GRAY PATRONAGE: RETHINKING UNDOCUMENTED MIGRANT WORKERS’ PRECARIOUS LIVES ALONG THE THAI-BURMESE BORDER

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Chapter 1. Introduction

The first migrant community I visited in Mae Sot was a construction site located on a big plot of private property in a suburb area of the town. When riding a motorcycle on a secluded road to the site, we could see from afar a cluster of low-rise buildings standing out in the middle of vast crop plantation. In dry season, the property’s white brick fence reflected sunlight and shined in contrast to the dry, brownish, grassy field. But when the growing season resumed, the wall became mud-stained, and partly covered with goldish-greenish, tall sugarcane. The property was gated with a rusty metal entrance gate, which was closed at night time. A few of residents lived in a couple of old buildings closer to the rusty gate. But the construction site and shacks where all the migrant workers lived were located far back in the extension part of the property. After dark, dim lights from the shacks, and voices of workers chatting over dinner with, at times, the sound of television in the background made this part of the property an islet of lives in the middle of the unknown darkness. Every time Crystal, my first field assistant and I, visited this community (hereafter, referred to as the ‘Construction Community’), we tried to leave for the town before sunset because, as women, we both felt unsafe riding a tiny moped on such a secluded road in the dark. It was the sense of isolation that frightened us. But for Zin Min Naing, an undocumented construction worker in his early thirties who lived and worked on that site, this environment worked on his psyche the other way round. He saw this neighborhood a safe place—a secluded and remote place where the police rarely came to bother all the workers who did not have any legal documents.

Safety is being protected from danger. But what would be considered danger could be very problematic because, as we can see from the story above, this kind of judgment is largely
grounded in positionality of an individual, if not a particular group of people. Based on those judgments, one then thinks about the way in which he or she could be protected from those threats, and acts accordingly. Given the very subjective characteristic that the notions of safety and protection carry, when these issues come into question, one needs to ask fundamentally who protects whom from what. The subjectiveness of the notion of protection was substantially pronounced in the border town of Mae Sot, where Thai state authorities, local civil society, and ordinary borderlanders enacted different practices according to their different interpretations of the idea of ‘protection.’ In this thesis, I look at the ways undocumented migrant workers from Myanmar think about their livelihood situation, which is usually seen as precarious one, and how they manage to deal with it.

Grounded on the ethnographic research in multiple migrant communities in Mae Sot and its vicinity, this thesis aims at providing an alternative narrative about the undocumented migrant workers’ livelihood situations, in which the workers themselves have often been portrayed as victims of exploitation by their employers. Through the course of this exploration, I argue that the migration experiences of undocumented migrant workers to pursue economic goals in Thailand is an informed risk taking and survival strategy. In addition, I argue further that undocumented migrant workers depended on their Thai employers in terms of alternative form of protection, as well as livelihood necessity, in order to alleviate vulnerabilities from their unauthorized migration. These practices or interactions between both parties created a more complicated relationship than merely the labor exploitation as often referred to in the studies of labor migration. The dependency on their Thai employers is by no means the optimal choice for migrant workers. However, it is an available option for those who cross the border with aspiration, but without authorization.
The border boomtown of Mae Sot, is known as ‘Little Myanmar’ as population of peoples of Myanmar ostensibly outnumbers the registered Thai population. The majority of this migrant population are undocumented workers in the factory, agriculture, and service sectors along the Thai-Burmese border. Similar to their migrant counterparts in other parts of Thailand, these migrant workers work as low-paid labor in 3Ds -- dirty, difficult, and dangerous— jobs that Thais are no longer willing to do. Migrant workers from Thailand’s neighboring countries namely Myanmar, Lao PDR, and Cambodia, have become crucial driving forces for the country’s economic growth. Mae Sot is not an exception. Moreover, the town has become a hot spot for Thai labor-intensive industry such as textile, garment, and processed food manufacturing since the 1990s. Despite their remarkable contribution to the country’s economic growth, these migrant workers are more often than not regarded as alterity — “illegal to the state; otherness to the nationhood” (Tangseefa, 2015, 80). From the statist viewpoint, they are illegal immigrants whose entry to Thailand are not authorized. They are unregulated, thereby threatening the country’s national security. As a security-sensitive space, it is common in the border town of Mae Sot to see the state authorities setting up checkpoints on the roads to investigate passersby in order to forestall disruptive crimes against the country’s national security and territorial integrity. But usually passersby are either migrant misdemeanors who are charged for violating traffic laws, or petty border-crossers who do not have proper immigration documents (Boonyawat et al., 2008, 44). From civil society viewpoint these undocumented immigrants, assumed to be low-paid workers in local business sectors, are vulnerable and marginalized due to their lack of legal status and thereby rights protection. They are subject to abusive treatment by both corrupt state authorities and exploitative business communities. Many feel powerless to redress injustice done to them.
In the 2014 *Trafficking in Persons (TiP) Report*, an annual report on human trafficking by the U.S. State Department, Thailand was automatically downgraded from Tier 2 Watch List to Tier 3, the lowest rank, after the country has been ranking in Tier 2 Watch List for four consecutive years. The report cited long list of incidents and conditions in which immigrants from Thailand’s neighboring countries were among the most vulnerable groups at risk of being trafficked and exploited. The Thai government responded to the downgrade by setting the problem of human trafficking an urgent national agenda, and promising to address related issues, including the chronic problem of undocumented migrant workers in the country. There were many steps taken in action that go beyond the scope of the topic discussed here. However, regardless of the problematic seemingly clear-cut boundaries between human trafficking and human smuggling that the governments and other stakeholders hold, one can see that the Thai government tried to convey a message of their sincere and serious effort in tackling the problems and protecting the victims.

Mae Sot, known as a ‘port of entry’ for illegal immigration and a hub of Thai labor-intensive industry, became another venue where government authorities and labor rights advocates, materialize discourses of security and protection. The provincial branch of Ministry of Social Development and Human Security along with its non-governmental partners held a number of workshops and public events aiming at raising awareness of human trafficking among risk groups such as young migrant workers and teenage students in Mae Sot. The Immigration Police enhanced their cross-border cooperation with their Burmese counterpart, claiming to better battle against human traffickers. In the business sector, where labor exploitation has been a prime concern for human rights advocates, extravagant anti-human trafficking banners were hung in front of many factories throughout the town, showing the industry was also eagerly to
comply with the urgent national agenda. At the same time, Mae Sot-based civil society, who have been critical about the roles of the Thai government and the business sector in protecting human rights of the workers, incessantly continued their advocacy and empowerment campaigns through multilevel networks and collaboration.

Outside observers and academic analysts alike have portrayed irregular migration as a challenge for the states. Such portrayals often focus on: the unregulated aspects of phenomena such as human smuggling/trafficking; impacts or burden on the hosting countries’ resources such as public health and education management; and vulnerabilities of migrants whose rights are deprived due to their lack of proper documentation. All of these emphases make it seem as though border migrants are either threats to the state or benighted victims. However, such views often fail to see the problem from the point of view of the migrant workers themselves. Situated in the social and political contexts in which human mobility is regarded as either an organized crime or as a form of chaos that needs institutional intervention and protection, my research looks at the experiences in cross-border migration of ordinary peoples like Zin Min Naing, whose decision to cross the international borders for better economic opportunity, rendered them a national threat in the eyes of the state, and a benighted victim in the eyes of civil society. Although the labor rights violations and protection mechanisms are valid concerns, it is important to rethink their situations on the Thai side of the border, and to understand the situation from the worker perspective. This is because different positionalities shape different ways people interpret the situations in which they are, and the voices of undocumented migrant workers are usually underheard when it comes to the discussion about labor rights issues, despite the fact that those migrant workers are the prominent stakeholders.
Centered on undocumented migrant workers’ aspirations to live and work on the Thai side, this research tries to answer an overarching question of how undocumented migrant workers in Mae Sot cope with their insecurity or vulnerability caused by their illegality. This overarching objective leads to an exploration into the lives of undocumented migrant workers in two aspects: the alternative form of protection and assistance and benefits that support their livelihood. These are what the migrant workers seek to cope with the vulnerabilities they perceived in their life and livelihood situations. Understanding these practices will show the social dynamics between groups of stakeholders through the lens of undocumented migrant workers, the most vulnerable stakeholder in the labor migration and labor exploitation narratives.

Methods and Limitation

This thesis research originated from my involvement in research projects on the Thai-Burmese border issues, prior to my time in graduate school. The data used in this master thesis research was collected originally for the “Mae Sot SEZ: Implications of Global/Regional Integration for Workers, State, and Region,” led by Dr. Decha Tangseefa, Thammasat University, and funded by the Thailand Research Fund. The data collection process lasted sixteen months from April 2014 to July 2015 and involved four field workers, including me. My involvement in this project as a fieldwork took six months in total, but it is separated into two sessions: April – June 2014 and May- August 2015. During the ten-month interval, the other three Thai fieldworkers were in charge at different time throughout the period. When the data collected by the other three Thai fieldworkers is used in this thesis, their names will be cited properly.
On my part that was developed into this thesis research, I conducted fieldwork in eight migrant communities in Mae Sot and its adjacent areas. I approached migrant communities through the network of community-based organizations (CBOs) and research institutes providing low-cost or free-of-charge health care to migrant population in the Thai-Burmese border areas. The key methods used in this research project were interviews and participant observation. The priority in this project was undocumented migrant workers who worked for Thai employers. However, I also approached and interviewed Thai employers, civil society, and local government official in order to gain more comprehensive understanding of the situations. For migrant workers, mostly house visits and interviews took place in the informats’ communities, outside their work hours in order to prevent potential adverse effects from their employers. Therefore, participant observation in workplace where the workers and the employer were present altogether was limited. However, I got an opportunity to participate in and observe social lives of migrant workers on many occasions ranging from house visits and chatting to attending religious ceremony. Throughout the two phases of my fieldwork, I worked closely with three field research assistants whose first language was Burmese, and gained assistance from them in at least two capacities: translation from either Karen or Burmese to either English or Thai; and suggestions and comments on culturally and politically sensitive issues ranging from gift giving to local politics among migrants.

Apart from the collaborative nature of the fieldwork, I would like to address an ethical concern regarding my language capacity. As I mentioned previously, the majority of the interviews were conducted in either Burmese or Karen and then translated into either English or Thai, depending on the language competency of the three field research assistants, all of whom I am very grateful to work with. Given the dynamics of the medium of communication, I am fully
aware of the politics of translation and interpretation. Hence, I try not to use direct quotes unless I received the quote in the languages of which I am capable. Otherwise, the quotes translated from either Burmese or Karen were cross-checked with the field assistant who conducted in translation during the interview to lessen the gap of meanings between languages.
Chapter 2. Literature Review

_Migration and Institutional Intervention_

In 2014 the International Labor Office (ILO) estimated the total number of international migrants to be around 232 million, and more than ninety percent of them were migrant workers and their families. (ILO, 2014) Given the magnitude of human mobility in the twenty-first century, International Organization of Migration (IOM) expected an increasing volume of ‘mixed migration,’ or “the complex population movements including refugees, asylum-seekers, economic migrants and other migrants.” (IOM, 2010, 6) This IOM new topic of discussion is also concerned with ‘irregular migration.’ The term ‘irregular’ is used apparently as the politically correct one, compared to the other-- ‘illegal.’ However, the connotation of the term ‘irregular’ denotes domination of the nation-state in the globalized world. It suggests that human mobility without state authorization is not a normative phenomenon. Scholars from various of disciplines focus on the study multi-facets of irregular migration, the one that does not conform with laws and regulations established by the states. Lindquist (2009) shows the ‘wild’ aspect of irregular migration in the context of the Growth Triangle, a regional economic cooperation between Singapore, Malaysia, and Indonesia. Donnan and Wilson (2010) argues that human migration more often that not challenges or stresses the nation-state and its will to control.

On the other side of the wild adventure, there is price to pay for people who are not obedient to the regime. Migrants who enter without authorization to a foreign country where they are not citizens to, are vulnerable and susceptible to exploitation and if not prosecution. Their presence in the foreign country is legally invisible to the state. Therefore, their rights are not guaranteed to be protected unless the hosting state upholds and enact its policy based on the universal human rights principles (Tang, 2005). scholars influenced by Italian philosopher
Giorgio Agamben such as Tangseefa (2010), Nair (2009), and Rajaram and Grundy-Warr (2004) employ the term ‘bare life’ to describe unauthorized border-crossers whose lives are excluded from the state’s recognition and protection. A quantitative study by Avota et al. (2009) suggests that three fourth of global migrants, mostly traveling between developing countries, do not have access to formal social protection, and that they need to depend on informal networks and self-insurance to minimize risk. Given the vulnerability of irregular migrant workers, scholars working on labor migration in different geographical regions often advocate for the migrant workers’ rights protection. For example, in a study on migrant domestic workers in the European context, Kontos (2013) calls for the right to family for domestic migrant workers whose paid care-taking job requires their familiarization to the families they work for while rendering them defamiliarizing to their own families that were left at home while the workers came to work.

In this regard, migration is considered either a crime that needs to be controlled or a perilous phenomenon that needs institutional interventions. From the state's perspective, unauthorized migration should be subdued. From the human rights-based perspective, migrants, as human being, deserve basic and universal rights protection. Advocates have been successful in pushing forward international laws to guarantee the fundamental rights of migrants, regardless of their legal status, and these rights are written and endorsed in the UN The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. But the implementation or the act of ensuring human rights regardless of nationality is challenging. In addition, we can see that the designed mechanism does not fit the needs of people whom it aims to protect. While the state is believed to have an absolute power to provide, or revoke, legal protection to an individual it deems eligible or makes him or her ‘bare life’, protection granted by the state does not necessarily equate to the individuals’ security or lack of
vulnerability. As Parrenas (2010, 2011) argues, approaching the issues of marginalized migrants solely from a state-based framework could adversely affect them, and that the experiences of migration were perceived totally differently when agency of the migrants is in the foreground.

Parrenas (2011) studies Filipina hostesses working in nightclubs in Tokyo. In 2004 the US government declared this group of women the largest group of sex trafficked persons in the world. This move led to significant decrease in the number of ‘trafficked female victims’ from the Philippines to Japan. The government involved in the program regarded this decreased number as a victory against human trafficking. However, based on fieldwork with Filipina hostesses in red-light districts in Tokyo, Parrenas argues that most Filipina hostesses resented such program because, for them, migrating to Japan was an optimal solution to poverty back home in the Philippines. Moreover, Parrenas argues that these female migrants were actually not trafficked victims because they knew the conditions of the work awaiting in Japan before they had left the Philippines. In other words, these Filipina accepted such conditions at their own free will. Parrenas (2010) therefore proposes the concept of ‘indentured mobility’ as an alternative framework to address the experiences of these Filipina hostesses whose agency is also overlooked due to the statist discourse of human trafficking. Indentured mobility refers to “the process of migration as producing economic mobility at the cost of the migrant becoming an unfree laborer” (ibid, 328). This proposed framework is apt to reflect the Filipina migrants’ ability to make decisions while remaining effective in addressing their vulnerability. The concept also allows us to discern the experiences of Filipina hostesses where they are actually situated – the middle ground between human trafficking and labor migration.

Drawing from Parrenas’s study, I see it necessary to reinvestigate the labor exploitation complex in the Thai-Burmese borderlands from the perspective of undocumented migrant
workers, the most marginalized stakeholder in the labor exploitation narratives. Then a question arises. As Das and Poole point out: “…it is through the language of the state that anthropologists have traditionally constituted the tropes of social order, rationality, authority, and even externality for defining their subject” (2004, 5). How can we talk about legality and the protection mechanisms of undocumented migrants in the Thai-Burmese borderlands to account for the experiences of peoples who could not, and perhaps do not want to, follow the laws and regulations imposed on them by the states? In order to answer this question, I will investigate the labor exploitation complex that initially necessitates the calls for migrant labor rights protection mechanism in the next section. Then, I will propose the framework as the answer for the raised question.

*The Labor Exploitation Complex in Southeast Asia*

In Southeast Asia, migration is tied to the regional economic integration within the Greater Mekong Subregion, the geographical region that includes Southern China, Myanmar, Thailand, Lao PDR, and Cambodia. The term Greater Mekong Subregion was coined by the Asian Development Bank (ADB) with the aim to enhance regional economic cooperation that it believes will bring about development. (Asian Development Bank, n.d.) While the economic integration has been pushed forward by the regional governments with support from the ADB, the so-called cooperation, Gainsborough (2009) argues, has led to new forms of regulation and restriction targeting at the poor and marginalized. Labor migration is a topic high on the agenda as peoples of the region have gravitated to better economic opportunities provided by the governments’ regional initiatives. Thailand has become the key regional destination, along with Malaysia, for migrant workers.
A significant number of undocumented migrant workers, mostly from Myanmar has become visible in the Thai society since the 1990s when the Thai economy started to flourish as a result of the Thai government export-oriented economic policy. (Tang, 2005, p. 206) These undocumented migrant workers worked as low-paid, low-skilled labor in the 3Ds jobs—Dirty, Difficult, and Dangerous- and have become crucial driving forces for the country’s economic growth. However, due to their unauthorized migration to Thailand, these undocumented migrant workers are vulnerable and subject to abusive treatment. Many feel powerless to redress injustice. The precarious situation of Burmese migrant worker has consequently drawn the attention of scholars from various discipline particularly scholars from labor migration studies.

Even though scholars share similar concerns regarding unfair wages, poor working conditions, and worker rights violation, they approach the precariousness of these migrant workers from different perspectives. They tend to regard the vulnerability of migrant workers as a result of the complex entanglement of globalization, regionalization, and state policies. In this narrative, development in transportation and communication technology enables unprecedented flows of capital, people, objects, and ideas across the globe. The state is driven by its aspiration to be involved and benefit from such global and regional phenomena. Therefore, it tries to facilitate flows of cross-border investment, as well as promoting regional economic integration, which eventually negatively impacts vulnerable and marginalized peoples at the local level. Arnold and Pickles (2011) encapsulate the labor exploitation complex in this way: “...regionalization [shapes] new forms and practices of governance and biopolitical production by creating precarious migrant labor force in Greater Mekong Subregion” (ibid, 1599). In the case of Thailand, the outcome of such process is well explained by Pongsawat's notion of the ‘border partial citizenship’ (2007) in which the Thai state exercises its power to control its
borders and maintain benefits from capitalist development by legalizing undocumented migrant workers yet restricting their mobility only within designated areas and under specific registered employers.

The analyses focusing on global/regional political economic entanglement therefore largely emphasize the unequal and exploitative relationships between Burmese migrant workers on the one hand, and the Thai state and/or business community on the other. For example, Campbell (2013) argues that Burmese migrant workers suffer from decreased work hours, wages, and thereby livelihood security due to a global transformation in employment regimes in which employers attain more freedom in setting the terms of work. Pearson and Kusakabe (2012) argue that the Thai state is explicitly hostile to migrant women having children within the country because it does not provide them any protection in terms of maternity rights. Moreover, employers usually regard migrant women having children as a problem.

However, this existing narrative raises at least two important concerns. First, it is mainly based on the experience of migrant workers in the industrial sector, highly driven by intense capitalist demand of the global market. This narrative fails to address the fact that migrant workers’ experiences of exploitation could possibly vary due to the differing nature of their professions in other sectors namely agricultural, construction, and service sectors. In the context of Mae Sot, a border town that has been notorious for labor exploitation, the industrial sector has been the major source of revenue for Tak Province. It accounted for fifty percent of the total revenue of the province (TU-RAC, 2015). Moreover, the industry’s involvement in the global supply chain also explains the emphasis of scholars and rights advocates on the labor exploitation in the industrial sector. But in a broader picture, migrant workers, regardless of their legal status are part of the economic system of which the major part is in the informal mode of
operation that includes non-industrial sectors as well. While attention is paid to the extremely
exploited cases in the industrial sector, ordinary lives suffers societal negligence because their
experiences are not appalling enough to make them visible to outside observers.

Second, the emphasis on exploitation and inequality leads scholars to downplay the
agency of migrant workers who make their own decisions to live and work in Thailand, thus
portraying migrant workers, undocumented or not, as passive victims of the unfair
global/regional social and economic structures. It simplifies both the complex and dynamic
characteristics of migrant workers as active agents in the borderland, as well as their
relationships with a variety of actors along the border. Kook (2007) also started his dissertation
project on the border social system in Mae Sot, with his deep frustration about the emphasis of
scholars and the media on the dramatic hardships occurring in Mae Sot and with its peoples.
Kook’s work showed the different groups of migrants, seen as the others by Thais, were the
prominent actors in constituting the socially vibrant border system. Even if Kook did not directly
address the problems of the labor exploitation and the agency of the marginalized, his work has
contributed a great deal to complicate the master narratives about lives of borderlanders.

In another work that is more involved with the agentive roles of migrant workers,
Rabibhadana and Hayami (2013) shifted their research focus from the influence of the states and
geopolitical spaces in shaping migration, to the roles of Burmese migrant workers in creating
their own social spaces. Rabibhadana and Hayami studied how Burmese migrant workers in two
locales in Thailand form networks and relationships within and across the border. Despite the
fact that the two locales compared, namely Samut Sakorn, an inner city, and Mae Sot, a border
town differed a great deal in many aspects, their study has provided important insights into the
migrants’ dynamic roles in adapting to the new social environments in Thailand and making use of the available opportunities despite their hardship.

In the same fashion as the discussed scholars, I see it as crucial to rethink the existing explanations in order to ask how migrant workers, in different sectors, navigate their lives despite vulnerability and hardship on the Thai side of the border. This shift in focus will introduce an alternative narrative about the experiences of undocumented migrant workers as active agents, reveal a more nuanced manifestation of the labor exploitation complex in everyday life of undocumented workers, and show how their struggle shapes the border community and the state from below.

*Anthropology of Borderlands and the Patron-Client Model*

Border and borderlands studies, which has its root in political geography, is a burgeoning discipline in social science. Scholars generally agree that borders and borderlands are both territorial and social units that are socially constructed. It does not have only spatial characteristic, but symbolic as well. However, definitions are diverse. Many interpretations of the notion of border and borderlands lead to a variety of approaches to border. In the context of North America, Alvarez (1995) points out that the majority of researches in border studies have been conducted along the US-Mexico border. The literal scholars who interpret border literally as socially constructed geographical boundaries between states, study actual social and economic problems of the border such as migration, environment, identity, labor, health, and etc. While the a-literal scholars study social boundaries on the geographical borders and on all behaviors in general that involve contradiction, conflict, and shifting of identity. Regardless, the two have dialectically influenced each other.
In the discipline of anthropology, Donnan and Wilson (2010, 1999, 1990) regard anthropology of borderlands as the study of the nation-state from below. They explain that a borderland is a contact zone where peoples, capital and cultures traverse political boundaries between at least two states. These transnational flows, more often than not, challenge the state and constitutes unique characteristics of borders. Borders are therefore shaped and negotiated through various social practices and discourses (Bufon, 1993). In this regard, anthropologists whose original interest is in cultures define border as unique laboratory to observe social and cultural changes or interactions largely between state and peoples as well as other non-state actors. For example, some scholars study how political border are involved in shaping lives and identities of social groups (Diener and Hagen, 2010; Newman and Paasi, 1998) while others go the other way round.

Das and Poole (2004) study how practices and politics of everyday life of peoples in marginal regions shape political and regulatory practices that constitute the so-called state. Either way, basic concepts created by the nation-state to symbolize statehood, such as citizenship and sovereignty, exist more on paper than reality. Far away from the center of power, peoples at the margin constantly refuse to obey the state effort to control them. What is natural at the margin could be considered as ‘wild and unregulated’ by the state norms while the state tries to assert its sovereign power. In this regard, Das and Poole (2004) argue that the margin of the state is the space where the creativity of the margins is possible. Peoples at the margins create alternative forms of economic and political activity, and illustrate their agency through everyday practices that exist beyond the state norms, as a work of Eilenberg and Wadley (2009) shows. In this work, the sovereignty of Malaysia and citizenship of Indonesia are compromised by the Iban people, who employ their Iban ethnic identities to facilitate their international border crossing between
West Kalimantan, Indonesia and Sarawak, Malaysia in search for better livelihood. Eilenberg (2012) regards the Iban’s strategies as creative practices that often “transform the meaning of ‘the sovereign state’ and its ‘strict’ territorial borders.” He concludes that the West Kalimantan borderland is a zone that is characterized by differing degrees of state accommodation and subversion.

The creative practices of people at the margins which are considered wild and unregulated by the state could also be seen from the perspective of legitimacy. van Schendel and Abraham (2005) challenge the monopoly of state power by proposing that we should make a distinction between state-centric point of view and what people involved in the activities see legitimate. The making of illegality originates from struggle over legitimacy between state and other actors. The state declares some activities or movements illegal because they defy norms and rules of political authority. But those activity and movement are quite acceptable, or licit, in the eyes of participants. Hence, it is crucial to differentiate between (il)legality, which is created under the statist paradigm, and (il)licitness, which is considered by the peoples who participate in the activities. The alternative perspective proposed by van Schendel and Abraham to reconsider the state and the way in which its legitimacy is established, provides an opportunity to utilize the patron-client relationship model as an analytical tool to discern the unequal relationship between undocumented migrant workers and their employer in the labor exploitation complex.

The patron-client relationship is defined as an unequal social relationship in which “an individual with higher socioeconomic status uses his own resources or influence to provide protection or benefits, or both for a person of lower status who, for his part, reciprocates by offering general support and assistance, including personal services, to the patron” (Scott, 1972, 92). The key feature that distinguishes the patron-client bond from other social bonds is
reciprocity. It is the instrumental exchange of the needs and services that are flexible and could change through time. Scott (ibid) calls this character diffuse flexibility. However, the client is unlikely to be able to reciprocate fully. Hence, he tends to be bonded in debt of obligation to the patron, who gain ‘social credit’ that he could redeem whenever he wants. This feature sustains inequality in the relationship. Another key feature of the patron-client relationship is trust and affection between the two parties both of which makes the bond personal and informal. Hence, when the patron-client bond appears in the context of Weberian modern state, it is usually linked to various forms of corruption and inability of the government to exercise its rational-legal authority. The informal, personal characteristics of the patron-client bond are regarded as irrational modes of operation that impede efficiency and transparency in governance. They are an undesirable feature for the liberal democratic system (Ansell, 2007). O’Reilly (2010) provides an example of tension between neoliberal and clientelistic mentalities in the study of an empowerment project in Rajastan, India. O’Reilly criticizes local NGOs for adapting the neoliberal notion of empowerment in a way that not only contradicts to the project’s goal to promote individuals’ self-responsibility, but also sustains the patron-client relationship with their constituents.

However, in the study of post-conflict, economic transformation in Cambodia, by Hughes and Un (2011), the patron-client bond plays a dynamic role in Cambodia’s nation building process. Hughes and Un argue that Cambodian politicians utilized patronage networks as a tool to promote their legitimacy. Even if this political feature is undemocratic, it helps restore the foundation for political stability which is precisely lacking in many other post-conflict countries where neoliberal forms of regulation have not been well established (ibid, 25). On this account, the dynamic roles of the patron-client relationship are neither inherently good or bad. Rather,
Scott suggests, the patron-client relationship “is a type of social bond that may be dominant under some conditions and marginal under others" (1972, 8). And as Ansell (2007) suggests, the patron-client model can be used as “a tool for understanding political systems that do not conform to the ideal-typical principles of bureaucratic dispassion, liberal democracy, and universal rights” (ibid, 6). In this regard, the patron-client model can be the best fit for exploring the lives and migration experiences of undocumented migrant workers in the Thai-Burmese borderlands, as a wild social phenomenon occurring in a wild space beyond the light of state power (Mabbet and Chandler, 1995 in Kusakabe, 2009).
Chapter 3. Two Aspects of Mae Sot

In this chapter, I will provide the key economic and political complexities of the border town of Mae Sot as the background of the study. On the one hand, Mae Sot is an economically important border town due to its geographical location on the important regional trade route. On the other hand, the town has also been involved with the humanitarian activism driven by the protracted war in Myanmar’s eastern border region. These two distinct features of the town have created the social and economic conditions to which peoples of Myanmar who fled their country in search for better economic opportunity, have gravitated.

*Mae Sot: An Economic Boomtown*

Mae Sot is one among five border districts of Tak Province in the northwestern region of Thailand. The area is 1,986 square kilometers, slightly bigger than the island of Maui in the Hawaiian archipelago. Mae Sot is located between Mae Ramat District in the north, Phob Phra District in the south, and Mueang Tak District in the east. Despite its adjacency to Mueang Tak District where the Asian Highway cuts across, land transportation to the town is not easy as one has to drive through a meandering and mountainous road crossing Tenasserim Mountain Range lying in the north-south direction along the Thai-Burmese border. On the westernmost of Mae Sot lies the Moei River, demarcating between Thailand and Myanmar. Given its geographical location, Mae Sot is basically a border valley town separated from the rest of Thailand by the mountain range and from Myanmar by the river.
Figure 1: Map of Mae Sot

Source: http://www.scidev.net/global/health/multimedia/healthcare-a-human-right-for-burmese-migrants.html

Mae Sot is not big in terms of size, but strategically important in terms of cross-border trade and regional connectivity. In 1998 the Asian Development Bank (ADB) promoted an infrastructure development project to boost up regional economic integration in the Greater Mekong Subregion. Promising economic cities were linked together through the nine road infrastructure networks called the Economic Corridors. Mae Sot is a node on the East-West Economic Corridor that connects Danang, Vietnam, to Mawlamyine, Myanmar. Trade volume at the Mae Sot permanent border pass ranked the highest among all ten Thai-Burmese border
passes for three consecutive years from 2013-2015\(^1\) (Department of Foreign Trade, 19). After Myanmar opened to the world again in 2011, Mae Sot’s economic potential was even more intensely speculated about as Myanmar, the missing link between Thailand and India on the Asia-Europe Road, was reconnected. In July 2015 Prime Minister Narendra Modi of India announced a plan to construct a road link from Moreh, India, to Mae Sot in order to enhance regional co-operation between South and Southeast Asian countries ("India-Myanmar-Thailand road: Govt to sign pact in November," 2015). Mae Sot became one of the most promising gateways to a larger regional market for Thai business communities.

\(^1\) Excluding the Three Pagodas Pass where is the port of entry for the natural gas that Thailand imports from Myanmar.
In addition to cross-border trade, the industrial sector also contributes a great deal to the town’s economic significance. The development of industrialization in Mae Sot resulted from the Thai government’s policy to help country’s economy recover from the economic crisis in 1997. Previously in the 1980s, Thailand's economy was among the fastest growing in the world. It accomplished goals in reducing poverty, as well as raising education and the living standard of its population. But in the late 1980s, the growth stalled due to the global oil crisis. Therefore, the government shifted its economic policy to export-oriented industrialization, which is based on inflow of foreign investment, mainly from Japan, other Asian Newly Industrialized Countries (NICs), and western countries. The Thai government adopted the World Bank's standard, export-led strategy that was enhanced by decentralization.

The economic crisis in 1997 also led to a restructuring in the Thai industrial sector aimed at maintaining its competitiveness in global markets (Pearson and Kusakabe, 2012, 23-24). There was a massive layoff of factory workers who had been employed and benefitted to a certain degree from their formal employment. On the one hand, whereas the number of formally employed workers decreased, the company increased its operation with a small ‘preserved’ core group. On the other hand, the companies also created a growing periphery of non-standard, and usually informal, workers in different types of workplaces located over different locations. As Arnold and Pickles describe: “In Southeast Asian rural and border areas, cost-minimizing, deregulated, and flexibly organized industrialization has expanded through the agencies of state-and private-sector-supported SEZs and export processing zones” (2011, 1601). As a result, larger companies which had been based largely in Bangkok and adjacent areas gradually moved their production base to northern and southern industrial estates established as part of the Thai
government plan to decentralize economic development to the rural outer regions. By the 1990s, a number of factories in labor-intensive industries, particularly textile and garment, relocated their production base to Mae Sot. The town was designated as part of Zone Three where investors could earn the highest benefits from the government export-oriented policy. According to Kusakabe (2008) there was no textile and garment factory in Mae Sot before 1990. The number of factories increased from 70-80 in 1995 to 350-400 in 2007. The recent statistic in 2013 shows that 345 factories in Mae Sot accounts for 50 percent of the whole industrial sector of Tak Province (TU-RAC, 2015). However, it is crucial to note that the labor-intensive industry did not come to Mae Sot only for tax incentive, but for the surplus of cheap labor available in the area as well.

A large pool of low-paid workers who crossed the border from Myanmar to the Thai side became a significant factor for the competitiveness of companies in the global market (Pearson and Kusakabe, 2012, 25). Mae Sot also became involved in the global supply chain as subcontractors for international companies. However, given the industrial restructuring that creates more informal, non-standard employment and lax law enforcement by the Thai government, migrant workers from Myanmar, mostly without any legal status, were deprived of social protection and susceptible to exploitation. Arnold and Pickles refer to this vulnerability as precarious work (2011, 1599). Moreover, both the Thai government and the business community regard the availability of this low-paid migrant labor as a business strength. The plan to establish a special economic zone that boosts labor-intensive industry in Mae Sot has been pushed forward by local politicians and the business community since 2007.

In addition, the enormous economic potential of Mae Sot as a gateway to regional trade routes encourages the local government’s untiring attempt to gain more administrative
autonomy. The scenario that has been discussed for a long time is that Mae Sot separates itself from Tak Province and becomes a new province that includes another two border districts--Mae Ramat and Phob Phra. Another scenario that has been pushed forward recently is an ambition of the local government to transform Mae Sot into a special administrative zone whose governing body has authority to manage tax, public services, and oversight of migrant workers, mostly the undocumented majority of which is believed to outnumber the Thai registered population two to one.

*Mae Sot: A ‘Sanctuary Town’*

Along with the great economic potential as discussed above, Mae Sot has a long history of humanitarian activism and serves as a regional hub for both international and local humanitarian agencies serving displaced populations on both sides of the border since 1984. This unique history has been shaped significantly by the town’s geographical location at the border between Thailand and Myanmar, the country once ruled by a military government, and which experienced large-scale military violence for more than six decades. During the 1980s and 1990s while Thailand tried to gain its economic strength, Myanmar continued shutting its door to the outside world and trying to find its way to rebuild the country from the remnant of colonial period and the World War II (Aung-Thwin and Aung-Thwin, 2012; Trichot, 1999). In Myanmar’s eastern border region, multiple ethnic armed groups such as Karen, Shan, Wa, and Mon, have been fighting against the *Tatmadaw*, the Burmese government army as a result of the unsettled political agreement since the country’s independence in 1948. The decade-long military violence caused millions of internally displaced peoples and created an exodus of refugees to the Thai side of the border. The protracted military conflicts in Myanmar eastern border region have
affected Thailand’s western border provinces ranging in the north-south direction from Mae Hong Son, Tak, Kanchanaburi, and Ratchaburi. With the predominance of refugees in the border areas adjacent to Mae Sot, the number of humanitarian relief agencies in Mae Sot had been increasing through the 1990s (Kook, 2007, 69).

Before 1984, the Tatmadaw and the ethnic armed groups had been competitive. Neither of them had decisive power to defeat one another to end the war (Sawasdiruk, 1997, 47). Hence, every dry season when the Moei River (or Thaung Yin River in Burmese) ran dry and transportation in mountainous areas became feasible, the Tatmadaw attacked ethnic armed groups based near the Thai border, and retreated when the rainy season came. So did the peoples of Myanmar whose majority were Karen and Karenni ethnics. They crossed the border to seek refuge on the Thai side only a short period of time and crossed back when the Tatmadaw retreated (Lang, 2002, 82-83). But during 1983-1984, the Burmese government army intensified its counterinsurgency offensive to defeat the ethnic armed groups in the contested areas, and was able to base their troop in the contested zones (ibid, 42-43). People who had fled the violence could not go back to their villages as they had always done; they remained on the Thai side of the border. According to the Border Consortium (TBC), the main agency responsible for camp operations, the first major influx of refugees on the Thai side of the border occurred in 1984 (The Border Consortium, 2016). The year 1984 therefore marked the beginning of official humanitarian activism in the Thai-Burmese border areas (ibid; Lang 2002, 84).

While the military conflict had been going on in the eastern border region, political strife also occurred in urban areas. The massacre of democratic protestors in 1988 drove pro-democracy students and anti-government groups to join the Karen ethnic armed groups in the eastern border area. After 1988 Manerplaw, the headquarter camp base of the Karen National
Union (KNU) under the leadership of General Bo Mya, became the center of anti-Burmese military government movement. Students from urban areas also fled the cities and collaborated with the KNU, the prominent ethnic armed group in the Myanmar eastern border region, in fighting against the junta. (Sawasdiruk, 1997, 101) In 1995 due to internal conflict within the KNU, the Tatmadaw was able to successfully defeat the KNU stronghold at Manerplaw. The destruction of Manerplaw resulted in another influx of Karen ethnic displaced peoples to the Thai side of the border (Pongsawat, 2007, 130-131). Even if the KNU had lost the symbolic capital city of the Karen nation, the fall of Manerplaw did not stop them from creating the political and military strife against the Burmese government. The KNU shifted their warfare strategy to guerilla insurgency (Sawasdiruk, 1997, 70). The military violence between the ethnic armed groups including the KNU had been ongoing for another two decades until the national ceasefire attempts by the Burmese civilian government in 2011. But the magnitude of war has already caused a large-scale displacement and human right violation.
From 1984 to the late 1990s, the Thai government consolidated groups of smaller temporary shelters along its western border into nine confined refugee camps, known officially as ‘Temporary Shelter Areas’ and located in four provinces, namely Mae Hong Son, Tak, Kanchanaburi, and Ratchaburi. UNHCR provides the definition of refugee as one who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of
a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country" (UNHCR, 2010, 14). Therefore, when someone flee their country of origin for such reasons, they become refugees and are entitled to certain treatments that aim at protecting their lives and dignity, according to the international laws on refugee. However, Thailand is not a signatory to the 1951 Refugee Convention and the 1967 Protocol. There is no permanent legal mechanism to address the issues of refugees. These displaced peoples have therefore been restricted by the Thai laws to reside in the ‘temporary shelter areas’ since the establishment of the areas. And those who left the camps in search of a better life beyond camp confinement were subjected to prosecution by the Thai state as they lost the UNHCR status of persons of concern and became “illegal immigrants” by the Thai Immigration Act BE 2522 (1979).

Given the protracted violence on the Myanmar side of the border, peoples of Myanmar who fled the country have been in limbo. The civil war deprived them of a nationality and access to basic human right such as health care and education. Long term political oppression and economic mismanagement by the military government caused severe poverty. Dire conditions pushed peoples to cross the border to the Thai side. In the 1990s, the booming city of Mae Sot became the destination for both displaced peoples sneaking out from temporary shelter areas to find jobs and peoples of Myanmar from non-conflict areas who fled political oppression and poverty in search for better life on the Thai side.

The decisive factors for migration are debatable. Some scholars give more weigh to the military conflict while the others regard migration as economically-driven. But in my view, the two factors are two sides of a coin, and they are intrinsically related. When violent conflict occurs, the livelihood of people is affected. So, they find a way to continue their life in a more
favorable place. The distinction between refugee and migrant worker, according to UNHCR is the motivation to migrate: “Migrants, especially economic migrants, choose to move in order to improve the future prospects of themselves and their families. Refugees have to move if they are to save their lives or preserve their freedom” (“Refugee,” n.d.) This way of distinction is problematic because sometimes conflict could result in social injustice and environmental degradation as well. Some peoples did not flee the conflict, but they tried to escape the effects of the conflict (Tangseefa, 2007). As Pangsapa and Smith write: “migration has become a survival strategy, employed by people who are seeking to escape armed conflict, human rights violations, authoritarian and corrupt governments, as well as unemployment and poverty” (2008, 509).
Chapter 4. Gray Patronage

Undocumented Migrant Workers and Their Border-crossing Experiences

The actual number of migrants in Mae Sot is unclear as the majority of them are undocumented. Local Thai politicians and the business community in Mae Sot usually claimed there were roughly 100,000 migrants in Mae Sot, or twice as many of the Thai registered population. From the civil society side, social workers and rights advocates who have worked closely with the migrant communities in Mae Sot agreed that three ethnic groups, Burman, Karen, and Arakanese, account for the majority of the migrant population in town. Ko Sein Maung, a CBO worker, told me that most of the Burman in Mae Sot came from Bago Division in Lower Burma. According to the UNICEF country profile (2015), Bago Division is the second largest rice producer in Burma, and is also an area where teak and petroleum are abundant, yet 26 percent of its population were estimated to be living below the poverty line in the country. A number of my informants migrated from Bago Division. But their experiences back home and reasons for moving to Thailand were not distinctively different from the other informants from different parts of Myanmar. Most of them obtained a level of education lower than primary school. They had lived in either extreme poverty or serious debt. Therefore, they came to Thailand in search of a better life that someone they knew—either friends or family members—had told them about, or even promised them.

Before moving to Mae Sot, Tin Tin Mar, a 38-year-old woman, had lived with her husband, five children, and elderly parents in a small town in Ayeyarwaddy Division. Tin Tin Mar and her husband could barely make ends meet for the whole family. Moreover, they had been heavily in debt. While the couple had been struggling, Tin Tin Mar kept hearing the stories
of their neighbors and friends who had made their fortune in Thailand. “They said even if one worked as a housemaid, one could earn much more than working in Burma,” Tin Tin Mar told us. So she started to gather bits and pieces of information from her circle on the sly. One day, without any notice, Tin Tin Mar left the whole family behind and caught the bus to Mae Sot. The whole family was left in an emotional limbo. No one knew why she left and where she was headed to. Two months later, Tin Tin Mar made a phone call to her mother, who then begged her in tears to come back home. But Tin Tin Mar told her mother that she would like to give Mae Sot a try.

Economic opportunity in Thailand is not only regarded as the last resort for desperate people on the Myanmar side of the border, it is also an option that several migrants chose. Some informants cross the border initially for some other personal reasons: visiting relatives, going on a religious pilgrimage, etc. But once they witnessed the opportunity to make their fortune on the Thai side of the border, they decided to stay longer. Many of the adolescent informants also recounted their aspirations to be (financially) independent from their family and to broaden their horizons in Thailand-- all the experiences with ‘development and modernization’ that the social and economic structures back home could not offer. Ma Khaing, a 32-year-old former factory worker, is an example of the people who migrated for the sake of new experience. Ma Khaing was born to a merchant family in Mon State. Her mother was a middleperson who bought fresh produce such as vegetables and fruits from a marketplace in town and sold them in the other places faraway from the marketplace. Her family was never short of money. However, when Ma Khaing was eighteen years old, she decided to accept a friend’s invitation to move to Mae Sot. Ma Khaing reasoned her migration would allow her to be financially independent, so that she
could spend money as she wished such as on trendy clothes and cosmetics, for which she would not dare ask money from her mother.

In addition, all of my informants, regardless of their legal status, came from non-conflict areas in Myanmar except Po Shine, a 35-year-old construction worker from a small village in Kawkareik, Karen Sate. Po Shine recalled that his village had been under control of the Tatmadaw, the Burmese government army, and that fighting between the Tatmadaw, and the Karen armed groups occurred very often. He also remembered that when he was eighteen to nineteen (1997-1998), he and his parents had to hide in a foxhole below their house when the troops opened fire on each other. However, he said, “I’ve never been displaced. We just had to live in fear and poverty all the time.” And that is the reason why his family asked him to enter monkhood and leave the village for better opportunity in his life. The story of Po Shine and his family resonates with the study of Sureeporn et al. (2005 cited in Kanchanapan 2014). Sureeporn et al. (ibid) argue that the main reason that drives Myanmar people to cross the border to Thailand is mainly an economic one, not a political one. Even though military violence and atrocities do prevail in the region, it is relatively low wages and forced portering, both of which impede livelihood opportunity, that urge people to migrate.

There are two ways in which the informants in this study crossed the border to Thailand: using smuggling services and traveling on their own. Either way, the anecdotes of informants confirm porosity of the Thai-Burmese border and the blurred, thin line between human smuggling and human trafficking. Some informants had paid the smugglers, known among migrant communities as ‘carriers,’ to arrange the cross-border journeys for them. In this case, the destinations of the smuggling were usually the inner parts of Thailand, which is much more difficult to travel to on their own than the border town of Mae Sot. The informants worked in the
inner provinces for a certain time. Then they were arrested for illegal immigration, and deported back to Myanmar at the Mae Sot border pass. Instead of going back to the inner provinces again, they decided to stay in the border areas.

While some informants paid for the smuggling service, the majority of the informants in this study told me that their cross-border journeys had been facilitated or arranged by either relatives or friends both of whom had come to Thailand previously. Crossing the international border illegally might seem perilous. But for Leh Aung, his experience of moving to the Thai side could not have been simpler or smoother. Once he heard from his best friend about a job vacancy in the factory where the friend was working, Leh Aung caught an overnight bus from his home in Yangon to Myawaddy, the Burmese border town across from Mae Sot. Then, he crossed the Moei River, the international border line, by a ferry boat, and met a motorbike taxi driver waiting for him at the pier. The motorbike taxi driver was arranged by his friend to take him to the factory compound in Mae Sot’s outskirts. Within two days, Leh Aung fulfilled a cheap labor demand in Mae Sot in hopes that he would also earn much more income than he had in Yangon. When I met Leh Aung, he had been in Mae Sot for less than a year. He was happy with his life in Mae Sot, but still looked forward to a job opportunity in ‘Bangkok.’ Once he heard from another good friend who worked there, he would leave Mae Sot for that job. Since having been in Yangon, Leh Aung had known that in ‘Bangkok’ migrant workers could earn better wages than they did in Mae Sot. In this sense, Mae Sot functions as a transit node between poverty back home and fortune in ‘Bangkok.’

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As far as my fieldwork is concerned, migrant workers usually referred the term ‘Bangkok’ to the inner parts of Thailand, or any other places beyond the Tenasserim Mountain Range that demarcate Mae Sot and the other parts of Thailand. So, when the informants informed me that they have ever worked in ‘Bangkok,’ it was more likely that they have been working outside Mae Sot and its vicinity, rather than in the city of Bangkok itself.
**Volatile Legal Status**

When I began the first phase of my fieldwork in April 2014, it was two and a half years after historic political change occurred in Myanmar. In 2011, the military government, who had ruled the country for six decades, stepped down and gave way to a civilian government led by former general U Thein Sein. Between March and April 2014, the Myanmar government conducted a population and housing census for the first time since 1982. The change at the center also affected people in the periphery. Peoples of Myanmar who had fled the country to Thailand and become stateless could eventually have an opportunity to acquire Burmese citizenship. In April 2014, the Thai media estimated that thousands of migrant workers from Myanmar were flocking at the Mae Sot permanent border pass during the Burmese Water Festival, waiting to cross the border back to Myanmar to celebrate the festival and receive national ID cards (“Burmese to return home,” 2014).

In the meantime, the Thai government under the administration of Prime Minister Yingluck Shinawatra continued implementing a set of policies to mitigate the problem of illegal immigration to Thailand. On the one hand, the Thai government continued a government-to-government program called the MOU import channel, in which Thailand signed an agreement with the governments of Myanmar, Cambodia, and Lao PDR, in order to import authorized migrant workers to Thailand. The MOU import channel was signed with Lao PDR and Cambodia in 2002, and with Myanmar in 2003. But for Myanmar, the worker import process was not effective due to Myanmar’s internal politics, and illegal border crossing was still a much easier option. Access to citizenship in Myanmar therefore had a positive impact on Thailand’s effort to regulate labor migration from its neighboring country. On the other hand, the Thai government encouraged undocumented migrant worker already working in Thailand to go
through the national verification process in order to get a passport from their origin countries and a work permit from the Thai government so that they could be registered as formally employed workers and entitled to legal protection and social security benefits the same way as their MOU imported counterparts were supposed to do.

However, in practice, the national verification process turned out to be discouraging as the process was complicated and time-consuming. As a result, the middleperson or broker business mushroomed to serve potential demand to legalize the existing undocumented migrant workers in the Thai labor market. This shut the door even more tightly to migrant workers as it added more cost to legalization. Someone already employed by Thai employers inevitably needed to depend on financial sponsorship and corporation from their employers to process the application. They needed their employer to sacrifice working hours to process the application, and to pay for the service in advance (they then deducted the expense from the workers’ wages by installment). But some of migrant workers, particularly in the Thai-Burmese border areas, also earned a living by doing odd jobs or working as day laborer. Hence, they were left on their own, struggling to attain legal status. The first phase of my fieldwork mainly revolved around the ways in which undocumented migrant workers in Mae Sot tried to legalize themselves amidst the drastically changing political and economic landscapes in both Thailand and Myanmar.

Given the situation above, a catchphrase in my 2014 fieldwork was definitely ‘having/getting a passport.’ When I asked migrant people about their life and work in Mae Sot, ‘getting a passport’ appeared as part of the plan in their life, unless they had it already. It was not difficult for me to find an informant who had a passport. However, having a passport does not mean the worker is legalized and documented, as the Working of Alien Act BE 2551 (2008) also requires them to have a valid work permit in which the worker’s right to work in Thailand is
legally tied to a formal employment by a specific employer in a specific industry. This requirement is not feasible for many workers, especially in Mae Sot, because the majority of them work in the informal sector. Moreover, in many cases, the workers could not afford the one-time payment for the whole process from applying a passport, work permit, and health insurance, which was voluntary by then. Hence, they tried to apply for the documents piece by piece. They would first apply for a passport. When they could save enough money for work permit, they would apply for the work permit through the broker company, who at times, assigned the worker under the employer that they did not work for.

Moreover, in terms of changing jobs, Thai labor law also requires migrant workers, accompanied by the new employer, to report to the local office of Ministry of Labor within a week from the day the worker quits the former job. In order to maintain the worker’s legal status, the law therefore not only compels migrant workers to find a new job within seven days, but also requires the new employer to accompany the worker to update the registration at the local office of Ministry of Labor. Such a formal protocol like this is not likely to happen, as far as my research is concerned, in the borderlands where informality is the dominant modus operandi. These demanding regulations make it difficult for migrant workers to maintain their legal status if they ever attain one at all.

In May 2014, shortly before I left the field, General Prayut Chan-o-cha, the former Commander in Chief of the Royal Thai Army, staged a military coup and ousted Prime Minister Yingluck Shinawatra. General Chan-o-cha then assumed control of the country as the leader of the National Council for Peace and Order (NCPO). The national security-oriented military government launched a crackdown on many issues that they deemed national threats including illegal migrant workers. During the first few weeks after the coup, both the Mae Sot permanent
border pass and the natural, unofficial border crossing points/piers along the Meoi River were closed. Factories and migrant communities in Mae Sot were raided randomly by army-police combined task forces. My informants who did not have legal status at the time were frightened and panicked. I heard different rumors from different informants about the policy that might be implemented after the crackdown. None of them became true, except the one that mentioned the new round of registration. The NCPO – the governing body of the country at the time, launched a new round of undocumented migrant worker registration at the One-Stop-Service (OSS) registration centers established ad hoc nationwide.

The OSS registration started in June 2014. The deadline for the registration was extended multiple times until June 2015, when I went back to Mae Sot for the second phase of my fieldwork. When I returned, the catchphrase changed from ‘having passport’ to ‘having Pink Card,’ the ID card issued by the OSS. The Pink Card, which is pink, functions as an identification for the worker and has a 13-digit number and a work permit. Even if the registration also required the presence of employers like national verification does, the procedure was much simplified and the cost was also cheaper\(^3\) with compulsory health insurance, which was lauded by civil society as an advancement in the labor migration policy of the Thai state. I returned to Mae Sot and found out that some of my informants from 2014 who had been undocumented were holding the Pink Card. However my informants were, again, not aware that the Pink Card scheme was only a temporary ad hoc policy to include undocumented migrant workers into the formal labor system. The card would last only a year until March 2016 in order to give them ‘enough time’ to process a passport and work permit. Even though the Pink Card scheme was another ad hoc policy by the Thai government, the differences in detail of the

\(^3\) Because the time frame that the card is valid is much shorter than the passport and work permit.
program from the national verification and the MOU process revealed the volatility of migrant worker’s legal status due to the Thai government’s lack of consistence in labor migration policy.

Throughout the study I witnessed volatile changes in migrant workers’ legal status. Even if their entry to Thailand was not authorized, they were not always undocumented. At some points when the door was opened, they voluntarily participated in the legalization. However, due to the complicatedness of the law and regulation, the workers were likely to fail to maintain their legal status. Not to mention that language barrier also rendered them susceptible to deception and frauds by scammers who claimed they could help the workers to get proper documents. The year between my two phases of fieldwork was a year of uncertainty for many peoples in the Thai-Burmese borderlands. But for undocumented migrant workers, legal status remained unaffordable for them, and the year with uncertainty was a year to learn how to live ‘illegal’ lives under the uncertain circumstances. The stories of undocumented migrant worker in Mae Sot included below show the relationship between the workers and their employer, the social relation on which they depended in order to cope with those uncertainties when the legal protection is not available option for them.

Alternative Form of Protection

General Prayut Chan-o-cha staged a military coup on May 22nd, 2014. Few days after that, some migrant communities in Mae Sot were raided by the army-police combined task forces. Migrants who did not have proper documents were prosecuted and deported back to Myanmar. By that time, I had been in the field for more than a month. Knowing that the majority of our informants did not have proper documents, Crystal, my field research assistant, and I tried to visit and keep track of them. We went to the Construction Community, the isolated construction site I mentioned earlier, it was under the radar of the police. We stopped at the hut
of U Phway and his wife. U Phway was the first informant to whom I was introduced. He was the head of construction workers on the site. My first impression of U Phway was that he was prudent and reserved. When we first met, U Phway kept his distance and answered my questions cautiously. But he did not shy away from expressing his own critical opinions.

On that worrisome day, U Phway was watching TV and his wife was cooking dinner when we showed up at his hut. U Phway seemed surprised to see us at that time. He exchanged a few words with us and shared a rumor he had heard. The Construction Community might be raided in the next couple hours. My memory flashed back immediately to the first interview with U Phway. He had told us, among roughly forty migrant workers in that community, he and his wife were the only couple who owned ‘passports.’ Outside U Phway’s hut, a group of young men were still playing chin lone, a rattan ball kicking game. Little children were still running around with loud and joyful laughter. ‘Why do you look so worried?’ I asked. Amber translated the question into Burmese. It turned out that the passports and work permits that the couple were holding had just expired a week ago. There were no longer a couple of legalized migrant workers, and the whole population had become totally undocumented. I was stunned by the magnitude of these events. Forty migrants, both adults and children living on the site, could possibly be arrested in the darkness and isolation that Zin Min Naing once described as safety. They were all both a dangerous threat from the viewpoint of the Thai state, and vulnerable victims from the rights advocates’ perspective. But from the perspective of undocumented migrant workers like U Phway and his migrant counterparts in Mae Sot at the time, their threat was unprecedentedly real. They were on the opposite side of the state which was supposed to protect them from harm. When the security authorities started to crackdown on them, they felt threatened and terrified. They needed another kind of protection that could save them from law
enforcement. In Scott’s (1972) terms, the lives of undocumented migrant workers lack a firm, impersonal guarantee of their security and well-being, and this condition leads the workers to depend on their personal relationships with their employers who may or may not treat them fairly in terms of labor practices. The situation brought me back to the very first conversation with U Phway about rights protection for migrant workers.

I asked U Phway who he thought should be the one taking care of migrant workers in Thailand. “Of course the boss,” U Phway replied without hesitation. He explained further that if the employers could guarantee safety of their undocumented migrant workers and could protect them from the police, the latter would be fine. U Phway seemed not so worried about the ‘exploitative’ situation with which the migrant workers in Mae Sot were faced. He said if they have been in very bad conditions, they would have left the country. The workers stayed in Thailand because they could live. He substantiated his opinion with the fact that his family was the only household in the community that had passports. The others did not, but they still continued working there. As I mentioned previously, there were complicated regulations regarding legal status of migrant workers. Neither U Phway nor his wife were aware of their own vulnerability. Given that the work permits that both of them were holding were registered under the name of a different employer in the garment and textile industry, the couple’s legal status in Thailand were invalid by default.

At first, I felt that the way U Phway talked about his migrant counterparts was rather nonchalant and insensitive. But to my surprise, the majority of the undocumented migrant workers I have interviewed agreed that it was their employers’ responsibility to provide them security. It is worth noting again that security or safety in this context refers to safety from being prosecuted by the police officers due to their lack of proper documents. This is the kind of
security that the undocumented migrant workers need to pursue their goal to find their fortune on the Thai side of the border. This point was made to me most clearly when I talked to U Ba Sein, a 59-year-old farm worker, who retired from a physical demanding job few years ago.

U Ba Sein described when he was trying to settle down on the Thai side of the border ten years ago. U Ba Sein and his family were originally from Mon State. They had been in serious debt, so they decided to migrate to Thailand. Initially the whole family, consisting of U Ba Sein himself, his wife, two daughters, and a son, stayed temporarily at a good friend’s house in a border village far from Mae Sot. This friend had migrated to Thailand many years earlier, so he knew the ropes. U Ba Sein consulted with this friend about employer in the neighborhood he should ask for a job. The friend suggested a Thai farm owner, who later became U Ba Sein’s employer. I asked why he did not stay and work with his friend. U Ba Sein replied that as the family moved to the other country, it was crucial to be with someone who can protect them and help them when they were in trouble. His employer was not only a local Thai, he also worked as a government security authority. U Ba Sein believed that he and his family would not get into trouble if they work for this local Thai man. U Ba Sein was not disappointed in this regard. He and his family had been working for this employer for more than five years. They had developed a very good relationship through time.

The forms of protection that the informants were familiar with range from making arrangement with the local authorities to stay away from their business, to negotiating with the security authorities to release workers when they are arrested. In 2015, I met Ma Mya Mu, a new female informant who used to work for a Thai businessperson for a few years. She recalled her memories about the situations during the first few weeks after the NCPO took control of the country in May 2014. By that time, the local security authority had launched a series of raids on
several workplaces and migrant communities in Mae Sot to crack down on undocumented migrant workers. Ma Mya Mu, who has never had any legal status, remembered that she had been frightened by the political atmosphere. However, her employer issued every worker in the business an employee photo ID card. She was told to always carry the card with her wherever she went. Since then, Ma Mya Mu has followed this instruction strictly. I asked whether or not her workplace has ever been raided since the peak of the crackdown in summer 2014. Ma Mya Mu’s answer was no. She showed me her photo ID card, simply made from a piece of white paper and laminated with plastic sheet. In the front, apart from her name and her photo, the card showed the name of her workplace. In the back, it indicated the contact information of her supervisor whose title showed his professional involvement in a local government agency. However, Ma Mya Mu just assumed that this card could really save her from being prosecuted because she has never had an opportunity to use it or show it to the authority. Since the military came into power, no security officer has ever shown up in the neighborhood where she, as well as another roughly three hundred migrant workers, have lived and worked.

The informants reasoned that employers should provide protection for the workers because their relationships with employers were interdependent. On the one hand, the informants knew the employers needed labor to run their business. They also acknowledge that migrant workers from Myanmar could work harder and be paid at lower cost than Thai workers. These traits were the strength that businesspeople look for in the labor market. Hence, in return for their contribution to the business, the employer should protect them from being arrested, so that the workers could continue working for the employers and also earn their living. Loyalty and commitment to work for their employer who provides them safety is therefore the way the undocumented migrant workers reciprocate their patron-like employer in this relationship.
Senses of commitment and personal loyalty wanes when the workers feel that they are entitled to firm, impersonal guarantee for security and protection, i.e., one provided by the state. U Phway once revealed his discontent with his wage in relation to his legal status. He thought it was not fair for documented migrant workers like him, to be paid at the same rate as undocumented migrant workers, because the former already “paid for the government and they needed not protection from their employer.” In his view, the documented migrant workers therefore should receive higher wages than their undocumented counterparts.

By the time I was conducting fieldwork, even if the 300-baht minimum wage policy was still in effect, the business community in Mae Sot rarely paid workers, even the documented ones, the minimum wage. Day laborers or odd-jobbers usually earned 80-120 baht/day. Baseline for inexperienced female construction worker was 150 baht/day while the fledgling male counterparts started at approximately 170 baht/day. U Phway, the worker leader who had legal documents and a higher position than other workers on site, earned 240 baht/day while Zin Min Naing, the skillful, undocumented painter earned 220 baht/day. Neither of them was paid minimum wage despite their qualifications and occupational skills. I was once told by an employer who had three teenage Burman girls working in his small family business that I should not ask about the salary of his employees when I interviewed them. His reason was that the three girls were paid at different rates depending on their work experiences and skills. The boss was concerned that his workers might be upset if they knew that three of them were paid unequally. But the figures came out unexpectedly from the informants without my request. Pway Paw, the Burman girl who had more experience than the rest of her co-workers was paid less than 3,000 baht, which is on average less than 100 baht a day. She explained further that for her this amount was actually good, because she lived on the employer’s property and did not have to pay extra
money for rent and meals. Unless she used her salary to treat herself such as buying cute clothes or cosmetics, the money was her net income and went directly to her saving. Pway Paw had also heard that other migrant workers earned up to 500 baht a day if they worked as day laborers at the market. But she thought it was not worth doing so because these odd-jobbers had to live in their own in rental apartments, which is more expensive and dangerous. On the boss’s property, she felt safe and comfortable.

In this regard the unspoken, extremely low wage ceiling in Mae Sot and its vicinity is relatively exploitative. However, the ability to provide security and protection for undocumented workers maintains the legitimacy of the exploitative employer. Once the informal, personal protective bond between the undocumented migrant worker and the employer is replaced by the formal, institutional legal bond of the state, the worker’s commitment exchanged for alternative form of protection might not be satisfying any more. Then the employer will no longer be legitimate in their relationship. In other words, the institutional rights protection mechanism that the worker could access once they are legalized obviates the need of the worker to depend on their employer. As a result, the workers tend to leave jobs for better payment outside of town. This is part of the reason why Mae Sot is also known as an ‘apprentice town’ whose migrant population is highly mobile in search for better paid jobs. (TU-RAC, 2015)

However, the worker’s legally protected life might not be as rosy as one might imagine. As mentioned in the previous section, the cost of legalization was relatively high, and unaffordable for the workers. It ranged from 7,000 to 15,000 baht/application depending on the broker companies. The workers were usually sponsored by their employers for the cost of a passport and work permit application, and the employer would later deduct the expense from their wages by installment. The situation led both parties to a dilemma. Due to the structural
feature of cheap labor in the border areas (Chaleamwong (2004), the workers are likely to gravitate to better-paid jobs in the inner parts of the country once they receive proper documents. On the employer side, they were afraid that the documented workers would abandon the job due to the same structural feature of an extremely low wage. Hence, the employers are also likely to held the original copies of the documents as hostage, and let the workers hold photocopies of either passport or work permit, or both. The human rights and labor rights advocates considered this practice another form of exploitation as it was against the principle of freedom of movement. Moreover, the photocopies are not valid as proof of evidence for government officials. Hence, they do not help protect the workers when they encounter the security authorities. The workers would still be arrested for their lack of proper immigration documents despite the fact that “they already pay for the protection form the government,” as U Phway said.

It is easy to point the finger at the culprit when the formal, institutional protection mechanism from the state is established in the employer-migrant worker relationship, because the state claims the ultimate legitimacy to authorize one practice, but criminalize the other according to its own benefits, no matter what the benefits are (van Schendel and Abraham, 2005). Migrant workers who do not have passport and work permits are made illegal because they do not conform with the state paradigm. It is their fault. But after they are documented, the workers’ rights are guaranteed and protected. When the employers violate their rights, the former could be, at least in principle, punished for their wrongdoing by the state’s definitions. But van Schendel and Abraham (2005) point out that there are some spaces where such ultimate legitimacy is challenged. People defy the state’s norms and enact the practices they deem appropriate for their situations or the one that the parties involved agree upon, even only to a certain degree. This is what van Schendel and Abraham (ibid) called ‘illicit practice.’
borderland is a perfect space where we can observe how those features unfold because of the nature of that space. When the law or the state power is not well established, legitimacy of the relationship between the workers and their employers depends on personal judgment between parties involved. Informal practices and personal relations become the norm. And this allows loyalty and commitment to be counted as reciprocity in intimate relationship.

The patron-client bond exists under the conditions where the firm, impersonal guarantee of physical security, status, and wealth is relatively absent. In this case, workers cannot afford legal status. The protection of their rights therefore is not guaranteed by the state. To push it further, the state becomes a threat to their life's goal of finding their fortune on the Thai side of the border. What they do is that they seek an alternative protection from their employers. No matter how exploitative the working condition is, no matter how low the wage is, as long as the employer can protect them from being prosecuted by the state authority, the relationship remains legitimate, or at least bearable for the workers who have no other options.

*Assistance in Cash and in Kind*

Apart from providing security and protection to the client, another key element in the patron-client bond is providing benefits (Scott, 1972, 101). In my study, the status of employer could be seen as that of a patron in the sense that he (or she) also served as an immediate social safety net for their migrant employees. The assistance provided were both in kind and in cash, which will be discussed below. Even though we previously discussed the extremely low wages in Mae Sot, the financial situations and living conditions of migrant workers that I have met were rather more nuanced than what we might have known from the scholarly literature on vulnerability and labor exploitation. It is important for us to rethink the narrative about labor exploitation. First, we usually hear that migrant workers could barely make ends meet, because
they can earn so little even if they work so hard. This is true. From a Marxist perspective, social relation between the capitalist and the worker is always exploitation. The capitalist extracts value from the worker’s labor and gives subsistence wages only enough for the worker to get by and continue working on the following day. But when we think about the reality that the worker experiences, think about his or her life as a long journey beyond political boundaries, unless the workers sell their labor to the employer, their lives would be worse. Migrating to Thailand was their survival strategy. People migrate because they want to sell their labor for a better price. (High, 2009, p. xx) Like money traders, these migrant workers make their fortune from the existence of the boundary and the disparities that the border creates, except that the modes of operation are different and the safeguards for both groups are different. This is why I propose to shift the focus from exploitative conditions to supportive conditions.

In general, the majority of informants in my study were underpaid, and some of them could barely make ends meet. Debt becomes another big issue among migrant workers. One might argue that debt would not be a problem in the first first place if the employer did not exploit the workers and paid them at least minimum wage required by law. However, there are two points I would like to propose us to consider. First, despite the notorious exploitative conditions in Mae Sot, or actually under the exploitative conditions in Mae Sot, some informants could achieve their economic goal to save money and eventually leave Thailand for their hometown in Myanmar. In 2015, I tried to reconnect with the informants from 2014. But it turned out that some of them already went back to Myanmar. When I traced their stories before their departure from their neighbors, friends, or relatives, the chapter of the informants’ lives in Thailand were concluded as a happy ending that inspired the one who remain behind and made them feel envious: the informants could save enough money and either retired or went back to
run a small business like a grocery store in their hometown. Pway Paw was among those successful migrants. In 2014 Pway Paw told me that after ten months of working in a small family business in Mae Sot, she and her sister could save money for their mother to buy a plot of land and build a house in their hometown. Half a year later, they both could send back another large sum to their family to get electricity in their newly built house. When I went back to Mae Sot in 2015, Pway Paw and her sister already went back to stay with their family in Myanmar.

Another point worth reconsidering about the precarious lives of migrant workers is that undocumented migrant workers could not access financial assistance provided by commercial banks due to their lack of proper documentation. Consequently, they inevitably take money loans with an exorbitant twenty-percent interest rate from loan sharks when they need a big sum of money for any life opportunities such as celebrating the ordination of their sons, sending money back to support the family in Myanmar, or even for buying a smuggling service for a family member who will try to make their way to ‘Bangkok.’¹⁴ Lack of access to formal financial assistance impedes the worker’s opportunity to have a more financially secure life. The employer could play a crucial role in this situation, as they could provide a money loan or cash flow for the workers. And as far as my fieldwork is concerned, none of my informants who have ever borrowed money from their employer paid their loan back with interest. The amount of money that my informants have borrowed from their employer ranges from five hundred to four thousand bath (15-125 USD⁵). From the worker perspective, the role of the employer as a ‘financial savior ’ who both give them a job opportunity and money loan without interest when they were in need, overshadows the very fact that the workers were underpaid, particularly when

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¹⁴ See footnote 2, p. 34
⁵ 1 USD = 33 THB, the exchange rate as of May 2015
many of them compared the livelihood in Thailand to the one back home that they had left behind.

In addition to money loan, the workers also benefit from their relationship with the employer in terms of housing and facilities, which were usually provided to them free of charge or at very low cost. This is the case especially for migrant workers in construction and agricultural sectors, and domestic workers. Factory workers also live on site as well. But they had to pay for their rent which was relatively cheap but at times excluded the utility expenses. Given the goal to make money on the Thai side of the border, this could be seen as a favorable condition for workers. As Pway Paw said in the previous section, one could probably find a better paid job. But they have to rent the place which might be very costly in relation to their income. Ma Khaing, an undocumented construction worker in her early thirties, complained that rental stock in Mae Sot was becoming more and more luxurious, and the cost was inevitably getting higher as well. Ma Khaing rented a room from a Thai landlady who turned her spare property into a migrant neighborhood affordable for migrant families. Ma Khaing told us that the place was cheap because the neighborhood was infamous for gambling and drugs. The landlady did not care to make it a safe place because she was the mastermind behind those illegal businesses. At the end of my fieldwork in 2015, some shacks in Ma Khaing’s community were dismantled and gave way to the construction of new concrete building. Ma Khaing was worried about her housing situation. If the landlady decided to replace all affordable bamboo shacks with concrete building, Ma Khaing and her family might have to move out because they could not afford the new rent. In contrast to the case of Ma Khaing, in the section below, I will use life history of U Hlaing Nge, an informant to show how migrant workers live with support from their patron in the structural exploitative conditions.
U Hlaing Nge was a Karen ethnic man in his late forties. He was a skillful worker in a hand-made soft grass broom factory\(^6\) owned by a Thai elderly couple. He and his wife had four children together, and the whole family lived in a small, spartan house on the employer’s property. U Hlaing Nge originally came from Kawkariek, a border town in Karen State, Myanmar. He abandoned his work as a farm worker on plantation and moved to the Thai side of the border in 1993 in hopes of getting more lucrative jobs in Phob Phra, an adjacent district to Mae Sot. After a while U Hlaing Nge got a job in a hand-made soft grass broom factory owned by a Chinese-Thai businesswoman. U Hlaing Nge married his wife in Phob Phra, and Wandee, his oldest daughter was born there. U Hlaing Nge was a quick learner. Not long after he started, he mastered all skills of making broom so well that the employer asked him to supervise other inexperienced workers. When Wandee was three years old, couple friends of his employer came to ask for help starting up the same business, and the employer agreed to help. So, Hlaing Nge and his family moved to Mae Sot and started working for Uncle Sutham and Aunt Ratree, the employer’s couple friends who became his new and long-term employers since then. When we met in 2014, U Hlaing Nge and his wife have worked for Uncle Sutham and Aunt Ratree for sixteen years and Wandee just turned nineteen years old. I asked how he felt about working in the same business for such a long time. U Hlaing Nge replied to me immediately in Northern Thai dialect, “oh…I’m so sick of doing this.”

The process of making hand-made soft grass broom was tedious due to the rudimentary technology in use in their business. It involved at least eight highly labor-intensive processes

\(^6\) Hand-made soft grass broom is a fictional product. The actual goods was altered to protect the informant’s privacy. According to the Thai owners, this factory was the only one producer of this kind of product in Mae Sot, and among very few in the Thai northern region. However, even if the actual product was concealed, the nature of working process and other details regarding the market for this product represented here are analogous to what I was told by the informants.
from preparing raw materials to packaging, all of which can take up to two weeks in total until a batch of hand-made soft grass broom was completely finished. In rainy season, the production could take longer time because of high humidity. U Hlaing Nge and other workers did not earn wages on daily basis, but on the amount of products they could make. They worked in the same fashion as an assembly line production. The owners set the different prices for the different kinds of finished product from each step. For example, the first step was to cut and polish bamboo sticks to make broom handles. At the same, another worker could trim the grass into desirable length and dry it under the sun until the grass was completely dried. A five-kilogram bundle of polished sticks ready to be assembled with grass brush cost a certain amount of money, and a ten-kilogram bundle of grass brush ready to be pieced together with the sticks cost different price. While living on Uncle Sutham’s property, the workers could spend time as they wished and earned wages from different stages of making soft grass broom. But the price was paid only when the finished product from each stage was ready to be used in the next ‘assembly line.’ Aunt Ratree thought this was a form of freedom for her workers. She never forced or coerced them to work. The diligent workers like U Hlaing Nge could earn a lot of money while the lazy one would take longer time until they could finish a bundle of perfectly cut and polished bamboo handles. But in reality, to earn enough money for their living, the workers needed to work as long hours as they could to fulfill the orders. When the family was in need of cash, Wandee skipped her class to help her parents making brooms.

Once I had a long conversation with Aunt Ratree. She seemed self-aware about the disproportionate wages her workers earned, when compared to the amount of time they spent on the work. She admitted that the broom making was a petty business. It could not make anyone wealthy because the profit was very little. Many years ago her factory used to have up to fifteen
to twenty workers. But after Myanmar opened the country in 2011, many workers left for ‘Bangkok’ for better payment. In 2014, there were only two migrant family working for her: U Hlaing Nge’s family and the other Karen ethnic couple (who seemed not so happy about their income as Wandee told me). Aunt Ratree wished she could raise the retail price of her product. So, she could increase wages for her workers accordingly. But soft grass broom was not essential goods. Customers would just switch to other cheaper kinds, or they would just stop buying it at all. The small business of Aunt Ratree and her husband was like a small fish to be eaten by bigger fish. But on the other hand, her business situation reflected a structural constraint of the Thai industry, especially the labor-intensive one along the Thai-Burmese border, in which cheap labor becomes ‘structural feature’ that obstructs technology development (Chalamwong, 2004). Instead of introducing more advanced technology and producing high-end product for better price, investors compete in the global market with low price. As a result, they need to keep the cost of production very low to the exploitative extent that hurts every party involved especially low-skilled workers like U Hlaing Nge and the others in Mae Sot. Otherwise, the business would collapse when customers switch to a new supplier that could provide cheaper price. Aunt Ratree and Uncle Sutham could not upgrade their business because of their limited capital. The prices of raw materials also increased through time while the retail price remained intact. On the very end of the production, U Hlaing Nge and his family needed to work harder and longer hours to maximize the amount of cheap soft grass brooms. Before I left Mae Sot in 2015, the other Karen family already left the factory. There was only U Hlaing Nge’s family who still lived and worked there. Surprisingly, U Hlaing Nge told me that his family could increase their income up to seven to eight thousand baht a month after other workers left. His fifteen-year-old son also quit his job in ‘Bangkok’ and came back to help making brooms. Three family members – U Hlaing Nge, his
wife, and his fifteen-year-old son, worked ‘full time’ to earn seven to eight thousand baht a month. Unfortunately, this amount of money was enough for them to get by. U Hlaing Nge and his wife still did not have saving despite their two decades on the Thai side of the border. Once U Hlaing Nge pondered his own financial situation and hilariously blamed himself for having too many children.

While the unique broom making business encapsulated well the glooming fate of Thai low-end industry, the life of U Hlaing Nge and his family under their employer’s roof exemplified the fate of their migrant counterparts who may work in different business sectors, but share the same living situations on their employer’s lands. First of all, I would like to clarify that it is not uncommon that migrant workers live in their employer’s property including factory workers whose life and livelihood are recounted repetitively in the narrative about the labor exploitation complex. But the differences that I will discuss further is that factory workers often time paid rent for their accommodation and utilities while my informant mostly construction and farm workers did not. U Hlaing Nge even if worked like a factory but the nature of his work was more informal than the workers in larger factory, and similar to farm workers in the sense that the relationship between the worker and the employer is relatively informal and difficult to draw the boundaries between professional and personal realms. U Hlaing Nge at times had to help the employers with laborious tasks upon the latter’s request such as household maintenance. U Hlaing Nge was not very happy about this because it took him away from his paid work – the broom making. But it was the senses of moral obligation and gratitude that silenced him and kept him fulfilling Aunt Ratree’s and Uncle Sutham’s requests, like a client does to his patron. U Hlaing Nge told me that he stayed with Aunt Ratree and Uncle Sutham because they have been very good and kind to him and his family for such a long time. They were like a family.
The property of Aunt Ratree and Uncle Sutham was a big plot of land with located in the middle of sugarcane plantation far from nearby villages. It was big enough to accommodate four buildings: a medium-size, two-story house for the Thai couple; a small-size, one-story house that was empty when I was conducting my fieldwork; a small, unadorned, one-story house for U Hlaing Nge and his family; two shady shacks used as the workshop for broom making. Apart from these concrete-block houses, there were also a couple of bamboo and wooden shacks that used to house other workers and their families. One thing that U Hlaing Nge liked about living with the couple was that he was allowed to have a small plot of garden where he grew various kinds of vegetables for his family consumption. He said it was a relaxing hobby for him (but I thought only if he ever had leisure). Moreover, it helped save him cost of living, apart from free housing and utilities covered by his employers. Similar to other informants who lived under their employer’s roof, U Hlaing Nge agreed that free or low-cost housing was a plus to their jobs. In addition, U Hlaing Nge also felt grateful for the fact that his employers have treated him and his family very well. When U Hlaing Nge got sick, Uncle Sutham drove him to the hospital. The couple employers also often share their foods with him and his family. Wandee, his oldest daughter could attend a Thai public school and receive decent education because of the Thai couple’s arrangement. When U Hlaing Nge thought of their kindness, he would not dare leaving them. Moreover, U Hlaing Nge felt empathetic for them as they were old and not so healthy. The bosses’ children were already grown up and moved to Bangkok. In that small house factory, the

7 The other informants had the same opinion. Even though they did not earn much, they did not have to worry much as well. If they were paid higher wages, the expenses for housing and utilities would probably cost them a lot. And at the end, they might have left the same amount of money as what they got from the employers with free housing.
employers and the workers lived like a family. Two parties—the employers and the workers—were caring and empathetic to each other.

Living together with the employer not only helped the worker save money, but also provide them an opportunity to develop more personal relationships with their employers. This characteristic makes a major different between the situations of factory workers where the labor exploitation has been drawn, and the rest, especially farm and domestic workers. While the factory workers interacted with their employers through formal organizational hierarchy that drew clear boundaries between working and ruling classes, their counterparts in other sectors experienced more intimate encountering with their employers. The notion of ‘family’ became an etiquette between the two parties. Many informants described their employers as good or kind boss because they felt that the employers treated them ‘like family.’ And when the employer did not treat them ‘like family,’ they felt left out and bitter. The informality of their business creates intimate personal relationship between the employer and the worker in construction and agricultural sectors. This relationship on one hand functioned as social safeguard for migrant workers, particularly the undocumented. On the other hand, it preserved the unequal and exploitative relationship between the two parties at the acceptable level. This was made clear to me most in the interview with a CBO worker who worked for Yaung Chi Oo’s Worker Association, a front line community-based organization advocating for migrant labor rights in Mae Sot. He showed me a record of lawsuits between migrant workers and their Thai employers. The majority of the cases were between factory workers and the companies. I asked why the record appeared so. The officer answered succinctly, “farm workers eat and live with their boss. So, they don’t really fight. They have better relationships.”
I argue that the clientelistic relationship between these undocumented migrant workers, particularly in non-industrial sectors, and their employers were shaped by the natures of the business they were in. The degree to which the business is driven by capitalist demand is directly relevant to the degree of exploitation the employer could possibly impose on the workers. In other words, this feature enables the workers to experience the labor exploitation differently thereby developing various types of relationships with their employers accordingly. There are two ways in which the lesser degree of capitalist influence in the non-industrial sectors play roles in creating the clientelistic relationship between the workers and their employers.

Firstly, work hours per day of the non-industrial workers, particularly farm and construction workers in Mae Sot were shorter than the factory workers because it is not worth for the employers to invest in advanced technology that could enable longer hours of production. The non-industrial workers mostly worked outdoor under sunlight in vast plantation for farm workers, and unshaded structure for construction workers. Hence, they could start working earliest when the dawn broke, and when the sun set, they inevitably had to stop working. On the contrary, inhumanely long work hours in the garment and textile industry or sweatshops were made possible because their production activities could be carried on indoor regardless of uncontrolled natural conditions. It is very common in the industry sector in Mae Sot that the factory workers were obliged to continue undertaking compulsory overtime from 6 or 7 PM until pass midnight in the factory.

The most obvious example to support this argument is the life history of U Hlaing Nge. His business even if is categorized as manufacturing industry, the nature of production activities is relatively less intense compared to the ones in large-scaled factory. To give an additional example, large-scale construction projects such as condominium and shopping mall with
expectedly high profits could also be equipped with lighting that could extend work hours even after sunset. But this kind of large-scale investment has not been common in Mae Sot until recent years since Myanmar opened the country and the low-rise condominiums and big shopping malls started to spring up in the town’s horizon. It would be a great opportunity if one including myself could get an opportunity to conduct another research in these settings to contest or attest this argument.

Second, the production processes in the construction or agricultural industries took longer time to be done. It features require the workers to be attached to their work and employers longer, especially when the workers were also living on the employer’s land. As a result, they developed closer and more personal relationship. While the factory workers do monotonous job in assembly line, farm and construction workers usually work on a batch of crop or a building from scratch until the product is done. A crop farm owner explained to me that the plantation cycle on his land lasted approximately five to six months. The workers and he himself would be very busy taking care of the crop from ploughing to harvesting. After that even if there was no more plants or crop to be taken care, the workers still lived on the plantation or the same compound with the employer. The worker did not get paid when there was no job. They can work as day laborer for other employers or work on the construction site. But whenever, the landowner/employer needed labor, the workers need to prioritize the former’s need. These features are another side of the patron-client relationship model in which the workers develop intimate feeling their employers.

Even though the notion of family shows personal, intimate aspect of the patron-client bond between the workers and their employer, the underlying message is inequality embedded in their relationship. In the study of American nursing home industry, Dodson and Zincavage
(2007) argue that while the family ideology was used as a mechanism of exploitation by the managerial staff, the caretakers’ value of family toward their patients reflects their determined resistance to a commodification of their labor that negated their feelings (922). If we try to apply Dodson and Zincavage’s arguments to understand the situations of undocumented migrant workers in Mae Sot, would it be the similar interpretation? Taking the more desperate situation back home in Myanmar into account, the migrant workers insisted to stay on the Thai side of the border to work and earn their living. They were definitely underpaid, but they received various kinds of non-monetary benefits from their employers. In the mean time, personal relationship between the workers and their employer also developed through time, and appeared as a form of fictional kinship term – family. This bonding became emotional obligation that refrained them from leaving for better payment in other regions. Given the fact that migrant workers tend to leave Mae Sot for better payment, I argue that the commitment that the workers provided to their employers was a form of reciprocity in their clientelistic relationship.
Chapter 5. Conclusion

In the previous chapter, I have showed two kinds of social safeguard that undocumented migrant workers in non-industrial sectors received from their employers in order to sustain their safety and livelihood on the Thai side of the border. One is the protection from being prosecuted by the state authorities, and the other is the assistance for the workers themselves and their families. These two kinds of benefits from the employer even if often time do not enable the workers to succeed in their economic goal, they sustain the workers’ lives and give them hopes to continue making fortune on the Thai side of the border. This understanding enhances the narratives about the labor exploitation complex in the Thai-Burmese borderland. It shows that the relationship between undocumented migrant workers and their employers is not simply exploitative as usually portrayed in the existing literature.

Furthermore, I argue that the interdependence between the workers who need protection and social support and the employers who need their workers’ commitment to work in the business, shapes the relationship between both parties into a clientelistic bond. Employing the patron-client model as an analytical framework allows us to discuss the migration experiences of undocumented migrant workers outside the rights and legal frameworks in which these undocumented migrant workers were not able to participate. In other words, it allows us to explore what has happened on the ground beyond the candle light of the state jurisdiction. In the meantime, the unequal power relation embedded in this didactic relationship model also prevents us from overplaying the agency of undocumented migrant workers to the unrealistic extent.
Again, the dependency of undocumented migrant workers on the mercy of their Thai employers is by no means an ideal option for the former. And the arguments I have made through the course of this project definitely do not obviate necessity to explore, invent, and implement various kinds of mechanism to alleviate and prevent, if not eliminate, harsh working conditions and labor exploitation experienced by migrant workers. However, I hope that this thesis could provide a more well-rounded understanding of migrant workers’ situations and relationships with their employers, especially from the perspective of migrant workers themselves. So that we could better cope with some undesirable aspects of the labor migration phenomenon in which migrant workers are susceptible to marginalization and exploitation. Perhaps, the answer to better livelihood situations for migrant workers not necessarily depends on law enforcement, but could possibly lie on social relations between the workers and their employer as well.

In Thai, there is a saying that goes “sour grapes, sweet lime.” Sweet grapes seem sour when one could not afford them. On contrary, sour lime is said to be sweet when it is the only thing one could attain. When those undocumented migrant workers told me that they only needed protection from their employers who also took care of them like family member, my cynical inclination led me to think whether or not it was their “sweet lime.” However, the more I dug deeper into their lives and hopes, the more I realized no matter how it tasted, “that lime” saved them from hopeless hunger and scarcity in Myanmar overwhelming them completely. The borderline marked the difference between oppression and opportunity and migration became the way to survive. This thesis is the articulation of my effort to discern “that lime.”
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