitted as the 11<sup>th</sup> Member of ASEAN.

The actual adoption of English as a common language of ASEAN could be counted as an achievement, conscious or otherwise automatically practised by ASEAN as a whole, and treated by every member government of ASEAN as an official language for intra-ASEAN communication, within and among the peoples of ASEAN nations. Linguistic unity is a giant step in the progressive development of intra-ASEAN understanding. This significant achievement will certainly facilitate further steps in the move forward towards closer integration in the social and cultural relations, thereby paving a clearer path towards complete unification and integration, in spite of pre-existing diversities in the background of ASEAN population. Accelerated assimilation will gradually become the order of the day. As a matter of fact, today everywhere in ASEAN, nationals of ASEAN countries consider themselves ASEAN over and above being also Malays, Singaporeans, Indonesians, Philipinos, Thais, Vietnamese, Laotians, Myanmars, Kamphuchians, or Brunei Darussalam and also Timoreans. English as a spoken and official language of ASEAN seems tolerable if not completely or comprehensively understood and commonly used on every occasion by different nations of ASEAN. At any rate, English does not sound linguistically foreign or alien to an ASEAN individual.

Having adopted the use of English in ASEAN popular parlance, other achievements appear to follow suite. Attractive ASEAN projects once adopted by one ASEAN member country could be followed by others respectively. Common ASEAN projects which yielded good results could be pursued by all other member countries, leading to rapid advancements in every field of regional and national economic, social and cultural developments. To provide an example, every ASEAN member could specify the areas in which investment would be encouraged, whether foreign or intra-ASEAN investment areas. This is known as AIA or ASEAN Investment Areas, not only in agriculture but also in the exploration and exploitation of natural resources and sources of energy and power, such as petroleum and natural gas.

It is not surprising that in less than fifty years, ASEAN as an association has become stronger, reinforced by heart-felt unity of thought, closer mutual understanding and sympathy, and a genuine common desire to assist and mutually to support each other within the community of ASEAN nations. There exists a bond that unites each and every one of ASEAN nationals, who are fully prepared to face the outside world with the feeling of comfort and the warmth of growing ASEAN ties.

ASEAN activities are countless and extensive in all domains, currently often followed by ASEAN achievements in every walk of human life that would appear too numerous to enumerate at this point. Suffice it to ascertain that ASEAN has not ceased to operate, nor to initiate new projects for future developments, which will entail further achievements in each and every field, where there is an “ASEAN Will”, there is an “ASEAN WAY”.

## 6.2 ASEAN Mechanisms to Reduce and Resolve Inter-ASEAN Conflicts

Another achievement of ASEAN deserving mention at this point lies in the field of Alternative Dispute Resolution or ADR. ASEAN approach to ADR starts from avoidance or discouragement of conflict or dispute prevention, designed above all to pre-empt the occurrence of any conflict or foreclose the occurrence of any dispute in the first place. This could be achieved principally by promoting mutual understanding and reciprocal assistance, thereby avoiding the possibility of a conflict or dispute from ever arising. Once any conflict or dispute has arisen between any two or more ASEAN Members, there are ways and means available within ASEAN to resolve it. It is in the interest of ASEAN Members to resolve and settle any such conflict or dispute, which may slow down or delay the progressive process of integration within the Association. Thus, it is in the common interest of ASEAN as a whole to eliminate and settle any dispute or conflict that may arise between any two or more of its Member Nations.

To this end, every means and method of dispute resolution available under the United Nations Charter, especially Article 33 of the UN Charter may be used. In addition, ASEAN will provide further assistance within the Association to provide good offices and to serve as Third-Party to provide good offices, enquiry, mediation, conciliation or arbitration without having to resort to the compulsory jurisdiction of the International Court of Justice at The Hague, if available. Thus, under the ASEAN International Agreement of 1987, as subsequently amended, an investment dispute between an ASEAN national or company with ASEAN State Member for instance could be settled by an AD Hoc ASEAN Arbitral Tribunal to be appointed in the final resort by the President of the International Court of Justice. The first such AD Hoc Tribunal was appointed in the case of *Yaung Chi Oo Trading Pte. Ltd. v. Government of the Union of Myanmar*<sup>5</sup> in 2003. This example clearly illustrated the way which ASEAN has worked out to resolve by peaceful means dispute of various kind, in particular investment dispute within an ASEAN Investment Area by an ASEAN national or company and the ASEAN host country, in the case under reference *Yaung Chi Oo*, a Singaporean investor company and the Government of Myanmar. This intriguing question requires a separate treatment in great detail and constitutes another topic of vital importance that requires a separate in-depth treatment and detailed discussion, specifically devoted to ASEAN methods of Dispute Settlement, comparable to those in existence under ICSID, WTO, UNCTAD, and ICC or International Chamber of Commerce in Paris.

## 7. ASEAN to Be Fifty

As ASEAN approaches the 50<sup>th</sup> Anniversary on 8<sup>th</sup> August 2017, it is apparent that ASEAN member countries are prepared to greet each other and each and every citizen of ASEAN nationality with warm wishes for this half century mark, and to look back in retrospect and evaluate the fruit of ASEAN labour in each of ASEAN activities, as well as the achievements to be remembered without forgetting the toil and labour invested in the collective task of ASEAN. It is worth remembering that the wealth and happiness accrued today have been the products of ASEAN preceding generations.

For the Thais in particular, it should not be forgotten that ASEAN was conceived and achieved by THAI initiatives and constructive effort. Every Thai compatriot should be reminded of the patience and sacrifices contributed by their elders to ensure and reinforce the meaningful future of ASEAN. As a Thai, this is a clear reminder of the leading role Thailand had played in the formation and fortification of the ASEAN hub, and that to look back in retrospect Thailand could not deny or forsake Thailand's part in upholding ASEAN, and to this end Thailand must utilize all available energy and every imaginable endeavour to recover its principal role as a full and primary initiating partner of the ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN). This is the prospect of the resumption of Thailand's leading part in clear and illuminated perspectives.

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<sup>5</sup> See ASEAN Arbitral Tribunal, *Yaung Chi Oo Trading Pte. Ltd. V. Government of the Union of Myanmar* (Award) in International Legal Materials ILM, 42, pp. 540-558, May 2003. The American Society of International Law.



## Marijuana Policy in Thailand and the Argument for Decriminalization

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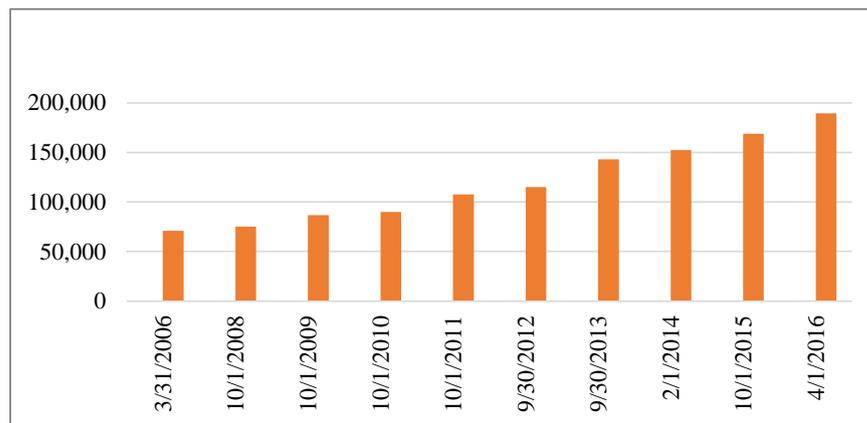
### Abstract

In Thailand, drug policy, including marijuana policy, has been extremely conservative. However, the drug problem remains unresolved. This paper aims to analyze the problems related to marijuana policy in Thailand and, to discuss possibility for alternative marijuana decriminalization policy. Statistical analysis and a documentary research method are employed in this research. The results show that the number of marijuana offenders incarcerated increased dramatically from 1,011 in 2006 to 4,531 in 2016, a 4.5-fold increase over one decade. In addition, the number of alleged marijuana offenders was 12,396 in 2016. Over the same decade, government spending on drug policies increased 3-fold to 10.68 billion baht in 2016. Moreover, in 2016, the total opportunity cost of drug prisoners was more than 15.34 billion baht. From the amounts shown, the current policy is costly and has been largely unsuccessful; therefore, marijuana decriminalization could be a sensible alternative for Thailand. The legal sanctions for growing, possessing, and using small amounts of marijuana should be reduced to noncriminal sanctions such as warnings, fines, and community service orders. In addition, investment in harm reduction and treatment services should be increased to support the work done by medical professionals and social workers.

**Keywords:** Marijuana, decriminalization, policy, drugs, drug prisoners

### 1. Introduction

In recent decades, drug policy in Thailand has generally been extremely conservative. Thai governments have emphasized suppression and severe punishment. Also, more than ten billion baht per annum are spent on drug suppression, prevention, and treatment. However, the drug problem in Thailand has not improved. The number of offenders incarcerated for drugs increased to 189,429 in 2016, as shown in Figure 1.



**Figure 1** The number of drug offenders incarcerated for drugs from 2006-2016  
*Note.* From the Department of Corrections, Ministry of Justice, Thailand.

In Thailand, marijuana has officially been an illicit drug since 1925 (Kanato et al., 2016, p. 63). Thai marijuana policy has been extremely conservative. The number of cases related to marijuana averaged 16,125 per year from 2009-2014, peaking at 18,955 cases in 2013 (Poothakool et al., 2015, p. 2).

At the global level, after several decades of the “War on Drugs,” some countries have decriminalized illegal drugs. Recently, the number of countries implementing drug (including marijuana<sup>1</sup>) decriminalization policy has increased to around 25-30 (Rosmarin & Eastwood, 2012). Moreover, in a 2011 report on the “War on Drugs,” the Global Commission on Drug Policy recommended adopting decriminalization policy and investing in harm reduction services.

In Thailand, several researchers have studied marijuana decriminalization. For example, Poothakool et al. (2015) proposed that Thailand should reduce the legal penalties for growing and possessing small amounts of marijuana to noncriminal sanctions due to the economic costs of marijuana criminalization policy, and the excess of criminal cases and prisoners the country must deal with. However, Kanato (2015) noted that Thailand was unlikely to decriminalize marijuana right now because Thai society perceived marijuana negatively.

## 2. Objectives

The objectives of this paper are as follows:

- 1) To analyze the problems associated with marijuana policy in Thailand, including the economic cost.
- 2) To discuss possibility for marijuana decriminalization policy in Thailand.

## 3. Materials and methods

This paper employs both documentary research approach and statistical analysis. The statistical data were mainly taken from the Department of Corrections, the Office of the Narcotics Control Board, and the Ministry of Justice.

## 4. Thai marijuana policy and its cost

The Thai government has been proactive in drug suppression. The number of prisoners incarcerated for drug offenses increased dramatically from 70,858 in 2006, to 189,429 in 2016. Moreover, the proportion of drug offenders to total prisoners has increased significantly from 57.70 percent in 2006, to 72.39 percent in 2016, as shown in Table 1. Most of the drug offenses committed were methamphetamine related. However, the number of prisoners incarcerated for marijuana offenses is small when compared with the total number of prisoners incarcerated for all drug-related offenses, as shown in Table 2.

**Table 1** The number of prisoners classified by nature of offenses

Nature of Offenses	31/3/2006 (No.)	31/3/2006 (%)	1/4/2016(No.)	1/4/2016 (%)
Offences against property	26,150	21.29	26,636	10.18
Drug offences	70,858	57.70	189,429	72.39
Offences against life	10,822	8.81	13,441	5.14
Offences against the body	3,288	2.68	19,392	7.41
Others	11,691	9.52	12,789	4.89
<b>Total</b>	<b>122,809</b>	<b>100.00</b>	<b>261,687</b>	<b>100.00</b>

*Note.* From the Department of Corrections, Ministry of Justice, Thailand

Thai government policy on marijuana has emphasized suppression. The number of prisoners incarcerated for marijuana offenses increased dramatically from 1,011 in 2006, to 4,531 in 2016, a 4.5-fold increase over one decade, as shown in Table 2.

<sup>1</sup> Hall and Degenhardt (2009) reported that marijuana had been the most popularly used illicit drug by young people in rich countries for two decades, and had recently become more popular throughout the world. Medical research has suggested that regular use of marijuana during adolescence and adulthood could have adverse health effects.

**Table 2** The number of prisoners incarcerated for marijuana offenses compared to other drugs

	31/3/2006 (No.)	31/3/2006 (%)	1/4/2016 (No.)	1/4/2016 (%)
Heroin	5,928	8.37	11,981	6.32
Marijuana	1,011	1.43	4,531	2.39
Methamphetamine	63,066	89.00	168,055	88.72
Others	853	1.20	4,862	2.57
<b>Total</b>	<b>70,858</b>	<b>100.00</b>	<b>189,429</b>	<b>100.00</b>

*Note.* From the Department of Corrections, Ministry of Justice, Thailand

Based on 2016 arrest statistics, the number of alleged marijuana offenders was 12,396, as shown in Table 3. Most of these offenders were in possession of marijuana (70.69 percent) or had consumed marijuana (12.96 percent). Some offenders possessed marijuana for sale (5.45 percent) or were caught selling marijuana (2.63 percent).

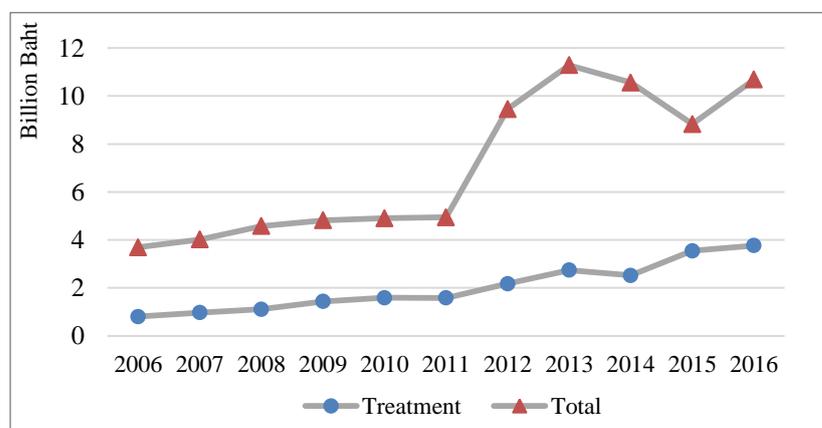
For marijuana production, the number of alleged offenders was 983 in 2016, accounting for 7.93 percent of all alleged marijuana offenders. Poothakool et al. (2015, p. 62) reported that most alleged offenders producing marijuana were growers who had 1-3 marijuana plants. From 2009-2014, the number of alleged offenders producing marijuana was 3,404. Among these offenders, 2,166 (about 64 percent) were growers who had 1-3 marijuana plants.

**Table 3** The number of alleged offences related to marijuana

Charge	1/5/2016 (No.)	1/5/2016 (%)
Consumption	1,606	12.96
Possession	8,763	70.69
Possession for sale	676	5.45
Sale	326	2.63
Production	983	7.93
Export and Import	42	0.34
<b>Total</b>	<b>12,396</b>	<b>100</b>

*Note.* From the Office of the Narcotics Control Board, Ministry of Justice, Thailand

Over last decade, the Thai government has significantly increased spending on drug policy, as shown in Figure 2. The budget increased from 3,691.64 million baht in 2006, to 10,685.24 million baht in 2016, a 3-fold increase over one decade.

**Figure 2** The Thai government budget for drug policy from 2002-2016

*Note.* From the Department of Corrections, Ministry of Justice, Thailand

For drug treatment, the government increased the budget significantly from 800.47 million baht in 2006, to 3,766.77 million baht in 2016, as shown in Table 4. Windle (2016) reported that Thailand had three options for drug treatment: community outpatient treatment, compulsory treatment centers (98 centers in 2010), and treatment in prisons. In 2010, 60 percent of drug patients were treated in compulsory treatment centers, 25 percent attended community outpatient treatment, and 15 percent were sent to prison.

Lertpanichpan (2013, p.101) pointed out that according to the Narcotics Act of 2522 (Article 94), drug users should be given the opportunity to use voluntary treatment services without getting criminal records. However, in practice, it is very difficult for users to receive voluntary treatment due to insufficiencies in the treatment services offered and the fear of arrest. Therefore, Article 94 of this act has not been effectively implemented.

**Table 4** The Thai government budget for drug policy

	2006 (Mil. Baht)	2006 (%)	2016 (Mil. Baht)	2016 (%)
Drug Prevention	1,534.68	41.57	3,584.92	33.55
Drug Suppression	1,356.49	36.75	3,333.55	31.20
Drug Treatment	800.47	21.68	3,766.77	35.25
<b>Total</b>	<b>3,691.64</b>	<b>100.00</b>	<b>10,685.24</b>	<b>100.00</b>

*Note.* From the Department of Corrections, Ministry of Justice, Thailand

Regarding prisoners incarcerated for drugs offenses, there are at least two economic costs: government spending and opportunity cost<sup>2</sup>, which is estimated from prisoners lost earnings as being at least equal to the minimum wage. The Department of Corrections (Ministry of Justice) reported in 2015 that the cost was 45,566.18 baht per prisoner per annum. This cost comprised of prison management (39,936.72 baht per prisoner per year), prisoner development (1,329.18 baht), and drug treatment (4,300.28 baht).

Based on the minimum wage, in 2016 of 300 baht per day and 270 working days per year, the opportunity cost was at least 81,000 baht per prisoner per year. For 189,429 drug prisoners in 2016, the total opportunity cost was 15.34 billion baht. The opportunity cost exceeds total government spending on drug policy (10.68 billion baht in 2016).

In summary, implementing drug policy in Thailand has been costly. Moreover, the policy has been unsuccessful.

## 5. Decriminalization: an alternative policy

Rosmarin and Eastwood (2012) stated that after 50 years of the “War on Drugs,” global rates of drug use are still high. Some countries have decriminalized the possession and personal use of drugs to reduce government expenditure. In addition, some countries have increased investment in harm reduction services to reduce the destructive impact of drug use. Currently, around 25-30 countries such as Belgium, Portugal, Mexico, and Chile have adopted a decriminalization policy.

In the United States<sup>3</sup>, in October 1973, Oregon began to have marijuana decriminalization. The offense of possession of less than 1 oz. of marijuana became only a civil violation, with a maximum penalty of a \$ 100 fine. Within 5 years, ten other states had similar decriminalization. Single (1989), based on documentary research studies, concluded that the marijuana decriminalization of these states reduced the total cost of marijuana enforcement substantially without increasing the negative effect on health associated with use. In addition, the marijuana decriminalization had little impact on rates of use.

At this time, Thailand still maintains an extremely conservative drug policy. However, several individuals, groups, and organizations have suggested that Thailand should decriminalize drugs to some degree.

<sup>2</sup> Opportunity cost is defined as “whatever must be given up to obtain some item” (Mankiw, 2004, p.51)

<sup>3</sup> Recently, eight states have legalized both medical and recreational use of marijuana. In addition, twelve states have both medical marijuana and decriminalization laws.

In 2011, the International Drug Policy Consortium (IDPC) and the Transnational Institute (TNI) recommended that the Thai government should decriminalize the use, possession, and production of kratom<sup>4</sup> (Tanguay, 2011). Tanguay (2011) reported that kratom had been popular in the south of Thailand for decades without problematic use; therefore, criminalization of kratom was counterproductive.

Lertpanich (2013) suggested that a conservative drug policy with vigorous suppression could not be successful in Thailand. At the same time, drug legalization, i.e., marijuana legalization, would not be acceptable to society in Thailand. However, a decriminalization policy with preventative measures and good treatment services, as a middle approach, could be more acceptable.

Regarding marijuana policy in Thailand, some characteristics of a possible decriminalization model are given as follows:

First, the legal penalties for growing, possessing, and using small amounts of marijuana should be reduced to noncriminal sanctions. From 2009 to 2014, 64 percent of alleged marijuana producers were growers who had 1-3 plants. These minor growers should not be criminalized.

Secondly, noncriminal sanctions (or administrative penalties) for growing, possessing, and using small amounts of marijuana, should be warnings, fines, and community service orders because it is counterproductive to society for people with small amounts of marijuana to have criminal records.

Thirdly, the role of medical professionals and social workers in marijuana harm reduction and treatment programs should be increased. Furthermore, investment should be increased in harm reduction programs and treatment services, partly because decriminalization may direct more marijuana users toward treatment facilities.

Finally, the marijuana decriminalization will have positive effects because criminal justice costs and government spending will be reduced. Moreover, people who grow, possess, and use small amounts of marijuana will avoid the negative impact of a criminal conviction.

## 6. Conclusion

In Thailand, drug policy, including marijuana policy, is very conservative. The number of prisoners incarcerated for drug-related offenses increased dramatically from 70,858 in 2006, to 189,429 in 2016. Most drugs cases were related to methamphetamine offenses. The number of prisoners incarcerated for marijuana offenses increased rapidly from 1,011 in 2006, to 4,531 in 2016, a 4.5-fold increase over one decade. In addition, the number of alleged marijuana offenders was 12,396 in 2016. Over the same decade, government spending on drug policy increased 3-fold to 10.68 billion baht in 2016. Moreover, in 2016, the total opportunity cost of drug prisoners was at least 15.34 billion baht. Therefore, implementing drug policy for marijuana offenses has proved both expensive and unsuccessful.

Marijuana decriminalization is a possible alternative for Thailand. The government could reduce the penalties for growing, possessing, and using small amounts of marijuana to noncriminal sanctions such as warnings, fines, and community service orders. In addition, investment in harm reduction and treatment services should be increased to support the work done by medical professionals and social workers.

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<sup>4</sup> Kratom is an illicit drug in Thailand. Based on the Narcotics Act of 2522, kratom is classified in the same category as marijuana (Sakchai Lertpanich, 2013, p.59).

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## Arrest Warrant Alert System (AWAS)

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### Abstract

The research on the Arrest Warrant Alert System (AWAS) aims to 1) study the possibility of using the Arrest Warrant Alert System to arrest the offenders, 2) survey the users' acceptance through Technology Acceptance Model, and 3) propose the guidelines for developing the efficiency of the Arrest Warrant Alert System to track fleeing offenders.

The researcher used the following mixed methods. First, the researcher conducted in-depth interviews with three authorities who approved the use of the Arrest Warrant Alert System in the investigation work: a police station administrator, a technology and information administrator of the Royal Thai Police, and an administrator of the Royal Thai Police. Second, the researcher surveyed the users' acceptance of Technology Acceptance Model by using the questionnaires with 54 investigation officers.

The research results found that the authorities approving use of the Arrest Warrant Alert System in the investigation work expressed the opinions that the highest-level administrators should have in place the clear and continuous policy. If the administrators wanted to order the investigation officers to do anything, they should determine the awards and penalty to enable the investigation officers to efficiently comply with the order. As for the analytical results of the investigation officers' acceptance, the researcher found that the police officers thought that the Arrest Warrant Alert System was very beneficial to the operation at a high level ( $\bar{X}=3.78$ , S.D.=0.51). The ease of use of the Arrest Warrant Alert System was at a high level ( $\bar{X}=3.52$ , S.D.=0.43). The police officers had good attitudes toward the system at a high level ( $\bar{X}=3.61$ , S.D.=0.19). The police officers intended to use the Arrest Warrant Alert System at a high level ( $\bar{X}=3.87$ , S.D.=0.58). However, the system acceptance of the police officers aged over 40 was significantly less than that of the police officers aged below 40.

**Keywords:** *Arrest Warrant, Alert System, Royal Thai Police, social security number*

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### 1. Introduction

There are 152,148 arrest warrants remaining in the Royal Thai Police Database (Central Information Technology Centre, Royal Thai Police, 2016). Within this, it was found that the tracking of a suspect's workplace via social security number was the most successful factor leading to the arrests (Bhuridej, 2014). The researcher therefore studied the possibility of using the Alert System to arrest the offenders. This research surveyed the users' acceptance of Technology Acceptance Model (Davis, 1989) to determine the viability of the Arrest Warrant Alert System and to find ways in which its efficiency in tracking the fleeing offenders can be increased.

### 2. Objectives

- 1) To study the possibility of using the Arrest Warrant Alert System to arrest the offenders under the arrest warrant.
- 2) To survey the users' acceptance of the Technology Acceptance Model.
- 3) To propose the guidelines for developing the efficiency of the Arrest Warrant Alert System to track fleeing offenders.

### 3. Methods

The researcher used the mixed method by testing at the administrator level and the operation officers' level as follows:

#### 3.1 The administrator level

The researcher conducted in-depth interviews with three authorities who approved the use of the Arrest Warrant Alert System in the investigation work: a police station administrator, a technology and information administrator of the Royal Thai Police, and an administrator of the Royal Thai Police.

#### 3.2 Operation officers' level

The researcher surveyed the users' acceptance of Technology Acceptance Model by using questionnaires. Investigation officers participating in the evaluation consisted of commissioned police officers and non-commissioned police officers. The researcher explained and demonstrated the function of the Arrest Warrant Alert System to the evaluators and ordered both groups to use the experimental Arrest Warrant Alert System through the smartphone to predict the place where the offenders might hide and evaluate the system acceptance. The acceptance scores were as follows:

Level	Average Score	Meaning
5	4.21 – 5.00	Highest
4	3.41 – 4.20	High
3	2.61 – 3.40	Medium
2	1.81 – 2.60	Low
1	1.00 – 1.80	Lowest

### 4. Results

The Arrest Warrant Alert System developed by the research team of Police Colonel Dr. Jirabhop Bhuridej, Superintendent 1, Suppression Division connects the information on the social security registration with the arrest information remaining in the system of the Royal Thai Police, and alerts the police station about the place where the offenders go to work in the responsible areas of the police stations. The users or investigation officers wait for the results of alerting the places where the offenders flee to work, leading to the arrest of the offenders. The researcher would like to propose the research results divided in accordance with three objectives as follows:

#### 4.1 The possibility of using the Arrest Warrant Alert System to arrest the offenders

According to the interview results, the police station administrator expressed the opinions that the Arrest Warrant Alert System is beneficial to the investigation, the police station administrator is pleased to use the Arrest Warrant Alert System in the investigation work in his police station and he orders the investigation officers to immediately use the mentioned system in the investigation work. The police station administrator mentioned the system as follows:

“I can order the investigation officers to use the system in accordance with the superintendents' policy. I think that the Arrest Warrant Alert System is especially beneficial to the investigation officers who do not have the experience in the investigation because they can use the system to search the information”.

(Police station administrator)

The police station administrator added that, despite the difficulties, the police officers are pleased to comply with the high-level chiefs' orders. For example, in 2014, the investigation officers in each police station were ordered to compile the arrest warrants and ask for all new arrest warrants from the court and send them to the Command and Control Operations Center. They have to examine monthly whether the offenders are arrested or whether the arrest warrants expire and whether the offenders pass away because they have to update the information in the system. Although the mentioned order increases the burdens to

the police officers, the investigation officers are pleased to do so because it is beneficial to the Royal Thai Police.

Next, the researcher interviewed the technology and information administrator of the Royal Thai Police whose duties are to supervise the central information system of the Royal Thai Police and Police Information System. After the researcher demonstrated the experimental Arrest Warrant Alert System to the technology and information administrator of the Royal Thai Police, the interviewee said that the Arrest Warrant Alert System is the Quality Alert System and should be considerably used in the Royal Thai Police. The administrator expressed the opinions as follows:

“To order the investigation officers to use any systems, it is necessary to think that the investigation officers are users so the users do not have to complete the information. We know that several investigation officers are old and do not want to use any technology. The investigation officers only want the reports on the place of arrest. They do not want to complete and search the information. This system indicates where the offenders hide. After that, the police officers in each area are ordered to arrest the offenders. This system is very beneficial to the investigation officers. The most updated arrest information of the Royal Thai Police is the information of the Command and Control Operations Center not the information of the Criminal Registration Division”.

(The technology and information administrator of the Royal Thai Police)

According to the recommendations of the mentioned administrators, the researcher selected to interview a high-level administrator of the Royal Thai Police, initiating use of Command and Control Operations Center instead of the old warrant database system of the Royal Thai Police. After the researcher introduced the administrator of the Royal Thai Police to The Arrest Warrant Alert System, the administrator tried out the system and said that The Arrest Warrant Alert System is a good system which utilizes the information on the social security registration to search the offenders.

## 4.2 The users' acceptance of Technology Acceptance Model

After the system introduction and try-out with 54 investigation officers, the researcher surveyed the users' acceptance of Technology Acceptance Model by using questionnaires. The information on the questionnaires was processed as follows:

### 4.2.1 Basic information

**Table 1** Gender

Gender	Frequency	Percentage
Male	53	98.14
Female	1	1.86
<b>Total</b>	<b>54</b>	<b>100.00</b>

According to Table 1, there were 54 respondents. The researcher found that almost all of the investigation officers were male. There was only one female police officer who performed the administrative duties.

**Table 2** Age

Age	Frequency	Percentage
20-29	10	18.52
30-39	13	24.07
40-49	19	35.19
50 -60	12	22.22
<b>Total</b>	<b>54</b>	<b>100.00</b>

According to Table 2, 35.19% of the investigation officers were 40-49 years old. Twenty-four point zero seven percent of the investigation officers were 30-39 years old. Twenty-two point two two percent of the investigation officers were 50-60 years old. No police officers were below 20 years old.

**Table 3** Rank

Rank	Frequency	Percentage
Inspectors	2	3.70
Deputy inspectors	6	11.11
Non-commissioned police officers	46	85.19
<b>Total</b>	<b>54</b>	<b>100.00</b>

According to Table 3, 85.19% of the investigation officers were non-commissioned police officers. Eleven point one one percent of the investigation officers were deputy inspectors. Three point seven zero percent of the investigation officers were inspectors.

**4.2.2 The analytical results of the users' acceptance of Technology Acceptance Model**

According to the analytical results of the investigation officers' acceptance, the researcher found that most of the police officers were satisfied to learn and try out the system:

**Table 4** Technology Acceptance Model

Technology Acceptance	$\bar{X}$	S.D.	Mean
The Arrest Warrant Alert System is beneficial to the operation	3.78	0.51	High
Ease of use of the Arrest Warrant Alert System	3.52	0.43	High
The system users had good attitudes toward the system	3.61	0.19	High
The users intended to use the Arrest Warrant Alert System	3.87	0.58	High

According to Table 4, the analytical results of the investigation officers' acceptance were as follows: After considering each aspect, the researcher found that the police officers thought that the Arrest Warrant Alert System is beneficial to the operation at a high level ( $\bar{X}$ =3.78, S.D.=0.51). Ease of use of the Arrest Warrant Alert System was at a high level ( $\bar{X}$ =3.52, S.D.=0.43). The system users had good attitudes toward the system at a high level ( $\bar{X}$ =3.61, S.D.=0.19). The users intended to use the Arrest Warrant Alert System at a high level ( $\bar{X}$ =3.87, S.D.=0.58).

According to difference in system acceptance among different age groups, the researcher found that the system acceptance of the police officers aged over 40 was significantly different from that of the police officers aged below 40 at the level of .05 as follows:

**Table 5** Technology Acceptance Model (Age)

Technology Acceptance	Age	N	$\bar{X}$	SD	T	p
• The Arrest Warrant Alert System is beneficial to the operation	A <40	23	4.16	0.64	4.11	0.00*
	A ≥40	31	3.50	0.50		
• Ease of use of the Arrest Warrant Alert System	A <40	23	3.87	0.57	4.81	0.00*
	A ≥40	31	3.26	0.25		
• The system users had good attitudes toward the system	A <40	23	4.02	0.91	3.43	0.00*
	A ≥40	31	3.30	0.64		
• The Arrest Warrant Alert System is beneficial to the operation	A <40	23	4.13	0.63	3.08	0.00*
	A ≥40	31	3.68	0.46		

\*p<0.05

According to Table 5, the researcher found that the system acceptance of 23 police officers aged below 40 was significantly different from that of 31 police officers aged 40 and above at the level of .05 in every aspect.

**Table 6** Technology Acceptance Model (Rank)

Technology Acceptance	Rank	N	$\bar{X}$	SD	t	p
• The Arrest Warrant Alert System is beneficial to the operation	Non-commissioned	46	3.74	0.68	-1.53	0.15
	Commissioned	8	4.00	0.38		
• Ease of use of the Arrest Warrant Alert System	Non-commissioned	46	3.42	0.48	-3.59	0.00*
	Commissioned	8	4.06	0.35		
• The system users had good attitudes toward the system	Non-commissioned	46	3.55	0.88	-1.83	0.09
	Commissioned	8	3.94	0.48		
• The Arrest Warrant Alert System is beneficial to the operation	Non-commissioned	46	3.80	0.53	-2.08	0.04*
	Commissioned	8	4.25	0.71		

\*p<0.05

According to Table 6, the results of testing different acceptance of the commissioned police officers and the non-commissioned police officers found the followings: There was different acceptance of the ease of use of the system and intention to use the system. As for the easy use of the system, the researcher found that the commissioned police officers' acceptance ( $\bar{X}$ =4.06 S.D.=0.35) was higher than the non-commissioned police officers' acceptance ( $\bar{X}$ =3.42, S.D.=0.48). There was difference at the statistical significance level of .05. As for the intention to use the system, the researcher found that the commissioned police officers significantly and more considerably intended to use the system ( $\bar{X}$ =4.25 S.D.=0.71) than the non-commissioned police officers ( $\bar{X}$ =3.80 S.D.=0.53) at the level of .05.

#### 4.3 The guidelines for developing the efficiency of The Arrest Warrant Alert System to track the fleeing offenders

The police station administrator expressed the opinions that if people concerned want the police officers to use the system throughout the country, they should connect the mentioned system with the Command and Control Operations Center. The high-level chiefs of the Royal Thai Police have to order every police station to use the system, examine the information on the expiry, arrest of the offenders, and death of offenders. Moreover, the administrator of the Royal Thai Police expressed the following opinion:

“However, investigation is not the mathematics but the behavior of predicting where the offenders are”.

(The administrator of the Royal Thai Police)

Finally, the administrator of the Royal Thai Police said that if the highest-level administrator wants to order the investigation officers to do anything, he has to have the clear and continuous policy and determine the awards and the penalty to enable the operation officers to efficiently follow the order.

#### 5. Conclusion

The research results found that the administrators approve the use of the Arrest Warrant Alert System in the investigation work. As for the possibility of using the Arrest Warrant Alert System to arrest the offenders, the researcher found that three administrators agreed with us the system to arrest the offenders. According to the survey of the users' acceptance through Technology Acceptance Model by using questionnaires, the researcher found that system acceptance was at a high level. The system acceptance of the investigation officers aged 40 or above was significantly less than that of the investigation officers aged below 40.

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## The Cyber-Attacks and Digital Economy in India during 2004 - 2015

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### Abstract

This article focuses on the study of the cyber-attacks and digital economy in India during 2004 – 2015 in order to 1) to find out the types and patterns of all cyber-attacks in India during 2004 – 2015, 2) to investigate the relationship between GDP of India and the cyber-attacks in India during 2004 – 2015, and 3) to compare the cyber-attacks between India and Thailand during 2012 – 2015 due to the availability of data. Frequency, percentage, mean, standard deviation, and Pearson's Product-Moment Correlation are the statistics employed for data analysis. The level of significance was set at .05.

The results were as follows: 1) There were 310,146 attacks, or approximately 25,846 attacks per year during 2004 to 2015 in India, 2) In aspect of techniques of the attacks, there were big four in India during 2004 – 2015: abusive content, information security, intrusions, malicious code, 3) In overall, there has been an upward trend of cyber-attacks in India since 2004 – 2014, except in 2015 due to the implementation of “Digital India” program. In categorical level, two absolute different trends – upward and downward trends occurred in India. The upward trend focuses on all crowd – oriented cyber-attacks of information gathering, information security, malicious code, and others whereas the downward trend focused on individual-oriented cyber-attacks such as abusive content, intrusions, and fraud, 4) there were quite high positive relationship between GDP of India and the cyber-attacks in India during 2004 – 2015 in the overall level at the .01, and categorical level, fraud, information gathering, and malicious code had high positive relationships with GDP of India at the .01, and with intrusions and other at .05; and 5) In overall, the amount of cyber-attacks of Thailand (Z score = 6.47) was higher than India (Z score = 5.18). In categorical level, Thailand had more serious cyber-attacks than India with approximately 1.48 S.D. in malicious code and approximately 0.76 S.D. in intrusions.

**Keywords:** *Cyber-attacks, digital economy, India, 2004 – 2015*

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### 1. Introduction

According to her long plan, India Vision 2020, India has changed herself to be a developed country in the year of 2020 by transforming from product-based economy to digital economy since 1993, in which her Vision about Technology in India Vision 2020 was set by Technology Information, Forecasting and Assessment Council (TIFAC). In addition, the emerging of “Digital India” program since 2014 in order to prepare India’s readiness for digital economy will accelerate the growth of Indian digital economy in India for supporting 462,124,989 Internet Users, 34.83% of total population, on July 2016. (Kalam & Rajan, 1998; CMAI, 2014; Blasi et al., 2015; Department of Electronics and Information Technology, Ministry of Electronics and Information Technology, Government of India, 2015; Internet Live Stats, 2016.) However, the transformation towards new economy has a big cost of more innovative and sophisticated cyber-attacks which directly compromises CIA triangle of information security of India and Confidentiality-Integrity-Availability. These attacks decelerates the growth of digital economy (Whitman & Mattord, 2003; Whitman & Mattord, 2008; Whitman & Mattord, 2012; Gnanasambandam et al., 2012; Durand & Vergne, 2013; Boyle & Panko, 2015; Tapscott, 2015; Deloitte, 2015; Nedeltchev, Gopalratnam, & Tirumala, 2015) For India, according to data since 2004 of Indian Computer Emergency Response Team (CERT-In, 2016), there are 310,146 attacks, or approximately 25,846 attacks per years.

According to the above-mentioned concern, this article has three focuses on India in order to get the basic information about cyber-attacks in India and the lessons for the implementation of digital economy of Thailand as follows: 1) to find out the types and patterns of all cyber-attacks in India during 2004-2015, 2) to investigate the relationship between GDP of India and the cyber-attacks in India during 2004-2015, and 3) compare the cyber-attacks between India and Thailand during 2012-2015 due to the availability of Thai data.

## 2. Digital India

The Digital India has been adopted by Prime Minister Narendra Modi since 2014. It is an umbrella program, run by Department of Electronics and Information Technology (DeitY) for many government Ministries and Departments under a single vision of the Government of India in order to prepare and promote “citizen empowerment and inclusion” and “digital economy / knowledge economy” in India. It has lots of consultations from many entities such as government, industry, civil society and citizens. It also employs the “myGov” (<http://mygov.in/>) – a digital platform by DeitY – for facilitating, collaborating and participating the program. In general, the program centered on 3 key areas – info-structure for every citizen, public services on demand, promotion of digital literacy and IT access of every citizen. In addition, there are nine strategies / pillars in this program: broadband highways, universal access to mobile connectivity, public internet access program, e-Governance reforming government through technology, e-Kranti or electronic delivery of services, information for all, electronics manufacturing, IT for jobs and early harvest programs. Each of these strategies is run across multiple ministries and departments (Department of Electronics and Information Technology, Ministry of Electronics and Information Technology, Government of India, 2015; Deloitte, 2015).

## 3. Type of Information Attacks

Cyber-attacks are any acts by threat agents for compromising the security of victims’ devices for the interest of attackers (Whitman & Mattord, 2003; Whitman & Mattord, 2008; Whitman & Mattord, 2012). There are various classification of information attacks (Whitman & Mattord, 2003; Whitman & Mattord, 2008; Whitman & Mattord, 2012; Oz, 2009; Brown, C.V. et al., 2014; Marakas & O’Brien, 2014; Valacich & Schneider, 2014; Boyle & Panko, 2015; Laudon & Laudon, 2016; European Computer Security Incident Response Team Network, 2003).

In this paper, eCSIRT’s taxonomy will be employed for data analysis because it is the standardized framework which covers all above-mentioned classifications. In addition, it is very convenient for comparing with cyber-attacks in Thailand, which employs this classification for national cyber-security (Gohwong, 2016a).

European Computer Security Incident Response Team Network (eCSIRT) employs the WP4 Clearinghouse Policy - Release 1.2, the common framework for information security – classified by Jimmy Arvidsson in 2003, as follows: abusive content (spam, harassment, child/sexual/ciolence), malicious code (virus, worm, Trojan, spyware, Dialer), information gathering (scanning, sniffing, social engineering), intrusion attempts (exploiting of known vulnerabilities, login attempts, new attack signature), intrusions (privileged account compromise, unprivileged account compromise, application compromise), availability (DoS, DDoS, Sabotage), information security (unauthorized access to information, unauthorized modification of information), fraud (unauthorized use of resources, copyright, masquerade), and otherall incidents which don't fit in one of the previous categories (European Computer Security Incident Response Team Network, 2003).

## 4. Methodology

This study is a quantitative research. The data for analysis were 1) the cyber-attacks data during 2004 – 2015 from Indian Computer Emergency Response Team (CERT-In, 2016) for analyzing the types and patterns of all cyber-attacks in India during 2004 – 2015, 2) the cyber-attacks data during 2012 – 2015 from MICT of Thailand (MICT of Thailand, 2016) for comparing India and Thailand, and 3) GDP data from World Bank (World Bank, 2016) for finding out the relationship between GDP of India and the cyber-attacks in India during 2004-2015. The statistics employed in this study are frequency, percentage, mean, standard deviation, Pearson's Product-Moment Correlation. The level of significance is set at .05.

## 5. Findings

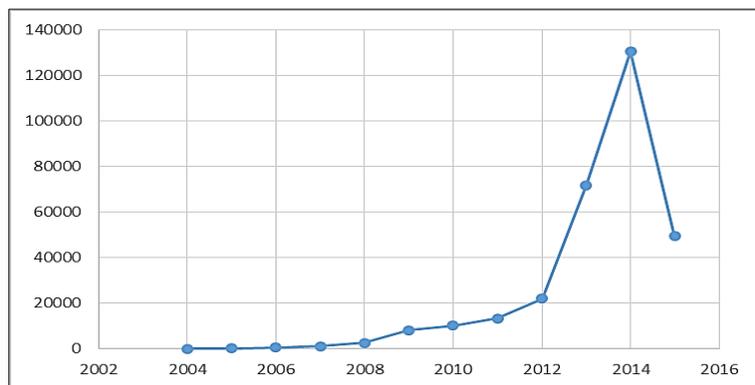
### 5.1 Types and patterns of all cyber-attacks in India during 2004 – 2015

All cyber-attacks in India during 2004 – 2015 are shown in Table 1 and Figure1.

**Table 1** Types and patterns of all cyber-attacks in India during 2004-2015 (N = 12)

eCSIRT's classification	India	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Abusive content	1	0	0	0	0	305	285	981	2480	8150	54677	85659	0	152537
Information security	2	0	0	0	0	0	0	0	0	0	0	25037	26244	51281
Intrusions	3	0	0	0	0	835	6548	6344	4394	4591	5265	7286	961	36224
Malicious code	4	5	95	19	358	408	596	1817	2765	3149	4160	4307	9830	27509
Other	5	4	18	17	264	148	160	188	1240	2417	3484	3610	8213	19763
Information	6	11	40	177	223	265	303	477	1748	2866	3239	3317	3673	16339
Fraud	7	3	101	339	392	604	374	508	674	887	955	1122	534	6493
Availability	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0
Intrusion Attempts	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>		<b>23</b>	<b>254</b>	<b>552</b>	<b>1237</b>	<b>2565</b>	<b>8266</b>	<b>10315</b>	<b>13301</b>	<b>22060</b>	<b>71780</b>	<b>130338</b>	<b>49455</b>	<b>310146</b>

Note. 1 = Spam, 2 = Website Defacements, 3 = Website Compromise (Website Intrusion) and Malware Propagation, 4 = Virus / Malicious Code, 5 = Others, 6 = Network Scanning/Probing, 7 = Phishing



**Figure 1** Amount of overall cyber-attacks in India during 2004-2015

The findings were found as follows:

- 1) There are 310,146 attacks, or approximately 25,846 attacks per year in India during 2004 – 2015.
- 2) According to Figure 1, in overall, there has been an upward trend of cyber-attacks in India since 2004 – 2014. After that, due to the implementation of “Digital India” program on infrastructure, online governmental services, and IT literacy since 2014, it becomes the downward trend in which 62.1% decreased from 2014.
- 3) In categorical level, there are two absolute different trends according to techniques of cyber-attacks – upward and downward trends. The upward trend in pattern I, shown in figures 5 – 8, comprises all crowd – oriented cyber-attacks as follows: information gathering (network scanning / probing), information security (website defacements), malicious code (virus), and other attacks such as email spoofing (2004-2006) whereas the downward trend in pattern II, shown in figures 1 – 4, focuses on individual-oriented cyber-attacks such as abusive content (spam), intrusions (website compromise / website intrusion and malware propagation) and fraud (phishing).

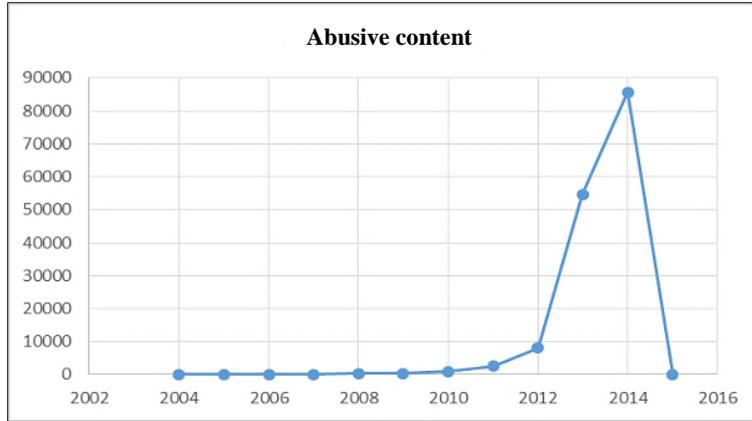


Figure 2 Abusive content in India during 2004-2015

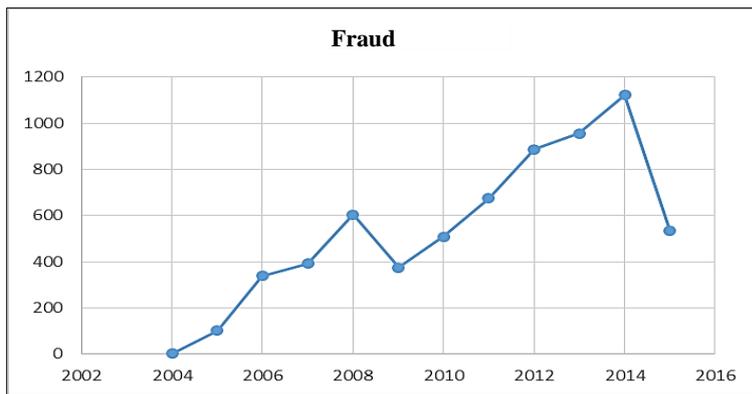


Figure 3 Fraud in India during 2004-2015

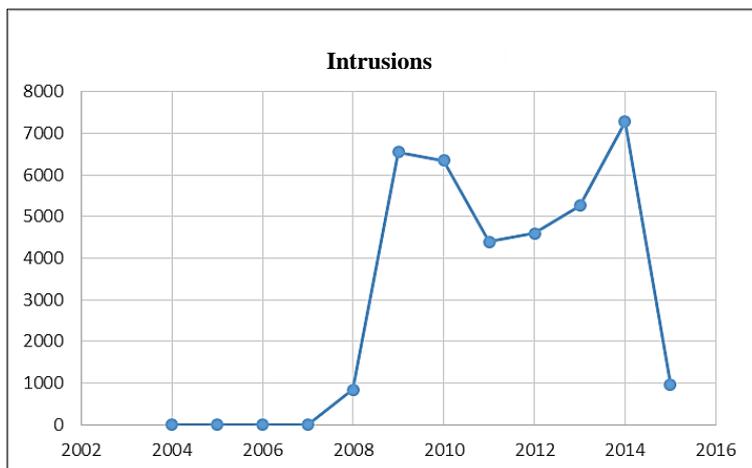


Figure 4 Intrusions in India during 2004-2015

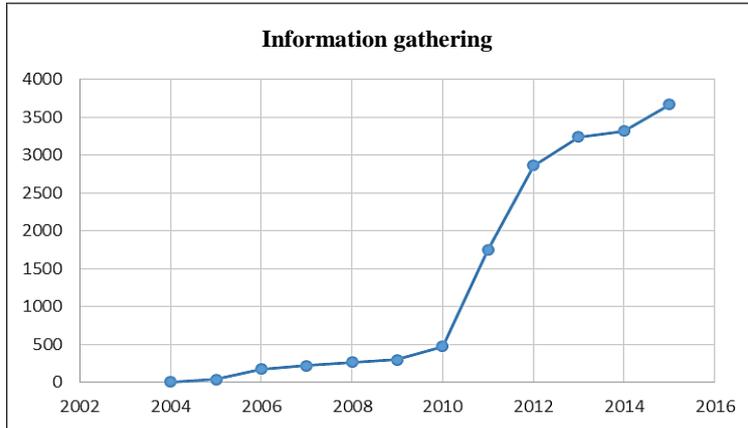


Figure 5 Information gathering in India during 2004-2015

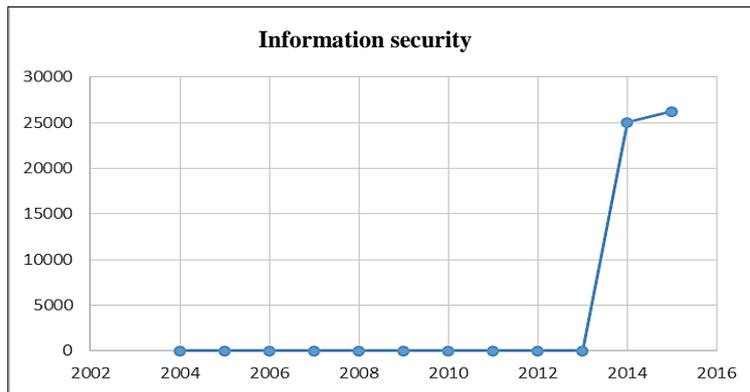


Figure 6 Information security in India during 2004-2015

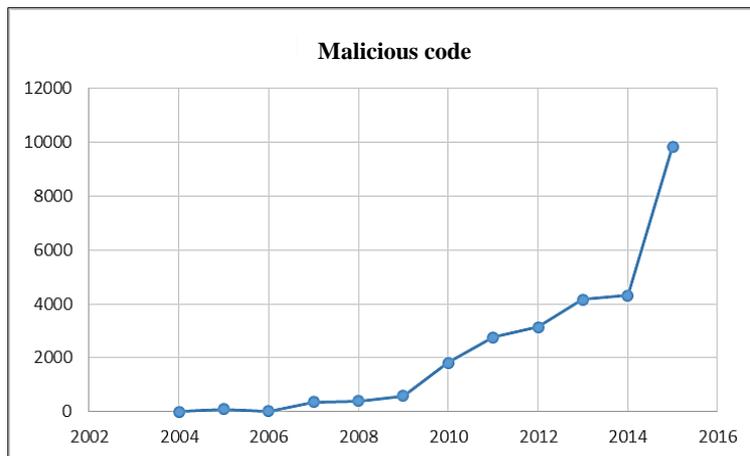
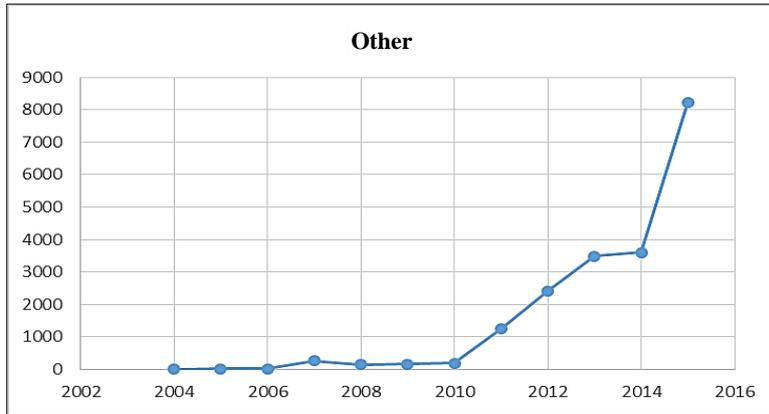


Figure 7 Malicious code in India during 2004-2015



**Figure 8** Other attacks in India during 2004-2015

4) In aspect of techniques of the attacks, there are big four in India during 2004-2015 (see Table 2): abusive content, information security, intrusions, and malicious code. The big four cyber-attacks can be categorized into two groups: crowd-oriented cyber-attacks (information security and malicious code) and individual-oriented cyber-attacks (abusive content and intrusions). The first group has in the upward trend though its number of attacks is less than the latter group. In contrast to the first one, the latter one has downward trend though abusive content which is the highest and intrusions is in the third place. However, spam as one technique in abusive content is the highest cyber-attacks with almost 50% in India.

**Table 2** Overall of cyber-attacks in India during 2004-2015 (N= 12)

eCSIRT's classification	India	Total	Mean
Abusive content	Spam	152537 (49.18)	12711.42
Information security	Website Defacements	51281 (16.53)	4273.42
Intrusions	Website Compromise (Website Intrusion) and Malware Propagation	36224 (11.68)	3018.67
Malicious code	Virus / Malicious Code	27509 (8.87)	2292.42
Other	Others	19763 (6.37)	1646.92
Information gathering	Network Scanning/Probing	16339 (5.27)	1361.58
Fraud	Phishing	6493 (2.09)	541.08
Availability	N/A	0 (0.00)	0
Intrusion Attempts	N/A	0 (0.00)	0
<b>Total</b>		<b>310146 (100.00)</b>	<b>25845.50</b>

The association between GDP of India and the cyber-attacks in India during 2004-2015 is shown in Table 3.

**Table 3** The association between GDP of India and the cyber-attacks in India during 2004-2015 (N = 12)

Cyber-attacks in India During 2004 – 2015	GDP (current US\$)	
	r	P
Abusive content	.490	.11
Fraud	.842	.00**
Information gathering	.844	.00**
Information security	.538	.07
Intrusions	.691	.01*
Malicious code	.777	.00**
Other	.698	.01*
<b>Total</b>	<b>.666</b>	<b>.02*</b>

\* Significant at the .05 level, \*\* Significant at the .01 level

There are quite high positive relationship between GDP of India and the cyber-attacks in India during 2004-2015 in the overall level at the .01, and categorical level, fraud, information gathering, and malicious code have high positive relationships with GDP of India at the .01, and with intrusions and other at .05.

## 5.2 Comparison between India and Thailand

The key purpose of this paper is to give an important lesson for Thailand; therefore, comparison of cyber-attacks between India and Thailand is a must. However, due to the availability of data, comparison of cyber-attacks between India and Thailand was conducted only during 2012-2015. In addition, Z-score, shown in Table 4, was employed in this study for standardizing cyber-attacks data from two different sources, which had different amount, data collection methods and mean (Rowntree, 2000; Rumsey, 2011).

**Table 4** Z-score of cyber-attacks between India and Thailand during 2012-2015

Z-score of cyber-attacks during 2012 - 2015	India	Thailand
Abusive content	2.51	-0.79
Availability	-0.65	-0.79
Fraud	-0.57	1.44
Information gathering	-0.37	-0.74
Information security	0.44	-0.80
Intrusions	-0.26	0.76
Intrusion Attempts	-0.65	0.23
Malicious code	-0.19	1.48
Other	-0.27	-0.80
<b>Total</b>	<b>5.18</b>	<b>6.47</b>

**Table 5** Types and patterns of all cyber-attacks in Thailand during 2012-2015 (N= 4)

eCSIRT's classification	Thailand
Malicious code	3439 (31.51)
Fraud	3376 (30.93)
Intrusions	2358 (21.60)
Intrusion Attempts	1559 (14.28)
Information gathering	99 (0.91)
Abusive content	32 (0.29)
Availability	26 (0.24)
Other	19 (0.17)
Information security	7 (0.06)
<b>Total</b>	<b>10915</b> <b>(100.00)</b>

**Table 6** GDP between India and Thailand during 2012-2015

Year	India	Thailand
2012	\$1,444.27	\$5,859.92
2013	\$1,456.20	\$6,171.26
2014	\$1,576.82	\$5,941.84
2015	\$1,581.59	\$5,814.86

*Note.* GDP per capita (current US\$)

**Source:** World Bank, 2016a, 2016b

According to the data from Tables 4, 5 and 6, in overall, the amount of cyber-attacks in Thailand (Z score = 6.47), with greater GDP per capita than India, was higher than India (Z score = 5.18). In categorical level, Thailand had more serious malicious code and intrusions – two top cyber-attacks of both countries – than India with approximately 1.48 S.D. in malicious code and approximately 0.76 S.D. in intrusions.

## 6. Discussion

Findings about cyber-attacks in India during 2004-2015

- 1) The finding about 310,146 attacks, or approximately 25,846 attacks per year in India during 2004-2015 reveals one fact that the more access to Internet under digital economy since 1996, the less information security (Whitman & Mattord, 2012).
- 2) In overall, there has been an upward trend of cyber-attacks in India since 2004-2014, except in 2015 due to the implementation of “Digital India” program, especially the third area – promotion of digital literacy and IT access of every citizen (universal digital literacy) by universal access to

digital resources, all documents such as certificates and entitlements on cloud, digital resources / services in Indian languages, “myGov” as a key collaborative digital platform for participating the program. People with good IIT knowledge do not easily become the victims of cyber-criminals.

- 3) In categorical level, two absolute different trends – upward and downward trends occur in India. The upward trend focuses on all crowd – oriented cyber-attacks as follows: information gathering, information security, malicious code, and other whereas the downward trend focuses on individual-oriented cyber-attacks such as abusive content, intrusions, and fraud. These attacks of the upward trend focuses on property rights and intellectual property, online anonymity, network security (Himma & Tavani, 2008; Quinn, 2012; Quinn, 2015; Laudon & Laudon, 2016).
- 4) For the investigation of association between GDP of India and the cyber-attacks in India during 2004-2015, there are quite high positive relationship between GDP of India and the cyber-attacks in India during 2004-2015 in the overall level at the .01, and categorical level, fraud, information gathering, and malicious code have high positive relationships with GDP of India at the .01, and with intrusions and other at .05. This findings support the previous findings in 6.1.1 that the more access to Internet under digital economy, the less information security, and in 6.1.2 that almost of cyber-attacks are attacks towards masses of people with high positive relationship such as information gathering ( $r = .844$ ), malicious code ( $r = 0.777$ ), other ( $r = 0.698$ ), except fraud ( $r = 0.842$ ) and intrusions ( $r = 0.691$ ). It shows an interesting trend in India that the state of the art and trend of cyber destruction in India focuses on mass deterioration.

In overall, an important lesson for Thailand from the previous findings is that India (Z score = 5.18) with lower value of GDP per capita faced cyber-attacks less than Thailand (Z score = 6.47) because she had higher gap of digital “haves” and digital “have-nots” than Thailand. This kind of problem about access to ICT equipment with Internet is digital divide, measured by ICT Development Index (IDI). This standard tool, which full score is 10, has 11 indicators in three groups – access, use and skills. For instance, in 2015, her IDI score 2.69 whereas Thailand was 5.36 (ITU, 2015). If IT is considered as a language, people in the country with good IT literacy who can both use, read and write or code the programs do not easily become the victims in digital setting. In addition, some people often have opportunistic behaviors by committing cyber-crimes from their good knowledge on digital language. In other words, the more IDI score, the more people with high IT literacy. That is why India with low IDI score mostly had cyber-attacks in information gathering (network scanning / probing), information security (website defacements), malicious code (virus), and other attacks such as email spoofing (2004-2006) – which are the crowd-oriented cyber-attacks – because it is quite convenient for attackers to do this kind of cyber-attacks against their victims who have low IT literacy about network security. On the other hand, Thailand with medium IDI score mostly faced the problems from individual-oriented cyber-attacks such as intrusions (website compromise / website intrusion, malware propagation), intrusion attempts, and fraud (phishing) because the attackers must employ more sophisticated techniques against the networks of their victims who have fair IT literacy.

In categorical level, Thailand had more serious malicious code and intrusions – two top cyber-attacks of both countries – than India with approximately 1.48 S.D. in malicious code and approximately 0.76 S.D. in intrusions. The possible reason is that most of top Thai universities according to the top-100 Asia-Pacific universities of Webometrics, the leading E-university ranking, put great emphasis on infrastructure / IT infrastructure in their undergraduate-level curriculum of management information systems such as coding which is necessary for malicious code and intrusions. It is noteworthy that there was not any university of India in the list (Webometrics, 2015; Gohwong, 2016b).

## 7. Conclusion

This article focuses on the study of the cyber-attacks and digital economy in India during 2004-2015, by using data from Indian Computer Emergency Response Team (CERT-In) in order to (1) find out the types and patterns of all cyber-attacks in India during 2004-2015, (2) investigate relationship between GDP of India and the cyber-attacks in India during 2004-2015, and (3) compare the cyber-attacks between

India and Thailand during 2012-2015. The findings give an important lesson for Thailand, which just fully join the digital economy in 2014 that the more access to Internet under digital economy, the less information security. In addition, it is not easy to find the balance between access and information security, especially in digital economy (Whitman & Mattord, 2012; Tapscott, 2015; Gohwong, 2016).

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## Fear of Crimes

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### Abstract

Social and economic changes have provided advantages and negative outcomes. The changes lead to huge developments in technology, science, economy and expanding community. However, the changes cause disadvantages. Problems in environment, natural resources and society such as drug, poverty, education and people with fewer opportunities have appeared and arisen. People in societies cannot respond due to rapid changes, consequently, social institutions cannot decline the problems and leads to fear of crimes. The study not only investigated on level of people's fear of crime, but also research on comparative people's fear of crime aspect. Population in this research was at least 18 years old. The research conducted in 79 police offices, which were metropolitan police offices, regional police offices, Southern Border Provinces Police Operation Center, and Central Investigation Bureau. The study revealed that in overall out of 6,319 samples had 2.30 average ( $\bar{x}$ ) (46.00%) on fear of crime aspect. Nonetheless, the study also showed that the majority of samples fear of drug crime crisis in their community resulted at 2.48 average ( $\bar{x}$ ) (49.60%). The Findings showed that gender, occupation and their types of fear of crime aspect have significantly different in the aspect of fear of crime at high level. Therefore, governmental and private sectors should collaborate to build effective programs of crime prevention. Safe areas should be promoted to women such as residence, workplace, and public areas for the security of life and property. People shall avoid being victims of crime.

**Keywords:** *Crime, fear of crime, victims, offences*

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### 1. Rationale

The Royal Thai Police Statistic Report showed number of crimes toward five categories of crimes (which consist of serious offence, body, life and sex offences, property offence, robbery and state crimes) during 6 months in 2015, including analysis of crime trends. Firstly, 2,273 cases in serious offence were informed and a murder case was a large number in serious offence. Secondly, body, life and sex offences were informed 11,245 cases in 2015. Battery charge was high proportion and attempted murder charge, respectively. Thirdly, property offence was informed 23,738 cases in 2015. Theft was a great number in property offence, followed by malicious damage. Fourthly, robbery of vehicles was informed 5,537 cases. Car robbery was informed 660 cases. Finally, state crimes were totally 245,552 cases in 2015. Weapons charge was 19,760 cases and gamble was 25,883 cases in gamble. In addition, drug charge was 188,665 cases and sex trafficking was 11,135 cases (Royal Thai Police, 2015).

The Royal Thai Police said that although the number of criminal cases such as murder, battery, rape, theft and robbery tended to reduce however, unstable in economy and high rate of unemployment lead to increase crimes, practically property and drug (Royal Thai Police, 2015). Then, it is essential to prevent increasing of crimes. Crimes cause loss to victims and people are fear and insecure, as a result, it is direct effect to living and daily life in societies. Feeling fear in crime makes the individual to predict high or less rate on crime in that area. People are different level in fear of crime. People reside in the area of high rate on crimes, then, they have high level in fear of crime. According to victims, they are more fear than individual who feels insecure in daily life. As a result, it is important to research fear of crime. The objectives of the study were to investigate the level of fear on crime and to compare the level of fear on

crime in population. This research can assist to prevent crimes and serve security in life and property to citizens as well as peace in society.

## **2. Literature Review**

### **2.1 Definition of Fear on Crime**

Meaning of fear on crime is defined by several domestic and international academic scholars. Feeling of fear did not only happen to individual; however, it was replaced by attitude and feeling from groups of people (Dammert et al., 2003). According to Amerio and Roccato (2005), fear of crime can be agitation or anxiety of human related to insecurity of life and property. Fear of crime does not only happen to the individual but also affect to people who have similar experiences on crime (ibid.).

Definition of fear on crime by Warr refers to human feeling in fear of crime (cited in Cordner, 2010). The feeling of such a fear or mistrust possibly affects to people. They will be panic and build their behaviors against dangerous circumstances. Skogan determined that fear of crime is true in society and politics and impacts on way of life and also affects to the individual and groups of people in society (cited in Cordner, 2010). Fear can keep people into their residences and destroy trust of neighborhood. Skogan believes that fear can be a factor to control quality of life for people in society.

An interest in fear of crime in USA was found in 1960 when conflicts and racism protests were occurred. This social movement obviously led to survey victim of crime and modern era of searching in criminology was discovered. Fear of victim on crime then becomes social problem since people risk to face crime. Moreover, fear of crime is associated with crime rate. Even though crime rate is fallen; however, fear of crime is not reduced (Parker & Ray, 2010).

### **2.2 Factor Related Emotion on Fear of Crime**

According to fear of crime by Parker and Ray, it has been found that fear of crime is related to social factors (Parker & Ray, 2010). It can be explained as follows:

Fear of crime and feeling in life security is that fear of crime toward life security is more threatening than fear of crime regarding security of property.

Fear of crime and socialization determines that males have less fear of crime comparing with females.

Fear of crime and environmental circumstance generally is surveyed by questions. The victims of crime would be asked about their feeling of safe level when walking at night. Elements of environmental circumstance are divided into various factors such as neighborhood, fear of darkness, knowledge of weakness and feeling in different circumstances.

According to fear of crime and feeling in weakness, Hale (1996) found that fear of crime is closely related to weakness or unstable. Knowledge of risk is taken to calculate risk rate.

Fear of crime and risk rate is strikingly different. According to a survey of victims, the relation between fear of crime and risk seem to be contrast. This is because male employers who spend time with entertainment venues have high risk rate to face crime but they are less fear of crime. On the other hand, elder women have low risk rate but they are more fear of crime.

According to fear of crime and gender, British Crime Survey in 1996 found that males and females are different in fear of crime when they face the same situation. Fifty-eight percent of female is fear of crime when walking at night but only 12 % of male is fear of crime when travelling at night.

According to fear of crime and physical environment, fear of crime appears and is connected with societies. Narrow, unclean and dark places areas in societies have presented unfriend image to people.

According to fear of crime and adult lifestyle living, in 1996, British Crime Survey and Islington Crime Survey both investigated research of fear of crime. It is significant between fear of crime and adult lifestyle living. The prior survey found that 36 % of female has never been out at night because of fear on crime but only 7% of male has never gone out at night. Fear of crime seems to change human behaviors to avoid nightlife. Similar to another survey, 11% of female and 5% of male have never gone out at night. Thirty-five percent of women have fear of crime when they go out at night but only 15% of men have fear of crime.

According to fear of crime and races, crime affects to victims who are different in races, religions and nationality. It is often seen that Asians have high rate of fear on crime when they are out at night. African and Caribbean seem to be safer than other races when they go out at night. Consistently with Victim Aid Office, the office explains that all races that face crime experience have been in prison. They have set up curfew and avoid the life from risk environment. Children are unfamiliar and unhappy to school. Women have fear of crime to daily life and residence.

Fear of crime and power inequality of victim, Stanko, a criminologist, has been interested to study feminist criminology. A criminologist explains the rate of fear on crime in women is increased. Several research studies determine that crime usually happens to women when they are out of the residences, in particular sex crime. Women have high risk rate to be victims and fear of crime by women is unreasonable. Due to power inequality of victim, women and elder people tend to have high risk rate of victim when their physical and mental states are taken to consider. Low class families have high risk rate to face crime. Similarly to minor ethnic group, people in minor ethnic group are fear of crime when they live with various races in a huge society.

### 3. Method

#### 3.1 Population and Samples

The research was a quantitative research. Population in this research was over 18 years old and they live in risk areas, which are areas of high crime rate (Royal Thai police, 2016). Areas of high crime rate are specified by the Royal Thai Police. Quota sampling was employed.

Firstly, two police office from 1-9 Metropolitan Police Offices were selected and totally 18 offices. There were 1,440 samples from 18 police offices. Secondly, three Provincial Police Offices in 1-9 Regional Police Offices were chosen. Each Provincial Police Office selects two community police. There were total 480 respondents. Thirdly, Provincial Police and Community Police Offices in Southern Border Provinces Police Operation Center were selected. There were total 40 police offices and 480 participants. Finally, Central Investigation Bureau was carried out in 40 police offices and there were 80 respondents. The total samples were 6,319.

#### 3.2 Equipment

Questionnaires were used as a tool created from related literature reviews. The researchers studied textbooks, journals, previous research, master thesis, academic recommendations and other related materials. The study was carried out by questionnaires. Theories and concepts from related literature review were taken to build questions that cover to all objectives. Pretest was used to investigate 50 samples. Samples that meet similar qualification have Alpha Coefficient of Cronbach at .8774.

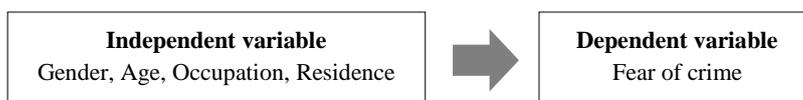
#### 3.3 Data Collecting

Data was gathered and examined validity to analysis.

#### 3.4 Research Hypothesis

Data by different samples were found with various results in fear of crime. The results are significant to relate to statistics.

#### 3.5 Research Framework



### 3.6 Data Analysis

The quantitative research is used via questionnaires to collect data. Data was then generated and analyzed through automatic program in social science. Descriptive statistic will be determined such as frequency, percentage, mean and standard deviation. Likert Scale technic was applied through questionnaire to arrange scores, related to interval level. Scores were converted to find level of fear on crime.

Means	Level of Fear on Crime
1.00-1.80	Least
1.81-2.60	Less
2.61-3.40	Moderate
3.41-4.20	High
4.21-5.00	Very high

### 3.7 Results

**Table 1** Fundamental data of samples

Fundamental data of samples	Amount	Percent
<b>Gender</b>		
Male	3,243	51.3
Female	3,076	48.7
<b>Age</b>		
under 20-year-old	386	6.1
21-30 year-old	901	14.3
31-40 year-old	1,322	20.9
41-50 year-old	1,645	26.0
over 51-year-old	2,066	32.7
<b>Occupation</b>		
Employee/ Corporate Officer	1,724	27.3
Farmer	1,977	31.3
Government Official/ State enterprise employee	528	8.4
Business Entrepreneur/ Merchant	1,268	20.1
Student	481	7.6
Others	342	5.4
<b>Types of Housing</b>		
Housing Development or Townhouse	769	12.2
Commercial Building	768	12.2
Single House	4,000	63.3
Condominium	404	6.4
Official Residence	188	3.0
Others	191	3.0
<b>Types of Fear on Crime</b>		
Burglary	2,727	43.1
Automobile theft	1,107	17.5
Pickpocketing	719	11.4
Fraud	675	10.7
Robbery	575	9.1
Battery/Assault	306	4.8
Rape	205	3.2
<b>Total</b>	<b>6,319</b>	<b>100.0</b>

Table 1 is demonstrated that there are 3,243 of males (51.3%) and 3,076 of females (48.7 %). Out of samples, 2,066 (32.7 %) are over 51 year-old whereas 1,645 (26.0 %) are at aged 41-50 year-old. As shown in Table 1 above, the majority of the samples are 1,977 farmers (31.3 %) while employee or corporate officer are 1,724 (27.3 %). In addition, most of housings, which are single houses, belong to 4,000 samples (63.3%) while housing development or townhouse belongs to 769 samples (12.2 %). In the past year, most of the samples, 6,130 people (97.0 %) or their family had never experienced crime. Only 190 samples (3.0%) had experienced one. The result has revealed the most fear of crime of the samples on fear of burglar (43.1 % which is 2,727 samples) whereas fear of automobile theft was only 17.5 % or 1,107 samples.

**Table 2** People’s fear of crime aspect

People’s Fear of Crime Aspect	Aspect					$\bar{X}$	S.D.	percent
	least	less	moderate	high	Very high			
<b>Overall</b>						<b>2.30</b>	<b>1.04</b>	<b>46.00</b>
1. Drug crime crisis in your community	1,127 (17.8)	2,320 (36.7)	1,835 (29.0)	771 (12.2)	267 (4.2)	2.48	1.05	49.60
2. Teenagers gather for unlawful purpose in your community	1,225 (19.4)	2,233 (35.3)	1,866 (29.5)	673 (10.6)	323 (5.1)	2.46	1.07	49.20
3. Burglary in your community	1,505 (23.8)	2,388 (37.8)	1,637 (25.9)	575 (9.1)	215 (3.4)	2.30	1.03	46.00
4. Automobile theft in your community	1,895 (30.0)	2,315 (36.6)	1,410 (22.3)	549 (8.7)	151 (2.4)	2.17	1.02	43.40
5. Outsider who has unlawful purpose in your community	1,850 (29.3)	2,250 (35.6)	1,489 (23.5)	569 (9.0)	162 (2.6)	2.19	1.03	43.80
6. Allurements or Temptations in your community	1,727 (27.3)	2,295 (36.3)	1,495 (23.7)	594 (9.4)	208 (3.3)	2.25	1.05	45.00
7. Crime rate risk is in high level in your community	1,720 (27.2)	2,204 (34.9)	1,550 (24.5)	637 (10.1)	208 (3.3)	2.27	1.06	45.40

People’s fear of crime aspect as shown in table 2 revealed that out of 6,320 samples, had 2.30 average ( $\bar{x}$ ) (46.00%) on fear of crime aspect. Nonetheless, the study shown that the majority of samples fear of Drug Crime crisis in their community resulted at 2.48 average ( $\bar{x}$ ) (49.60%) while fearing of teenagers gather for unlawful purpose in their community was 2.46 average ( $\bar{x}$ ) (49.20%).

**Table 3** Comparative people’s fear of crime aspect according to samples’ fundamental data

Fundamental data of samples	$\bar{x}$	F(t)	p-value
<b>Gender</b>			
Male	2.90	-11.2	0.00*
Female	3.54		
<b>Age</b>			
under 20-year-old	2.74	1.53	0.19
21-30 year-old	2.87		
31-40 year-old	2.85		
41-50 year-old	2.95		
over 51-year-old	2.78		
<b>Occupation</b>			
Employee/ Corporate Officer	2.79	5.80	0.01*
Farmer	3.12		
Government Official/ State enterprise employee	3.41		
Business Entrepreneur/ Merchant	3.13		
Student	3.13		
Others	3.12		

<b>Fundamental data of samples</b>	$\bar{x}$	<b>F(t)</b>	<b>p-value</b>
<b>Types of Housing</b>			
Housing Development or Townhouse	3.14	1.06	0.38
Commercial Building	3.18		
Single House	3.53		
Condominium	3.11		
Official Residence	3.55		
Others	3.21		
<b>Types of Fear on Crime</b>			
Burglary	3.26	4.66	0.00*
Automobile theft	3.09		
Pickpocketing	3.03		
Fraud	3.09		
Robbery	3.11		
Battery/Assault	3.17		

\*p-value < 0.05

Table 3, *Comparative People's Fear of Crime Aspect According to Samples' Fundamental data*, is demonstrated that the statistic of males and females has significantly different aspect of fear of crime at 0.05 level. That is to say females react with more fear of crime than males. Nevertheless, age of the samples and their types of housing cannot measure fear of crime because their aspect of fear of crime is roughly indistinguishable. On the other hand, the differences in occupation of the samples and also their types of fear of crime aspect could measure fear of crime because the former has significantly different aspect of fear of crime at 0.05 level and the latter has nearly level.

#### 4. Conclusion

The majority of samples were 3,243 males (51.3%) and there were 2,066 (32.7%) who are over 51 years old. Out of the samples, the majority was 1,977 farmers (31.3 %) and most of housings, which are single houses, belong to 4,000 samples (63.3 %) In the past year, most of the samples, 6,130 people (97.0 %) or their family had never experienced crime. The result has revealed the most fear of crime was the samples on fear of burglar (43.1% or 2,727 samples).

The study of people's fear of crime aspect revealed that in overall out of 6,319 samples had 2.30 average ( $\bar{x}$ ) (46.00%) on fear of crime aspect. Nonetheless, the study also showed that the majority of samples were fear of drug crime crisis in their community resulted at 2.48 average ( $\bar{x}$ ) (49.60%).

Moreover, the research of comparative people's fear of crime aspect resulted that gender, occupation and their types of fear of crime aspect have significantly different aspects of fear on crime at high level.

#### 5. Discussion and Suggestions

The research of people's fear of crime has classified into two categories as follows:

##### 1) Studying people's fear of crime aspect

The study showed that the majority of samples on fear of drug crime crisis in their community occurred the most because this problem affects directly to the people and the problem which is in large scale to affect to economy's nation. It also led to other crimes.

##### 2) Comparing people's fear of crime aspect

Gender, occupation and the types of fear on crime aspect has significantly different aspect of fear on crime at high level which is according to the research's hypothesis. Plus, females react with more fear of crime than males.

## 6. Recommendations

Policy recommendations are the following:

- 1) Governmental and private sectors shall collaborate to build effective programs of crime prevention. Safe areas should be promoted to women such as residence, workplace, and public areas.
- 2) Ministry of Justice, Ministry of Interior and local administration shall provide knowledge about crime and victims of crime to people, especially farmers. People will know the way to protect crime.
- 3) Government and the Royal Thai police shall decline or prevent crime such as drug because it affects to citizens, community and nation.
- 4) Governmental and private sectors shall promote crime prevention through social media. Citizen can know more information about crime prevention.
- 5) People shall realize the security of life and property. People shall be avoid to be a victim of crime.

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## Red, Yellow, or No Shirt: Where do University Students of Thailand Stand?

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### Abstract

Amidst the immense hardship to achieve a consensus on the definition of democracy, having allowed political rivalries of Thailand in the past decade to proclaim themselves as democratic, albeit with different emphases, the participation of personnel and students of various universities in such conflicts has led to branding of their respective institutes with a stigma of political biases towards certain factions. In view of that, this research was purposed to study and compare political attitudes of students in a university, which has provided support, participated, and contributed to the “Bangkok Shutdown” incident by blocking 1 of 7 strategic points, by individual factors of field of study, birthplace, parental occupation, and parental income. Data were collected from 400 undergraduates enrolled in the first semester of academic year 2016 through a questionnaire, and analysed through statistics of frequency, percentage, mean, standard deviation, one-way ANOVA, Tukey's pairwise comparison, and Pearson's correlation coefficient at significance level of 0.05. The findings revealed that, despite the university being branded as a part of Yellow Shirt faction, the students showed weak inclinations towards Red Shirt faction. Only those from Humanities-Social Sciences seemed to have yellow shirt attitudes. Birthplace and parental occupation did not affect political attitudes of the students in this university, while students whose parents had the highest and lowest incomes tended to take Yellow Shirt standpoints, and those whose parents had moderate incomes leaned towards Red Shirt attitudes.

**Keywords:** *Contemporary Thai politics, political attitude, Red Shirts, Yellow Shirts, university Students*

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### 1. Introduction

In reality of “democracy”, Held (2006, p. 1) led his prominent work “Model of Democracy” with “nearly everyone today says they are democrats no matter whether their views are on the left, centre or right. Political regimes of all kinds in, for instance, Western Europe, the Eastern bloc and Latin America claim to be democracies” or at least “moving towards the establishment of democracy” (Bellamy, 1987, p. 1), whether on the rationale from late 20<sup>th</sup> century when a number of individuals began to concur that this form of governance would become humanity's ultimate form (Fukuyama, 1992) or “Universal Value” (Sen, 1999), amidst the immense hardship to achieve a consensus on the definition (Nwogu, 2015, p. 131) insofar as it could be deemed that no definition was unanimously accepted (Wanthana, 2008, p. 245), leading to a state of vagueness on the actual purpose of democracy, apart from creating loopholes allowing dictators around the globe to proclaim that their authoritarian governances were democratic. At least in principle, these loopholes can be observed in the history of Thailand, where absolute monarchy had been deemed more democratic than democracy of eras that followed. Even military coups d'état were also regarded as an approach to restore and/or protect democracy in a sense (Eoseewong, 2013, p. 30; see also Pathumwat, 2016; Chainam, 2007, as cited in Panduprasert, 2013, p. 104).

Under the circumstance of deeply-rooted political conflicts of modern Thai society (Satitniramai, Mukdawijitra & Pawakapan, 2013, p. 141), Sattayanurak (2014, pp. 8-9) has described the substantiations of “United Front of Democracy Against Dictatorship” (UDD) and “People's Democratic Reform Committee” (PDRC) in “Democracy and Inequality of Thais” as a clash between “democracy that sanctions majority rule” and “democracy under constitutional monarchy” ideologies, in a similar sense (Satitniramai, Mukdawijitra & Pawakapan, 2013) established on the essence of this political conflict in “Re-examining the Political Landscape of Thailand” as “a conflict in which the “Red Shirts” fights to protect democratic political principles of election or representative democracy where authority and legitimacy from being elected are of utmost importance, while the “Yellow Shirts” contests to diminish legitimacy of election though monitory democracy. In respect of political ideology, the UDD and PDRC both hold democratic

principles but with different emphases, which a democratic theorist realised its emergence in practice (Bellamy, 1987, p. 1), particularly when contemporary democratic theories have not provided any explanation on such as being static political process, but implied certain kinds of political systems that extend over particular standards or directives that allow the connotation of being democratic (Pateman, 2013, p. 61).

While Satitniramai, Mukdawijitra and Pawakapan (2013, p. 35) hypothesised that Red Shirts were people who were below university diploma level in education, earned irregular income being freelancers, entrepreneurs, low-skills labour, low-tier public servants, and salespeople, whereas Yellow Shirts were better and higher in socioeconomic status, education, and job security. Manachotphong (2014, p. 58) was able to point out through statistical means that the Red Shirts tended to have higher proportion of informal workforce, being entrepreneurs, freelancers, or housekeepers, compared to the Yellow Shirts. The rationalisations behind the Red Shirts were to resolve disparity issues and demand the return of the former prime minister Thaksin Shinawatra, while the Yellow Shirts gave importance to solving corruption and promotion of conservatism and nationalism, seeing as Thailand was not ready for democracy due to lack of education of the majority of people, and tended to favour populist policies and decentralisation less than the Red Shirts.

Surprisingly, in research conducted in the past, having become another segment with significant roles in such political conflict, “university students” were hardly given any importance. On the Red Shirts’ side, though without formal announcement of affiliation, Student Federation of Thailand, League of Liberal Thammasat for Democracy, Chulalongkorn Community for the People, Liberal Kasetsart, Liberal Assembly of Chiang Mai University for Democracy, particularly Daodin (Figure 1) and New Democracy Movement (Figure 2) were listed as groups of students from universities in the capital and regional provinces whose viewpoints were in line with the Red Shirts, and predominantly considered in association therewith by the military government and mass media (Manager Online, 2015; Daliynews, 2016). As for the Yellow Shirts, Network of Students and People for Reform of Thailand (along with People’s Movement to Overthrow the Thaksin Regime) were considered one of the early allies of Suthep Thaugsuban in the formation of PDRC on 29<sup>th</sup> November, 2013 (Bangkok Post, 2013). Moreover, many universities provided support (Tiebtienrat, 2015, p. 84), participated in (Figure 3), and contributed to “Bangkok Shutdown” on 13<sup>th</sup> February, 2014; blockages of Pathum Wan Intersection by Chulalongkorn University, of Asoke Intersection by Srinakharinwirot University and National Institute of Development Administration, and of Lad Phrao Intersection by Kasetsart University (The Nation, 2014), for instance.



**Figure 1** Anti-Coup of Daodin



**Figure 2** Dictatorship Ousting Activity of NDM



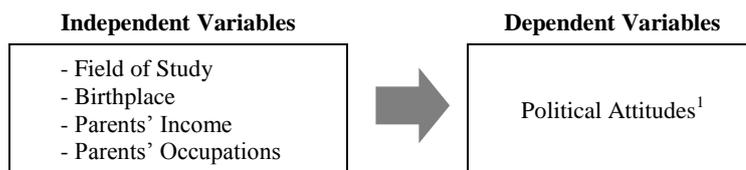
Figure 3 Gathering of RSU



Figure 4 Bangkok Shutdown of CU and TU

In similar perspective to Jermstittiparsert (2014, p. 145)<sup>1</sup>'s observation on the consequences from economic, political, and societal developments causing even greater disparity among members, studying political culture of a specific nation with a blanket approach as done in the past (e.g. Somwichian , 1971, pp. 35-37, as cited in Masmichainara, 2005, p. 91; Jermstittiparsert, 2008, pp. 72-73) should not be able to devise a conventional deduction to explain such erratic circumstance. This research thus intended to study and compare political attitudes of students in a university, which has provided support, participated, and contributed to the “Bangkok Shutdown” incident by blocking 1 of 7 strategic points, by individual factors, namely, field of study, birthplace, parental occupation, and parental income, in response to the point at issue of whether or not, and in what way, students of the university being branded as a whole for being politically biased to a specific standpoint (Salawin, 2013), certain stances of a group of executives and lecturers in particular (Prachatai, 2013), and the escalation into conditionality of employment from a private firm (Mota, 2013) were coherent with empirical data.

**Conceptual Framework**



**2. Methodology**

**2.1 Population and Sample**

The population herein comprises of undergraduates enrolled in the first semester of 2016 academic year (August-December 2016) of a university in Thailand, employing Cochran's infinite population formula (1977) to calculate sample size for a 95% confidence level and 5 % margin of error, resulting in a population of 400.

Utilising probability sampling in multistage, primarily clustering 2 faculties into each field of study, resulted in 1) Health-Science, with Faculty of Nursing and Faculty of Science, 2) Technology-Engineering, with College of Engineering and Aviation Institute, 3) Humanities-Social Sciences, with Faculty of Liberal Arts and Faculty of Political Science, 4) Economics-Business, with College of Tourism and Hospitality and Faculty of Accountancy, and 5) Art-Design, with Conservatory of Music and Faculty of Digital Art.

<sup>1</sup> Divided into 7 categories: 1) Extremely Red ( $\bar{X} = 2.68 - 4.00$ ) 2) Red ( $\bar{X} = 1.34 - 2.67$ ) 3) Slightly Red ( $\bar{X} = 0.01 - 1.33$ ) 4) Neutral ( $\bar{X} = 0$ ) 5) Slightly Yellow ( $\bar{X} = -0.01 - -1.33$ ) 6) Yellow ( $\bar{X} = -1.34 - -2.67$ ) 7) Extremely Yellow ( $\bar{X} = -2.68 - -4.0$ )

## 2.2 Data Collection and Analysis

The process employed a questionnaire derived from literature reviewing (e.g. Satitniramai, Mukdawijitra & Pawakapan, 2013; and Manachotphong, 2014), along with interviewing experts (e.g. Chaletorn, 2016 a committee member of Thai Reform Institute, Rangsit University and former leader of PDRC). Data were collected during 21-25 November, 2016, and analysed through statistics of frequency, percentage, mean, standard deviation, one-way ANOVA, Tukey's pairwise comparison, and Pearson's correlation coefficient at significance level of 0.05.

## 3. Results and Discussion

### 3.1 Individual Factors

Among the sample of students from five fields of study, 80 students each, a total of 400, over half were born in Bangkok and Vicinity (34.5%) and central region (26.5%). Most were with parents who were entrepreneurs (41%), and earned average monthly incomes between 40,000-49,999 baht (27.3%).

### 3.2 Political Attitudes of Students

Despite being branded as leaning towards the faction of Yellow Shirts, analysis of empirical data revealed that, in general, the students of this university held "slightly Red" ( $\bar{X} = .0208$ ) political attitudes. Of all 400, as much as 45.3% were "slightly Red" while 37.0% were "slightly Yellow", and the rest of 17.8% were "neutral". There was no student who showed such attitudes on "Red/Yellow" or "extremely Red/Yellow" degrees.

**Table 1** Individual Factors and Students' Political Attitudes

Birthplace	Qty	%	Parental Income	Qty	%
Bangkok and Vicinity	138	34.5	Below 30,000 baht	43	10.8
Northern Region	39	9.8	30,000-39,999 baht	95	23.8
Northeastern Region	70	17.5	40,000-49,999 baht	109	27.3
Central Region	106	26.5	50,000-59,999 baht	73	18.3
Southern Region	47	11.8	Over 60,000 baht	80	20.0
Parental Occupation	Qty	%	Political Attitude	Qty	%
Public Servant	73	18.3	Extremely Red	-	-
Private Employee	64	16	Red	-	-
Entrepreneur	164	41	Slightly Red	181	45.3
Agriculturalist	42	11.5	Neutral	71	17.8
Freelance	57	14.3	Slightly Yellow	148	37.0
			Yellow	-	-
			Extremely Yellow	-	-

### 3.3 Students' Political Attitudes by Individual Factors

Considering "field of study" factor, to ascertain via empirical data whether the students of different fields in this university would have the same trend of political attitudes or not through one-way ANOVA not only revealed that students of different fields had different political attitudes, but also found that primarily, students in 4 out of 5 fields of study showed a slight tendency toward the Red Shirts, only students from Humanities and Social Sciences showed slightly Yellow political attitudes ( $\bar{X} = -.0988$ ).

**Table 2** Students' Political Attitudes by Fields of Study

Field of Study	N	Mean	S.D.	F	p-value
Health Sciences	80	.0088	.2917	3.680	.006**
Engineering Technology	80	.0550	.3001		
Humanities and Social Sciences	80	-.0988	.3947		
Business Economics	80	.0800	.3661		
Art and Design	80	.0588	.3055		

Through Tukey's pairwise comparison, it was discovered that students in the field of Humanities and Social Sciences ( $\bar{X} = -.0988$ ) had significantly different political attitudes from students in Engineering Technology ( $\bar{X} = .0550$ ) and Art and Design ( $\bar{X} = .0588$ ) at statistical significance of 0.05, and students in Business Economics ( $\bar{X} = .0800$ ) at statistical significance of 0.01.

**Table 3** Pairwise Comparison of Students' Political Attitudes by Fields of Study

	Mean	1	2	3	4	5
1	.0088	-	.906	.251	.661	.879
2	.0550	-	-	.031*	.990	1.000
3	-.0988	-	-	-	.007**	.025*
4	.0800	-	-	-	-	.994
5	.0588	-	-	-	-	-

Next, in consideration of "birthplace" and "parental occupation", it was found that different birthplaces and parental occupations did not affect political attitudes, consistent with Siamwalla and Jitsuchon (2012)'s conclusion that it was only fictitious that region or occupational status would be predictors of Red Shirt. Still, through one-way ANOVA, it was indicated that students from northeastern region ( $\bar{X} = -.0186$ ) and those whose parents were public servants ( $\bar{X} = -.0288$ ) had slightly leaned towards Yellow Shirt attitudes while students from other regions and those whose parents had different occupations had slight tendencies toward Red Shirt.

**Table 4** Students' Political Attitudes by Birthplaces

Birthplace	N	Mean	S.D.	F	p-value
Bangkok and Vicinity	138	.0304	.3672	.629	.642
Northern Region	39	.0769	.2528		
Northeastern Region	70	-.0186	.3141		
Central Region	106	.0047	.3336		
Southern Region	47	.0404	.3634		

In this case, even though statistical instrument did not find any difference in political attitudes among students of different birthplaces, the indication that students from southern region ( $\bar{X} = .0404$ ) and Bangkok and Vicinity ( $\bar{X} = .0304$ ) had slightly Red attitudes while students from northern region ( $\bar{X} = -.0186$ ) showed slightly Yellow attitudes, was an actuality that opposed notions of a number of academics suggesting "northerners" (Archamas, 2010) and "northeasterners" (Ativanichayapong, 2014) were Red Shirt, whereas "southerners" (Uwanno, 2009) and "Bangkokians" (Siamwalla & Jitsuchon, 2012) were Yellow Shirt, but agreed with Satitniramai, Mukdawijitra and Pawakapan (2013) which exemplified transformations of social landscape, particularly those of economics and politics, that led to a new group of people with new sense of citizenship, or the lower middle class that made up the majority of the society, residing throughout urban and rural areas.

**Table 5** Students' Political Attitudes by Parental Occupation

Parental Occupation	N	Mean	S.D.	F	p-value
Public Servant	73	-.0288	.3454	.579	.678
Private Employee	64	.0391	.3462		
Entrepreneur	164	.0250	.3456		
Agriculturalist	42	.0595	.2642		
Freelancer	57	.0228	.3541		

As for the idea that students whose parents were private employees, entrepreneurs, agriculturalists, and freelancers would incline towards Red Shirt attitudes, whereas those whose parents were public servants would do contrariwise while not statistically substantial enough to ascertain, this could emphasise the hypothesis of Satitniramai, Mukdawijitra and Pawakapan (2013) and Manachotphong (2014)'s findings, which proposed that the Red Shirts tended to take up less stable occupations, compared to the Yellow Shirts.

**Table 6** Students’ Political Attitudes by Parental Income

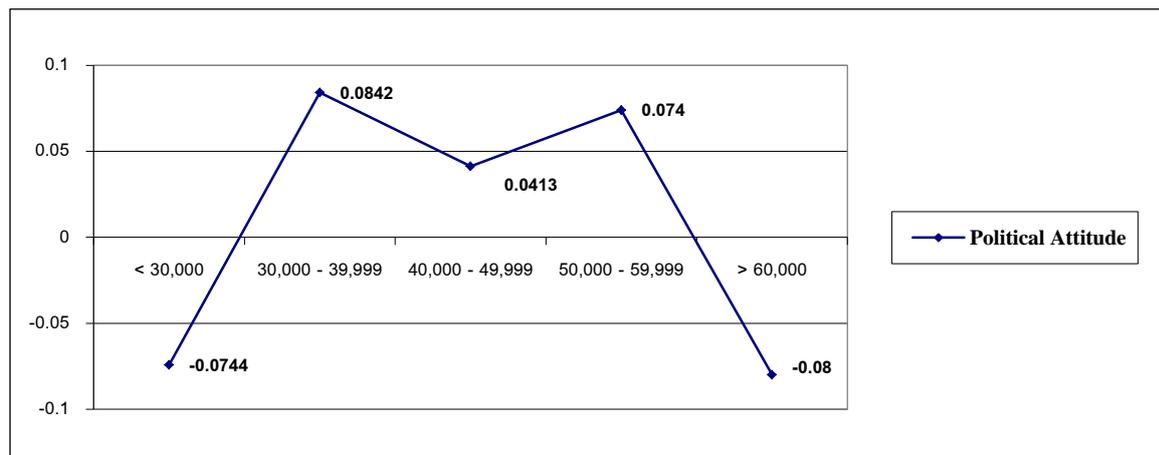
Parental Income	N	Mean	S.D.	F	p-value
Below 30,000 baht	43	-.0744	.4338	4.130	.003**
30,000-39,999 baht	95	.0842	.3253		
40,000-49,999 baht	109	.0413	.2685		
50,000-59,999 baht	73	.0740	.3313		
Over 60,000 baht	80	-.0800	.3626		

Regarding “parental income”, one-way ANOVA revealed that differences in parental income affected students’ political attitudes, and Tukey’s pairwise comparison further showed that attitudes of students whose parents earned over 60,000 baht significantly differed from those whose parents earned between 30,000-39,999 baht, and 50,000-59,999 baht at statistical significance of 0.05, inconsistently with Siamwalla and Jitsuchon (2012) which established that it was also fictitious that economic status would be a predictor of Red Shirt.

**Table 7** Pairwise Comparison of Students’ Political Attitudes by Parental Income

	Mean	1	2	3	4	5
1	-.0744	-	.074	.305	.142	1.000
2	.0842	-	-	.890	1.000	.011*
3	.0413	-	-	-	.967	.099
4	.0740	-	-	-	-	.037*
5	-.0800	-	-	-	-	-

The final finding of this study, in view of the trend of students’ political attitudes by parental income, was students with highest and lowest parental incomes tended to have Yellow Shirt standpoints, whereas those with moderate parental incomes leaned towards Red Shirt attitudes, agreeing with Laungaramsri et al. (2012, pp. 2-3) who proposed about the Red Shirts that even though the majority of which were grassroots or lower middle class, it also consisted of landowners, investors, farmers, merchants, and lower-tier public servants, distinguishing the Red Shirts from other social movement by its “crossing of class” characteristic, as suggested by Satitniramai, Mukdawijitra and Pawakapan (2013, pp. 35, 39) that the Red Shirts were composed of people of socioeconomic statuses while the majority being grassroots was not the poorest group in the society.



**Figure 5** Students’ Political Attitudes by Parental Income

**4. Conclusion and Recommendations**

To conclude, the results indicated that the society’s perception of the political standpoint of this university through interpretation of executives’ stances and participations in political activities of some

personnel and students was erroneous and deviated far from the reality, being branded “(slightly/moderately/extremely) Yellow, though actually a “slightly Red” group. Furthermore, the results pointed that political attitudes of the students were not the same throughout. In addition to the differences in extents, attitudes of students in 4 out of 5 fields of study were on the contrary to the public understanding. Birthplace, parental occupation, and parental income led to more interesting findings that the first two were not able to differentiate students’ political attitudes while the latter, on top of the ability to do so, also emphasised hypotheses and findings of some academics that while the majority of Red Shirts were grassroots, it was not the poorest group in the society.

Therefore, it is crucial to remind members of this society that this cycle of political conflicts extending over a decade, stigmatising any institution of being politically biased, especially opposing that of one’s own, with limited evidence, provoking division into political factions for the sake of dispute, not only impedes the goal for harmony of this nation, but also creates misunderstandings that can grow into serious conflicts deeply rooted in the society, even more problematic to resolve.

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## Critical Evaluation of the Colonial vs Secession Argument on the Eritrean Armed Struggle for Self-determination: A Response to International Publicists

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### Abstract

Although the nature of the Eritrean armed struggle has been a subject of heated argument, recent works indicate renowned publicists subscribing to the secessionist corner. This paper attempts to produce critical evaluation of the ‘colonial vs secession’ argument on the Eritrean struggle for self-determination. Applying analytical qualitative methodology, this research juxtaposes historical and contemporary material facts with pertinent international instruments and finds: 1) three stages where the argument has been fought: pre-colonial, colonial and post-colonial. 2) each argument, colonial and secession, is not homogenous, 3) Ethiopia’s claim of Eritrea was a phenomenon born only in the second half of 1940s, and 4) Eritrean struggle was a colonial rather than a secession. Thus, concludes, recent subscriptions of international publicists to the secession side are not well grounded.

**Keywords:** *Self-determination, secession, colonial, Eritrea, Ethiopia, UN, AU*

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### 1. Introduction

Toward the end of 1940s, a question was raised on what to do with the former Italian colonies in the Horn of Africa, namely Libya, Somalia and Eritrea. While the people of Somalia and Libya were granted independence due to conflicting interests of big powers and the Eritrean case was suspended for some years (Tesfay, 2007). But, finally in 1950, the UNGA resolution 390-A (V) decided Eritrea to be federated with Ethiopia.

However, the federal arrangement was abrogated by Ethiopia when it forcefully annexed Eritrea in 1962 (Cervenka, 1977). In response, Eritreans tried to report to the UN, hoping that it will step-in to safeguard the federal laws. The UN, however, remained silent (Yohannes, 1987). The people of Eritrea decided to fight arms wise. Once again, the question refreshed, albeit changed, itself; whether the Eritrean armed struggle for self-determination was ‘colonial or secession’ and was argued for over 50 years.

The researcher revisits this debate primarily because its apparent muted status is misleading. Analyzing the right of self-determination, Dixon labels Eritrea as an example of secessionist in a non-federal context (2013). In this regard, Dixon is not alone. Having made some discussion of the Eritrean case, Mansell (2006, p. 103) emphasized, “What this example demonstrates is that where a territory is physically able to insist upon its demands for secession, the *de facto* position will gain recognition”. Such apparently simple post-independence subscription to an otherwise fiercely debatable issue is likely to have critical legal and political ramifications. This is because their works are, though not laws by themselves, one of the possible sources in identifying what the law is, per the International Court of Justice, Art. 38 (1d). In this connection, Horowitz (1997, p. 450) stated, “International law has always been much influenced by academic writing

### 2. Objectives

This paper has general and specific objectives. The general objectives are meant to serve as a background to the specific objectives and include:

- a) assessing the historical relation between Eritrea and Ethiopia, and testing its relevance and applicability to the argument;
- b) critically reviewing the material facts during federation and its abrogation.

The specific objectives aim to address the major research question of the thesis and are summarized as follows:

- a) To scrutinize the conflicting ‘colonial vs secessionist’ argument on the Eritrean question for self-determination.
- b) To bring the recent secessionist subscriptions by international publicists to the attention of professionals and readers.
- c) To contribute to the peaceful coexistence of the two states.
- d) To play a role in resolving similar issues prevailing in other countries from around the world.

### 3. Methodology Research Methodology

The very qualitative nature of the documents invites qualitative research methodology. This is because qualitative research has the advantage of making analyses of documents like books, newspapers and magazines (Bernanrd, 2013). Two sources of data are used, i.e. primary and secondary. Primary data include interview, treaties, UN Charter and resolutions of General Assembly (hereinafter GA) whereas secondary data are literary works available in journals and books.

### 4. Literature Review

The tendency of human beings to decide by themselves must have been there since the beginning of organized human society (An-Naim, 1988). The legal manifestation of self-determination is, however, recent phenomenon (ibid.). The genealogy of the right of self-determination goes way back to the French and American revolutions of the second half of the 19<sup>th</sup> century (Nawaz, 1965). Nevertheless, it is worth noting that some also trace it all the way back to the Athenian Democracy (Manssell, 2011). As a democratic value, the attributes of self-determination refer to the need of the consent of the people, impossibility to cede or annex or conduct business in any territory without due regard to the needs of the people (Cassese, 2005).

However, the credit of championship goes to the Charter of the UN where the right of self-determination, though only as principle (emphasis added), was put down in a written instrument of international law. It was one of the major rights, post WWII, conferred to all deserving nations. Pointing to this, Cassese (2005, p. 61) says, “By promoting the formation of international entities based on the free wishes of the populations concerned, self-determination delivered a lethal blow to multi-national empires. By the same token, it sounded the death knell for colonial rule”. Moreover, Cassese appreciates R. Lansing (US Secretary of State) for rightly stating the dynamite nature of the right of self-determination (ibid).

There seems to have existed five major stages of self-determination; each clearly marking a new phase<sup>1</sup>. Nevertheless, attempts toward exercising this right, as truly transpired, have not been smooth and straightforward. In this connection, having appreciated the importance attached to the right of self-determination by member states of the UN, Freeman (1999, p. 355) says, “Yet few, if any, principles of international law are so uncertain in meaning and so controversial in character”. According to An-Naim (1988, p. 28), in his discussion of self-determination and Organization of African Unity (hereinafter OAU),

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<sup>1</sup> The first is the French and the American revolutions, both refer to the birth of the right. This was the stage where absolute Monarchy (Louis 16)/under Napoleon Bonaparte was popularly objected and overthrown in the case of France, and a foreign colonial rule was challenged in the case of the American Revolution. The second stage refers to the indomitable efforts of Woodrow Wilson right after WWI. Wilson went up and down, but was unable to make it part of the Covenant of the League of Nations. Probably this was due to the United State of America’s (hereinafter USA) option to remain outside the League of Nations (hereinafter LN). Third Stage, of course, was its inclusion in the UN Charter, Art. 1(2) and Art. 55. This stage marked its universality. Here the researcher is not without doubt: if the right of self-determination, per the UN Charter, 1945, was only a principle, why and how was that possible for many colonies’ to demand self-determination to which they were granted? That is, if a right is different from a principle then how was this possible? This sounds as if, in the context of self-determination, right and principle were/are the same. Or maybe it is because colonialism was condemned that colonies were awarded the right of self-determination. Fourth, self-determination was made to be part of the two conventions of 1966 (Civil and Political, and Social, Economic and Cultural). This marked the stage where self-determination was made to dress a legal right for the first time in its history. The fifth one was initiated when the Communist block perished right at the beginning of the 1990. This stage is best known for the special and detailed criteria advanced by European countries specially members of the European Union (hereinafter EU) as a condition for recognizing the newly born states as sovereigns (Manssell, 2006).

“... whereas external self-determination in the sense of liberation from traditional colonialism has been firmly established and largely achieved, internal self-determination within existing nation states and against ‘local’ colonialism remains problematic, especially in the African context”. This seems to hint on cases such as the Eritrean one - ‘local colonialism’. Probably, it might be for this reason once Freeman (1999) concluded in equating the right of self-determination with the right to be free of colonial/European powers, if at all, he adds, very little more than that.

The development of the legal right to self-determination is based on the UN Charter (Quane, 1998, p. 539), more specifically, Articles 1(2) and 55 of the Charter. While Article 1(2) states, “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,...to strengthen universal peace.” Article 55 states, “With a view to the creation of conditions of stability and wellbeing which are necessary for peaceful and friendly relations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:...” (ibid).

Besides, the fact that the Charter failed to define self-determination led to massive confusion and uncertainties. That is, controversies on the meaning and application of the right of self-determination have been so deep and consequential. This led scholars to search the meaning thereof elsewhere. One possible source to which professionals, usually, turn is the *travaux preparatoires*. However, Nawaz (1965) confirms that self-determination was not even mentioned in the *travaux preparatoires* of the UN Charter but in the San-Francisco conference of the Big Four; United Kingdom, China, United State of America and Soviet Union, and he accredits the Soviet Union for the inclusion of the concept of self-determination. Similarly, Whelan (1992, p. 27) seems to affirm this when he explicitly said, “There has been considerable dispute about what precisely is meant in these provisions by ‘self-determination of peoples’. Consultation of the *travaux preparatoires* does not resolve the issue”. Therefore, it seems safe to conclude that although the USA, through Wilson, had made much efforts, it was the Soviet Union, through Molotov, that effected its inclusion in an international instrument. Besides, the concept of self-determination, like other political and legal concepts, has been unsettled and disputable; casting shadow and doubt both in theory and practice. Several reasons, in addition to the absence of clear and authoritative definition as to the meaning, might have led to such unfavorable outcome. *Inter alia*, conflicting interests deeply rooted in ideological differences and the downsides of the right itself are some of the underpinning reasons. In sum, all these led to uncertainties, prolonged war, never ending deserved and undeserved disputes, and many times complete denial of deserved rights. Cases such as the Kurdish in Iraq and Turkey, Quebec in Canada, and the worst of all the case of Palestinians are but few illustrations demonstrating mixed colors of such experiences. Thus, the right of self-determination, contrary to what was anticipated has subjected humanity to much pain and suffering as well.

Furthermore, as is already indicated above, it should be noted that there are some important terms, *inter alia*, nation and people which occupy central position in connection to the interpretation and application of the right of self-determination. Unfortunately, however, they too are sources of controversies and disputes. Primarily because international relations are between states, the concept of ‘nation’ refers to states so does ‘people’ (Quane, 1998). Additionally, pointing to the preamble of the UN Charter, he reaffirmed that ‘people’ refers to states (ibid.). Furthermore, he tries to assess them, nation and peoples, in the context of Art. 73 of Chapter XI (Non-Self-Governing Territories (hereinafter NSGTs)) and Art. 76 of Chapter XII (International Trusteeship System (hereinafter ITS)) of the Charter. And he concluded that the meaning of the term ‘peoples’ in Chapter XI and XII of the UN Charter refers to the people inhabiting the NSGT and Trust Territories (ibid.). He gives an affirmative answer to the question whether a similar meaning could be attached in relation to Articles 1(2) and 55. But he tried to qualify it saying, “The difficulty with this interpretation is that in 1945 the inhabitants of these territories did not have rights under international law” (ibid.). Whelan (1992, pp. 27-28) also raises the issue and states that ‘peoples’ could be interpreted in various ways including the right to secession and quotes the stance of Columbian delegate on the issue at the San Francisco conference: “If [self-determination] means self-government, the right of a country to provide its own government, yes, we would certainly like it to be included; but if it were to be interpreted, on the other hand, as connoting a withdrawal or secession, then we should regard that as tantamount to international anarchy and we should not desire that it be included in the Charter”. But this was nothing more than an opinion of the Columbian delegate. As such, it cannot be used as an authority or

dependable reference to conclude that this is how the pertinent Charter should be read, understood and practiced. Having said so, nonetheless, there is no doubt that it casts light on what the intention of the makers of the Charter was and hints on how it should be interpreted. Although Whelan mentions that in a report made following the San Francisco conference, it was explicitly stated that it does not harbor the right of secession. He adds, “Buchheit concludes that ‘an attempt to include a right of secession in the Charter’ meaning of the phrase ‘self-determination’ cannot be conclusively supported or denied by reference to these *travaux préparatoires*” (ibid.). But, utter rejection of a draft favoring secession by the Commission of Human Rights in 1952 makes it crystal clear that it was not the intention of the drafters of the UN Charter to include and permit for secession on the ground of self-determination (ibid.). On the other hand, the concept of self-determination has never been given the title and weight of a legal right, be it in the 1940s and 50s. Instead, it remained as a principle. This was the case until the birth of the two Covenants of the 1966. “A legal right to self-determination was finally incorporated as Article 1 of the 1966 Covenants on Economic, Social and Cultural Rights, and Civil and Political Rights” (p. 29). To indicate the scope of this right he further adds, “But while the text and *travaux* support the view that the Covenants embody universal principles, the Afro-Asian states managed effectively to limit their scope to the colonial situation...” (p. 30). Right from the beginning of the 1960s, other imperative resolutions were passed by the General Assembly. These were Resolutions 1514 and 1541. While the first calls for immediate decolonization, the second elaborates it (Cassese, 2005). Quane (1998) referring to the first resolution said, “The Resolution affirms that “All peoples have the right to self-determination.” It sounds that the right applies universally but this is unlikely. The General Assembly interpreted a similar phrase in an earlier resolution as applying only to the inhabitants of NSGT and Trust Territories” (p. 548). He himself reached to the same conclusion (ibid.). For this reason, it is advisable to consider the Eritrean facts along with the appropriate ‘principle of self-determination’ which was later elevated to ‘right to self-determination’.

It is imperative to examine what exactly the UN Charter contains on self-determination in connection with Trusteeship; what responsibility it attaches to the Trustor and what rights it bestows to the trustee. This will pave a way into finding what exactly the home work of Great Britain’s Trusteeship in Eritrea was. The application of Trusteeship system to Eritrea seems to fall within Art. 77(1) (b) of the UN Charter. It spells it as “territories which may be detached from enemy states as a result of the Second World War: and...” Eritrean case perfectly fits in to this category as it was snatched from Italy in 1941. *Inter alia*, as per Art. 76, the principal objectives of the Trusteeship system were furthering international peace and security, promoting political, economic, social and educational advancement of the inhabitants, enabling them toward self-government or independence as may be appropriate...promote freely expressed wishes of the people concerned and encouraging respect for human rights without distinction.

Demonstrating the complexity of the Eritrean question, Papstein (1997) witnesses:

When Italy was forced to withdraw from its colonies in 1941 and British administration took over Eritrea, the fundamental question of self-determination was raised that would plague the four powers: the United Nations, the Organization of African Unity, the post-war superpowers and the states of the region for five decades. (p. 519)

He adds, “Ironically, by the 1960s when the colonial world was becoming independent, Eritrea, the first African colony to assert its claim to self-determination disappeared in to neo-colonial Ethiopia” (ibid.). However, his consistency seems to have been compromised when he appreciated Gayim’s book stating, “...but its greater strength comes in the author’s analysis of why Eritrea’s claims for independence could be ignored in the face of international law” (ibid.). When he said, “Eritrea is perhaps the best African example of how Cold War policies, from both the western and eastern blocs, combined to deny the right of independence” (p. 520), it becomes clear how much he contradicted himself.

Although the immediate cause of the armed struggle was forceful annexation of Eritrea by Ethiopia, disregarded discontents for any arrangement short of external self-determination was always there since the second half of the 1940s. Makinda (1983) emphasized, “Few political issues in Africa have divided analysts as much as the Eritrean question has.” (p. 724). The arguments, though multiple in nature, on the nature of Eritrean armed struggle gave birth to the ‘colonial vs secession’ debate. The struggle, first led by the Eritrean Liberation Front (hereinafter ELF) and later by the Eritrean Peoples Liberation Front (hereinafter EPLF), presented the struggle as colonial in nature, and categorically rejected the federal

arrangement for it completely failed to respond to the true wishes of the Eritrean people (Yohannes, 1987). As such they argued, the 1952 Federation of Eritrea with Ethiopia was simply a transfer from one colonial power to another one (ibid.). It should not go without mentioning that although proponents of this line of argument have a common denominator of 'colonial issue' but once inside it is clear that they do lack coherence. For instance, Habte Selassie, points to the forceful annexation of Eritrea by Ethiopia, following abrogation of the federal arrangement, as the sole underlying factor as to why it should be treated as a colonial (ibid.). Furthermore, Pool treats the Eritrean case as colonial by demonstrating that pre-Italian Eritrea and Ethiopia were existing as an independent and distinct from one another (Makinda, 1983).

Contrary to this, Ethiopian successive governments and their respective allies treated and presented the Eritrean armed struggle as a struggle of secession from Ethiopia. When the Dergue staged successful military takeover against the Emperor in 1974, it admitted the indefensibility of the dismissal of the federation by Haile Selassie, 1962, but treated the Eritrean case as Ethiopia's internal issue, thus a secession (Yohannes, 1987). The Ethiopian People's Revolutionary Party (E.P.R.P.), who were leftist opposition, although their stand was not clear on the nature of the Eritrean struggle they supported it, whereas Ethiopia Students Union in North America rejected the struggle as a national/internal issue (ibid.). On the other hand, reviewing Tesfatsion's book, Ayele (1989) says, "Thus, Ato Tesfatsion's contribution to our better understanding of aspects of this conflict in Northern Ethiopia and particularly his expose of the secessionist movement goes a long way to clear the air polluted by such flashy book titles like "Eritrea: the Unfinished Revolution", "Eritrea: the longest\* war" or Never Kneel Down" and "Conflict and Intervention on the Horn" and the Like" (p. 137). The preceding quoted titles of different books favor the Eritrean struggle for independence and treat it as colonial one but Ayele indiscriminately dismissed and labeled them as 'flashy books'. But when he noted that Tesfamtsion has affirmed Eritrea as a state with multi ethnic group, he treated him like the ones whom he accused and condemned their books to have polluted the air. Araya (1990) tries to argue from a different angle that, "...the Eritrean question is neither national nor colonial but related to the process of state-building in a multi-ethnic Ethiopia where capitalist relations of production are undeveloped" (p. 80).

Thus, it is evident that these two conflicting 'colonial vs secession' arguments are not homogenous in terms of the reasons they are colonial or secession. Besides, there are some arguments which are neither colonial nor secession but support the justness of the Eritrean struggle for independence. Still a different version from all these is that there are those who consider it neither a colonial nor a national but internal problem of Eritreans: between Christians and Muslims. In this paper, the researcher focuses on the colonial vs secession divide, and each is treated as one block. It is not within the scope of this thesis to go in to the details of the variants harbored within colonial or secession.

## 5. Theories

Different theories explain the usage and applicability of the right of self-determination. Liberal Theory is one of such theories. For this theory the individual rather than the group or community is the unit of analysis. Liberalist would prescribe that individuals have the right to stand for their right against the government, or in the words of Freeman (1999) "...individuals have the right to emigrate, resist or secede" (p. 359). Democratic Theory is the second one. This theory considers the right of self-determination as a means to achieve and dwell in a democratic government. Hence the right for self-determination is a democratic one (ibid.). Third, Communitarian Theory. It stipulates that some communities or groups might have bad intention, culture or aim, in such circumstance it is better to forbid the group their right to determine by themselves because they will be threat to others (ibid.). Fourth, Cosmopolitan Theory. According to this theory the right of self-determination is a universal right, and rejects borders in favor of good life for humanity (ibid.). For them, two criteria should be considered; the entity or group seeking self-determination and ramification of their demand. Should they conflict, the later prevails.

Apart from the theories discussed above, which are more on the usage of self-determination, theories of international relations, also, offer us more broad interpretation and application of the right of self-determination. There are many of them. This paper, however, treats Realism and Idealism in their general principles, each as one. They are selected due to their theoretical and practical relevance and proximity to the concept of self-determination. Realism is one of the most influential theories in

international relations. Its basic tenets are the state which is the main actor exists in an anarchic environment, hence the need for power to ensure its survival. They see human behavior as evil and selfish existing in a state of continuous suspicion. Therefore, they conclude, because states are an association of human beings the behavior of states too is bad. Finally, they urge states to prepare for war in order to ensure their survival. Realists strongly advocate the usage of force to maintain the territorial integrity of the sovereign state and suppress movements of self-determination. Thus, their priority is maintaining the sovereign state as it is. Cumulatively, for realists, power is the engine of politics and international relations. Mearsheimer argues that realists are pessimistic of international law and its institutions (Slaughter, 2011). Slaughter says, "Thus states may create international law, international institutions, and may enforce the rules they codify. However, it is not the rules themselves that determine why a state acts in a particular way, but instead the underlying material interests and power relations" (p. 2). Institutionalism is, also, one of the version of theories of International Theories worth considering. Like realists they believe on the anarchic system of international system, state rationality and also the mutual suspicion of states. Nevertheless, Institutionalists depart from Realists in that the former is optimistic on state cooperation. For them, states do cooperate and obey laws simply because of the concept of reciprocity (ibid.).

Liberalists, like realists, consider the state as the principal actor in international relations. However, the state, for Liberalists, is a manifestation of the internal or domestic make up (Slaughter, 2011). As such, he argues, they pose a challenge to international law which in this case has to take in to account the internal nature of the state (ibid.). They also admit that there is no authority which commands supreme authority over the sovereigns. This means states exist in a horizontal arrangement with one another as sovereigns. But this does not mean that they fail to appreciate the inequality between states in terms of economy, military, resources, etc. "These theories are most useful as sources of insight in designing international institutions, such as courts, that are intended to have an impact on domestic politics or to link up to domestic institutions" (Slaughter, 2011, p. 4). They consider self-determination as a right of nations. Their strong mechanism to secure the sovereign state's integrity is to create a democratic state where different nations will be able to exercise their rights so as to ease tension thereby avoid secession and disintegration.

The existence of other theories which are critical to the main, traditional, theories of international relations, *inter alia*, Marxist and Feminist should also be noted. For Marxists, the prevailing class tension and antagonism is much more important than the tension between states. International law is nothing more than domination of capitalist states if not capitalists themselves. They, ultimately, subordinate the right of self-determination to the right of the dictatorship of the working class. Similarly, Feminists also are critical of the prevailing theories of international relations, for it disregard the role played or may be played by women.

A close reading of the different theories discussed above may give the impression that none of them have attempted to specifically address self-determination in a colonial context. Instead, they focus only within the context of secession. Probably, this is because colonialism was condemned as illegal. This is of a great implication, and touches up on the nerve of this paper. The principal question which this research attempts is that whether the Eritrean armed struggle was 'colonial' or 'secession'. Therefore, this research draws up on different theories but heavily depends on Liberalism (to analyze whether international institutions along with their laws, principally the UN and its Charter, played their due role in the Eritrean case). The researcher attempts to assess the Eritrean case with in the frame work of international institutions. Considering the period under which the Eritrean issues was raised and debated, the UN Charter constitutes a central place.

## 6. Pre-colonial

Although African borders are colonial borders, such has been the argument on the Eritrean question that at times scholars and statesmen argue beyond the colonial context to advance their respective positions. For example, Emperor Hailesilassie attempted to justify the oneness of Ethiopia and Eritrea during his visit to Eritrea, 27 June 1962:

The relation of the people of Eritrea with Ethiopia is not confined to the political aspect. Not only are the two people joined by culture, geography and language, but historically the Adoulis heritage shows

that the other Ethiopian tribes originated from Eritrea. Throughout Ethiopia's long record as an independent entity, Eritrea was separated from us for only 60 years and even if we were separated by political and artificial barriers during this short span of time, we were unseparated in our way of life and mutual feeling. (Cervenka, 1977, p. 38)

His successor, Lt. Colonel Mengistu Haile Mariam, though he ascended to power by overthrowing the Emperor, echoed him on the Eritrea issue. He firmly argued:

Having brought this northern region of our country under their control by force of arms in 1889, the Italian colonists arbitrarily carved out various areas and nationalities they isolated from the rest of Ethiopia and gave the name of "Eritrea". It is quite obvious, however, that no territory by this time had existed in this area prior to this time. (Serapiao, 1987, p. 3)

Ultimately, for them there were no people who can be identified as 'Eritreans' instead they were all Ethiopians. This claim secession denies the very existence of Eritrea and Eritrean identity. Such conclusive statements are loaded with a lot of elements worth assessing and examining with great care. First, their claim of Eritrea is based on pre-colonial 'facts' Second, they openly admitted that colonialism has set a boundary between Eritrea and Ethiopia. Considering the fact that African borders are colonial borders then how much credible and valid it is to make a claim of statehood based on pre-colonial 'facts'.

On the other hand, colonial argument disputes and rejects the secession narration. Eritreans (ELF and EPLF) argue that Eritrea and Ethiopia were two different entities based on historical (pre-colonial) facts. To this effect, they put forward the works of different European experts and authors like J. Ludolph of Germany and J. Bruce of Scott Land, Portuguese map of 1600 etc. (Cervenka, 1977). Lobban (1976) seemed to support this when he said, "In 1770 when the famous explorer Bruce traveled through the region he noted both Abyssinia and Mdri Bahri as separate political entities which were frequently at war with each other" (p. 336). For him, the relationship between 'Eritrea' and 'Ethiopia' was one of raid and resistance (ibid.). Lobban's work refers to the period around 1770 but can serve as a dependable source to infer the pre-colonial status of the parties.

In connection to the pre-colonial argument; therefore, two important points are worth paying attention. First, whether pre-colonial 'Eritrea' and 'Ethiopia' had experienced administrative and/or political oneness. Second, as mentioned above, whether it is possible to make legitimate statehood claims, especially in Africa, based on pre-colonial argument.

Addressing the complexity of the Eritrean case, Tseggai (1976) says, "The Eritrean struggle for independence, one of the most highly developed and the longest armed struggle in Africa, is also one of the least understood" (p. 20). History indicates that the Pharaohs of ancient Egypt used to trade with the traditional chiefs of the people inhabiting the present Eritrean coastal area starting from around 3000BC (ibid.). For example, while king Pepi II sent a mission to the Punt land<sup>2</sup> around 2200BC, Queen Hatshepsut (1503 – 1480 BC) paid a visit to this land (Hzbawi Gnbar Harnet Ertra, 1987).

Around 800 – 700 BC, the Sabeans migrated from what today is Yemen and made their way to present day Eritrea (Tseggai, 1976). At about the same period of time, Egyptians were invaded by the Ptolemies of Greece (ibid.). The Greeks did not stop in Egypt but expanded southward till the 'Eritrean' coastal area and stayed there for hundreds of years. According to this narration, a great part of the land mass, which comprises today's Eritrea, was occupied by and/or linked with, first, the Egyptians and, later, with the Greeks, directly or indirectly. Archeological remnants of the Greeks deep into the High Lands of modern Eritrea makes it safe to suggest either 'Eritrea' and 'Ethiopia' were different entities, or the Greeks in 'Eritrea' were under 'Ethiopia' or Ethiopia itself was under the Greeks. The first and the third suggestions do not fit the 'secessionist' position and the second suggestion, neither do they claim it nor is it tenable. For the 'colonial' position, at least the first one is acceptable. This is because two powers, Greek and Ethiopian kings, could not claim 'Eritrea' at the same time. Thus, the colonial side seem to be more rational to be entertained.

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<sup>2</sup> This name, Punt Land, was used by ancient Egyptians to refer to the Southern Red Sea Coastal area of Africa, of which Eritrea was a part.

In the 4<sup>th</sup> BCE, the Kingdom of Aksum was flourishing in the southern area of present day Eritrea and northern Tigray (Ethiopia) (Hzbawi Gnbar Harnet Ertra, 1987). For EPLF, it was nothing more than a civilization in the northern tip of Ethiopia and in the narrow eastern coastal lowland and southern highland of Eritrea whereas for Ethiopians it was a civilization stretching from Madagascar to the Mediterranean Sea (ibid.). Until its decline around 750 CE, Tseggai concludes his argument, even the very prosperous Aksumit kingdom was much of an Eritrean than Ethiopian simply because much of its major archeological remnants like Kuhaito, Howulti and Adulis are in present day Eritrea save Aksum, its capital, which itself was in the extreme northern part of Ethiopia (ibid.).

Around 640 CE<sup>3</sup>, Aksumit kingdom collapsed due to an external attack and internal conflict (Hzbawi Gnbar Harnet Ertra, 1987). Externally, Zenafuj (Beja group of Belemy) from the western part of 'Eritrea' and Arabs from across the Red Sea through Dahlak Archipelago, the Agew from the south and the Saho from the eastern escarpment attacked the kingdom, and internally too, they had conflict between different clans (ibid.). Zenafuj attacked and controlled not only the Western 'Eritrean' lowland but also the 'Eritrean' highlands thereby effectively deprived Aksumit Kingdom an access to the Red Sea (Kibreab, 2005).

The collapse of Aksumit Kingdom led to the establishments of Beja kingdoms. These kingdoms<sup>4</sup> came from the North-East of present day Sudan and ruled much of present day Eritrea, except Danakile<sup>5</sup>, from the 8<sup>th</sup> up to the end of the 15<sup>th</sup> century (Hzbawi Gnbar Harnet Ertra, 1987). However, continuous rivalries among themselves weakened them, and paved the way for external invasion. In 1557 the Ottoman Turks stepped in Massawa (Lobban, 1976). Meanwhile, the western part of Eritrea was taken by the Funji Kingdom of Senaar who stayed there until the beginning of the 19<sup>th</sup> century (ibid.). Therefore, it is clear that these two arguments contradict each other on the pre-colonial status of present day 'Eritrea' and 'Ethiopia'. In this regard, the point which the 'secessionist' advance is that for long time Eritrea and Ethiopia, under the auspices of Aksumit kingdom, were one and should, now, remain one. In other words, this means a new state could and should be claimed on the bases of ancient civilizations, Empires or kingdoms. First, there was no time, throughout the known pre-colonial and colonial periods, at which one can speak of the area which constitutes today's Eritrea and Ethiopia to have been controlled and administered by one central authority (Aymut, 2017). Second, irrespective of their pre-colonial status, this is an impossible claim, practically and scholastically! Although the idea of self-determination in Europe was associated with the demand of the people to determine by themselves in the face of undemocratic/monarchic leadership, in Africa, however the concept of self-determination seems to be post-WWII phenomena. This implies, as is detailed below, that African borders are colonial. That is self-determination was limited to a colonial context (An-Naim, 1988).

Indisputably, it is evident that no claim of statehood is sound on the bases of pre-colonial civilizations. Let alone in Africa, even in Europe, the birth place of modern concept of statehood and the state itself, the sovereign state was yet to be born, treaty of Westphalia 1648. Any attempt to entertain secessionist's pre-colonial narration would mean to reverse the history of statehood from Europe to Africa, which is impossible. Three of the six respondents who attended my questionnaire strongly reject to entertain pre-colonial narration in to the colonial vs secession argument<sup>6</sup>. However, it should also be noted that those who chose otherwise put it under strict qualification. That is they give much weight to the colonial and federal period. The bottom line is that, during this period, both 'Eritrea' and 'Ethiopia' existed independently and highly divided. More importantly, the domain of African states is obliged to be governed by colonial establishments, and Ethiopia can't be an exception to this when it comes to the domain of its borders and statehood.

<sup>3</sup> Abbay states that this kingdom declined in the 10<sup>th</sup> century.

<sup>4</sup> There were five of them (Naqis, Baqlin, Jarin, Bazin and Quata).

<sup>5</sup> Denakile refers to the southern part of the Eritrean coastal area.

<sup>6</sup> While Aymut, Teklia and Girmatsion object pre-colonial reasoning, Negash, Mellakh and Terke does give it some weight but as supplementary to the more determinant colonial and federal period.

## 7. Colonial

Writing on African borders, Touval (1967) said:

An aversion to the international borders drawn by the colonial powers, if not their complete rejection, has been a consistent theme of the anti-colonial nationalism in Africa. The borders are blamed for the disappearance of a unity which supposedly existed in Africa in precolonial times; they are regarded as arbitrarily imposed, artificial barriers separating people of the same stock, and they are said to have Balkanized Africa. The borders are considered to be one of the humiliating legacies of colonialism which, according to this view, independent Africa ought to abolish. (p. 102)

However, Touval shows that such thinking was not materialized when he affirmed:

But with the emergence of colonies to independent statehood, the widespread rejection of the borders has gradually given way to their almost unanimous acceptance by the governments of the new states. The new doctrine, according to which existing borders should be accepted, was formally and explicitly proclaimed by the Organization of African Unity in 1964. (ibid.)

In his essay on the Eritrean question, Serapiao (1987) has put it, "Indeed, to deny the existence of a group of people and its territoriality based on what colonialists did against Africans, in terms of division of territory, is contrary to the present reality of African political systems" (p. 4). This illustrates that even though the present sovereign African states were borne by rejecting the colonial titles and dominations and the legacies therefrom, they can make their statehood claims based on colonial borders. Therefore, due attention should be committed to weigh the substance of both colonial and secession argument. From the 16th century, all the way up to the first half of the 20<sup>th</sup> century, Eritrea and Eritreans, in part or in whole, were invaded by and subjected to different colonial forces. While most of them were Europeans (Turkey and Italy), some were Africans (Egypt and Fungi of Sudan). On the other hand, once Ahmed Gran<sup>7</sup> had invaded and defeated Christian Abyssinians in 1530, for the following 300 years they hardly had a united and strong Ethiopia (Warren H. W., 1976). Further, "The Christian nobility survived for seven years as a hunted band until a Portuguese army of 400 men arrived in 1541, led by Christoforo di Gama, son of Vasco di Gama" (ibid., p. 40). Throughout this period much of Eritrea remained under the Turkish/Egyptian directly or indirectly influence, through the Naibs,

Italy took Eritrea as its colony in 1885 (Abraham, 1935). The Ethio-Eritrean border was established by an international treaty. By their very nature, treaties are done consciously by the highest authorities of the contracting parties. One of the most respected principles of international law for which treaties are known is the principle of *pacta sunt servanda*<sup>8</sup>. The treaty by which the Ethio-Eritrean border was demarcated is known as the Wichale Treaty<sup>9</sup>. The 1900 Treaty, Central Sector (Italy and Ethiopia), the 1902 Treaty, modifying that of the 1900, Western Sector (Britain (Sudan), Italy (Eritrea) and Ethiopia), and finally the 1908 Treaty, Eastern Sector, (Italy and Ethiopia) are the treaties which effectively and lawfully set a boundary between Eritrea and Ethiopia (White, 2002). That is, this treaty has established Ethiopia, for the first time in its history, as a state with a defined territory. No authority/scholar could convincingly claim of the existence of a state called Ethiopia before the 1908 Treaty. Endorsing this inter-state colonial border, OAU issued resolution in 1964 authorizing colonial borders as the guiding and governing borders between African states. By doing so, though it has its own demerits, the Union has successfully avoided potentially catastrophic wars between African Nations. Consequently, any legitimate claim of statehood could only be made within the domain of colonial legacy.

Pointing to the legal effect of Article III of the Wichale Treaty, Rubenson (1964) said, "Article III was in a sense the legal birth certificate of the Italian colony of Eritrea, because it defined for the first time in treaty form a boundary line between Ethiopia and a coastal area under foreign sovereignty" (p. 243). Although the treaty known as the Anglo-Ethiopian Treaty, entered into in 1902, was primarily made to

<sup>7</sup> He was a Muslim from an area called Harar, Ethiopia.

<sup>8</sup> According to Balckslaw Dictionary,<sup>9</sup>th edition, *pacta sunt servanda* (Latin word) means 'agreements must be kept'. And adds, 'the rule that agreements and stipulations, esp. those contained in treaties must be observed.

<sup>9</sup> This treaty, signed between Abyssinia (modern Ethiopia) and Italy, is spelled either as Wichale (Amharic or Ethiopian version) or Uccille (Italian version). In this research the writer, mainly for consistency purpose, opted to use the Ethiopian version i.e. Wichale.

establish the border between Ethiopia and the Sudan of Great Britain, it also made some alterations to the border between Eritrea and Ethiopia and also Eritrea and the Sudan (Ullendorff, 1967). Alterations by themselves are, however, not an issue here. Instead, what is interesting of them is their recognition of a pre-existing border which they have tried to modify, Wichale Treaty.

The battle of Adwa too has a lot to tell. Ethiopians defeated Italians at Adwa but they did not chase them out of Eritrea probably because they might have thought it was not their land (Aymut, 2017). Some literary works produced by high ranking Ethiopian officials indicate that even Ethiopians themselves were considering the present day of Eritrea as a neighboring land rather than as part of their Ethiopia. Abraham (1935) stated, "Then in the 'eighties of the last century, the Italians occupied the coast land around us" (p. 374). Written in 1935, undoubtedly, this makes it clear that Ethiopia and Eritrea were distinct entities. More importantly, such implication definitely refers to the pre-Wichale Treaty status quo. As can be read from the spirit of the statement, it shows that Abraham is referring to the pre-Wichale Treaty of the 'coast land around them (Ethiopia)'. It was easy for him to say 'Italians took our land' had it been part of their land and if at all they were presuming so. To that effect, he labelled it saying 'coast land around us'. Automatically, it does not take much to conclude that the area which Italy occupied, modern day Eritrea, was not considered as part of Ethiopia even by top Ethiopian authorities<sup>10</sup>. According to the same source, Ethiopia was a kind of local colonial power. "...while Somaliland is for them a useful source of supply of slaves, of which they can never have enough" (ibid.)<sup>11</sup>.

Thus, the treaty was not an agreement by which Ethiopia gave its territory, in this case Eritrea, to Italy. Instead, it was a treaty to demarcate a border between the two entities, 'Eritrea' and 'Ethiopia'. Furthermore, both Eritrea and Ethiopia were not fully independent countries/entities while Eritrea was completely under Italian colony, probably the worst colonial system - Fascism, Ethiopia, Villari argues, was under Italian protectorate (Abraham, 1935). Plus, the fact that British Military Administration, following WWII, maintained this boundary shows that it was an international one.

The bottom line is that the period under discussion (colonial) has made it clear that two entities, Ethiopia (independent) and Eritrea (colony) were created by an international treaty. Though such treaty was made between a European colonial power and Ethiopia as an entity, yet un-sovereign [at least technically speaking in the sense that territorially it was not defined – a must met element for the purpose of sovereign statehood], its legitimacy is beyond doubt. First, it was done by consented upon Treaty. It should be noted that the element of consent in the making of treaties might constitute a central role in validating a treaty. However, its capacity to invalidate a treaty, in case it is not given, is a phenomenon of post Vienna Convention, 1969. Second, and more importantly, it set a boundary between entities which have never existed as one - any time in their history. Impliedly, it is justifiable to conclude that for the colonial argument this is a good point to start [emphasis added]. On the other hand, for the secessionist, the researcher believes, it could hardly be a ground to make convincing point. This is because for an issue of secession to arise, the existence of a single sovereign state must be established first. Finally, in a very critical, if not dismissive, book review done by Ellingson (1985), Pool's analysis of pre-colonial Eritrea was appreciated: "In it, he gives convincing evidence that Eritrea was never an integral part of an Ethiopian state before federation and that the histories of the two have been separate and distinct" ( p. 74). This seems to summarize the whole discussion. Thus, the treaty has marked not only the birth of Eritrea but also the birth of Ethiopia itself. Therefore, any attempt of justifying Ethiopian statehood prior to this treaty could hardly be substantiated in any way materially relevant.

## 8. The Eritrean Case at the UN

"In 1941, a British expeditionary force defeated the Italians in Eritrea and Ethiopia" (Cervenka, 1977, p. 39). As Papstein (1997) points out, "If there was a legal ambiguity about self-determination in 1941, this disappeared in 1945 with the United Nations Charter" (p. 519). Referring to the three former Italian colonies (Eritrea, Somalia and Libya), Haile (1987) says that "The debate of their future began in August 1945 at the Potsdam (Berlin) Conference of Truman, Churchill and Stalin" (p. 10). Unable to reach

<sup>10</sup> Abraham was Secretary of the Imperial Ethiopian Legation.

<sup>11</sup> This is in the part of the paper written by Villari.

into consensus, they decided to transfer the issue to the meeting of the four victorious powers' Council of Foreign Ministers. Accordingly, it was debated in the Council's London Conference, Sep. 1945, and the Paris Peace Conference, 29 July – 15 October 1946 (ibid.). Of all, nevertheless, Haile concludes, the Eritrean case bore no fruit (ibid.). It was agreed to set a Four-Powers Commission to investigate and find out the wishes of the people. Furthermore, if the commission fails to do so within the time limit, then the case was to be handed over to the GA, the decision of which would be binding – including to the four big powers.

Expectation of Eritreans was that "... a return to autonomy which the country had enjoyed prior to the Italian occupation either as an independent state, as advocated by the Moslem League of Eritrea founded at Keren in 1946, or in union with Ethiopia as demanded by the Unionist Party founded in 1941" (Cervenka, 1977, p. 39). Apart from its central and straight message, a close reading of the above quote indicates that pre-Italian Eritrea existed independently of Ethiopia. According to Longrigg, British administrator "...: Eritrea was to be dismembered: the western lowland Moslem part was to be given to Sudan, the highland Christian part with its Red Sea ports was to be internationalized (to make sure it would remain in the British sphere of influence)" (ibid.). This plan lays at a stark contradiction with the true wishes of Eritreans. As such, it completely disregards the Charter of the UN on Trusteeship which the UK had to observe as a trustor. Great Britain's plan was not welcomed by her Allied friends (Haile, 1987).

Toward the end of 1947, the Four Powers<sup>12</sup> setup a commission – Commission of Investigation, to find out the wishes of the inhabitants (Cumming, 1953)<sup>13</sup>. Nevertheless, "They approached the issue neither from the point of view of the interests of the inhabitants nor in light of the principles which they agreed when entering the United Nations" (Haile, 1987, p. 10). Although Cumming says, four of them agreed that the people were not ready for self-government and the country lacks economic viability<sup>14</sup>, unable to reach into common solution within the time limit allotted to the commission, the case, per Article 23 of the Peace Treaty with Italy, was referred to the UNGA to make final and binding resolution (Cumming, 1953). The First Committee of the GA came up with the so-called Bevin-Sforza Plan.<sup>15</sup> This was submitted to the UNGA for consideration despite the fact that it was met with very determined rejection from the Independence Bloc<sup>16</sup> (Haile, 1987). Due to strong opposition from the Arab-Asian and Soviet Blocs, it was aborted (ibid.).

Having resolved the issues of Libya and Somalia,<sup>17</sup> 20 September 1949, the GA prescribed further inquiry<sup>18</sup> (Haile, 1987). This led to three different proposals: Burma and South Africa to federate Eritrea with Ethiopia, Norway - unconditional reunion of Eritrea and Ethiopia save the Western part of Eritrea, Pakistan and Guatemala - UN Trusteeship followed by independence (ibid.). Such kind and amount of division between five countries on single issue of the Eritrean people manifests subjectivity of each member. This seems to have displaced and replaced the true wishes of the Eritrean people which the Commission had to address in line with its mission and the grand UN Charter for self-determination. Such conflicting views and suggestions gave the GA difficult time to come up with a new, single and practical resolution. "There followed several months of intensive negotiations behind the scenes and, finally, on 17<sup>th</sup> November, 1950, the plan for federation was submitted jointly to the Assembly by 14 nations" (Cumming, 1953, p. 129). Cumming's "behind the Scene" is worth paying an emphasis. Nobody knows what went

<sup>12</sup> United State of America, Great Britain, France and Soviet Union.

<sup>13</sup> Duncan Cameron Cumming was a British citizen who served as Chief Secretary of British Administration in Eritrea from 1941 - 1950, and Chief Administrator from 1951-1952.

<sup>14</sup> Whether an economic factor could be employed as a prerequisite for the establishment of a new state is questionable. Undoubtedly, economic factor is not one of the constituent elements for state-hood. Haile's point seems to target this. The fact that Cumming affirms that there were about 70,000 Italians in Eritrea in 1941 casts doubt about the so called economic in viability. Italians would not have re-settled their citizens in Eritrea had Eritrea had inherent economic incapacity.

<sup>15</sup> This plan was engineered and named after the Foreign ministers of Britain, Ernest Bevin, and Italy, Count Sforza.

<sup>16</sup> Independence Bloc was one of the political parties in Eritrea advocating for independence.

<sup>17</sup> The GA granted independence to Libya in January 1952 and independence to Somalia after ten-year Trusteeship under Italy.

<sup>18</sup> The Commission of inquiry consists of Burma, Pakistan, South Africa, Guatemala and Norway.

behind the scene: ascertaining the true wishes of the Eritrean people or reconciling the divergent and conflicting views/proposals of the five representatives? The GA adopted a resolution on 2 December, 1950. Cumming may not have ascertained what exactly went in the hidden scene but he courageously discloses what the outcome of that negotiation was when he says, “A notable feature of this solution, was that it did not reflect the wishes expressed by any of the political parties in Eritrea” (ibid.). Similarly, Haile says that the Commission’s recommendation was put aside by the GA and replaced by the Fourteen Powers’ draft resolution under the sponsorship of the United State (1987). “Finally, in 1950, the United States proposed a compromise: Eritrea federated to Ethiopia, but autonomous in its internal affairs” (Warren H. W., 1976, p. 45).

The Stance of the Eritrean people seems to have been clear from the very beginning. “Ibrahim Sultan Ali, head of the Independence Block, took the floor before the General Assembly and expressed the dismay of the Eritrean people that the United Nation was preparing to impose a government structure on Eritrea without giving the people a chance to express their opinion on the matter” (Haile, 1987, p. 11). Soviet Union utterly rejected this Fourteen Powers’ plan and presented her own: advocating complete independence (ibid.). Pakistani representative, Zafrulla, as quoted in Haile’s essay, put it “.... To deny the people of Eritrea their elementary right for independence would be to sow the seeds of discord and create a threat in that sensitive area of the Middle East”(ibid.). And this, Haile concludes, transpired to be ‘prophetic’, unfortunately (ibid.).

All other proposals were rejected, and the UK and US sponsored federation with Ethiopia was adopted in Resolution 390 A (V), December 2, 1950. UK; “A notable feature of this solution, for which the United Kingdom delegation did much to win acceptance, was that it did not reflect the wishes expressed by any of the political parties in Eritrea.” (Cumming 1953, p. 129). USA; “Years passed. No solution satisfying the interests of Great Powers could be found. Finally, in 1950, the United States proposed a compromise: Eritrea federated to Ethiopia, ....” (Warren 1976, p. 45). This was not only a perfect disregard of or negligence on the UN Charter on self-determination by member states but by the UN (GA) itself (in the sense it was unable to insulate itself from the interest of big powers in keeping with its noble Charter). Ultimately, this led some academicians to solidly conclude, “One should not forget the fact that the so called “federal” arrangement was imposed by the big powers and was not a genuine” (Negash, 2017).

The researcher, based on the above discussion, fully appreciates that the Eritrean case was mistreated by Great Britain and the UN from the beginning to the end. Eritreans were either for independence or union with Ethiopia but they found themselves federated. Nevertheless, because it was made by the Security Council, through GA, its legality seems unappealable. The federal arrangement was the umbilical cord between the two entities. Then the question is what happens when this umbilical cord is removed (illegally and forcefully) by either party.

## 9. Federation and Its Abrogation

Eritrea as an autonomous unit was given the authority to have its own local legislative, executive and judicial powers; whereas defense, foreign affairs, currency and finance, foreign and inter-state commerce, external and inter-state communications were under the jurisdiction of the Federal Government (Cumming, 1953). Hence, it was a federal than a unitary system. And resolution 390 A (V) was expected to serve as the constitutional/legal basis for the federal arrangement. Cumming had much confidence on Ethiopian government for the success of the UN resolution and thereby to the federal arrangement (ibid.). But he was not without concern, “Eritrea will now inherit many of Ethiopia’s own problems...” (p. 31).

Finally, Cervenka (1977) asserts that:

After a series of measures such as the appropriation by Ethiopia of Eritrea’s share in the customs revenue, suppression of labor unions and of the freedom of the press, removal of the Eritrean flag, changing the name of the Eritrean government into “Eritrean Administration”, all of which were violations of both the Eritrean constitution and the UN resolution, the Emperor on 14 November 1962 through the Chief Executive in Eritrea (Afafa Woldemichael, the Emperor’s hand-picked appointee) declared the Federation null and void. Eritrea was annexed to Ethiopia as its 14<sup>th</sup> province. (p. 40)

Cervenka says that Ethiopia went uncondemned and unpunished due to its close relations with the USA, she had already signed an agreement with Ethiopia in 1953 to establish a military station at Kagnaw,

in Asmara - the capital, and Ethiopia was able to mute African states through the prestige Hailelassie had enjoyed in African Union (ibid.). In a nut shell, “The democratic principle which lay at the foundation of the Eritrean government – a principle which could not be constitutionally amended – was thus subverted extra-constitutionally” (Eritrea and the Right of Self-determination, 1982, p. 40). On the balance, this indicates that Ethiopian government had made all forms of violations to the extent of tempting the very continuity of Eritrean identity.

The question is, what has the UN done to safeguard its own resolution thereby to maintain peace in the region? The UN chose not to utter a word. “One of the interpretations of United Nations silence on the issue is that the world body was preoccupied with more sensational political crises” (Serapiao, 1987, p. 6). Similarly, Killion (1986) wrote, “Furthermore, the UN steadfastly refused to reopen the Eritrean case, even after unilateral annexation by Ethiopia in 1962” (p. 83). Any attempt toward forcing and subjugating a given people or nation, be it from overseas or neighboring countries, is by definition colonialism. Reviewing the book authored by Habteselassie Abdelaziz (1991) concludes that because the problem was created at the UN it had to be resolved there. However, the UN seems to have chosen not to by failing to take its responsibility. This may lead us to comment either the UN was happy with the federal abrogation or there was the involvement of mighty powers, principally, the USA, as is already explicitly stated by many authors to let Ethiopian illegitimate action, minimum, remained unquestioned.

Then what is the proper reading of UN silence? The issue seems to be complex. Although it is not warranted to jump in to conclusion, considering its global role and mission in one hand, and as the sole engineer and author of the federal system on the other hand failure to respond sounds explicit negligence.

Created on May 25, 1963 OAU<sup>19</sup> has decided to honor the territorial integrity of its sovereign members as they were in 1963 (Tseggai, 1976). Nevertheless, OAU too was reluctant to intervene in the Eritrean case for two principal reasons. First, members were fearful of potential secessions for self-determination in their respective countries. Second, Emperor Haile Selassie has ‘annexed’ Eritrea one year ahead of the inauguration of OAU - a failed strategy which already was attempted by Portuguese, with respect to its former colony, right before the birth of the UN (Eritrea and the Right to Self-determination, 1982) and (Keller, 1991). OAU’s silence seems to have legitimized Ethiopia’s occupation of Eritrea which, for Keller, was a form of traditional colonial status (ibid.). Reviewing the book written by Iyob, Keller (1996) explicitly states the criticisms advanced by the author against the UN and OAU. Here, one point merits clarification. The case of Eritrea seems to be special in the sense that it had clear and longtime colonial history followed by federal relationship with Ethiopia. Hence, African leader’s (alternatively OAU), fair stance (action) on the Eritrean case could have hardly created a bad precedence which they feared of plaguing their respective countries. One hard rule for precedence is that similar facts lead to similar results. Thus, given the uniqueness of Eritrean case, it would not have created the consequences which African statesmen had feared of.

Scholastic literatures on the Eritrean case tell us that great powers have intervened to assist Ethiopian successive governments with a view of crushing Eritrean movements. Their help, obviously, was much of military. This was part of their cold war rivalry and fight. When Ethiopia annexed Eritrea USA voiced no objection (Warren H. W., 1976). He adds, “...the U.S. supports the Ethiopian military government by sending munitions to prolong the war. It is certain that Eritreans will neither forget nor forgive” (p. 53). The USSR too has offered massive military support to Ethiopian government. “It provided weapons worth \$38 million to Ethiopia in 1977” (Ahmar, 1984, p. 57). This kind of action by the USA and USSR (and others also like Cuba and East German) contradicts many international instruments, *inter alia*, the UN Charter on maintaining international peace and other conventions on human rights.

Thus, if the outside powers have chosen to remain silent when Ethiopia abolished the federal system on the belief that it was Ethiopia’s internal affairs then why did they choose to intervene militarily to assist Ethiopian army. This sheds light on why they ignored the true wishes of the Eritrean people in the first time, 1940s.

Forceful and unilateral abrogation of the federal laws, in an attempt of establishing a unitary system, could hardly take the two parties forward, unitary. This is against the very basic principle of

<sup>19</sup> Organization of African Unity re-named itself as African Union since July 9, 2002.

municipal and international law. "...Eritrea cannot be deemed to secede from Ethiopia as long as no legally recognized or legitimate union in the name of federation did exist" (Teklia, 2017). Legally speaking, it is unheard of to create a legal right by an illegal act. "It is only in the realm of 'might is right' that an illegal act gives birth to a legal right" (Mellakh, 2017). Thus, an illegal removal of the federal laws could not take the parties away from their federal relationship. But, once the UN had appeared to have affirmed the dismissal of the federal laws by its mere silence, then it is possible to argue that the parties are once again back to their pre-federal status. Thus, there is neither the entity to secede from nor the entity to secede: phenomena that favor the colonial argument.

#### 10. Post-colonial

Eritrea, 1991, liberated, militarily, itself from Ethiopia, and many expected that it would be the master key for a stable and peaceful Horn of Africa (Pateman, 1991). When Eritrea, as a normal procedure for independence, planned to conduct referendum, the UN also made preparations to monitor the process. "The United Nations Observer Mission to verify the Referendum in Eritrea (UNOVER) was established on 16 December 1992. It deployed observers in all districts of Eritrea and covered most of the 1,014 polling stations" (Eritrea: Birth of a Nation, 1993, p. 112). In May 1993, Eritrea joined the UN as a new sovereign state.

Up on independence, like all other African boundaries, Eritrea's colonial border was invoked and legitimized. This seems to perfectly strengthen the colonial argument. A great deal of Ethiopian intellectuals in exile, opposing Eritrean independence, declared that "...for 4,000 years Eritrea and Ethiopia have been identical in their historical development, identical in the defense of the Ethiopian and Eritrean region" (Pateman, 1991, p. 44). This indicates that the secessionist argument was kept in post-independent Eritrea. Probably, it was the presence of such kind of sentiments that lead the two countries once again in to war, 1998. Through the Algeria Comprehensive Peace Agreement, 2000, a truce was signed and boundary commission was setup:

"The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 102 and 1908) and applicable international law. The Commission shall not have the power to make decisions *ex aequo et bono*." (Plaut, 2005-2006, p. 179) Undoubtedly, this cements the colonial argument beyond any reasonable doubt.

#### 11. Conclusion

Based on the review of previous works done on the subject, the researcher finds three principal layers around which the colonial vs secession debate has been argued. These are pre-colonial, colonial, and post-colonial<sup>20</sup>. Once inside, the researcher further finds, both colonial and secession lack homogeneity. Comparatively speaking, the level of such internal divergence is deeper within the secessionist side than with their colonial counter parts. The debate has been both on material facts and applicable laws.

It is notable that much of the customers of the secessionist argument try to advance their argument based on a 'pre-colonial grounds'. Nevertheless, relevant historical facts on the issue testify that each, 'Eritrea' and 'Ethiopia', were highly divided, let alone to have existed as a single unit. Besides, the secessionist side seems to presume that the state of Ethiopia has existed for thousands of years. Nevertheless, considering the history of modern sovereign state, Westphalia Treaty (1648), this is not tenable.

Throughout the colonial period, too, (1557 – 1941), Eritrea constantly stayed under successive European powers. By contrast, during this period, Ethiopia was an independent Empire. Ethiopia is often cited as a symbol of a country which remained immune to European colonialism. Suffice to say that their respective stories, colonial (Eritrea) vs independent (Ethiopia), speak louder than words. In this connection, the principal source of contention is the issue of the effect of colonial legacy. Irrespective of their arbitrary

<sup>20</sup> Post-colonial time refers to the transitional period (1941 – 1952) and Ethiopian colonial period. For the sake of objectivity, in that it is the main question around which the whole debate runs, that the 'post-federal period' is employed.

nature, African borders are colonial borders. African states have endorsed this through their OAU. Moreover, the question of consent in an international treaty was immaterial until before the Vienna Convention of the 1969 where this element of consent was added in order to qualify a treaty as binding between the parties. Therefore, secessionist's attempt of invalidating the Witchale treaty does not help. The implication and consequence of colonialism is that an international legal border was drawn between two entities, Ethiopia and Eritrea. While the colonial side had produced much work indicating the unfair treatment of Eritrea and Eritreans under the UN system which finally culminated by federating Eritrea with Ethiopia, the secessionist side gives much focus to the end result, i.e. federation than to the process that led to it. Much of the literary works which the researcher has thoroughly examined indicate that the case of Eritrea was not met with due treatment under the UN system. In this regard, the researcher concludes, by virtue of their colonial history and their wishes for independence, Eritreans had to be granted independence.

Resolution 390 A (V) and the federal laws drawn therefrom were openly and forcefully dismissed by the Ethiopian Emperor in an attempt to annex Eritrea. The illegality of such act against the laws made by the Security Council, through the GA (Resolution 390 A (V)), is beyond any reasonable doubt. And, per this research, no attempt was made by the UN to curb Ethiopia's violation of international law even when Eritreans notified the UN. At this critical juncture in time, legally speaking, as Habtesilassie has rightly argued, it cannot be said there remains any legal relationship between Eritrea and Ethiopia. This is primarily because the only legal instrument, federal arrangement, which previously had linked Eritrea and Ethiopia was no more in place. Then, any forceful or coercive military or otherwise, attempt to dominate and rule Eritreans by Ethiopian government would be nothing less than colonial act. To the extent that it was an illegal act, Eritreans deemed to have the right to defend themselves from colonial occupation. Thus, the proper characterization of the Eritrean armed struggle for independence was one of colonial than secession. This is because for a secession to occur; first, the existence of legally one sovereign state must be established; second, an attempt by any group or movement to secede in order to create an independent sovereign state. The secessionist cannot establish these two elements. Thus, the researcher submits, the Eritrean armed struggle was a struggle against colonialism. In effect, recent subscriptions of some international publicists to the secessionist side, given the legal weight of their work, may unnecessarily/wrongly feed in to the agenda of some political dissidents in the region thereby lead to destabilization.

## 12. Recommendation

Based on the examinations made and the conclusion reached therefrom, it does not take much to feel the bias manifested by most of the essayists on the colonial vs secession argument. This is, probably, because they were produced while active war was going on between Eritrean armed struggle and Ethiopia. Much of them are deeply charged, if not overwhelmed, with propaganda tones. Thus, the researcher recommends that readers should use a very critical lens of their own rather than consume them indiscriminately. More specifically, considering the legal weight entrusted to their literary works, per Art. 38 (1) (d), this recommendation is geared to international publicists to re-consider their subscriptions to the secessionist line lest the legal authority vested /entrusted on/to them be compromised.

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## **Informed Consent in Building Big Data in Healthcare: The Essential Role of Hubs in Curating and Disseminating Knowledge**

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### **Abstract**

This article discusses a practical way to secure informed consent from contributors of big data in healthcare. The prevailing method of obtaining patients' informed consent to their medical treatment is "process-based informed consent." That is, a patient's informed consent is built through continuous communication between the patient and their medical team, rather than a physician's explanation and a patient's written consent isolated from their continuous communication. In contrast, the contributors of data and the builders or users of big data have little opportunity for continuous communication between them. However, this hardly justifies the builders and users of big data in healthcare to undermine the informed consent of contributors. The authors attempted to find a practical way in which we can substantialize informed consent in the course of building big data in healthcare. In order to discuss this matter, the authors employed simplified social network models, as well as conducted intensive interviews with a group of practicing lawyers. By these means, the authors found that continuous diffusion of knowledge through hubs, which curate and disseminate newly developed knowledge, in information networks to citizens effectively assists contributors, builders and users of big data to give and gain substantial informed consent.

**Keywords:** *big data, healthcare, informed consent*

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### **1. Introduction**

The social benefit of building and using big data is widely recognized, and governments are encouraging the development of big data industries (*See e.g.*, METI, 2016; NITRD, 2016). Big data is considered highly beneficial in the medical and healthcare sector for several reasons, especially when artificial intelligence (AI) is employed in its analysis. First, there are much empirical knowledge concerning treatment, but little scientific evidence (*See e.g.*, Dutfield 2004). Big data analysis is expected to accelerate the finding of such evidence (*See e.g.*, IBM, 2017). Second, big data analysis of genes, lifestyle, diet, etc. is expected to be able to make new discoveries, such as the causes of the different impact of specific diseases on patients (*See e.g.*, Newsweek, 2015). Third, big data analysis is expected to be able to identify a specific piece of pertinent knowledge from among numerous pieces of knowledge, such as the identification and diagnosis of a tumor (*See e.g.*, Engadget, 2016).

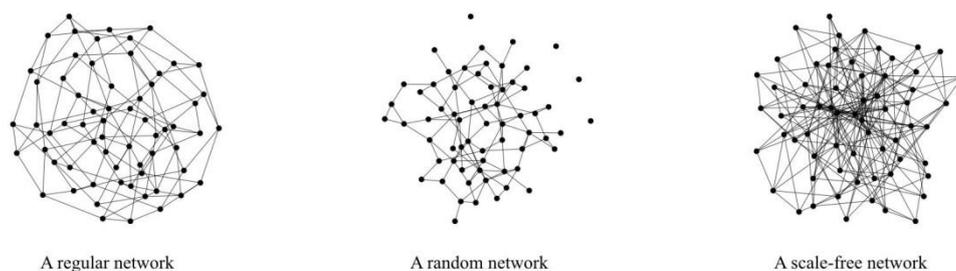
A major part of big data used in the healthcare sector is comprised of the personal health data of contributors who are ordinary citizens. Accordingly, it is impractical to build big data without obtaining the consent of the contributors. Moreover, in order to prevent the frustration, resentment or objections from the contributors that may occur later, and is likely to cause disputes between contributors and the builders or users of big data, the contributors' consent must be satisfactorily informed consent. "Informed consent" in medicine and medical research has been incrementally developed through years of discussion (*See e.g.*, Berg et al., 2001). In contrast, "informed consent" in the context of building big data in healthcare is not much discussed, or even deemed as being detrimental to building big data, although such a cynical view is criticized by some authors (*See e.g.*, Ioannidis, 2013). In light of the aforementioned background, there is an attempt to find a way in which the builders or users of big data in healthcare can secure informed consent from the contributors of data.

## 2. The Development of Informed Consent in the Medical Sector

The concept of informed consent has been intensively discussed concerning the patient- physician relationship. Therefore, it is very helpful to examine the experience of medical and legal practitioners concerning legal disputes arising from unsuccessful informed consent when we consider informed consent in building big data in healthcare. In the legal disputes raised by patients against medical institutions, the patients often base their claims on the fact that they are imperfectly informed, or that the information given by their physicians misled them to have expectations that substantially deviated from the actual results of their treatments (*See, e.g.*, Osaka district ct., Sakai branch, 19 Dec. 2001, 1994 (wa) 1021, and Tokyo high ct., 18 July 2001, 2000(ne)3379 in Japan; *Canterbury v. Spence*, 464 F.2d 772 (D.C. 1972), and *Schloendorff v. Society of NY Hospital*, 105 N.E. 92 (N.Y. 1914) in the U.S.). In most cases, it is not possible for a physician to provide sufficient information to their patient by means of a one-time verbal explanation. A substantial informed consent is difficult to secure by means of a limited set of events, namely a physician's verbal explanation and the patient's signature on a consent form. However, a patient can be incrementally informed through the process of continuous and interactive communication with their medical team including the physicians in charge and paramedics. Thus, contemporary medical practice emphasizes not only "event-based informed consent" but also "process-based informed consent" (*See e.g.*, Berg et al., 2001).

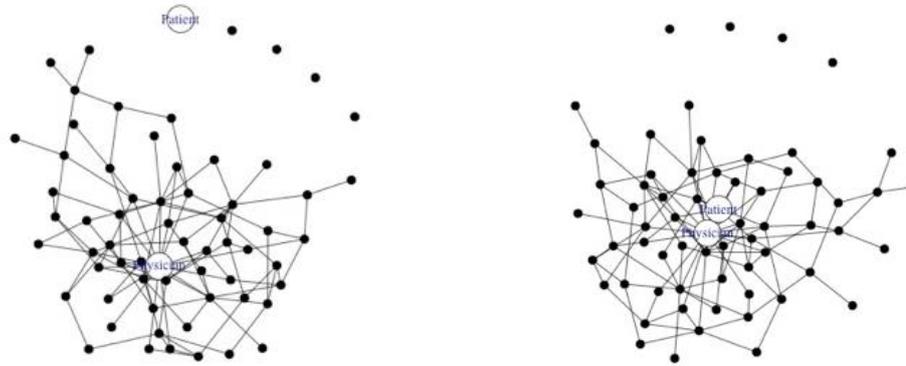
## 3. Hypothesis

According to the practice of social network analysis, a society comprised multiple actors represented by a network having multiple nodes, each of which corresponds to an actor (*See e.g.*, Scott, 2017; Prell, 2011). Assuming that the society surrounding and including a contributor of data and a builder or user of big data is represented by such a network, the relationship between a contributor and a builder or user is denoted by a pair of nodes chosen from such network. Obviously, an informed consent substantialized between such parties is characterized as cooperative behaviors between them. Also, it is known that cooperative behaviors between the nodes of a social network are most likely to occur in a homogeneous network, that is, a regular network, among three types of networks: regular, random, and scale-free, and least likely to occur in a heterogeneous network, that is, a scale-free network (*See Konno, 2011*).



**Figure 1** A Regular, Random, and Scale-Free Network

As outlined in Part 2 above, continuous and interactive communication between a patient and their team makes their own social network more homogeneous by filling the gap of knowledge between them, and substantializes the patient's informed consent. Figure 2 depicts a social network surrounding and including a patient, their physician (representing their medical team), and the sources of medical information. In the left graph of Figure 2, only the physician connected to the various sources of medical knowledge. This means the degree centrality of the physician is very high while that of the patient is very low. In the middle graph of Figure 2, the physician liaises the patient with multiple sources of medical knowledge. By this way, in Figure 3, the patient is also connected with such sources of medical knowledge. Finally, the degree centrality of the patient is increased and the heterogeneity of the network is alleviated. This seems to coincide with the knowledge concerning the cooperative behaviors between the nodes in a social network.



**Figure 2** A Physician Helps Patients to Connect Themselves with the Sources of Medical Information

According to such understanding, we would be able to help contributors and builders or users of big data to substantialize informed consent between them, by making the social network surrounding and including them more homogeneous. However, in contrast with the patient-physician relationship, there is little opportunity for the contributors and the builders or users of big data to have continuous and interactive communication because often their relationship is only through the Internet or even through electronic gadgets that automatically transmit the contributors personal healthcare data to the builder. Such limited (or even lack of) communication between the contributors and the builders or users requires the authors to consider another way, which is an alternative to their continuous and interactive communication, but is able to make the relevant social network more homogeneous.

The authors hypothesized that, the informed consent of the contributors to the builders or users of big data can be substantialized, even when a third party other than the builders or users provides the contributors with satisfactory knowledge about the attributes and behaviors of the builders and users, as well as the scope of their usage of big data.

#### **4. Method - Intensive Interviews with a Group of Practicing Lawyers**

In order to assess the viability of the said hypothesis, we need to survey human emotional behavior in consenting to contributing personal health data in building big data under diversified conditions, including the contributors' knowledge concerning the builders or users of big data, the usage of the data, the attributes of the builders or users, etc.

The authors deemed impractical to design a fair and transparent method to conduct an experiment on such emotional behavior because the knowledge of the examinees who play the role of contributors in experiments cannot be fixed or frozen. The knowledge of the examinees incrementally increases even during the experiment unless they are isolated from the actual society. Moreover, it should be noted that such isolation infringes the rights of the examinees.

A longitudinal survey on a very large number of people, each of which is a possible contributor of data, would be desirable, at least from a purely academic perspective. However, such survey would require the authors to become a big data builder and gain substantial informed consent from the interviewees. One of the reasons why this research is being conducted is to find a way to substantialize contributors' informed consent. It is believed that, at present, there is no means of gaining satisfactory informed consent from interviewees. It would cause our own moral risk to conduct a big data survey while we are unable to gain satisfactory informed consent from interviewees. Accordingly, such survey method should not be hastily employed.

In light of these considerations, multiple use-cases were prepared and each of them represents a specific case of collecting personal health data to build and use big data in healthcare, and conducted intensive interviews with a group of practicing lawyers to examine the concerns they raised with each of the said use-cases. Such method does not necessarily produce objective results. However, it is useful because the practicing lawyers have experience in predicting people's emotional response to specific conduct of the

industries involved. Also, the risk of gaining unsatisfactory informed consent from the examinees can be avoided because they also have expertise in protecting the rights of their clients, as well as of themselves.

### 5. Results

The authors prepared multiple use-cases combining the respective attributes of a builder, user and the usage of big data as itemized in Table 1. Each use-case describes a situation in which the personal healthcare data of the contributors is collected by builders of big data and utilized for academic, medical or industrial purposes. It is also assumed that any data is anonymized by the builder when it is disclosed to any party, unless explicitly granted by the respective contributors.

Interviews were conducted with eight practicing lawyers, who are members of the sub-committee for the research of trust law at the Legal Research Commission of the Daiichi Tokyo Bar Association of Japan (<http://www.ichiben.or.jp/english/>). They were requested to discuss and give their respective opinions on whether they had any concerns with the collection and use of data in the various use-cases, assuming that they themselves were the contributors of data. Also, they were requested to inform about their respective predictions on the probability that disputes between the contributors and the builders or users of big data would arise in each use-case. The interviews were conducted a total of 9 times (13th October, 10th November, and 8th December of 2016; and the 12th January, 19th February, 9th March, 13th April, 11th May, and 14th September of 2017), for a period of around 90 to 120 minutes each. The opinions of the interviewees did not divert from one another although it should be noted that their opinions could have been affected through their collective discussion.

According to the consensus of the interviewees, they had little concern and estimated a low probability of disputes arising when the identity and practice of both the builder and user of big data was well known to the contributors of data. The usage of big data was well within the contributors’ reasonable expectation, and the contributors could trust that the users of big data would not go beyond such expected usage. Also, their consensus indicated that the items marked with (A) in Table 1 would usually correspond to such acceptable builders, users and usage of big data. In addition, the interviewees reported that they were familiar with the attributes of or had substantial knowledge of the items marked with (A) through their personal or professional experience, as well as from newspapers, legal or other types of magazines, TV programs, and various websites. In contrast, they expressed much concern and estimated a high probability of disputes arising concerning use-cases that included any of the items marked with (C). For example, they expressed concern about the probability that a newly established fitness club would use big data in healthcare beyond the expected usage of big data. They pointed out that it was likely that the builders or users would notify the contributors of their scope of usage of big data in very general term, such as “any and all medical or healthcare research purposes.” They predicted a considerable probability of disputes arising between the contributors and the builders or users due to their different understanding about whether or not a specific usage of data fell within the notified scope of usage.

**Table 1** The Attributes of the Builders, Users and Usage of Big Data Included in the Use-Cases

The Builder of Big Data	The User of Big Data	The Usage of Big Data
- A health check-up company continuously employed by the contributor’s employer (A)	- A health check-up company continuously employed by the relevant contributor’s employer (A)	- To provide health guidance or medical care directly to the contributor (A)
- A PHR (Personal Healthcare Record) service provider contracted directly by the contributors	- A PHR service provider contracted directly by the contributors	- To provide health guidance to the contributor’s employer (A)
- A well-known academic research institution (A)	- A well-known academic research institution (A)	- To conduct academic research (A)
	- An established pharmaceutical company (A)	- To publicize the product of academic research in an academic journal (A)
	- A food company	- To publicize the product of academic research in a newspaper
	- A fitness club with a national brand	- To develop medical drugs (A)
	- A newly established fitness club (C)	- To develop health food
	- An insurance company	- To develop and provide fitness programs
	- A personal healthcare device production company	- To develop insurance products
	- A health insurance union to which the contributor belongs (A)	
	- The contributor’s primary care physician (A)	

## 6. Discussion

The responses of the interviewees were summarized as follows:

1) They had less concerns and estimated a lower probability of disputes arising between the contributors and the builders or users of big data, when the contributors had substantial knowledge about the attributes and behaviors of the contributors and the builders, as well as the scope of usage of the data.

2) They had greater concerns and estimated a higher probability of disputes arising, when the gap in the knowledge level was substantial between the contributors and the builders or users. These findings suggest that the contributors informed consent is likely to be substantialized, if the relevant information is diffused through the society surrounding and including the contributors, builders and users, and, in this way, the society is more homogeneous from the perspective of the respective parties' knowledge level.

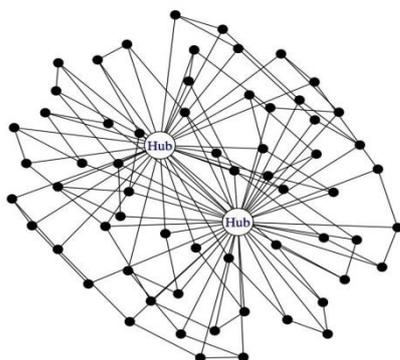
The interviewees also indicated that their knowledge about builders, users and usage of data was possibly derived from a source other than the builders or users. This suggests that such knowledge is likely to alleviate contributors concerns, irrespective of whether the knowledge is provided by the builders or users, or some other sources. This suggestion generally coincides with the hypothesis that the informed consent of the contributors of data to the builders or users of big data can be substantialized, even when a third party other than the builders or users provides the contributors with satisfactory knowledge about the attributes and behaviors of the builders and users, as well as the scope of their usage of big data. The understanding on cooperative behaviors in a social network, which the authors employed to present the said hypothesis, did not take into consideration the possibility that the respective nodes would deem the same society as having different geometric structures. However, the interviewees pointed out the substantial probability that the society surrounding and including the contributors, builders and users of big data would be deemed heterogeneous by the contributors, but homogeneous by the builders and users. According to this observation by the interviewees, the probability that the builders and users would provide the contributors with only unsatisfactory information is estimated as very high. In order for the contributors to become satisfactorily informed, the role of third parties diffusing qualitative information through the society is essential. Therefore, the authors consider that our hypothesis should be adjusted to emphasize the role of such third parties to enhance the knowledge level of the citizens concerning the attributes and behaviors of the builders and users of big data, as well as the usage of data and its advantages and disadvantages to the society and the respective contributors of data.

## 7. Conclusion and Future Work

The discussion above clarifies the problems that the authors have to overcome in order to substantialize contributors informed consent. The authors have to enhance the knowledge level of citizens, every one of whom is very likely to become a contributor to big data in healthcare. However, it is not practical to expect the builders and users of data to convey satisfactory information to citizens. Accordingly, the authors have to depend on other means to diffuse information through the society.

It is known that the spillover of knowledge is most likely to occur in a heterogeneous network (that is, a scale-free network), and least likely to occur in a homogeneous network (that is, a regular network among the three types mentioned) (*See Konno, 2016*). In other words, knowledge is likely to spillover from a node with higher degree centrality (that is, a node connected with a greater number of nodes) to nodes, each of which has lower degree centrality (that is, a node connected with a smaller number of nodes). A new piece of knowledge created by a node with lower degree centrality is not likely to reach most of the nodes, until it is once curated by a node with higher degree centrality, which, in turn, diffuses the same piece of knowledge through the social network. This understanding of the mechanism of the spillover of knowledge coincides with ordinary experience. That is, most knowledge is derived from schools, publishers, newspapers, TV programs, curation websites, search engines and Wikipedia, or articles at SNS attracting much attention of followers. Most people have very low degree centrality while each of these sources of information has very high degree centrality. In order to substantialize the contributors' informed consent, the authors have to rely on such sources of information, or, in other words, hubs in the network to curate and diffuse knowledge (Figure 3). The irony is that the authors have to depend on a "heterogeneous" network to diffuse knowledge, in order to make the society surrounding and including the contributors, builders and users of big data more "homogeneous."

Unfortunately, the quality of information disseminated by hubs is not necessarily warranted. Objections to the appropriateness of such information can be raised by many persons, but most of them have much lower degree centrality. So, it cannot be expected that such objections will prevail and overwhelm the diffusion of incorrect information, unless such objection is curated and diffused by some other hubs. In Japan, a website called “WELQ,” which had curated and disseminated healthcare information, was closed by its operating company, DeNA Co. Ltd., in November 2016 (<http://dena.com/jp/press/2016/12/01/1/>), after criticism of the quality of such information became prevalent through other curation sites and social network services.



**Figure 3** Hubs in a Network

However, such self-cleansing mechanism is not necessarily warranted to work. Assuming that competition among hubs fails to promote dissemination of accurate information, the intervention by law to nudge hubs to disseminate more qualitative information is justified. The next problem to be solved by the authors is to design a legal framework to encourage the hubs to curate and disseminate qualitative information.

## 8. Acknowledgements

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## APPENDIX A

### RANGSIT JOURNAL OF SOCIAL SCIENCES AND HUMANITIES (RJSH)

#### ACKNOWLEDGEMENTS

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## APPENDIX B

### RANGSIT JOURNAL OF SOCIAL SCIENCES AND HUMANITIES (RJSH)

#### NOTE FOR AUTHORS

##### 1. Aims and Scope

*Rangsit Journal of Social Sciences and Humanities (RJSH)* is a multidisciplinary journal that aims to provide a high profile vehicle for publication of various new issues in different academic areas. The scope of the *Journal* encompasses, but not limited to, social science, humanities, and applied social science.

##### 2. Submission Deadline

Submissions are to be permanently open. A manuscript submitted between July 1<sup>st</sup> and December 31<sup>st</sup> will be considered for publication in the January-June Issue of the subsequent year whereas a manuscript submitted between January 1<sup>st</sup> and June 30<sup>th</sup> will be considered for publication in the July-December Issue.

##### 3. Categories of Articles

The *Journal* accepts the following types of articles:

1. **Research Articles:** A research article is a regular quantitative or qualitative article which aims to present new findings or interpretations.
2. **Notes or Address:** A brief record of something or speech written down that presents important issues.
3. **Review Articles:** There are two types of review articles: non-systematic (or journalistic) reviews and systematic reviews. Non-systematic or journalistic reviews provide a summary of evidence derived from primary studies that have been selected and synthesized according to the author's personal and professional perspective. Non-systematic reviews can cover a wide range of subject matter at various levels of totality and comprehensiveness. Systematic reviews, on the other hand, provide summaries of related primary studies that have been searched for, evaluated, and selected and reported according to a rigorous methodology.
4. **Innovations:** An innovation is an article which aims to present creative arts and designs, procedures or devices.
5. **Comments or Critiques:** A comment or critique is a short article that makes comments or replies to a comment on another article already published by this Journal.
6. **Book Reviews:** A book review is a short article that is written by a specialist and read by the general community. The aim of a book review is to give a brief summary of the book's strengths and weaknesses and to evaluate the book's overall usefulness to the audience it is intended for.

Research articles, review articles, and innovations should not exceed 15 pages of standard A4 paper using *RJSH* format. Notes, comments or critiques, and book review should not exceed 5 pages. Template for research articles is available at [www.rsu.ac.th/rjsh](http://www.rsu.ac.th/rjsh). All categories of articles must coincide with manuscript preparation instruction (see Manuscript Preparation Section).

##### 4. Editorial Policies

*RJSH* accepts only the work that has not been published; that is not under consideration for publication, elsewhere; and that its publication has been approved by all co-authors and the relevant authorities responsible at the institute where the work was conducted. Submission also implies that the authors have already obtained all necessary permissions for the inclusion of copyrighted materials, such as figures and tables from other publications. Previously published work will not be considered for publication. Submitting a copied piece of writing as one's own original work is considered plagiarism. The *Journal* is published by Rangsit University Press, Thailand. Contributions are in English. Copyright is by the publisher and the authors.

**Authorship:** *RJSH* expects that all of the authors listed on a manuscript have contributed substantially to the submitted paper. By submission of the manuscript, cover letter, and Copyright Transfer Agreement (CTA), the corresponding author affirms that all named authors have agreed to be listed as authors of the paper. Furthermore, by their signatures on the CTA, all authors affirm that they have both read and approved the manuscript, and that they take full responsibility for the content of the article.

**Review Process:** *RJSH* assumes responsibility for insuring that submitted manuscripts receive expert and unbiased reviews. *RJSH* strives to complete a peer review of all submitted papers and the publication of accepted manuscripts in a timely manner and to keep the authors informed of any problems with their manuscript. All submitted manuscripts are initially evaluated by the Editor-in-Chief in consultation with members of the Editorial Board before being sent for double-blind review. *RJSH* is under no obligation to submit every manuscript to formal peer review. Manuscripts that are judged by the editors to be inferior or inappropriate for publication in the *Journal* may, at the discretion of the Editor-in-Chief, be rejected without formal written reviews by referees. *RJSH* attempts to obtain at least two written reviews for each manuscript that is entered into the peer review process, although the Editor-in-Chief has the discretion to make final decisions about the disposition of a manuscript with fewer than two reviews. The reviewers' evaluations will be used by the editors to decide whether the paper should be accepted, revised or rejected. A copy of the referees' comments will be sent to the corresponding authors whose paper needs revision. All reviewers serve anonymously and their identities are protected by the confidentiality policy of *RJSH*.

**Confidentiality:** As is customary for the peer review process, *RJSH* holds the identity of authors and the contents of all submitted manuscripts in confidence until such time as the papers are published. This confidentiality extends to the comments of editors and reviewers that have evaluated the paper; these comments and reviews are released only to the corresponding author. Co-authors may have access to these documents either by obtaining them directly from the corresponding author or by submitting to *RJSH* a letter of request that has been signed by the corresponding author. Similarly, *RJSH* expects that editors and reviewers will maintain strict confidentiality of the authors' identities and the contents of manuscripts that they examine during the review process, and furthermore, will never disclose the contents (either orally or in writing) of documents related to the peer review of a manuscript. A violation of this policy is considered a serious breach of trust.

**Research Involving Animals or Humans:** Authors must state in the manuscript that the work was approved by, at least, their institutional ethical review board for any research involving human and animal subjects. These approvals are required for publication in *RJSH*.

## 5. Manuscript Preparation

**General Instruction:** Submit your manuscript in both PDF and MS word formats. Manuscripts are acceptable in both US and UK English, but the use of either must be consistent throughout the manuscript. Please note that the editors reserve the right to adjust style to certain standards of uniformity.

**Format:** Unless specified, type text with 10-point Times New Roman font on 12-point line spacing, with a 1.25 inch left margin, 1 inch bottom and right margin, 2 inch top margin, 1.2 inch header, and 0.6 inch footer. Main text is set in single column. First lines of paragraphs are indented 0.5 inch. For hard copy, use standard A4 paper, one side only. Use ordinary upper- and lower-case letters throughout, except where italics are required. For titles, section headings and subheadings, tables, figure captions, and authors' names in the text and reference list: use ordinary upper- and lower-case letters throughout. Start headings at the left margin. If you wish, you may indicate ranking of complicated section headings and subheadings with numerals (1, 1.1, 1.1.1). Try not to exceed three ranks. All pages must be numbered in the top right-hand corner.

**Title:** Use 11-point bold font on 12-point line spacing. The length of the title of the article must not exceed 2 lines. A title should be concise and informative. The alignment of the title is centered.

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than one author, separate each name by a comma (,), and identify each author's affiliation by superscript numbers at the end of the author's last name.

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**Keywords:** List up to 6 keywords and separate each keyword by a comma (,). The keywords should accurately reflect the content of the article. The keywords will be used for indexing purposes.

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**References in the Text:** To insert a citation in the text use the author-year system, i.e., the author's last name and year of publication. Examples are as follows: "Since Johnson (2008) has shown that..." or "This is in agreement with results obtained later (Benjamin, 2010)". For 2-3 authors; all authors are to be listed, with "and" separating the last two authors, for more than three authors, list the first author followed by et al. The list of references should be arranged alphabetically by authors' names. All publications cited in the text should be presented in a list of references following the text of the manuscript. The manuscript should be carefully checked to ensure that the spelling of authors' names and dates are exactly the same in the text as in the reference list. Responsibility for the accuracy of bibliographic citations lies entirely with the author(s). Citation of a reference as "in press" implies that the item has been accepted for publication. Authors are responsible for the accuracy of the content of the references.

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Author./ (Year of publication)./Title of Abstract (abstract)./*Journal Title*,/Volume(Issue),/Page number.

#### **Example:**

Clark, D.V., Hausen, P.H., & Mammen, M.P. (2002). Impact of dengue in Thailand at the family and population levels (abstract). *Am J Trop Med Hyg*, 67(2 Suppl), 239.

#### **Books**

Author./ (Year of publication)./Book Title./Edition (if any)./Place of publication:/Publisher.

#### **Example:**

Goodwin, C.J. (1995). *Research in psychology: Methods and design*. New York: John Wiley & Sons, Inc.

#### **Book Articles**

Author./ (Year of publication)./Article Title./Book Title (Page Numbers)./Edition (if any)./Place of publication:/Publisher.

**Example:**

Holland, J.L. (1973). Making vocational choice. *A theory of career* (pp. 43-49). New Jersey: Prentice-Hall.

**Conference and Seminar Proceedings**

To cite proceedings that are published regularly, use the same format as for a journal article. To cite proceedings that are published in book form, use the same format as for an article in a book.

**Dissertation or Thesis**

Author./ (Year of publication)./ Title of dissertation or thesis./ Type of Thesis./ Awarding Institution.

**Example:**

Norasingha, A. (2009). Expression and distribution of mucorinic receptors in hepatic composite of the cirrhotic rats. A thesis for the degree of Master of Science in Biomedical Sciences. Rangsit University.

**Editorials**

Author./ (Year of publication)./ Title of Editorial (editorial)./ *Journal Title*,/ *Volume*(Issue),/ Page numbers.

**Example:**

Fisher, R.I. (2003). Immunotherapy in Non-Hodgkin's lymphoma: Treatment advances (editorial). *Semin Oncol*, 30(2Suppl 4), 1-2.

**Journal Articles**

Author./ (Year of publication)./ Article Title./ *Journal Title*,/ *Volume*(Issue),/ Page numbers.

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- Leelawat, S., Leelawat, K., Narong, S., & Matangkasombut, O. (2010). The dual effects of delta 9-tetrahydrocannabinol on cholangiocarcinoma cells: Anti-invasion activity at low concentration and apoptosis induction at high concentration. *Cancer Investigation*, 28(4), 357-363.
- Polk, A., Amsden, B., Scarrtt, D., Gonzal, A., Oknamefe, O., & Goosen, M. (1994). Oral delivery in aquaculture. *Aquacult. Eng*, 13, 311-323.
- Seals, D.R., & Tanaka, H. (2000). Manuscript peer review: A helpful checklist for students and novice referees. *Adv Physiol Educ*, 22, 52-58.
- Srichandum, S., & Rujirayanyong, T. (2010). Production scheduling for dispatching ready mixed concrete trucks using bee colony optimization. *American J. of Engineering and Applied Sciences*, 3(1), 823-830.

**Letters**

Author./ (Year of publication)./ Title of Letter./ *Journal Title*,/ *Volume*(Issue),/ Page number.

**Example:**

Enzensberger, W., & Fisher, P.A. (1996). Metronome in Parkinson's disease (letter). *Lancet*, 347, 1337.

**Notes**

Author./ (Year of publication)./ Title of Note./ *Journal Title*,/ *Volume*(Issue),/ Page number.

**Example:**

Haier, R.J., Schroeder, D.H., Tang, C., Head, K., & Colom, R. (2010). Gray matter correlates of cognitive ability tests used for vocational guidance. *Biomed Central*, 3, 206.

**Unpublished/In Press Articles**

Author./ (In press Year)./ Article Title./ *Journal Title*./ (in press).

**Example:**

Veena, B. (2004). Economic pursuits and strategies of survival among Damor of Rajasthan. *J Hum Ecol*. (in press).

**Internet periodicals**

Author./ (Year of publication)./ Article Title./ *Journal Title*,/ *Volume*(issue),/ page numbers./ Retrieved mm dd, year, from the full URL of the web page

**Example:**

Adams, P.J. (2000). Australian economic history. *Journal of Australian Economics*, 5(2), 117-132.  
Retrieved June 12, 2001, from <http://jae.org/articles.html>

**Internet non-periodicals**

Author./(Year of publication)./Article Title./Retrieved mm dd, year, from the full URL of the web page

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Lemire, D. (n.d.). Write good papers. Retrieved July 1, 2010, from <http://www.daniel-lemire.com/blog/rules-to-write-a-good-research-paper>

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## 7. Manuscript Revision and Re-submission

There are four editorial decisions: Accept, Accept with Minor Revision, Resubmit with Major Revision, and Reject. A Reject decision is definitive and authors may not submit a new version of the manuscript to the *RJSH*. A Resubmit with Major Revision requires a major re-write of the manuscript and/or inclusion of significant new data, and thus the creation of a new manuscript, which will thus be assigned a new submission date. An Accept with Minor Revision decision implies that the paper can, in principle, attain the required standard of the *Journal* without major change. Editors may or may not have a revised manuscript reviewed (generally, by the original reviewers), in order to ascertain whether changes to the original manuscript adequately responded to the criticisms. If changes made do not result in a paper of the required standard, the revised manuscript will be definitively rejected. If a revised manuscript of "Accept with Minor Revision" is accepted, the original submission date will be retained.

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## 9. Further Reading

The following resources will provide valuable guidelines for the preparation of manuscripts.

Anonymous. (n.d.). How to write abstract. Retrieved January 17, 2011, from

[http://www.journal.au.edu/au techno/2006/jan06/vol9num3\\_howto.pdf](http://www.journal.au.edu/au techno/2006/jan06/vol9num3_howto.pdf)

Anonymous. (n.d.). How to write an abstract: Links and tips. Retrieved January 17, 2011, from

<http://research.berkeley.edu/ucday/abstract.html>

Koopman, P. (n.d.). How to write an abstract. Retrieved January 17, 2011, from

<http://www.ece.cmu.edu/~koopman/essays/abstract.html>

Lemire, D. (n.d.). Write good papers. Retrieved January 17, 2011, from <http://lemire.me/blog/rules-to-write-a-good-research-paper/>

Plonsky, M. (n.d.). Psychology with style: A hypertext writing guide. Retrieved January 17, 2011, from <http://www.uwsp.edu/psych/apa4b.htm>

Seals, D.R., & Tanaka, H. (2000). Manuscript peer review: A helpful checklist for students and novice referees. *Adv. Physiol. Educ*, 22, 52-58.

Jones, A., & Pham, H. (n.d.). Basic Referencing using the APA System, Teaching and learning unit, Faculty of Economics and Commerce, The University of Melbourne. Retrieved February 15, 2011, from <http://www.scribd.com/doc/57603066/A-Pa-Style>

## APPENDIX C

### RANGSIT JOURNAL OF SOCIAL SCIENCES AND HUMANITIES (RJSH)

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The length of the title of the article must not exceed 2 lines.**

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For abstract content, use 9-point Times New Roman font on 11-point line spacing. First line is indented 0.5 inch. An abstract of up to 250 words must be included. Include your major findings in a useful and concise manner. Include a problem statement, objectives, brief methods, results, and the significance of your findings.

**Keywords:** List up to 6 keywords and separate each keyword by a comma (.). The keywords should accurately reflect the content of the article. The keywords will be used for indexing purposes.

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#### **1. Introduction**

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R2			
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R5			
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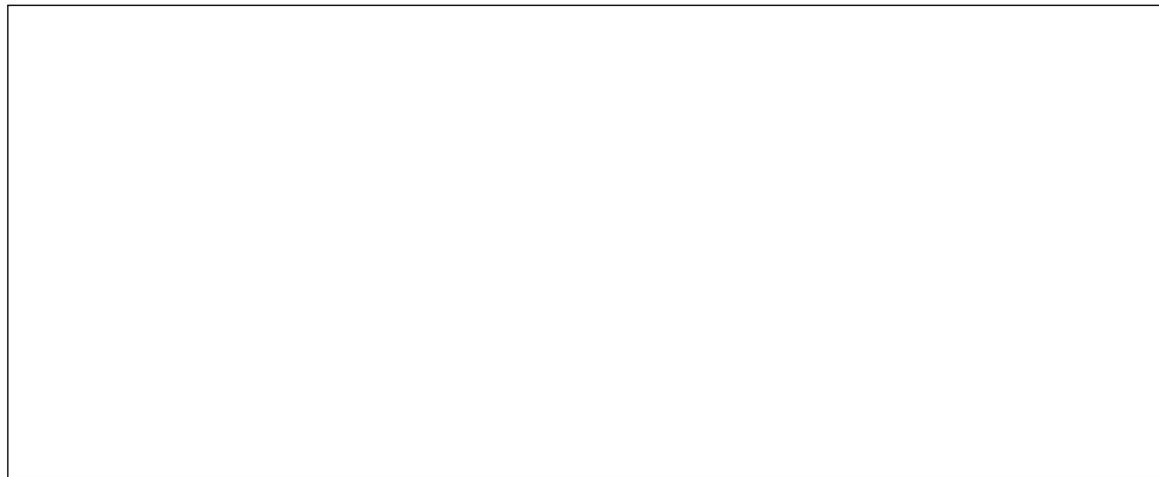
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**Figure 1** Figure caption

**Table 2** Table caption

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R1						
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**Figure 2** Figure caption

## 5. Discussion

The discussion should spell out the major conclusions of the work along with some explanation or speculation on the significance of these conclusions. How do the conclusions affect the existing assumptions and models in the field? How can future research build on these observations? What are the key experiments that must be done? The discussion should be concise and tightly argued. Conclusions firmly established by the presented data, hypotheses supported by the presented data, and speculations suggested by the presented data should be clearly identified as such. The results and discussion may be combined into one section, if desired.

## 6. Conclusion

The Conclusion section restates the major findings and suggests further research.

## 7. Acknowledgements

People who contributed to the work but do not fit criteria for authorship should be listed in the Acknowledgments, along with their contributions. It is the authors' responsibility to ensure that anyone named in the acknowledgments agrees to being so named. The funding sources that have supported the work should be included in the acknowledgments.

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Goodwin, C.J. (1995). *Research in psychology: Methods and design*. New York: John Wiley & Sons, Inc.

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### Journal Articles

Author./ (Year of publication)./Article Title./Journal Title./ Volume(Issue)./Page numbers.

#### **Example:**

- Leelawat, S., Leelawat, K., Narong, S., & Matangkasombut, O. (2010). The dual effects of delta 9-tetrahydrocannabinol on cholangiocarcinoma cells: Anti-invasion activity at low concentration and apoptosis induction at high concentration. *Cancer Investigation*, 28(4), 357-363.
- Polk, A., Amsden, B., Scarrtt, D., Gonzal, A., Oknamefe, O., & Goosen, M. (1994). Oral delivery in aquaculture. *Aquacult. Eng*, 13, 311-323.
- Seals, D.R., & Tanaka, H. (2000). Manuscript peer review: A helpful checklist for students and novice referees. *Adv Physiol Educ*, 22, 52-58.

Srichandum, S. & Rujirayanyong, T. (2010). Production scheduling for dispatching ready mixed concrete trucks using bee colony optimization. *American J. of Engineering and Applied Sciences*, 3(1), 823-830.

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Author./ (Year of publication)./ Title of Letter./ *Journal Title*./ Volume(Issue),/ Page number.

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#### **Notes**

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Haier, R.J., Schroeder, D.H., Tang, C., Head, K., & Colom, R. (2010). Gray matter correlates of cognitive ability tests used for vocational guidance. *Biomed Central*, 3, 206.

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