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# Living the Border(land)

Labor migrants, authorities and the navigation  
of the Thai-Burma borderland

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Master's Thesis in Global Refugee Studies

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Front-page photo: Migrant workers in a factory area, Mae Sot, Thailand.

All photos in this thesis are taken by me.

# Acknowledgments

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Thank you.

*Frida*





# Abstract

This study examines the processes in which the Thai-Burmese border has emerged as it stands today, as well as actors and routes of border-crossing, and the navigation of Burmese labor migrants in the borderlands. The primary research question leading the analysis is “How do the Thai state, state officials, migrants and other central actors produce and navigate the Thai-Burmese border and borderland?”

Data for this thesis was gathered through a two-month fieldwork in northwestern Thailand, in the border town of Mae Sot and the larger city of Chiang Mai. A total of 30 qualitative interviews were conducted with labor migrants and labor rights organizations. Additional central data was gathered through observation, informal interaction and secondary literature.

Synthesizing concepts of migration infrastructure, violence and performance, the thesis illustrates how there is a discrepancy between the ideal of governance and migration and the practical management of this on the ground. As the Thai state haphazardly produces more and more policies and regulations of immigration, the migrants are forced to pay illicit agents or bribe police officers and employers. High demands push the prices up, excluding even more migrants from potentially becoming legal.

The primary analysis consists of three chapters. In the first chapter, I explore the emergence of the border as it exists today, illustrating how both the territorial fundament, the political and economic history, and the governance of cross-border migration have been constitutive of this process. In chapter two, I take a closer look at how the immediate border is navigated by central actors. The particular actors outlined are the state, the state officials, the ‘agents’ and the migrants themselves. In the third and final chapter, I move beyond the border and into what I label ‘the extended borderland’. There I discuss how the ‘Bangkok Dream’ stands as an ideal for migrants wishing to continue moving, and how agents both assist and deceive those willing to pay. Conclusively, I take a look how migrants navigate the place many claim to have been the reason for migration, namely their workplace and their employers. Just as with the border and the border-crossing, violence, corruption and unpredictability permeate the strategies and alternatives of the migrants.

This thesis concludes that the use of a liberal commercial logic in an originally bureaucratic and legal dimension has grown out of the gap between ideal and real. The discrepancy between what is dictated by the state and what is feasible on the ground offers leeway for the actors part of it, but is also through-and-through violent on a structural, and often personal, level. Thus, what remains at the Thai-Burma border is not just a constantly reproduced and negotiated border, but rather an extended borderland; borderland as space, and borderland as lived.



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# Introduction

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*The journey from Bangkok to Mae Sot was long, the bus cramped with dusty air and passengers. Jetlagged and sluggish, I struggled to stay awake. As the bus suddenly came to a halt, the other passengers began to shift and talk with hushed voices. It was a checkpoint, I realized, as I looked out and saw uniformed men approach the bus. I dug through my bag, grabbing for my passport. Pulling out shawls, notebooks and water bottles, I realized I had forgotten my papers in my backpack – jammed into the storage compartment below. The men in the front continued to check each ID-card, squinting at the holder, and then back at the little booklet. Would we have to drag out all suitcases and rice sacks to find my passport? “Making a scene is the ultimate Thai faux pas”, I remembered reading in a guidebook. As they checked the passengers in front of me, I braced myself for embarrassment. It never came. The tallest of the two officers waved his hand at me dismissively, his colleague had already turned to the passengers seated across the aisle.*

The scene above was one of my first lessons in the workings of Burmese<sup>1</sup> labor migrants and Thai state authorities. I just did not know at the time. As time passed, I grew to recognize the small blue booklets as work permits. I came to understand that I was not dismissed by the controller because he felt sorry for my fumbling, or because I looked over the moon trustworthy. The checkpoint was simply not there to regulate and control *my* movement. It was there for the heavy loaded lorries, for the vegetable trucks and for the migrant workers.

Thailand is currently estimated to be the host of between 2,000,000 (Mathieson 2016) and 3,000,000 (Nyein 2014; Myint 2015) workers from Myanmar. The numbers reported differ from source to source, as they are estimates more than definite numbers. Why is this? A central reason is the large share of undocumented workers. As many live and work outside the immediate vision of the state and the public, they are invisible on the national level – and to some degree even so on the local level.

Since 2014, Myanmar has been in the international spotlight due to its ongoing process of democratization – largely featuring Aung San Suu Kyi as the paragon of the newly elected government. What is less reported on is the armed conflict still taking place, displacing thousands. A large share of these remain internally displaced inside Myanmar – numbers

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<sup>1</sup> In this thesis, I have decided to use the names ‘Burma’ and ‘Myanmar’ interchangeably. ‘Burmese’ refers to any person from this country. ‘Bamar’ will be used if referring to the dominant ethnic group and language.

suggest that as much as 400,000 are living as IDPs (TBC 2016). An even larger portion of the population has moved out of the country and into Thailand. There, they are commonly found in factories, construction sites, fisheries and as domestic workers, working long hours at low salaries. As the procedures for regularization are complicated and costly, legal documents are hard to obtain, and many remain undocumented.

Building on a ‘wondering’ of how such large numbers of undocumented migrants are seemingly able to cross borders, travel beyond and find employment, this thesis will explore the following question:

**How do the Thai state, state officials, migrants and other central actors produce and navigate the Thai-Burmese border and borderland?**

Asking this, I wish to look at how actors make sense of the border and what lies beyond, how their interaction is made possible, and how it is made sense of. I wish to explore what the border really is, how it’s perceived and who it’s perceived by. And last but not least, I wish to take a closer look at what really constitutes a borderland, how it is created, maintained, experienced and navigated. By ‘navigation’ is use the term in a basic sense, simply looking at how the actors in question find their way ahead in the world.

The analysis consists of three sections, organized through a story which unfolds both horizontally and vertically. Horizontally it begins at the geographical location of the border, moves through history and politics of modern times, and ends up at the borderland as it is today. Vertically as the first chapter sees the border from a bilateral state perspective, moves to the multiplicity of border actors in the second chapter, and finally focuses on the individual instances of navigation in the third chapter.

Before the primary analytical chapters begin, I will first outline what theoretical and methodological considerations lie at the base of this thesis. The analysis will then be structured as follows:

In the first chapter I will explore the emergence of the border, illustrating how territory, political and economic history, and the governance and practice of cross-border migration have been constitutive. In chapter two I take a closer look at how the immediate border is crossed, navigated and maintained by central actors. The particular actors outlined are the state, the state officials, the ‘agents’ and the migrants themselves. In the third and final chapter, I move beyond the border and into what I label ‘the extended borderland’. There I discuss how the ‘Bangkok Dream’ is a way to maintain ideas of mobility for the migrants, and

how agents both assist and deceive those willing to pay. Conclusively, I take a look how migrants navigate the place many claim to have been the reason for migration, namely their workplace and their employers. Just as with the border and the border-crossing, violence, corruption and unpredictability permeate the strategies and alternatives of the migrants.

## Fieldwork locations

The primary data presented in this thesis was gathered throughout a two-month long fieldwork in Mae Sot and Chiang Mai in Thailand, as well as a brief period in southeastern Myanmar.

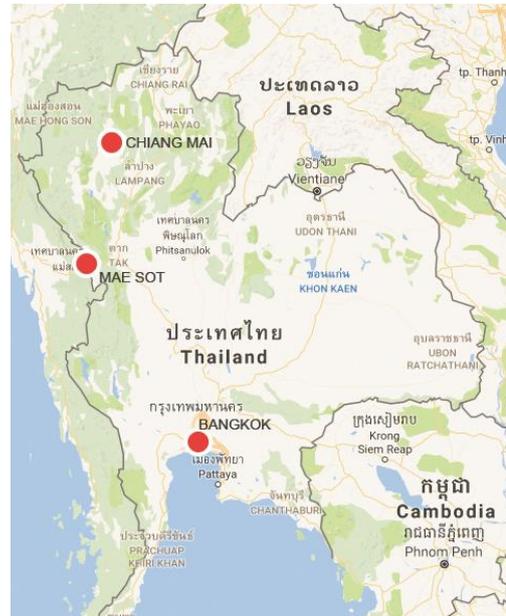
### Mae Sot

Mae Sot is located in Tak province in northwestern Thailand, 490 kilometers from Bangkok. It has developed from a blank space on colonial maps, to a shady black market-hub, to the rapidly growing and industrializing boomtown it is today. It has been described as a ‘little Burma’ – a label which does make sense as you walk through markets lined up with signs in

Bamar and Karen, with colorful *longyis*<sup>2</sup> and women with the characteristic white *thanaka*<sup>3</sup> on their faces. Mae Sot also has a long-running history of conflict, general impunity enjoyed by state officials and scores of underpaid laborers. ‘Little Burma’ indeed.

### Chiang Mai

Chiang Mai lies 700 kilometers north of Bangkok, and 260 kilometers south of the Tachileik-Mae Sai border-crossing in the north, and is in the middle of some of Thailand’s highest mountains. Historically, Chiang Mai was not always an important location in the old maps of Siam. Not because it has not been a significant city, too small to earn its spot on the map. Quite the opposite. It was because it was the capital of another kingdom. The Lanna kingdom, with Chiang Mai at its core, did not fall until the end of the 18<sup>th</sup> century, and was formally annexed to the Kingdom of Siam in 1892. Today, it is a busy city, filled with a mix of locals, tourists, and migrant workers.



Map 1: Overview of Thailand.

<sup>2</sup> Colorfully woven fabrics, worn wrapped around the waist by both men and women in Burma.

<sup>3</sup> A white paste made from finely milled bark, mixed with water and painted on the face for both skin protection and beauty enhancement.

# Theoretical considerations

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## Borders

Borders, when looking at a map, appear as clear lines separating states and other territories from each other. Maps, however, are only representations, and borders – no matter how natural some of them may be said to be – are constructs – be it physical, social or political. In the past, border studies have been caught up in studying what and how borders demarcate different areas. Current scholars, however, have shifted the focus to also include “the management of the border regime” (Newman 2003, 18). This includes topics such as the multiplicity of governing actors in border regimes (Loftus 2015; Newman 2003), issues of digitalization and technology in border management (Amoore 2006; Jacobsen 2010); and “bordering” as a process of negotiation and interaction between various actors (Perkins and Rumford 2013; Loftus 2015; Van Houtum 2011). Methodologically, this shift often implies rejections of the assumed isomorphism of state power and territory as the core starting point of analysis, referred to as ‘methodological nationalism’ (Wimmer and Glick Schiller 2002) or the ‘territorial trap’ (Konrad 2015, 3). Starting out with the (nation) state as the scope of analysis runs the risk of being reductive (Wimmer and Glick Schiller 2002, 308), a very real issue in areas as ethnically diverse as the Thai-Burmese border. And yet, studying transnational migration does demand some awareness of the states in questions, as they can be legally and socially defining.

Rather than just existing as lines on a map indicating ‘here’ and ‘there’, borders have been recognized as being institutions on their own (Paasi 1998; Hansen and Stepputat 2005). Just like other social institutions, borders have their own norms to dictate behavior, which over time becomes self-perpetuating and resilient to change. Borders, as institutions, “govern the extent of inclusion and exclusion, the degree of permeability [and] the laws governing trans-boundary movement” (Newman 2003, 13). This governing is not an automatic function, but rather the result of actors linked to the border in various ways, such as with the migration infrastructure discussed throughout this thesis. Formal state actors are part of reproducing the border, through legislation, politics and physical enforcement. In addition, comes the mix of other actors who cross, negotiate and reify the border in legal and illegal ways. Borders are not simply there, “they are enacted” (van Schendel and de Maaker 2014, 4).

## Borderlands

Borders and borderlands are often spoken of as nearly synonymous, or framing borderlands as the immediate geographic surroundings of the state border (e.g. Anderson and O’Dowd 1999; Szytniewski and Spierings 2014). Even Lee, who argues for a fluid and ‘postmodern’ understanding of the borderland, limits the term to cover the immediate spatial context of the state borders in question (Lee 2011a, 81).

While I acknowledge the understanding of borderland as space, and will build upon that notion throughout this thesis, I suggest an addition to the ‘borderland’ as outlined above: borderland as lived. Due to the porosity of the border, the ongoing negotiations of legality between state and non-state actors, as well as the looming threat of violence and deportations, the borderland is not necessarily something which comes to an end as the migrant leaves the vicinity of the border. Rather, I suggest that we see it as something lived and embodied. This notion of a more expansive borderland is inspired by the writings of Mette-Louise Johansen, who in her study of Palestinian parents in Copenhagen saw her informants as living in the borderland – not just based on their geographical location, but also taking into consideration how the social and economic marginalization they were subject to as it was pushing them to the margins of the state (Johansen 2013, 18-19). In this extended notion of the borderland, they are at the margins of the state, be it territorial or political, material or human; it is the combination of the borderland as space, and the borderland as lived.

### *Migrant counter-topographies*

Even though I expand on the concept of the borderland to go beyond the territory of the border, I acknowledge the importance of spatiality. Assuming that internalization of the border(land) to a large degree is based on interaction and evasion of state authorities, Aung’s concept of migrant counter-topographies provides a way to understand the movement aimed at minimizing contact with the state (S. L. Aung 2014, 28). Based on extensive fieldwork among undocumented migrants in Mae Sot, Aung argues that “migrant space is a negative of state space, produced through spatially-oriented state-evasive movement strategies” (S. L. Aung 2014, 28). In short, migrants develop their own ‘maps’ in reaction to the state officials and associated threats, navigating around topographies of state power as a way of survival.

## Performance and vision

While it is briefly touched upon by Aung, I will explore how performance, vision and visibility are integral parts of navigating the borderland. In order to discuss performance, I

draw upon the idea that the social is constitutive of reality, and in particular Erving Goffman's dramaturgic understandings of 'performance' (1959), and well as Judith Butler's concept of 'performativity' (1990). What I wish to bring from Goffman is the idea that social reality is produced by the performance of the actors who are part of it, based on interpretation of the situation and expectations of the role to be played. By adding Butler to this mix, I aim to show that the social is not only produced as the various actors 'act', but that a social role is also something of which one can be subjected to, a product of repetition making the result appear as a given (Butler 1990, 33).

Repetition of the expected appearance of something is also central in the concepts of enchanted and practical vision (Jensen 2009), which will be utilized to shed light on how migrant-state interaction is a play with several actors involved. Based on fieldwork in South-African police stations, Jensen explored how officers would work to manage both the practical and the enchanted visions of the police. The practical vision refers to the ways the officials might strategically choose to see or not see crime or law enforcement, in order to make policing easier or safer. The enchanted vision is not the opposite of the practical vision, but rather the ideal of what is to be, repeatedly chanted by police and state (Jensen 2009, 61).

## Networks and governance

### Nodal governance

The concept of nodal governance was formulated as an attempt to better understand governance in a world which appeared to have moved beyond the state as the sole centralized point of authority (Shearing and Wood 2003). It stands as an expansion of contemporary network theory, explaining how "a variety of actors operating within social systems interact along networks to govern the systems they inhabit" (Burriss, Drahos and Shearing 2005, 5).

Shearing and Wood suggest an outline of three governmental sectors where the first is the state, the second is the corporate or business and the third is the non-governmental organizations. A fourth alternative sector is mentioned, consisting of actors operating outside of the first three sectors (Shearing and Wood 2003, 405). If I were to see the separation of these governing sectors as absolute labels, making sense of the Thai-Burma border(lands) would at best offer a headache. Still, the foundation laid down by Shearing and Wood remains a suitable tool to dig into the relations and actions of the border actors, as it indicates a shift away from giving the state conceptual priority, and underlines the fact that governance is a product of repeated human action (Shearing and Wood 2003, 405).

## Migration infrastructure

Migration, just like borders and governance, does not exist in isolation. Traditionally, migration studies have been preoccupied by push- and pull-factors, and to some degree remain so today (Szytniewski and Spierings 2014, 340). With a nod to Bruno Latour and actor-network theory, Xiang and Lindquist suggest we approach migration as a whole system of actors and influences. To adequately study migration, we need to look at “how people are moved” (Xiang and Lindquist 2014, 131). In order to better analyze the scene(s) in which migration takes place, we need to zoom out and look at the entire ‘migration infrastructure’. This infrastructure looks beyond the migrant, and sees rather it as a dot on a line where five different dimensions exist in interlinked layers which mediate and enable migration:

- i. The commercial
- ii. The regulatory
- iii. The technological
- iv. The humanitarian
- v. The social

These dimensions are analytical constructs, neither isolated from each other, nor equally present throughout the migration routes. They both contradict and align in a wide web of entanglements, as “*logics of operation* rather than discrete domains” (Xiang and Lindquist 2014, 124, emphasis by author).

In addition to this, I find it important to not assume that any of the dimensions are distinctly ‘legal’ or ‘illegal’. The Thai-Burma border is characterized by the intertwined paths of legality and illegality, and dividing the world into such a binary will fail to understand the world in which the migrants live. At the same, these labels cannot be ignored, as they are defining the migrants’ formal relation to the state. Thus, I remain with the labels of illegal and legal as heuristic devices, not to reinforce the divide or assume that law is in fact enforced, but to indicate where the enchanted ideal lies.

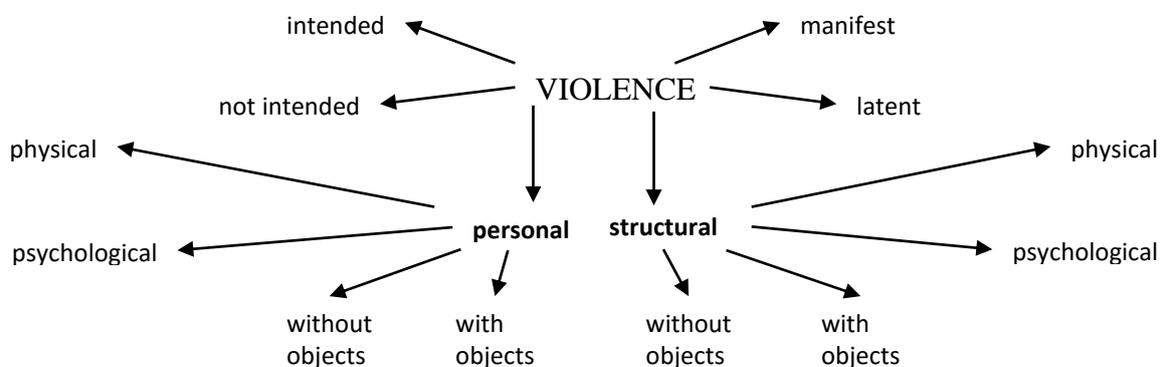
## Violence

A famous Weberian definition of the state describes it as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory” (Weber 1946, 78). Force, in many cases, is undeniably linked to violence. Before we reach the conclusion of this thesis, I aim to clarify how the navigation of the borderland is

inextricably linked to both the existence and potentiality of violence. Primarily associated with the state and state actors, but also actors such as employers or ‘agents’.

Following Galtung’s typology, violence – in the broadest sense – refers to “the cause of the difference between the potential and the actual” (1969, 168). This implies that any situation where there is an impediment in the potential of an individual, be it in income, employment or life expectancy, is to be seen as violence. A key to this typology is the way violence is directed at the subject; structural violence – also referred to as indirect violence or “social injustice” (Galtung 1969, 171) – is violence where there is no particular perpetrator. Personal or direct violence, on the other hand, is violence with an active and identifiable agent.

Figure 1: Galtung's Typology of Violence (1969, 173)



To exemplify this in the context of Burmese migrants in Thailand: precarious working conditions cause a great deal of harm and even death amongst laborers, but can be traced back to impunity amongst employers, lacking labor unions and weak law enforcement, rather than a definite active perpetrator. Some migrants do however report that they have been verbally and physically abused by their employers – a situation where the perpetrator is clear. In both these situations, laborers suffer serious harm, but the former is indirect/structural and the latter is direct/personal. In both cases, this violence can be both physical and psychological. Structural and personal violence are not necessarily separate, and the one can enable or reinforce the existence of the other; if labor rights, migrant welfare or transparency were deemed core issues to the Thai state, it is likely that police violence and corruption would be affected too. Pointing out every instance of structural violence in the borderland would be unfruitful endeavor; it is always there, through lack of health care and labor rights, lower salaries and hazardous work places. What I suggest, is that the underlying structural violence is part of what enables the personal violence to take place, through acts such as threats and payment of bribes.

## Corruption

A commonly mentioned form of violence described during my fieldwork was the payment of bribes and the corruption of police officers. A classical definition of corruption sees it as

behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence (Nye 1967, 419).

In his writings on the moral economy of corruption in Africa, de Sardan coins the term ‘corruption complex’ (1999, 27). With this he attempts to go beyond narrow definitions of corruption, as represented by Nye, to include other practices who are often deemed to be part of the same behavioral category by those part of it, such as abuse of power, nepotism and influence-peddling (de Sardan 1999, 27). In this complex, de Sardan distinguishes between big-time corruption, such as that of presidents, ministers and directors of important offices, and petty corruption, as it is found in the everyday life on the ground (1999, 28).

## Reciprocity and exchange

Corruption, as discussed above, is a form of violence, both as it targets and disadvantages certain groups in society more than others, and because it often takes places with an underlying threat for those who fail to comply. Following Sahlins’s typology of reciprocity, such exchanges are examples of ‘negative reciprocity’ (1972). Sahlins, building on the works of Malinowski and Mauss, outlines three main types of reciprocity:

- i. Generalized reciprocity: the seemingly altruistic transaction. The social aspect suppresses the material of this transaction, but does not imply that there are no expectations of reciprocity. The return, however, can be at a later time, and does not need to meet the same material value of what was initially given (Sahlins 1972, 193-194). Examples could be birthday presents or buying a friend a cup of coffee.
- ii. Balanced reciprocity: a transaction of direct change. What is reciprocated is of the equivalent value of what was received, and happens without delay (Sahlins 1972, 194). While generalized reciprocity is founded on the social, the balanced reciprocity is on the material (Sahlins 1972, 195), such as in everyday purchase of goods.
- iii. Negative reciprocity is defined as “the attempt to get something for nothing”, making it the least personal of the three (Sahlins 1972, 195). It is characterized by its participants trying to maximize gains at the interest of others, and “ranges through various degrees of cunning, guile, stealth, and violence” (Sahlins 1972, 195). Fraud or

selling at high prices when there is high demand and low supply can be said to be trades of negative reciprocity.

All these three exist on a continuum, though it is unclear when one type takes over for the other. In the case of the Burmese migrant workers, some transactions appear to take place under the guise of balanced reciprocity, but evolves into a situation of negative reciprocity when one of the parts exploits the vulnerability of the migrants. Two examples of this is migrants being scammed into thinking they are buying ID papers, but instead receive nothing, or workers who accept salary deductions in order to receive ID papers from the employers, but either do not receive the papers at all, or receive them at a delayed time.

### Capital and value

Finally, I will outline the stance this analysis takes when discussing various forms of capital or value. Modern anthropology has been accused of struggling to find ways of discussing currencies that lie between Kula rings and monetary economies (Graeber 2012, 411). What constitutes a currency? How can conversion take place between separate spheres of value? Attempting to clarify this, Graeber looks at how former anthropological works have shown how sacrifices and fines are often used as a payment when a homicide has taken place – often referred to as 'blood money'. Emphasis is placed on how this is not perceived as equal to the life taken – “only a life can be the equivalent for a life” (Graeber 2012, 413). The payment is rather an act of making amends, and it would be considered insulting to insinuate otherwise. This example illustrates how things can have worth beyond their immediate sphere, and while this cannot be directly converted, its value can be transferred to other realms of value.

To see how these conversions can be made possible, Graeber looks into an ethnographic study which described both social and commercial currencies, namely Mary Douglas' studies of the Lele in Congo (see f.i. Douglas 1958; 1960; 1963). Social currencies are currencies “primarily used to transform social relationships”, while commercial currencies are mainly used to “further the exchange of material goods” (Graeber 2012, 412). Douglas' study showed how the Lele had two separate spheres of currencies which were not convertible. This, however, was just the ideal, and under specific circumstances the commercial currency could in fact be exchanged into the social currency of human lives. The catalyst? Violence. “It's at exactly this point [...] where the potential for violence enters in the picture, that the great wall constructed between the value of lives and money can suddenly come toppling down” (Graeber 2012, 417).

## Concluding remarks

In this chapter I have outlined the main theoretical considerations which form the base of my analysis. On the topic of borders, I have adopted a perspective of borders as social institutions which are negotiated and maintained by the actors associated with it. Moreover, I have outlined a notion of an extended borderland, where spatial, social and economic marginalization all place the migrants in a position at the margins of society. Thus, the extended borderland is a combination a borderland as space, and borderland as experience. This borderland is navigated not only by migrants, but also through the vision and (potential) violence of the state officials. Elements from Xiang and Lindquist's migration infrastructure, as well as the concept of nodal governance, is presented as a way to contextualize the process of migration beyond the immediate individual in question, while not losing sight of the agency which they possess. Galtung's typology of violence has also been introduced, illuminating how the borderland is defined in part by the structural violence the migrants are subject to – which in turn increases their vulnerability of being subjected to personal violence, such as abuse, fraud and extortion. It is through this violence that initially separate spheres, akin to the regulatory and commercial dimensions in the migrant infrastructure, are able to convert values and issues such as legality and documentation is traded with money.

# Methodological considerations

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In this section I will discuss the methodological considerations underlying this thesis.

Roughly outlined, the study which I conducted is a qualitative one, based on formal and informal interviews in the field, observations throughout my stay in Thailand and Myanmar, as well as extensive reading of secondary literature. Regarding the existing literature on Burmese migrant workers in Thailand, I do in particular build on the writings aspects on the following: Reddy (2015) and Laungaramsri (2015) focusing on identity papers; Lee (2008; 2011a; 2011b) focusing on the multiplicity of governing actors and practices; Pearson and Kusakabe (2012) and Meyer at al (2014) looking at the exploitation and hardship of (factory) workers.

## The researcher

### My role as a researcher

Entering a field and actively searching for people in a marginalized position is a peculiar thing; it felt like a mix of voyeurism, intrusion, academic curiosity and socializing.

Occasionally, I would visit community sites with local organizations which provided migrants with legal assistance or education. During these outreach visits, the organizations' staff would be in focus, allowing me to sink into the background, observing without feeling constantly scrutinized myself. Other times I stood out like a sore, sunburned thumb. My otherness closed some gates; I was for example not allowed to cross the border by moving 'under the bridge', and I could not just 'hang out' at a factory or construction site without getting attention. At the same time, my visible 'foreignness' did have some benefits: it proved to make movement through the city easier when we encountered checkpoints, and informants were often curious and eager to explain their lives to someone from the outside.

### My choice of method

In the process of gathering data, I have worked with a triangulation of qualitative interviews, participant observation and secondary literature analysis. My research question opens up for enquiry into actors beyond the migrants themselves, and to better understand for instance the police or the 'agents', I had to rely on information gathered or experienced by others – be it academic or through interaction in the field. A qualitative approach with fieldwork was chosen as the existing literature did not provide enough data to answer my questions, and as

the life in the borderland is a subjective experience best explained through those actually part of it.

### Reliability and validity

I acknowledge that reliability, in the sense that an identical study will yield the same data, might be futile – both because a study largely based on interaction is bound to be affected to be researcher on the ground, and because the study took place in a field which is continuously changing. I will however argue that I have strived for a relative reliability and validity through my research, both from my side and from my sources; the former by consciously trying to avoid leading questions or other biasing factors in interviews or readings, the latter by corroborating data with other sources or following up on inconsistencies and unclear issues. While I do not reject the concepts of validity and relativity, I abstain from using the terms in a positivistic manner, and rather see the terms as tools to quality control what research I am producing. This approach is largely inspired by Kvale and Brinkmann (2009[2005]).

### The informants

The stories I have chosen to present in this thesis have been selected to illustrate and contextualize my data, which are the result of seven interviews with the staff of NGOs and CBOs working with labor migrants, formal interviews with twenty-three migrant workers, visits to three migrant schools, as well as hours and hours of informal conversations, cups of tea and bike rides with my informants. Quotes as presented are usually verbatim, as interpreted during the interview or directly spoken by the informant. In addition to the twenty-three more formal interviews comes my gatekeepers and others who I interacted with on a more informal basis. One of the most recurring characters in this thesis is ‘Zaw Win’, which functioned as one of my most central gatekeepers, translators and experts of the borderland. For the sake of my informants and others I interacted with through the span of my fieldwork, all persons have been anonymized. This includes name, age and occasionally ethnicity.

### Interviewing

Interviews primarily took the shape of a semi-structured conversation, where I based most questions on an interview guide which would be slightly modified based on the informant and the context. This approach made it possible for me to get information in an effective manner, which was especially important in the situations where I was only granted a short amount of time with the informants. Each interview would usually be wrapped up with the informants themselves being encouraged to ask me questions, to which most would pose a few questions

– ranging from “how many brothers do you have?” to “how do you feel about the discrimination we face in Thailand?”.

Out of thirty formal interviews, only two were not recorded. Prior to starting the recording, I would ask the interviewee for permission. While some were initially reluctant when I asked, it was generally accepted as soon as I explained that I would not ask questions about politics in Myanmar, that all names would be anonymized, and that the audio-files were only so I could listen and write down later on.

## Language

A prominent feature of Myanmar’s diverse population is the wide range of languages and dialects spoken. The majority of workers in Mae Sot are Karen, while the most common ethnicity of those in Chiang Mai is Shan. While this is reflected in the selection of informants, interviews were also conducted translating from Thai, Mon, Arakanese and Bamar. Roughly half of the interviews were conducted with the help of interpreters, who occasionally had to translate from Bamar, rather than their mother-tongue<sup>4</sup>. It is likely that nuances have been affected or lost due to the mix of languages used to conduct interviews.

## The field

‘Globalization’ is said to have shrunk the world; the globe is connected through flows of images, money, people and technology (Appadurai 1996) and no place is ever too far away. Though, if the places in the world are all flowing into each other, where does that leave the anthropologist and others who so pride themselves on meeting people ‘in the field’? One approach has been to argue in favor of a multi-sited ethnography. In his study of transnational Lebanese families, Ghassan Hage recalls his (exhausted and jetlagged) attempts at studying separate sites and communities (Hage 2005). Jumping around, trying to make sense of their happenings and connections, Hage argues, yields little of the sought-after thick descriptions, and instead consumes energy and becomes disruptive. Instead, he argues, the researcher should rather see the field as a geographically non-contiguous site made sense of through seeing both the location itself, as well as the context it fits into (Hage 2005, 465-466). On this note, I chose to see the field as what Andersson dubs the ‘extended field site’ (Andersson 2014, 284). From this perspective, the field is approached as “one site, many locales”,

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<sup>4</sup> Bamar has been used in Myanmar as the national common language but it still not spoken by all of the population.

opening up for analysis of both extended networks and what is on the ground with the researcher (Andersson 2014, 284-285).

Consequently, my field is one of several layers; it is the geographical scope of where I have been myself and personally could observe and interact; it is the space outside my own physical reach, as experienced and retold by my informants; and it is the network of actors and functions which materialize or impact the migrants as they are located in Thailand now.

Geographically, I spent two months in northwestern Thailand, splitting my time between Mae Sot and Chiang Mai. I made multiple visits to the border on the Mae Sot-side, observing the flow of movement everyday bustle; I have been invited to homes, offices and classrooms. While I did cross the border and entered Myanmar, no interviews were conducted on the western side of the border. I do however include my own border-crossing experiences as part of the data, to better understand the stories of my informants and to experience the border.

In terms of imagined or extended space, I also include the places my informants shared with me as they retold their experiences; factory halls, construction site, employers' houses, human smuggling trucks, roads and alleys and homes. Surely the immediate field as experienced by me is to a large degree the same as the one my informants live and move in, but with high levels of internalized strategies of dealing with authorities, it would be naïve to assume our worlds were identical. Looking down the same street, my informants and I would see different things; I would be attempting to take in all the colors and movement and figure out what was going on, they would swiftly pinpoint a police car 100 meters down the street. By adopting Andersson's extended field site, I have hopefully managed to capture a part of the world which my informants live in, as observed by me and retold by them.

# Chapter 1: The emergence of the border

## Introduction

Borders do not simply come to be. Some are created with pens, rulers and sharp lines, others through warfare or landscape. The Thai-Burmese border, as it is discussed here, is the result of a wide range of processes through time and space. In this chapter I set out to explore how the border as it exists today has emerged and how it is reproduced and maintained.

The first section of this chapter will discuss the land itself, and how mountain ranges, rivers and unforgiving landscapes have been defining in where the border runs today.

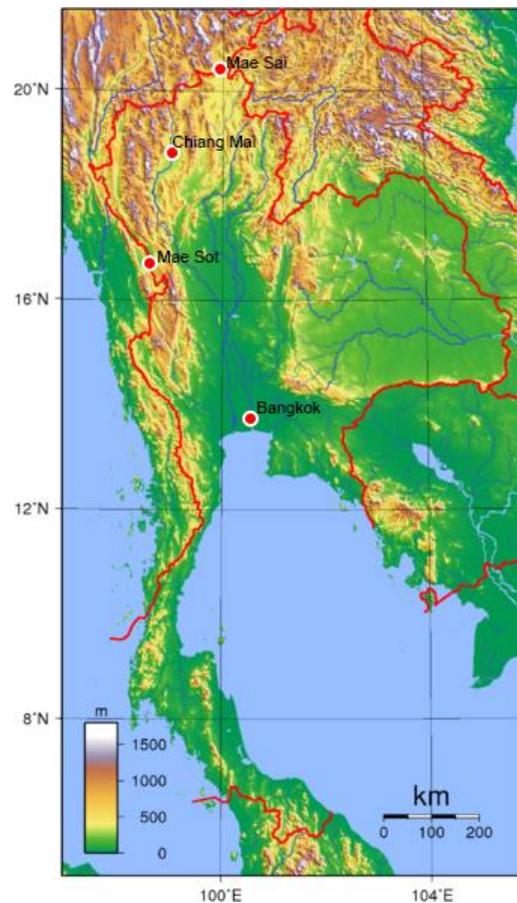
The second part of this chapter will discuss the development and impact of the political economy of the borderland. ‘Political economy’ here is used in its most basic sense, referring to the political and

economic processes which have taken place on both sides of the border. While acknowledging that migration and trade has taken place in this region for hundreds of years, this analysis only stretches back to directly after World War II, as this is the point when Myanmar as it exists today was given independence from the British colonial powers.

The third and final section of this chapter deals with the governance of migrants entering or wishing to enter Thailand. As legal status and documents have such a large impact on the lives of labor migrants, I will outline the development of immigration policies from the 1970s up until today.

## The border landscape

The Southeast Asian highlands have generally been framed as tough to govern and conquer, much due to their inaccessible terrain. Scott, for instance, argued that the Southeast Asian

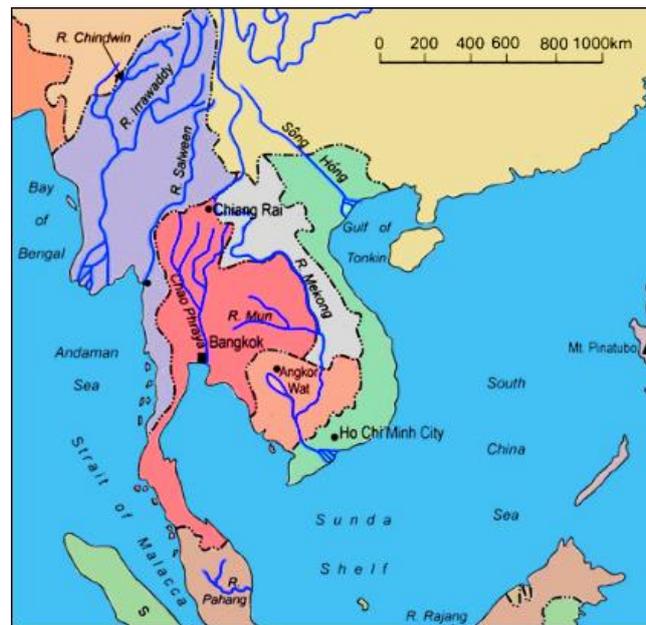


Map 2: Topography of Thailand.

hilltribes<sup>5</sup> often evaded the grasp of the state through the ‘friction of terrain’, taking advantage of the jungle and topography to evade centralized state power (Scott 2009). And while the political climate may have changed over time, and technology and bettered infrastructure has made their marks on the land, large parts of the landscape remains inaccessible.

The Thanon Thong Chai mountain range dominates the northernmost terrain, with Doi Inthanon as its highest peak. The mountain is Thailand’s highest at 2,565 meters above sea level, and lies in the vicinity of Chiang Mai. The Shan Hills, of which Thanon Thong Chai is an extension, stretches from the central lowlands in Myanmar and through the northwestern

parts of Thailand, covering a distance of several hundred kilometers (Gupta 2005, 50). Its surface is marked by sharp cliffs and deep gorges, much of which results from the limestone of the fundament being sliced by the three major drainage systems of the region; the Irrawaddy, the Salween and Chao Praya (Gupta 2005, 50). The Mekong River too dips into the Thai-Burma borderland as it coils through the infamous Golden Triangle<sup>6</sup> and then



Map 3: Rivers of SE Asia (Gupta 2005, 66, colorization added)

continues towards Lao PDR. The Salween River, stretching from Tibet in the north and running into the Andaman Sea from the Myanmar coastline, has been a defining force in shaping the border. River Salween - or Thanlwin in Burmese - meets with the Moei River between Mae Sot and Mae Hong Son, and from this point the border and the river are congruent until Mae Sot. Looking at Map 2, it is clear how aligned the rivers are with the Thai-Burma border – or vice versa: how the border follows the rivers. While the river Moei is manageable to cross, especially in dry season, the emphasis on the political, symbolic and economic effect of the Friendship Bridge shows how the river has been part of the divide between Myanmar and Thailand.

<sup>5</sup> The term ‘hilltribe’ or ‘highlander’ has in recent times been argued as being derogatory, as it is often used to imply backwardness or illegality. See f.i. Stuart (2016).

<sup>6</sup> ‘The Golden Triangle’ can be used to refer to the geography where the borders of Myanmar, Lao PDR and Thailand meets, but has commonly been used to refer to the area as a hub of illegal trade and trafficking.

Utilized by rebel groups, smugglers and displaced people, the landscape – through dense vegetation, inaccessible peaks and deep valleys – offer both sanctuary and brutality. Building on Scott's ideas, Soe Lin Aung argues that navigation at the borders today is better described as navigating through the 'friction of cartography' (2014). Reconfiguring, rather than rejecting Scott's concept, Aung proposes that the geopolitical demarcation of the border has become a space of refuge for various social groups (2014, 27-28). As the territory in the edges of the state maps often appears to lie outside the control of the center, the peripheral becomes the center of the state-negative spaces.

### Bordering through the political economy

While the concept of nation states and accompanying borders is commonly cited as a product of the Peace of Westphalia in 1648, most contemporary state borders are much more recent in their creation. Additionally, the Westphalian treaties were a European product, and while the logic of sovereign states has been transferred to demarcating state territories on other continents, it has often been the act of colonial powers or influences. Thus, it is not a one-size-fits-all framework, and does not always align with tradition or life on the ground.

State borders in Southeast Asian history have not always been perceived as the decisive factors for political power (van Schendel and de Maaker 2014, 5). Control of manpower and taxation, to name some, were both deemed more central to ruling Siam or Malay than territorial control (Scott 1998, 185; Aung 2014, 30). Discussions of border enforcement made little sense in a paradigm focused on centralized power, viewing the margins as non-state spaces (S. L. Aung 2014, 30). This aligns with the idea of the *maṇḍala* power-model as it is presented by Wolters, where power was centered in a "vaguely defined geographical area" of various sizes (Wolters 1999, 27-29). It was not uncommon for some of the *maṇḍalas* to overlap, and they were the scene of continuous negotiation.

God-given power may be said to have been behind the kings, but opportunism grew whenever the chance offered itself. "Each [mandala] contained several tributary rulers, some of whom would repudiate their vassal status when the opportunity arose and try to build up their own networks of vassals" (Wolters 1999, 28). Accordingly, while the power was located at the center there was no absolute dictating where this center had to be, or whether or not a new *maṇḍala* could emerge.

In spite of the practices of centralized power, the borderlands were not left out in the cold. One of the central skill of government in this framework was

the gathering of what we would describe today as “political intelligence,” or up-to-date information on what was happening on the fringe of a *maṇḍala*. This was of vital importance as threats could be anticipated. Thus, happenings on the *maṇḍala* fringes were as significant as those at the centers, and rulers who maintained communication with distant places were able to cultivate far-reaching geographical perspectives easily (Wolters 1999, 28).

Thus, the outskirts may not have been the direct subject of any divine king’s ruling hand, but awareness of the boundaries was still a necessity for maintaining sufficient control.

At the same time, these power *maṇḍalas* allowed for leeway in the margins, such as with the ‘hilltribe areas’ in the highlands (Scott 2009; Aung 2014). Scott’s writings on the Asian highlands are however historical analyses and his empirical scope is set to the time prior to World War I. While governance of Southeast Asian states may have been focused on centers of population and resources in the past, the presence of colonial powers well into the middle of 20<sup>th</sup> century<sup>7</sup> was part of creating the Southeast Asian maps of today. Colonial powers increased the focus on the margins as borders gained importance; claiming control over land meant marking something as yours – implicitly mapping out what is not someone else’s.

### The political history of the Thai-Burma border

While many state borders are the direct legacy of colonial powers, states surrounding colonized territories were impacted as well. While Siam<sup>8</sup> was never formally colonized, all of its Southeast Asian neighbors were. To its west Burma was under the rule of the British empire, Malaya answered to the same ruler in the south, and French Indochina made up the remaining border in the east. Able to resist pressure from the colonial powers, Siam remained relatively independent - but its borders nonetheless remain a product of negotiation with the French and British (van Schendel and de Maaker 2014, 3; Aung 2014, 30).

#### *The Thai side of the border*

Historically, the localization of official power in Thailand has been placed in the hands of the monarchy – and partially remains so today. After the 1932 Revolution, the formerly absolute monarchy lost some of its position, and the Kingdom has been a constitutional monarchy since. The current Thai monarch, King Bhumibol Adulyadej, is with his 70 years of reigning the longest sitting current head of state. Ideally, the head of government is a prime minister

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<sup>7</sup> Laos gained independence from France in 1953, Vietnam in 1954, and Malaysia was granted full independence from the British in 1957.

<sup>8</sup> The country changed name from Siam to Thailand in 1939, reverted back to Siam in 1945, and back again to Thailand in 1949.

elected through the Lower House of Representatives. In reality, the prime minister-position has been filled by a mix of politically elected candidates and military officials: Current prime minister Prayuth Chan-ocha is the 29<sup>th</sup> prime minister of Thailand, and the 16<sup>th</sup> army chief to hold the position (The Economist 2014). Thailand's most recent coup d'état – the 12<sup>th</sup> since 1932 - took place in 2014, and the National Council for Peace and Order (NCPO) remains in control as of today. As ruled directly after the coup, the Kingdom is currently under martial law. Restrictions of media and freedom of speech is widespread, as well as frequent detainment of activists and politicians (Human Rights Watch 2015). Prime minister Gen. Prayuth Chan-ocha, together with the NCPO, targeted migrants shortly after the rise to power, deporting undocumented workers and sanctioning employers who failed to adhere to the policies (Laungaramsri 2015, 24; International Labor Rights Forum 2016).

### *The Burmese side of the border*

Approaching the border from the Burmese side, it has already been mentioned that Burma was under British colonial rule until 1948, existing as a province of British India. The territory counted in as part of 'Burma proper' was the result of the Panglong Conference one year prior to the separation from the British. At the conference were representatives from the Shan, the Chin, the Kachin and the interim Burmese government, as well as some Karen leaders invited as observers (Burma Link 2014). The Panglong Agreement did however fail to produce the promised sense of unity, inclusion and freedom for all ethnic groups and organizations, and armed conflict followed shortly. The Karen armed opposition which began in 1949 has been referred to as "the longest ongoing conflict in the world" (Burma Link 2015).

After one and a half decade of instability and conflict, the military – led by general Ne Win - staged a coup d'état in 1962. The existing constitution was abolished, and power of land, law and economy was transferred to the military. Land confiscation, forced labor and violence, killing and displacing civilians, occurred throughout the military rule (Burma Link 2014). After a strong recession and near bankruptcy of the state, Ne Win resigned in 1988 and was replaced by Dr. Maung Maung. Shortly after, the military staged a coup, and established a new harsh rule under the State Law and Order Restoration Council (SLORC). As Burmese students and activist protested against the authoritarian rule, the military answered with crackdowns of violence, arrests and mass killings (Human Rights Watch 2013). It was around this time that many of the Thai refugee camps were established – many remain today. For

those remaining on the Burmese side, displacement, rape, forced labor, portering and conscription were widespread.

While the '88-uprisings *did* result in an election, the results were declared invalid by the military. A partial transfer of power to an elected government did not take place until 2011, while the Burmese people would have to wait until 2015 to part-take in an election deemed democratic by the international community. Ridding itself of its pariah-status, both in the ASEAN and globally, Myanmar now sees an increase in cross-border trade and investment (World Bank 2016).

### *The border as a safety measure*

The border has not only been in the periphery of the Thai and the Burmese state, but has also functioned as a buffer zone between the two countries (Lintner 1995, 72; Lee 2011b, 2).

While the Thai state reportedly supported the Karen rebels until the 1990s, the government then became progressively more friendly towards SLORC, aiming to strengthen border trade and the Thai economy (Taylor 2001, 129). In spite of the thawing relationship between the states, the conflict and cross-border movement remained, and at one point the frequency of conflict and border-crossings made the exact location of the border unclear (Taylor 2001, 130). While ceasefire-agreements are in place from time to time, various ethnic military groups reside in the margins of the states, both as they lay claim to the land as their own, and as it offers some sanctuary from the state military and their forces.

### *Economic history of the Thai-Burma border*

Historically, both Thailand and Burma have had geographical positions which has been of strategic advantage when it comes to trade in South and Southeast Asia, as well as extended routes such as the Silk Road. By land, they lie at the crossroads between India, China, Lao PDR, Cambodia and Malaysia. Additionally, the long coastline facing the Bengal Bay has opened up for communication with India and the world beyond. The coastline is still a hot topic in terms of developing economic zones and trade routes, especially focusing on the Dawei port in Myanmar, located 250 kilometers west of Bangkok. This section, however, will focus on the Thai-Burma border as it has developed around Tak province, as Mae Sot is a key location to understanding both the border trade in Northwestern Thailand, and to this thesis in general.

The mountains and their surroundings have had a dual effect on the area around Mae Sot; while they have limited the access beyond that point, they have also boosted the evolution of

the town as a site for trade and migration (Lee 2011a, 83). What is now the boomtown of Mae Sot was only a village until the second half of the 20th century. When the Burmese junta closed the country off from the rest of the world at the beginning of the 1960s, finding new ways of negotiating and navigating the border gained importance. Mae Sot consequently became the scene of black market trade and rebel activities (Taylor 2001, 129; Lee 2011a, 84). The facilitators of this business were not primarily Burmese, but rather Thai businessmen attracted by “the lucrative border trade” (Lee 2011a, 85). When the borders were opened for trade in 1989, the black market as it existed at that time was rendered superfluous (Litner 1999, 357-358), and was largely replaced by an influx of refugees and other migrants (Lee 2011a, 85). This is not to say that that illicit border trade has ceased to be; the illegal border economy remains an arena for prostitution and trafficking, as well as trade in gems, timber, guns and drugs (Haanstad 2008, 117).

The increase in bilateral investments was linked to the Thai government policy of ‘constructive engagement’ with Burma, triggering factories to both open and relocate to Mae Sot (Arnold and Hewison 2005, 319). The approach, initiated by the Chatichai Chunawan-government in 1988, was seen as a solution to Thailand’s diplomatic struggles with Myanmar, intended to mediate issues on Thai economic interests with its neighbor, as well as ease the international condemnation of interactions with Myanmar’s SLORC (Buszynski 1998, 290). The argument was that Thailand and Myanmar were inseparable countries, and that cooperation would enable Thailand to monitor and facilitate regional development involving Myanmar (Buszynski 1998, 293). As the international community remained disapproving of investing in the Burmese regime, importing manpower across the Thai border became a good alternative for the rapidly growing factory industry.

Locating such production sites in peripheral areas was also encouraged by Thailand’s Board of Investment (BOI), which offered tax-based incentives for those opting to establish their business in Special Investment Promotion Zones (Arnold and Hewison 2005, 320).

Encouraged by economic incentives and a need to compete with other producing countries such as China and Vietnam - as well as a seemingly endless flow of exploitable manpower - ‘migrant powered’ production sites bloomed from the 1990s and onwards (Pearson and Kusakabe, 2012, 4; Mon 2010, 34). As the Thai economy began to decline in 1997 and 1998 the push to lower production costs grew, pushing salaries far below that of the Thai nationals.

The employment of migrant laborers in the Thai borderlands is a clear example of how policies at both sides of the border (re)produce the border economy as it exists. Due to

political and economic incentives, employers are in a much more beneficial situation when located on the Thai side of the border: the workforce may be Burmese and can be paid as such, but the profit and goods follow Thai policies. In this way, the creation of SEZs along the Thai-Burma border is part of maintaining the border through underscoring the clear lines of Thai employers and producers on one side, and Burmese workers on the other. The existence of the border, as well as the proximity of it, is therefore a central factor for the production sites in Thailand. Through the establishment of SEZs, the Thai state created interstitial borderlands which opened up for the import of manpower, enabling employers to hire Burmese workers at low salaries in precarious settings. As the enchanted vision (Jensen 2009) of the SEZs appears as one of prosperity and large-scale investments, the life of the laborers on the ground falls into the shadows.

### *Looking away to look out for their own*

As I observed the Thai-Burmese border the first time, it became clear that I faced a different border than what I had expected. I arrived assuming the illicit would only take place in the shadows, hidden away from any curious spectator. My assumption was, to put it bluntly, dead wrong. Boats were shuttling back and forth between the Thai and Burmese riverbanks, with passengers, plastic bags, suitcases and cardboard boxes. Interestingly, the border and its seemingly lax law enforcement were not explained to me as a lack of control from the state's side, but as a rational choice to support local businessmen. Having spent several days observing the Mae Sot-Myawaddy border, the boats and their crossings, I finally admitted my confusion to a few of my informants: Day after day I was told stories of migrants *hiding* from the police and how invisibility was the key to surviving outside the legal realm. And suddenly I sat by the riverbank, watching flows of people and goods crossing in such a blatantly unauthorized manner – while armed men in uniforms sat chatting only meters away. As in most explanations on why Thai authorities worked as they did, money was given as a determining factor as to why the soldiers would not 'see' the activities taking place:

It's a bit complicated. Mostly, the ferries are owned by Thai employers, Thai rich people. Therefore, the Thai authorities have to think about their Thai people. If they don't allow people to go under the bridge, then the Thais who run the business will have losses. Also, the businessmen are giving money to the authorities. So they are looking out for their people. (...) The two countries' governments also have an understanding of friendship. That's why they allow it to happen.

Rather than being narrated as a blatantly visible felony, the border hustling was interpreted as a relationship characterized by reciprocity; the authorities would close their eyes as the boats floated by, as long as some of the money collected found their way back to the officials in the

end. What would Sahlins say about this trade? Maybe we can label it as a volatile sort of generalized reciprocity, where the operation stands on the principle of “you scratch my back and I scratch yours”, until someone steps out of line and what was tolerated suddenly is seen as the legal transgression it really is. Adding to this protective nationalism was the idea that the Friendship Bridge and the world around it stood as a representation of the bilateral ties between Thailand and Myanmar where looking away was an act of goodwill from both states.

## Migration and policies

Looking beyond mountain ranges and financial investments, migration flows and policies make up another factor through which the border is maintained and enacted. For the Burmese migrating into Thailand, the bureaucracy associated with the border-crossing is often the first meeting with the Thai state. In this way, documents function as the formal language in which the citizen and the state ‘speak’. Even if the topography of the border zones does provide shelter and cover for some, there are still systems in order to ‘read<sup>9</sup>’ those crossing between the two states.

Controlling something is a lot easier when you see or know what you are to be in control of. Observing and managing a flock of birds, for instance, would be a terribly difficult ordeal if you were to simply walk into a forest you knew were inhabited by birds, and promptly begin to try governing all these wild ducks, thrushes, finches and crows. No matter how keen your eyes, it would not make sense to just stand on the ground and watch. Ornithologists and other avian enthusiasts know this, as do state authorities and other governing forces. Therefore, observing populations of birds is usually done by registration such as ID-rings attached to birds’ feet. Similarly, human populations are made legible and manageable through civil registration and documentation (Scott 1998).

Both crossing the border, further travels and finding employment in Thailand requires papers and money. The latter can provide access to the former, and vice versa, and lacking both is likely to lead the migrants into vulnerable positions prone to exploitation (Mon 2010, 38-39). The exception is those who only stay in Thailand for a shorter period, who can be granted temporary access to the country, albeit not for working. For Myanmar nationals, the formal bilateral agreement allows for 14 days visa-free in Thailand, as long as they enter through an international airport. As this time runs out the migrant is obliged to leave Thailand and return

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<sup>9</sup> I primarily base the notion of ‘reading’ populations on Scott’s *Seeing like a state* from 1998.

to Myanmar. Migrants have also been reported to enter Thailand on one-day passes, and then overstaying (Arnold and Hewison 2005, 319; own data).

The formal ideal - the enchanted vision if we may (Jensen 2009) - of migrant registration in Thailand is one of bureaucracy and temporality. Processes of regularizing migrants, such as the NV-process detailed below, require a series of forms, applications and approvals. At the same time, the documents obtained through these often complicated procedures require regular check-ins or renewals to maintain the legal status of the holder. In contrast, reality is characterized by lack of documents, informal understandings and unpredictability. If civil documentation is a matter of being seen by the state, the precarious situation of the Burmese is more of a brief glance. Yet, as I will illustrate throughout the following chapters, this can be seen as a willful ignorance which draws power from the fact that the state *can* decide to ‘see’ when deemed necessary.

### Policy overview

The 1978 Foreign Employment Act and the 1979 Immigration Act are two of the earliest guidelines dictating the handling of labor migrants, and rule that immigrants entering the Thai kingdom without visa or other legal certificates are illegal aliens subject to sanctions such as deportations. The laws additionally restrict the sectors of employments available to low-skilled workers – restrictions that remain in place today.

A cabinet resolution in 1992 stipulated that migrants were to register with the Thai government, which would then earn them ID papers listing them as “illegal, pending deportation” (Reddy 2015, 254). The decree opened up for employment of Burmese migrants in 10 border-provinces (Huguet, Chamrathirong and Natali 2012, 2). Due to high registration fees, uptake was low. In 1996, illegal migrants from Cambodia and Laos, as well as Burma, could sign up for a limited range of jobs which were regulated by quotas, as well as being province specific. With the impact of the declining economy of Thailand in 1997, any previously existing goodwill diminished, and approximately 300,000 migrant workers were deported. An additional 300,000 were deported in 1998 (Srithamrongsawat, Wisessang and Ratjaroenkhajorn 2009, 17). The recession did, however, not reduce the amount of Burmese in need of employment, and migrants continued to enter the country.

In 2003 and 2004 came the initial attempts to streamline the movement of manpower between Thailand and its neighboring countries. The Burmese junta was for a long time cautious to enter into bilateral migration agreements, as this would imply acknowledging the high

numbers of people who had fled Burma (Mon 2010, 36). In the end, the Burmese government decided to sign *The Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers of 2003* (more conveniently referred to as ‘the MOU’). The MOU failed to cover the desired amount of workers – partially because many migrants were already in Thailand – and was followed by a series of additional policies. The MOU program as it was designed in 2003 would provide migrant workers with a work permit, as long as they partook in what was named the National Verification (NV)-procedure. Lao PDR and Cambodia soon began this process, while the Burmese government remained passive (AMC 2005, 31-32 in Mon 2010, 36). To regularize those already in Thailand, it was agreed that the Burmese state would send officials in order to verify the nationality of workers and issue temporary passports. This would not only function as a practical registration of migrants, but also illustrate the bond of cooperation between Thailand and Myanmar.

#### *‘Temporary passports’ and ‘pink cards’*

The MOU and the NV-processes have given workers, especially those in larger workplaces such as farms or construction sites, access to ‘Temporary Passports’ (TPs). These would last for two years before they had to be renewed, and required an additional annual work permit to be valid. TPs were one of the two most common ID papers I was presented with if the interviewee had legal documents, the other being the ‘Pink Card’ (PC). While Thailand signed the initial MOUs with its neighboring countries in 2003 and 2004, the implementation of the Thai-Myanmar agreement and the associated NV-process did not fully commence until 2009. The same year, a decree was issued which threatened with mass deportations for all migrants who were not registered by February 2010 (Reddy 2015, 254). A ‘registration amnesty’ was eventually offered, opening a window for those who had not registered. These cycles of annual registration-windows and looming deportations has now become a reoccurring event.

Unlike the PC, the TP functions as a legal ID, and those holding it are eligible for social security, some labor rights, and can obtain driver’s licenses. It is, however, not a functioning international passport. While the annual cost of the TP, work permit, visa and health care is supposed to lie just above 3,000 baht, the use of brokers and informal channels can more than triple the price. As of right now, the future of the TP is unclear, and migrants I interviewed expressed worry about being forced to obtain PCs or face illegality and potential deportation.

The Pink Card as it exists now is also referred to as the ‘Army Card’ as it was introduced after the military seized control of Thailand in 2014. It does not function as a legal ID, and is to be renewed by the holder every year. While initially being framed as a temporary solution so illegal migrants would have time to regularize their status, it appears to have developed into a more permanent solution. The first window of registration closed October 2014, as the amnesty granted by the military came to an end. After this, the expiry of the (re-)registration was pushed to April 2016. As this thesis is being written, a final deadline for workers to register for a legal status has been set to July 29<sup>th</sup>. Those failing will potentially face up to 100,000 baht in fines and five years of imprisonment (Bangkok Post 2016).

Unlike the TP, PCs do not open for travels in Thailand or back to Myanmar – all movement outside the province of residence requires written permission from the employer. Driver’s licenses? Not permitted. Social security and labor rights? Practically unobtainable. In order to obtain the permit through official channels the migrant was originally expected to pay around 300 baht, while in reality the sums build up to more than ten times this (N. L. Aung 2016).

### Legality in practice

The use and existence of migrant registration and documentation functions both as way of highlighting the law, but also illustrates the leeway offered by the borderlands. In a world of no borders, there would be no need to register, line up at the immigration booths, prove your intention and legality, and then move on. While the border and its checkpoints are no absolute demarcations where ‘no paper, no entry’ determines mobility, they still clearly point out where the Westphalian ideal is located. The ambiguous legal status of those registered is another proof of the volatility of the state; a TP signals who is on the right side of the law, but the temporality of the document also shows how the Burmese are in the territory of another authority who can expulse them when their time comes. PC-holders are in an even more precarious situation, not legal enough to travel, but legal enough to work.

Maintenance of the border – to a large degree – rests on state officials and policies. Then what happens when people move past the barriers which the state is supposed to keep in place? They take the border with them. Not in a literal sense, that would be nonsensical. But through the internalized fear of having their legality rejected by state officials, migrants develop strategies in order to remain in the country. Thus, many may not have formally entered Thailand through the correct routes, and they risk deportation based on the legal framework. Through this constant awareness of their illegality, the border develops from a spatial boundary to an internalized experience. The stress accompanying the illegal status heightens

the focus on not visibly breaking any laws, as it risks putting you at further risk with the state officials or employers.

## Conclusion

What has been presented in this chapter is an outline of some of the central processes behind the emergence of the current Thai-Burma border. Historically, life on both sides of border has been characterized by violence and political instability. Former colonialism has left behind its mark on the border, as has the long-running conflicts inside of Burma, making the border region an unstable and volatile place. This means that while the location of the border - as found in maps and coordinates - may remain mostly the same, the precariousness of the border space causes the enforcement of the border to vary. The creation of the Thai-Burmese border is then not a static demarcation of state territories, but a product of negotiation through history, with unforgiving terrain, violent regimes and illicit border activities as central keywords.

As the borders have become increasingly open for business, illicit markets around the border have become more diverse, now including trade deemed both authorized and unauthorized – as well as that in the gray zones between. Linked to trade and investment, Thailand's decentralization of industrial production sites has been part of shaping the border through the cross-border trade of goods, as well as the need for cheap imported manpower. As noted by Hyndman, “the movement of bodies across borders is intimately related to trade in other goods” (2001, 45). It is the management of these cross-border bodies which founds the third factor in the construction of the border, drawing a clear line between Thais and Burmese, and where they belong. As will be discussed in the next two chapters, these lines are simply ideals, and the practice of migration and legality differs from paper to practice. Actors and how they negotiate the policies on migration and labor are part of maintaining the border, while simultaneously opening up for the creation of the borderlands.

# Chapter 2: Crossing the border

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## Introduction

In the previous chapter I discussed how the border has emerged through a range of processes in both Myanmar and Thailand. Maps have been written to indicate territorial boundaries, the material structures show its location on the ground, the legal dictates who is to cross and how, and the actors linked to it either cross it, hinder or enable each other to pass through. In the following chapter I will explore how the actors on and around the border move between the states, interact with each other, and together maintain and negotiate the reproduced border. Much of this happens in the space between the ideal and the practical.

While the structures of policy, transportation and labor are central in the emergence of the border, the immediate action on the ground is part of maintaining and negotiating how the border functions. As previously outlined, the production of migration policies through the past 40 years has been erratic, making the sphere of legal requirements unpredictable and blurred for migrants. Correspondingly, the gap between ideal and practice also poses as a challenge for the state officials, as they work to mediate life on the ground with life as dictated through policy. Because of this ‘governing gap’, power – as well as violence - is most definitely present at the border and border crossing, though with varying degrees of concentration.

To better frame these irregular topographies of power and authority, build on the concept ‘nodal governance’ (Shearing and Wood 2003) as a framework which offers us a way to look at polycentric formations of power and governance. I will further explore how these nodes can be seen as important elements in the migration infrastructure running between Myanmar and Thailand, and aim to build upon the writings of Xiang and Lindquist (2014) to clarify this. In its original form, nodal governance appears rather preoccupied with issues of policing and security. What happens if we bend this framework a little, to include actors who are not necessarily out to govern in a protective sense, but who still have a significant impact on the security and control of people in the borderland?

Finally, I will demonstrate how different spheres of exchange and value are converted through the use and threat of violence in the borderland, functioning as a lubricant where there otherwise would be friction between the ideal and what is practiced.

## Crossing the border - my recollection

Many parts of the Myawaddy-Mae Sot border were off-limits to me as a researcher, others were outside my immediate field of choice. Some areas were inaccessible to all, while some were open to Burmese migrants but not me – such as the ‘sneaky’ crossing with the boats. Mostly, I accepted the view I had from the walls above the riverbanks<sup>10</sup>. As most of my observations took place on the Thai-side of the Moei, I will describe the border-crossing from that perspective.

The Friendship Bridge itself is located 7 kilometers outside of Mae Sot town, and is easily reached with a *songthaew* or a bicycle. Locating it was no puzzle either; follow the widest road with the heaviest lorries, and you will soon find yourself there. The procedure of crossing the bridge by foot consisted of a series of small emigration/immigration offices and booths. While Burmese migrants formed long lines, those with “Thai or Foreign passports” were granted a shorter waiting time at separate counters. It was hard not to notice how aptly this illustrated the position many Burmese hold in Thailand; neither Thai nor foreigner. I stood in line, sweating, shifting, looking at the backpacker in front of me. She appeared to be arguing with the emigrations officer. For a brief moment I began to worry; were they not letting us pass today, was there a change I had not heard of? Eventually, another official came and brought the backpacker to discuss elsewhere. There was no new border regulation, no impromptu ban of foreigners – the woman in front of me simply did not have the required visa. As I put my own passport down on the counter, straightened my back and smiled up at the face behind the counter, it crossed my mind that I likely was projecting some of the worry that had been retold to me to my own border-crossing. There was, of course, no need. My papers were in order, and rationally I was well aware. In discussing the paths of the undocumented and the endemic corruption when interacting with state officials, I had forgotten that the trajectory of the illegal migrant worker is just one of several at the border. In the path I was expected to take, the border was orderly, efficient and controlled, and rather in line with the enchanted ideal I have presented of the migration control.

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<sup>10</sup> Nor did the uniformed, armed Thai officials at the border seem interested in letting me pass through that point.



Photo 1: The Moei River as seen from the Friendship Bridge. Thailand to the left and Myanmar to the right.



Photo 2: Friendship Bridge, facing Mae Sot.



Photo 3: Friendship Bridge, facing Myawaddy.

Leaving behind the Thai side and the emigration offices, the Friendship bridge itself stretched some hundred meters over the Moei River. Crossing at the height of the dry season, I was greeted with a rather shallow and muddy stream of water and trash. A man walked across as I looked down, brown water reaching up to his waist.

Then, as the bridge descended, I walked into a series of similar looking immigration booths, was ushered into a small office – “Here! You! Foreigners here!” - and duly got my entry stamps and formalities in order. The whole process of walking, crossing and waiting took me roughly half an hour, and after exiting the area of the bridge I found myself in a dusty town not too different from the one I had just left behind. Gone where the signs in Thai, around me were vans loaded to the brim with boxes and people heading home; the cars were packed with

travelers – front seat, backseat and trunk, as well as a busy flow of trade goods and food being carried around. I had reached Myawaddy and with that Myanmar.

While my experience of legally crossing the border differs from that of the Burmese, we still walked the same road between Mae Sot and Myawaddy. Traffic was busy, many carried suitcases and bags, and it was clear that my route of choice was not an uncommon one. For me, however, crossing over the bridge was the only option available. The unauthorized crossings were not there to cater for my part of the population.

### Unauthorized entries: border-crossing ‘the sneaky way’

Describing the official border crossing in such detail is of significance, not just because the legal path of entry should be clarified, but also due to how it stands as a model for the not-so-official crossing<sup>11</sup> – ‘the sneaky way’, as Zaw Win dubbed it. Moving back to the Thai side and the spot where the AH1 reaches the bridge, the “unofficial” route begins where a path diverges from the highway, and goes around the side of the bridge. Trade is a major activity around the border, and shops and bags of goods are lined up along the road. The path follows the river, offering a view of both the river itself and all those who are passing on the bridge above. Carry on down the riverbank and you are met with small shacks selling drinks while uniformed Thai soldiers sit nearby, rifles at their side. Past the soldiers are sandy banks, small groups of people waiting and boats carrying others over. The same way the official border-crossing involves interaction with Thai authorities, a checkpoint of some kind, as well as a vehicle or structure carrying you over the river, the unauthorized crossing requires much of the same procedure to pass.

The sense of watching a copy of the official procedure only increased by the fact that border-crossers here too are expected to pay a little fee to use the crossing. While the exact sum slightly varied from interview to interview, it was commonly noted that in order to get onto the boat and cross the river, a small transaction would have to take place between the traveler and the ‘gate guard’. When loaded with a satisfactory amount of travelers, the boat would float over to the opposing side of the river, a roughly 5-minute journey at most. Passengers would disembark, take whatever they were bringing with them, and head up the stairs and into Myawaddy.

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<sup>11</sup> This parallel border crossing has been noted by other scholars, though not by its function as an imitating system, see f.i. Lee (2008, 194); Laungaramsri (2015, 28).



Photo 4: Entering Thailand 'the sneaky way'. Passengers crossing into Mae Sot by a boat from the Myawaddy-side.

There are, of course, many other ways of crossing the border – both for those with good intentions and for those with more dubious agendas. Several organizations active in the region would explain to me how they almost exclusively worked in Myanmar, but that they rarely would cross the border – in an authorized manner, that is. There was talk of “extra-legal crossings” and having “understandings with the authorities”. Reoccurring in these stories was not the fact that the authorities on either side of the border were unaware of this movement, but rather that they *did* know. “It’s really all about saving face”, a humanitarian worker explained to me. Through communicating with the border guards, they eased the chance of any state officials ‘losing face’ through being revealed to not know what takes place at the border. Again comes the power of willfully looking away. The issue was not whether or not the authorities were able to stop the border movements, but rather that they possess the knowledge of it taking place, in theory meaning that they could intercept if they so wished.

### Governing authorities and other controlling actors

The Thai-Burma border is to a large degree characterized by the jagged chain of the Shan mountain range and dense vegetation. Going back to Scott’s (1998) ideas on visibility and control, it becomes clear that is hardly a region that offers an easy overview. It is impossible to assert that the Thai state could *not* effectively close all its borders and strictly regulate all border activities. I can however say that as of now, the border is a porous one. Reading

through the regional newspapers, articles on drug busts (e.g. Petcharoen 2016; Pinitwong 2016) and human trafficking and smuggling (e.g. Thongdee 2015; Tha 2016) are frequent. Despite of this, the fact that the border checkpoints have such a salient mix of authorized and unauthorized entries does not necessarily abolish the image of control attributed to the Thai state.

Demonstrations of authority were central to Haanstad's analysis on the Thai police force. Through large-scale theatrical displays of policing and power, he argues that the Thai police draws authority through their practices of "constructing order through chaos" (Haanstad 2008). While it is a stretch to claim that allowing both authorized and unauthorized border-movement is a conscious strategy, it does project some paradoxical sense of control – either actual or more as a demonstration of the police force knowing what is taking place. It is, in a larger scale, similar to the importance of 'saving face' as described above. Allowing for migrant agents to pass, for example, might be against the law, but it also centers the illegal activities around certain areas of the border, rather than being spread out all over the jungle and highlands. Through strengthening certain modules of the migration infrastructure, relations may become more reliable, fortifying routes. Additionally, seemingly accepting unauthorized entries implies that the state is in control and *allowing* it, rather than attempting to curb the flow of migrants and visibly failing. The act of looking away is, in this way, one of power, while the act of not seeing at all is one of ignorance.

With the unfixed border come the unregistered and 'invisible' bodies, a necessity for the continued business for employers in the borderland. Writing from a very different borderland than what exists today, Hyndman wrote the following in 2001: "The Thai-Burmese border proves to be a flexible concept that can be invoked to produce refugees or blurred to promoted binational economic infrastructure and trade" (Hyndman 2001, 39). Today, both states have new governments and increased (legal) cross-border flows; the Friendship Bridge has been built, and the AH1 connects the countries. And yet the practice of fixed/blurred borders remains a characteristic trait to the shape of the borderland today, strategically there and not there as the situation calls for it.

## The actors at the border

### *The state*

Even if the state is a rather abstract (f)actor, it remains present at the border crossing through its structures and laws, indicating what is expected. ‘The state’ as an actor does not necessarily act as a physical entity at the border or in the borderlands, but it lays out the frame in which immigration and governance are to take place in.

### *State officials*

If the state is the invisible and ideal, the state officials are the visible and practical. State officials are given guidelines and responsibilities from the policies and expectations of the state. And at the same time they have to do their job in a way that will enable them to return home at the end of the day, preferable neither hurt nor humiliated. This resonates with Jensen’s studies of police officers in South Africa, working to manage both the practical and the enchanted visions of the police (2009). As previously outlined, the practical vision refers to the ways the officials strategically choose to see or not see crime or law enforcement, in order to make it easier for the officers. The enchanted vision is not the opposite of the practical vision, but rather the ideal of what is to be, repeatedly chanted by police and state (Jensen 2009, 61).

### *State vision at the border*

The ‘vision’ of the state is commonly depicted as being centered (Foucault 1979; Scott 1998). It could be argued that the way state practices seem to differ from center to periphery is a sign of a myopic state. Although if that is the case, then I propose that this lack of vision is just as much a *different* way of seeing, as it is failure to see. Ever since the inception of Thailand as a unified state, nationalism and coherence have been core narratives. Taking into consideration that the most recent military coup was in 2014, it still seems valuable for the state to maintain an image of sovereignty and control. Through ignoring that there exist spaces beyond the immediate grasp of the state, the “image of the perfect nation-state that controls its borders” remains in place (Galemba 2013, 278).

Several of my interviewees pointed out that the Thai coup in 2014 not only affected the central regions of the state, but that its impact had been felt all the way out to the border. State crackdowns on visible corruption and disorderly conduct were more frequent after the coup, attempting to push the practical ways of the border closer to that of the ideal. Videos of state agents demanding and receiving bribes in the street circulated online, tarnishing the junta’s

image of control, in turn provoking a tighter grip from the state. Usually busy unauthorized crossings by the Friendship Bridge were closed for periods after the coup, causing migrants to remain stuck on either side of the border, or being forced to swim across the Moei River (Pawt 2014). “The Thai army, the Bangkok police, they do not look away as much”, I was told by a worker lamenting the difficulties of ‘doing’ the border with someone who did not play by the established rules. It was like dancing; if one was dancing the waltz and the other was doing the rhumba, stepping on a couple of toes was inevitable. While these game rules were reported to be known by the Mae Sot police, other governing forces were said to not know ‘the rules of the border game’ the same way:

One time the Bangkok police came. It was difficult. If Thai and Mae Sot police is here.. they know the Mae Sot area. The Bangkok police, they don’t know.. And they charge many money more.

Myo Zaw, director of the Yaung Chi Oo Workers’ Association,<sup>12</sup> similarly expressed doubt in whether or not the military would be able to navigate the borderlands:

If the commander says something’s black, then it’s black. This is their philosophy. They are interested in having one system and making everyone follow it...But that’s not how it works out here. How can you come in and try to get involved in something if you don’t understand it? (Downing 2014).

Approaching the border as an institution implies that there are some social codes; a tool kit of know-hows employed by those involved. When actors fail to play their part as expected, social interaction crumbles, leading to discomfort or even distress (Goffman 1959, 6). This art of ‘doing’ the border is not a constant, but still appears established enough to be both enacted and articulated by those taking part in it. One example is the formerly mentioned ‘border business’, where it is clear that the unauthorized crossings are just that, but that they have an additional meaning attached to them, adding legitimacy; illegality is downplayed for the sake of profit and nationalism.

The YCOWA director, however distrusting of the army’s ability to understand the border, did mirror one of the more positive observations which had been made by several of my interviewees. While this black-and-white perspective had made border-crossings harder, it had also reduced the impunity of corrupt officials. Now, two years later, the junta was still expressed as making itself felt by the border, but in a manner mediating the pre-coup situation with the aggressive power display directly following the coup. This shows that the shape of the current border is not a given, but the result of negotiation and maintenance of the actors

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<sup>12</sup> A central organization working for migrant workers’ rights in Tak province in Thailand.

present. It could be different, it could be closed and surveilled, as showed just after the coup, but it remains porous and alive.

### *Agents*

‘Agents’ (Mon 2010), ‘carriers’ (Meyer, et al. 2014) and ‘brokers’ (Lee 2011a) are an elusive group of actors; the labels are used for actors engaging in everything from smuggling people into and across Thailand to finding jobs and obtaining legal documents. Throughout my interviews, they were often featured as the smugglers, the traffickers, the ‘fixers’ or the ‘travel operators’. While they do not appear to be a very visible<sup>13</sup> addition at the border itself, they facilitate and manage parts of the migration infrastructure, operating as a link between state officials, migrants and employers. By helping migrants cross the border, they are actively part of the illegal routes. At the same time, they reproduce the practice of the ideal legality through obtaining papers for migrants willing to pay, catering the illegal trying to turn legal. In this way, the actors at the ‘sneaky’ crossings not only negotiate what is the accepted way of entering Thailand, they also give a nod to the formal structure by imitating or reproducing its rules and procedures.

### *Migrants*

The migrants are the binding link between other actors; they are the controlled, the smuggled, the trafficked, the documented, the undocumented and the employed. They arrive at the border, cross it and move beyond to through the push of conflict and weak economies, informed and motivated by social networks, moved by agents and others in the migration infrastructure, allowed or denied by the border officials and employed (and anchored) by the employers on the other side. Thus, it seems strange to elaborate on the ways of the migration infrastructure without acknowledging the active presence and agency of the migrants. Moving away from seeing only the migrants adds perspective. Moving away from seeing the migrant at all runs the risk of subjecting the research to self-inflicted ignorance.

## Locating the migration infrastructure at the crossing Legal and illegal crossings

Splitting the ways in which migrants cross the border into ‘legal’ and ‘illegal’ is as mentioned an unfruitful dichotomy when applied rigidly; the different paths often overlap, and the dips in and out of legality are sometimes hard to categorize. Instead, I argue that both ‘over the

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<sup>13</sup> This is likely also due to me not knowing what to look for.

bridge' and 'under the bridge' constitute important parts of the migration infrastructure, and function as complementary and as running into each other rather than as a binary.

After conducting almost thirty interviews with migrant workers, educators or humanitarian staff, it became clear that legally migrating between Myanmar and Thailand - following the book from A to Z - was a rarity. This does in no way imply that all my informants had crossed the border illegally, or that they now lived or worked illegally. They had, however, found themselves in situations outside the law at various points in their time in Thailand.

### *Travel operators and travel packages – Sai Aung*

Sai Aung was in the middle of his twenties. He had traveled from Shan state in Myanmar to Thailand for the first time in 2010, and worked in a factory in Bangkok for eight months. He had been satisfied with the job, as the workdays had been predictable and the tasks manageable. In spite of this, he remained in the capital for less than a year. The city itself, he admitted, had been too “difficult to live in”. Feeling defeated, he returned home to his village and remained there for three years. As time wore on, it became clear that the political climate and economy in Shan state neither generated sufficiently paid jobs, nor education. So Sai Aung made a new plan. For half a year he worked hard, saved up money, and decided to try his luck anew – this time in Chiang Mai. Hopefully he would be able to both continue his education and earn money there. He reached the city through contacting what he referred to as ‘transport operators’, which brought him from the central parts of Shan state and all the way to Chiang Mai. It was easy, he emphasized, because the ‘operators’ knew the police. All *he* had to do was call them and negotiate what he was looking for. As we talked, Sai Aung picked up his phone and pretended to make a phone call: “Hello! How much from my hometown to Thailand? How much do I have to pay? 10,000 baht? All the way to Thailand? Okay? Okay!”. He put his phone down again and laughed a little. “Does the police know about this?”, I wondered. He laughed again. “Yes, of course! It’s not easy to just cross the border, you know.”

Sai Aung had eventually arrived in Thailand in a car, entering through a checkpoint at the Tachileik-Mae Sai crossing. Two elements of Sai Aung’s story struck me as interesting: first, his experience of migration as a package to be bought, known to those in the village and available through a phone call. This utilized not only the commercial aspects of the migration infrastructure, but also the technological and the social. Second was the matter-of-factly response to the role of the police in the border crossing. If migration does not happen in isolation, then neither do the agents operate through their own actions alone. His recollection

of crossing the border may appear paradoxical at first glance; the border was easy for them to cross – but crossing a border is not an easy thing to do. The key is in the agents, or ‘transport operators’. In his eyes, money was the “open sesame” to most travels in the border region – a commonly shared sentiment amongst my informants. If he was to try to cross the border on his own, he would be facing a difficult and potentially dangerous task. However, through providing the agents with a solid sum of money and a little bit of trust, the car he was riding would be able to pass.

Thus, being allowed to enter Thailand was not happening behind the back of unaware border guards, but a trade of seemingly balanced reciprocity (Sahlins 1972) of mutual benefit to migrants, agents and officials. The migrant was allowed entry without sufficient documentation, the agent was able to run his business, and the border guard got a nice addition to his formal paycheck. Though, it can be discussed to what degree the trade is ‘balanced’ for the migrant – does the reciprocity move towards the negative when the price to pay is almost unreachably high, both for legal and illegal entries? This deal, I argue, builds on the possibility offered through the commercial dimension, as it sidesteps the legal requirements of the regulatory dimension and operates under the logic that money can temporarily affect the vision of the state. “Corruption is a very easy way to make money”, Sai Aung shrugged, “and even if some police can see, they pretend like they don’t see. They just walk away”. Crossing the border was not something inherently easy, but it could be made easier with the right approach. Money, as a core element in the commercial dimension, could be used to briefly suppress the demands of the regulatory dimension, namely legality and documentation.

### The regulatory and commercial dimensions

The regulatory is similar to Feldman’s ‘migration apparatus’, defined as “the disparate institutions, policies and discourses that turn migration into a ‘static policy object’” (Feldman 2011, 6 in Xiang and Lindquist 2014, 133). Applied to the Thai-Burma context, this the regulatory dimension covers a broad range of Thai and Burmese offices – some overlapping, some with complementary functions. How these regulatory elements connect depends both on the migrants’ access to other dimensions in the migration infrastructure, and the migrants’ legal status.

For example, two of my interviewees reported that they had crossed legally into Thailand through a northern border post, making use of a policy which allows Burmese citizens to enter into Thailand on a one-day pass. As the day came to an end, they remained in the country,

now finding themselves as illegals. Through adhering to the logic of the regulatory system they had obtained valid legal documents in Burma and proceeded to cross the border in an authorized manner. Then, as their time ran out, they changed status from legal tourist to illegal alien. As time passed, they both reported that they had been able to find jobs, save money and obtain TPs in Thailand. The result? They were back in the legal realm. How? Through paying an agent' a hefty sum, who then took care of the bureaucratic procedure for them.

Avoiding the immigration office could have several reasons, with the most commonly mentioned factors being fear of meeting the police and language barriers. Contact with such agents could be through social networks, or by being approached by agents or their affiliates in town. What becomes clear then, is that the dealings with elements of the regulatory dimension does not always rely on personal action, but can be managed through commercial channels as well. Even if identity documents are meant to prove the uniqueness of the citizen, the outside-position of the Burmese often forced them to approach the bureaucracy in less direct ways – in some instances, almost removing them from the equation completely.

As shown, these agents or brokers are often central components to the commercial dimension of the infrastructure. Following the basic logic of supply and demand, they cover minor or major components in migrant trajectories. This brings us back to Xiang and Lindquist's argument that the five dimensions of the infrastructure are not isolated domains, but rather differing logics of action (2014, 124). When the gap between the demands of the regulatory becomes too big to manage, agents act on the liberal logic of the commercial sphere, bridging the gap for the moment.

Why does this happen? One clue is the argument that migration has become "both freer and harder" (Xiang and Lindquist 2014, 126). From this follows the idea that while liberalization promotes and opens up for mobility, the increased formalization makes the framework in which it takes place much more rigid (Xiang and Lindquist 2014, 127). While legally crossing between Thailand and Burma is becoming increasingly demanding, unauthorized entries remain relatively accessible (van Schendel and de Maaker 2014, 6). To govern the large numbers of migrants, policies and costs multiply, in turn causing the demand of regularization to push many away from the legal realm. Accordingly, businesses of mediating migration begin to grow, finding ways across borders and through or around the systems. In other words, the regulatory dimension appears to grow beyond practical function, triggering the commercial dimension to follow, resulting in what Xiang and Lindquist labels 'infrastructural

involution' (2014, 136). The agents are however not the only actors finding ways to deal with the demands of border formalization.

### The humanitarian dimension

Focusing on the humanitarian dimension of the migration infrastructure can be a good way to see how governance is not necessarily just commercialized, but also dispersed in the Thai-Burmese borderlands. First, let it be noted that there is wide array of humanitarian actors throughout this region, scaling from large organizations such as the UNHCR and ICRC to small CBOs solely running on the effort of volunteers. Medical assistance, education and legal aid are some of the issues covered, and those involved do a tremendous work on both sides of the border. My analysis will primarily cover the organizations I have visited and talked to myself, as this means my data in this case comes from direct interaction where I was able to dig into the topics I was curious about. The community-based organizations were run by either Burmese or Thai staff, often prompting workers to point out that they were not only staff – they were unregistered migrants themselves.

Echoing my own fascination of the governance of the borderlands, Lee has written extensively on state and migrants in northwestern Thailand (Lee 2008; 2011a; 2011b), arguing that the governance of the borderlands needs to be seen as a rejection of the isomorphic relation between citizen, state and territory. The state does not wash its hands off the responsibility for the large number of migrants around its border, but rather divides the responsibility between several state organs, as well as accepting the authority of non-state actors (Lee 2008).

The broad span of humanitarian actors is arguably one of the vaguer components in the migration infrastructure-framework. In their writing, Xiang and Lindquist use the work of IOM as a reoccurring example of an actor in the humanitarian dimension. At the same time, they acknowledge that such organizations to an increasing degree also work and impact the regulatory dimension (2014, 134). While they are quick to point out that their intention is not to be comprehensive, but rather aim to “foreground intersectionality as an operational logic of how migration is actually constituted” (Xiang and Lindquist 2014, 135). Regardless, it does raise some questions if we still are to work on the premise of the five dimensions as following “distinct *logics of operation*” with different defining modus operandi (Xiang and Lindquist 2014, 124). Where does the line go, for example, between the logic of a state’s regulatory procedures, the UNHCR’s mandate to screen refugees and the ID-card production of the organization I discuss below? Are they the same? Can we say that large humanitarian actors,

such as USAID, follow the same logic as a minor grassroots CBO? And if not, what logics are they following? Trying to untangle some of these ‘wonderings’, I will now discuss one of the humanitarian actors which I met with.

While there was a general lack of knowledge about government policy, my informants were well informed about the organizations working on their issues, be it legal, medical or social; few interviews went by without a nod to one of the community development actors.

Consequently, I was excited when I was invited to visit the office of one of the groups. There were no signs or address pointing the way to the location, and Zaw Win had to make several phone calls as we waited to for someone to provide us with the final directions. It was noon at the peak of dry season, and the sun was scorching. As we were in an area with very visible and armed Thai border officials, I expected my gatekeeper to be a little stressed. I asked him several times, checking, wondering if he was okay with visibly walking around the area. “I feel more safe in places like this, like the border, than I do when I am just biking in town”, he explained. Puzzled by this, I tried to keep up with Zaw Win who had received further instructions by phone, and was headed down the road on his bicycle.

As most offices I was allowed into, it was – at a lack of better words – busy. We were welcomed onto a mat in one of the corners, and as soon as everyone had their routine shot of M-150<sup>14</sup>, I was introduced to their work. One of the topics they worked with was the issuing of ID cards for Burmese migrants.

They do this ID card because they talk with the police. The police understand. But they have to pay some money, some fees, some coffee and snacks. (...) The police also understand that now they don't need to check all the migrant people. [The organization] are helping with this legal issue. But even the migrant workers who have this ID card, if they are committing some illegal things, the organization will not be responsible, and the police will do what they have to do according to the law.

Were they issuing these cards to all migrants, I wondered. “Yes”, I was told, “as long as they pay the fee and register their name with us”. Stacks of books and papers were pushed my way so I could see the names of all who had signed up. What is worth to note here, is that the agreement between the organization and the Thai authorities was not merely an understanding with the state officials on the ground. Every month, they explained, they would meet up with

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<sup>14</sup> A non-carbonated energy drink, consisting of large amounts of sugar, caffeine and vitamins. Commonly used by workers in order to maintain their energy levels throughout the day.

Thai state offices, negotiate, pay a sizeable amount of money ‘for coffee and snacks’, and agree that the police would not deport migrants holding the organizations’ travel card<sup>15</sup>.

Initially, this might appear to be a deal which some would label as ‘bribery’. Surely, it could be discussed whether such meetings are legal or not, or if such outsourcing of governance is within the mandate of the involved state officials. In discussing petty corruption, de Sardan mentions the paying of bribes to civil servants, with the payer expecting a favor in return (1999, 27). Perhaps such a payment is easier to justify when the favor is not for the benefit of the one paying, functioning as a kind of generalized reciprocity by proxy.

I argue that this is a prime example of how the governance of those in semi-legal positions itself moves to a legal grey-zone (Lee 2008, 194). Rather than competing, these systems of governance have complementary functions, filling in the gaps when another system falls short. Through constant emphasis on the need for card-holders to stay on the good side of the law, the organization positioned itself one step further away from labelling their practices as illicit. Does all of this imply that the humanitarian actors, as they operate in the borderland, deviate too much from the ideal typical humanitarian dimension to be referred to it by this name? I suggest that while not conforming to the initial outline, the seemingly regulatory function and commercial transaction has an outcome affecting the safety of the migrants, taking a more humanitarian shape in the end.

## Trust, fear and violence

### Distrust and authorities

Money affects the chance of obtaining legal documents. It is, however, not the only determinant. Objectively, it would be natural to conclude that when a migrant has earned the money needed for a safe legal status in Thailand, they will try to obtain the required documents. Such a conclusion fails to take into the past of the migrants.

Hargrave (2014; 2015) has written about how Burmese refugees in the camps harbor strong distrust for the authorities. Past experiences with state authorities in Myanmar have been internalized to a degree where interaction with camp authorities are saturated with distrust. Life in the camps, however, is not the same as that in the factories or the farms. Camp migrants are bound to the designated camp areas, dependent on the aid from camp governing organizations. To a larger degree than on the outside, camp residents are forced to interact

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<sup>15</sup> The cards were valid for a month, and only accepted for movement around Mae Sot.

with the authorities, giving room for both trust and distrust. “A refugee camp is like a refugee prison”, one of my interviewees said, as an explanation of why he was now living a life on ‘the outside’. Part of this wariness of authorities was visible in the stories I was told by my informants, especially for those who had been living in areas directly affected by conflict. Contrary to the distrust of the refugees, which in Hargrave’s account appears to be about the authorities’ intentions for *themselves*, those on the outside express worry for those at home.

A young construction worker explained why migrants from his state often lacked the documents needed to go through with the MOU or cross legally into Thailand:

And we don’t have the ID card, because if you have ID cards, then the soldiers.. Because there are many armed groups in my state, right? And then the Burmese army come to your house, and they see your family list. They will ask “where is your son, where is your daughter, your father?” They will ask many questions. And then the father and mother have to lie. So it’s why we don’t have an ID card. Even for coming to Thailand.

This worry does not necessarily disperse as the migrants begin their lives in Thailand, and can affect the choice of registering for the NV. The procedure is conducted by state officials sent by the Myanmar government to Thailand, and migrants have reported worrying about this leading to unfair taxation and persecution of family back home (Aung 2014, 32; own data). Consequently, the verification system does not function as a ‘safe place’ from the Myanmar state, but underlines how the migrant resides in Thailand at the mercy of both states. As a result, some decide to opt out of the registration altogether, avoiding as much uncomfortable state contact as possible.

### Mechanics of conversion: Money and violence

In his discussion on how conversion of value from separate spheres can take place, Graeber does a thorough walkthrough of anthropological history of currencies and transaction (2012). One of the central examples discusses how sacrifices and fines are often used as a payment when a homicide has taken place – often referred to as ‘blood money’. Emphasis is placed on how this in no way is perceived as equal to the life taken – “only a life can be the equivalent for a life” (Graeber 2012, 413). The payment is rather a symbolic act of making amends, and it would be considered insulting to insinuate otherwise. Continuing down this path, Graeber moves on to Mary Douglas and her works on the Lele in Congo. The Lele had two separate spheres of transaction – social and ‘blood debt’ – which were not convertible. This, however, was just the ideal, and with the right kind of pressure the commercial currency could in fact be exchanged into social currency. The catalyst, according to Douglas’ writings? Violence.

Social currencies are currencies “primarily used to transform social relationships”, while commercial currencies are mainly used to “further the exchange of material goods” (Graeber 2012, 412). It is unclear how Graeber defines a social relationship, but in the Thai-Burmese border context I propose that there are two levels of such relationships: state-citizen relations, and individual relations. I previously suggested that in the regulatory dimension documents and civil registration could be seen as the language in which the state and the citizen speak. Could it also be seen as a trade? This suggests that documents, such as passports and work permits, function as a sort of currency between the migrant and the state. Through the bureaucratic processes leading up to legal documents, the migrant provides the state with money and adherence to its law, while the state is to protect the migrant through health care and legal rights. Money is not excluded from the sphere, but rather functions as a means in the bureaucratic process. You cannot simply buy a passport, but you are required to pay in order to go through with the application. This builds on the idea of civil documentation as a system that “individuates” those who carry such papers (Reddy 2015, 258). The state ‘reads’ you, ‘writes’ you and provides you with a written proof to carry. This is exactly what the NV-process is supposed to do: it takes information about the individual migrant, registers it and provides the migration with a formal verification of their identity.

The second level of social relationship is the individual one, based on face-to-face interaction rather than relations through documents. The relationship between law enforcing officers and migrants are, however, based on their mutual ties to the state and the associated responsibilities and rights; a migrant is to adhere to the law as outlined by the state, the police are to ensure that this takes place, or otherwise sanction it as the state dictates. As is made clear throughout this analysis, this does not always take place – neither from the side of the migrants nor the side of the state officials. Documents are sold or counterfeited, bought through agents or ignored by the police; migrants are allowed to move through paying bribes, and police officers are consequently able to demand and accept such bribes. How does this happen? I argue that the conversion between the bureaucratic sphere and the commercial sphere is a result of both structural and personal violence (Galtung 1969), echoing the arguments of Graeber.

Following Galtung’s typologies, direct physical violence, which is the common connotation when discussing violence, is only one of multiple ways individuals or groups can be subject to violence (1969). Such violence, both realized and as a threat, is a distinctive feature of the

borderlands as lived by the migrants. The backdrop enabling this is the level of structural violence which the migrants are continuously subject to.

The state, from a Weberian perspective, claims monopoly on the use of legitimate violence within its own sovereign territories (Weber 1946). I have argued that as the vision of the state changes from center to periphery, the actions of the state officials do too. Rather than collapsing in the gap between the ideal and the real, violence functions as a social lubricant in the borderlands. The ideal sphere is to a large degree based on documents and legality, but these demands are not fully applicable to the situation on the ground – neither for migrants or the police. As illustrated, these functions are originally assigned to the regulatory dimension of the migrant infrastructure, but are replaced with the logic of the commercial realm when the gaps between expected and possible grow too far apart. The practical sphere is thus to a varying degree - depending on distance from the ideal - running on transactions of money in order to make it all run smoothly – rather than just coming to a halt when there is a lack of legality and documents. In this, the Janus face of this bought legality shows: My informants rarely viewed the threats of deportation as a comfortable one, but also acknowledged that they were allowed to remain in Thailand through the paying of bribes. As mentioned above, Douglas' Lele people allowed for conversion between the social and the commercial economy when (threats of) violence entered the picture, in order to avoid undesirable consequences such as death and war. I believe that this is similar to what is taking place between the migrants and the Thai authorities; strictly enforced borders, stellar working conditions and a world of properly documented labor migrants are in most cases unobtainable to both state, law enforcing actors and migrants. But rather than completely giving up on the picture of a sphere of legality, bureaucracy and sovereignty, the bonds are (temporarily) replaced with violence and money, existing in a state of 'good enough for now'.

## Conclusion

In this chapter I have discussed the primary actors at the border, and how the border is crossed or maintained by the state, state officials, agents and migrants. Together, they interact and negotiate how the borderlands are to be entered, mediating the ideal and the practiced. As the border lies at a distance from the center of the state, the practices of 'bordering' are similarly far away from the enchanted state ideal of documentation, regulation and legality. Attempting to isolate and explain some of the logics at work, I have extensively discussed the regulatory, the commercial and the humanitarian dimensions from Xiang and Lindquist's migrations infrastructure. At a border where few could ever explain to me in detail what was taking

place, the links between different actors and governing nodes are tangled and unclear. As such, I dare to conclude that they might be impossible to fully grasp. Perhaps it would be fitting to see it as linked to the fourth level of governance as described by Shearing and Wood (2003, 405), namely that which falls outside of either state, commercial and humanitarian.

What is clear, I argue, is the immense effect violence has on the border and its actors, be it structural or personal, physical or psychological, realized or threatened. The border as it stands today cannot be fortified by those responsible for its protection and control. Nor can it be legally crossed by the migrants in search of a better life. Rather than seeing this all collapse, the regulating principles are overrun by the commercial. Through these agreements, border officials are said to let agents keep up their illicit cross-border trade of people and goods. Migrants are willing to pay thousands of baht to cross the border, placing their lives and bodies in the hands of agents. All actors are aware of the illegality of the situation, and the potential violence which can emerge if a payment does not meet the demand or an official are forced to go back into the enchanted role of strict border guard.

# Chapter 3: Living in the borderland

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## Introduction

So far, I have outlined some of the processes behind the emergence of the border, as well as how actors maintain and negotiate the border itself. This chapter will look into what happens after the migrants have successfully entered Thailand, and how they interact and navigate in the borderlands ahead.

Now, I have shown where the border lies – but where does that put the borderlands?

Throughout this chapter I will illustrate how ‘the borderland’ is a product of both internalization of subordination, as well as marginalization in various spheres. In other words, structural violence is an underlying characteristic of the borderland. However, rather than continuous victimization, the migrants maintain a degree of agency through both interaction and evasion of actors such as the police and employers. The borderlands are embodied by the migrants, they are enacted with the migrants, and they are subjected to the migrants. In short, the borderlands are not just a spatial experience, they are lived. To better understand this borderland, I will first outline how actors enter the borderland, followed by exploring how the borderlands are navigated through interaction and negotiation of legality and visibility. To conclude I will take a closer look at the livelihoods of the migrants, and how employment and documentation shape their life in Thailand.

## On the move into the borderland

What happens after the border has been crossed varies from migrant to migrant, depending on legal status, social networks and economic resources. Migrants who have entered through the MOU or who are in possession of a TP are free to travel to the location of their workplace. Those in a semi-legal position, such as workers who have legally crossed into Thailand on the visa-free bilateral agreement, are in a position closer to those who arrived unauthorized, as this legality fades fast. It is those moving outside of the law, or in its gray zones, which will be the primary focus of this chapter. Some, such as Sai Aung, reported having bought ‘travel packages’ that brought them from the home town and directly to their new city of employment. Others reported that they had friends or members of their social network meeting or instructing them. A third group recalled having been approached by agents as they crossed into Thailand, offering them a smooth path to employment. A commonly described

route for the broker-mediated journeys was described as crossing the border by either foot or car, and then being smuggled into the country in buses or trucks.

### The Bangkok Dream and how to get there

A recurring story among the migrant workers was what Lee has dubbed ‘the Bangkok Dream’ (2011a). Many had a friend, a cousin, or a former village neighbor who had gone to Bangkok in search of better opportunities. “In Bangkok, the workers all get paid a set minimum wage, decided by the employment minister”, a factory worker told me in Mae Sot, and explained that the wages earned in Bangkok dwarfed what was paid in Tak province. While the capital was said to offer good salaries, it was a difficult place to reach. For an undocumented migrant, most roads in Thailand could potentially mean unwanted meetings with the police. The highway to Bangkok was no different.

However, even for those who legally residing and working in Thailand, mobility was restricted. TPs require regular check-in every three months, but may allow for travels in Thailand. PCs, on the other hand, are bound to both employer and province, restricting movement<sup>16</sup> to the province where the migrant is registered. Taking into consideration the check-points along the roads leading to Bangkok, reaching the capital can be a daunting task for many. Still, where there is a demand there is a supplier, and just as at the border, agents operate in the borderlands beyond. Transportation from Mae Sot to Bangkok was usually cited to lie at between 10,000 and 13,000 according to my informants, even though some mentioned prices up to 20,000 baht. These prices would cover travel by road all the way, and cheaper trips could be found for those willing for move by foot for several days, either to pass the Tak-checkpoint, or walk all 510 kilometers to Bangkok (Lee 2011a, 88).

### *Vegetable trucks, checkpoints and beyond*

One afternoon Zaw Win brought me to meet visit a friend outside of Mae Sot. As the days before and the days after, the sun was scorching and we sought sanctuary in the shade, eating watermelon while they told me the most recent stories of those pursuing the Bangkok Dream.

I watched the news, and on the news there were Burmese people going to Bangkok. But before they got to Bangkok, they made a stop, and they put vegetables and things on top. There was a gap to lie down in, and they put the workers who was going to Bangkok there. They hid there, and then they closed it. For them it’s terrible to breathe inside there. The Police - I don’t know how they got the information - but they stopped the truck. They tried to check, and just lifted off the cover. And they just saw the

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<sup>16</sup> Travels up to a week can be authorized by the employer or government officials (Rungfapaisarn 2016).

vegetables. But then they checked inside the vegetables with a long spear. Putting it inside. And it touched the Burmese. And when the spear touched the girls she shouted “Eyh!” and [the police] heard. And then they found and arrested all six migrants.

They both knew people who had gone through similar routes to reach Bangkok, and acknowledged that while the salaries were higher, so were the expenses:

In Bangkok, it's expensive for the households. And if you want to work in a garment factory, you have to give them 4,000 baht to who show you the way. In Mae Sot, if you have friends, you can get into the factories easily. In Bangkok, no, there you have to give money. And if they are caught by the police, they have to give a minimum of 1,000 baht. That's more than Mae Sot.

This story falls in line with Sai Aung's recollection of his time in Bangkok; the job had been manageable, but the context surrounding it proved too harsh, and he had returned to his village in Myanmar.

Building on the narrative that money can get you anywhere, Zaw Win continued the story by adding that for 30,000 baht you could buy a seat in a police car, which would breeze through checkpoints and take you straight to Bangkok. “Who drives these police cars?”, I wondered. The police, they replied, laughing. “Some migrants, they are not worried at all, they are not scared of the police. Because they have money!”. What should be noted from these stories is not necessarily the questions of whether or not they reflect common practice on the ground, but rather what they tell about the experienced impact of money. Moreover, it illustrates a duality I often encountered when discussing corruption: In one breath those I spoke to would condemn the immorality of the corruption taking place, while in the next they would sigh wistfully at the idea of the world available to those who could pay. While paying bribes is constituted by a ‘briber’ and a ‘bribed’<sup>17</sup>, the condemnation I listened to would only be directed at the one demanding and thus receiving the money. When the corruption is so ingrained in the social fabric, self-justification is made easier. Both because it often is a necessity to get things done, and because ‘everyone does it’ (de Sardan 1999, 34-35).

### The Bangkok Dream crushed - Nung Hom

The Bangkok dream appeared live and well throughout many of the interviews I conducted, in spite of the occasional account of pessimism. Noteworthy was that the dream lived on through those who had not yet been to the capital, but who imagined it through rumors, internet posts and stories told to them by “someone who knew someone” they knew. None of the migrants I

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<sup>17</sup> Or should it potentially be referred to as a ‘bribee’?

spoke to who *had* worked in Bangkok had any immediate wish to go back. Upholding the dream of the good destination on the horizon can be argued to serve a dual-function for those partaking in it: on one hand it maintains the image of success for those who have gone, on the other hand it reproduces an image of possibility and mobility for those who remain<sup>18</sup>.

What is retold by those who have been to Bangkok often follow the common storylines of migrant exploitation in Thailand, and I will look closer at this through the story of Nung Hom. Her story echoes findings of other scholars and human rights groups, and I therefore believe them to be in touch with a commonly lived experience – if not necessarily *the* canonized migrant experience, then at least a significant story.

Nung Hom was in her thirties. She was Kachin, but introduced herself in English. “My name Nung Hom” she laughed, and instructed my translator to tell me that she was learning English in a migrant evening school, but that she could not speak English quite yet. She brought her son to the interview; she was a single mother and had little family around Chiang Mai. Nung Hom had arrived to Thailand 20 years ago, while she was still a teenager. At her home, the crops had been poor and the Burmese army had demanded large parts of what they had produced. The uncertainty and violence of the ongoing conflict added additional stress to their lives. In the end, her parents had decided to send their daughter to work in Thailand. Her first job was as a housemaid, earning her 2000 baht<sup>19</sup> a month. The low salary, she explained, was due to her lack of legal papers. After getting in touch with a broker, she was told that housemaids in Bangkok could make triple the amount she made now. Tempted by the money and opportunity offered in the big city, she had agreed to move to Bangkok. Nung Hom was 16 years old at this point. As she arrived, she was told that the new employer would fix everything for her; as long as she stayed in the house and worked, they would get her a passport and a good income. Time passed, and Nung Hom saw neither. She would work from early morning until past midnight, with a salary much lower than what she had been promised. The employer refused her to ever leave the house, and her lack of papers and fear of the police kept curbed any impulses of trying to leave. In the end, Nung Hom’s employer decided that they would not pay her at all anymore, and threw her out on the street. Most of her personal belongings were put in a bag and thrown away, leaving her out on the street with only her savings and some other small items. “I had no money, and knew nothing”, she

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<sup>18</sup> Here I must disclaim that I once attended a lecture with anthropologist Henrik Vigh, who argued in a similar manner. Additionally, I have had related findings in other studies, see f.i. Bjørneseth (2016).

<sup>19</sup> 2000 Thai baht = 57 US dollars. Converted 28.07.2016.

explains. “I knew I had an uncle in the outskirts of Bangkok, but when they threw away my belongings, they also threw away my phone numbers. I did not know how to get on a bus, and was caught in a taxi”, Nung Hom recalls. Finally arriving in her uncle’s neighborhood, the taxi driver demanded that she paid 2000 baht – a month’s pay in her old job. Scared, she paid, and was eventually able to locate her uncle. Her uncle, in turn, suggested she should travel to some other distant relatives in Bangkok, where she could sell flowers by the market. The people she met while selling flowers were kind, but she was barely able to get by on the money she earned. She thought her luck had turned when she was contacted by someone from her home village, offering her a job in a factory making handbags. “But in the factory, the Thai people there were lazy. Whenever the employer was not around, they would just play and let me do the job. And when the employer was there, they all pretended to work really hard. I was the only one working hard all the time”. In the end, the factory job proved too demanding, and she quit. A series of small jobs followed in the total of eight years she had in the capital, as well as marriage to a Thai man. She had hoped the marriage might help her obtain legal paper, but to no avail. In the end, Nung Hom divorced, gave up on the Bangkok Dream, and moved to Chiang Mai.

Nung Hom’s story is not uncommon amongst migrant workers in Thailand, especially not female workers prone to ending up in less visible jobs such as domestic work. Due to the lack of a sufficient legal status or protective framework, both undocumented and documented migrants have been shown to be victim of trafficking, forced labor, debt bondage, precarious working situations and close to no legal standing if they are victim of harm through the employers or agents (Meyer, et al. 2014; Tang 2015; Nyein 2016). Nung Hom attributed a lot of the negative things she faced to her inability to read, write or speak Thai. Because of this, she was unable to do mundane things such as reading street signs, but also faced issues when reading contracts and legal documents. Multiple times she had been approached by agents who claimed they would help her find legal papers if she just paid them first. Ten thousands of baht later, and she remained illiterate, broke and undocumented.

## Moving and interacting in the borderland

### Hiding and visibility

Going from a state of being *sans papiers* to possessing a temporary passport or a pink card was a costly affair - prices cited reached as high as 15-20,000 baht for those who went through an agent, or just below 6,000 baht for those going through the formal procedure on their own. Yet, as someone entered the realm of the legal migrants, there was more to lose

than just money. This status shift moved the subject from a state of constantly being opposed to the law, to suddenly being able to break *several* laws. The opposite of always being illegal was not permanent legality, but rather to potentially always overstep the new boundaries of legality. While just moving around in town was a risk before, traveling with a legal document became a road with many more lines to step within. By the same logic, legal migrants were forced to cross the border legally, to avoid issues with the police if they were revealed to lack proper entry stamps in their passport. Rather than following the logic of evasion, there was an additional set of commandments to adhere to: carry your ID and work permit on you at all times, remain in the area listed in your documents, remember the regular check-ins for your passport; drive only with a driver's license, wear a helmet when you drive, make sure your motorcycle has no broken lights; and so on and so forth.

As such, being legal was not always associated with an immediate feeling of safety, but also a feeling of subordination. This experience of living at the mercy of others was often made clear when migrants retold how they would interact with the local bureaucracy. PC-holders were bound to a small area, and remained so as long as their card and work permit were valid. TP-holders experienced a larger degree of mobility, but also described having to 'check-in' at the local immigration office every three months. In this way, those holding a TP were forced by the state to be visible.

### *Forced visibility*

Nung Hom, who finally had been able to find a non-abusive employer as well as a TP, was happy that she now had legal documents as they brought her a sense of safety. Still, the regular check-ins cost her both energy and money. Her passport was valid for four years; this she was certain of. But she was still required that to show up at the local immigration office every three months for her work permit. She was not really there to extend it, she explained. But she had to report there anyway - it was just how the system worked. 'Foreigners', such as myself, probably had to do it too, she mused - although foreigners and Burmese had separate immigration offices. "The first time I went there, I had to pay 100 baht", Nung Hom said. "Every time, every three months. But now, if you go and you are not early, you cannot get a queue number. So I have to go there and pay 200 baht for a queue number". Nung Hom was a single parent with an unstable income. Dedicating an entire day, as well as 300 baht, to report to the immigration authorities was costly. "In the past", she sighed, "there was another office, and we only had to pay 20 baht to do this. But now there is a new office and many migrant workers. So we have to pay more." Admittedly, the system of paying for a spot in the queue

confused me, which I confessed to her. It felt like I missed some commonsensical knowledge of how the world was put together. While the translator seemed to agree, Nung Hom explained again: “If you don’t pay for the place in line, you will have to wait for a long time. Maybe even until the next day. There is no queue number after mid-day, so you need to be there and pay before that. If I do not pay the 200 baht, I have to wait all day, maybe several days. I could lose my job being away that long.”. Nung Hom was not just paying with her hard-earned money, but with her scarce time too.

Nung Hom was not the only one with an uneasy relationship with the regular check-ins. During one of my rounds around Mae Sot with Zaw Win, we were invited in to talk to the manager of a small restaurant. The shop itself was on a path where several other food places lined up on left and right. Small wooden tables were circled by plastic chairs, at the entrance were pots of today’s lunch curries. Cups of sweet tea were fetched from a nearby shop, and plates of vegetables, curried beef, noodles and rice were brought onto our table. We invited the manager to join us, and he sat down. I explained that I was in Thailand to learn more about how migrants and identity papers, and he laughed when I asked if he had any documents: “Now, I have the ID card, the temporary passport. But it’s worse than not having”. I looked at Zaw Win, wondering if I misunderstood the translation. I hadn’t:

Every three months I need to go to immigration, in, out, stand, I have to go there. And even if I don’t use drugs, when the police see that I have a passport, they accuse me, “you use drugs!” They figure out ways to get money. Even if I don’t do drugs, they accuse me of using. At those times I feel like I am very discriminated.

For him, this feeling of being controlled and pushed extended beyond the interaction in the immigration office. Managing the shop meant making ends meet and keeping customers fed. Beyond these obvious tasks, managing also meant taking care of the monthly visits from local police officers. Now, most of my informants were employed in the sectors typically occupied by migrants: domestic work, construction, factories or waiting at restaurants. Some, however, had been living in Thailand for close to thirty years, and had over the years been able to work their ways into managing smaller businesses. They were not the legal owners - such roles were described as “Thai only” - but they would run a small restaurant or cafe on a daily basis. These business owners had TPs which they had obtained several years ago. Still they drew a line between being legal in the eyes of the police, and being safe from the police. They described monthly visits by local police officers, demanding sums between 700 and 800

baht<sup>20</sup> per month. Such visits forced them to always make sure their legal documents were in order, as they knew that officers or the middle-men sent could demand to see the papers. Paying this monthly sum was a paradoxical practice; they paid to make sure the restaurants and themselves stayed safe, but the ones they paid were the ones who initially were obliged to keep them safe. It kept them constantly on their toes, serving as a reminder that they might be legal, but the degree of legality was at the mercy of those enforcing the law. Even if they now possessed valid legal papers, they were both required to check in with the legal and illegal spheres on a regular basis to maintain their position of relative safety.

### Making papers work

While TPs and PCs were the most common, the selection of ID papers used by migrants was a heterogeneous one, extending beyond the formally ascribed to include documents such as teacher IDs, driver's licenses, medical certificates and cards issued by humanitarian and political organizations. More than a dozen different kinds of cards were discussed or displayed throughout my interviews. Many were deemed 'potentially useful' when facing authorities such as the police, albeit some more than others. This 'good enough'-approach to documentation has been documented by other scholars in the Thai borderlands, discussing the use of "quasi-legal ID cards" (Lee 2008, 207) and the production of legality through interaction and "documentary practices" (Reddy 2015, 258-259).

Reddy, in particular, contributes with a compelling analysis of how migrants' meetings with the police are unpredictable due to the split practice between on the one hand accepting a broad range of papers, and on the other hand to a priori judge Burmese migrants *as a group* to be illegal. Through the documentary practices of the borderlands, ID papers are not artifacts that immediately turn the holder legal, rather "legal status does not reside in the documents, its determination only needing to be revealed in the identification encounter" (Reddy 2015, 263). Recurring in these encounters was the unpredictability of the outcome. A young teacher, to name one, explained how he was legally undocumented, but in practice proved to be rather quasi-documented: he had no passport or work permit, but did have cards proving that he was registered with the Burmese Migrant Teachers Association<sup>21</sup>, as well as a teacher ID from the Ministry of Education (MOE). If traveling around town, he would try to avoid the police. But he was not always successful. And when he was confronted, he would never be sure of what

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<sup>20</sup> 700-800 baht = 20-23 US dollars. Converted 28.07.16.

<sup>21</sup> An association for various Burmese migrant school in Tak Province.

the outcome would be. Usually, he had to pay 100 baht, maybe more if the officer was particularly eager to earn money that day. The last time he had been stopped, he explained, he had showed the MOE-card and the police had let him go for free. Because his MOE-card is issued by a Thai authority, he felt that it was a safer bet with the police; “There *is* an understanding. But it is not always there. If the police want, they do. They always know how to find the money”. Often, the holders of ‘legal enough’-papers were aware that they could be fined if caught by the police. However, it could still be worse: having no papers and no money was seen as a surefire ticket to being detained, deported or both.

Building on this, as well as the discussions in the previous chapters, I argue that this production of legality in the moment is made possible through a performance drawing its power from an underlying possibility of violence. Both the migrant and the police officer asking for papers know when the signs point to ‘illegal’. And ‘the illegal alien’ is formally synonymous with ‘the soon-to-be deported’. But at the same time as the knowledge of how the papers in questions deviated from the requirement, there was also an awareness that the formal script was one which could be sidestepped in certain situations. Thus, such a social situation was not necessarily defined by the degree of belief the participants have in the situation, but the level of adherence they show to the rules of the game played (Goffman, *The presentation of self in everyday life* 1959, 10). Such an approach to legality moves away from a divide where the migrant is either legal or illegal, but is rather a matter of ‘making it work’ (Reddy 2015, 253). Similarly, several migrants reported showing quasi-legal ID-papers – such as the MOE-issued card – to police officers who would claim to never have heard of such cards. Up until now, most police officers had regained their memory after being paid a few hundred baht. Such episodes of temporary amnesia are indicators of the volatility of corruption in the borderland, as well as in other contexts operating in the shadow of the law. Rasmussen, for example, proved the presence of a similar worry about the unpredictability associated with ‘paying tea’ to police men in Nairobi – while the bribes were commonly accepted, the one paying always risked being detained for breaching regulations, or even abduction or death (Rasmussen 2012, 427). Legality in this form is not absolute, but a result of interaction drawing its reasoning from the constant potentiality of violence.

### The art of acting Thai

One of my first days in Mae Sot was spent with driving around with Thant Soe – the Bamar who had been resettled to the United States, but had decided to return to Mae Sot.

Resettlement had provided him with a US passport, and gave him more security around

authorities than many other Burmese men his age. In spite of this, he would often speak of strategies of evasion. As we drove around the highway, observing new car-shops, Thai night clubs and construction projects, he explained to me the importance of wearing a helmet while driving. For him, helmets held two important protective factors: the first was the fact that he was not breaking the law – driving scooters or motorbikes without helmets is prohibited and leads to fines or confiscation of the bike if stopped. The second most important reason to wear his helmet was not the safety it provided should he be involved in an accident, but rather how it worked as a mask to hide his non-Thai appearance: “If I just act cool and wear the helmet, they will not know that I am not Thai. I just act like I am Thai, and they don’t stop me.” While unclear to what degree “acting Thai” directly affects the chance of traffic police stopping him, it is nonetheless illustrative of the idea of those visibly Burmese being targeted by the police, and that it was possible to play a role which would put you in a less vulnerable position.

Similar sentiments were shared by Zaw Win, who retold the story of a time he had to bail a friend out of police detention. Being barely legal himself, barging into the police station alone would not stand as an immediately fruitful way of acting. While I seemed slightly horrified as he described himself walking into the police station, he reassured me that it was not as bad as one might first assume. “I walk like I am very confident, like there is no problem. And I get my friend, and I still walk like I am strong, and they don’t stop us. So we could go, and I am still here. They didn’t know I don’t have any papers.”

‘Acting Thai’ was a way of behaving which was mentioned by several informants, although not always encompassing the same traits. Some described ‘acting Thai’ as acting in a manner of confidence and fearlessness, not indicating that there would be anything about you that could put you in a disadvantaged position in the eyes of the police. Others described it as an almost over-the-top façade of politeness and submission. They would keep their head down, speak in a polite and subdued manner and *wai*<sup>22</sup> and bow repeatedly. The latter was the behavior which I directly observed the most. These two strategies embrace two different ways of acting out a role. One role drawing logic from expectations, the other one opposing the expected. The second, playing a role as confident, using body language and props, follows a logic of presentation as found in Goffman’s writings (1959). It is the role of ‘Thainess’-as-envisioned by the migrant. The more subdued role follows a performing rationale closer to

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<sup>22</sup> The common way of greeting in Thailand, consisting of a slight bow while keeping the palms of your hands together like in prayer. The deeper the bow, the more respect or reverence.

Butler's discussions on performativity, embodying the traits associated with the role from the outside. The second strategy then is rather a performance of 'Thainess'-as-expected by the migrant. Perhaps it is then rather Burmese-as-expected-by-the-Thai, interpreted by the migrants as to what the counterpart expects of the situation. Going back to Butler, this role stands as an imitation of an idea; "*not* as copy is to the original, but, rather, as copy is to copy" (Butler 1990, 31, emphasis by author).

## Making a living in the borderland

As implied so far, the situation of Burmese migrants in Thailand is characterized by lack of rights, lack of papers and an abundance of underlying violence. The employment sector is no different. Generally, jobs held by migrants are often characterized by the "3Ds": dirty, dangerous and demeaning (Rukumnuaykit 2009, 4). Moreover, workers have been reported to be subject to both physical, sexual and psychological abuse (Eberle and Holliday 2011, 384; Meyer, et al. 2014, 39; own data).

In this final chapter I wish to take a closer look at how migrants navigate what comes after the border, the reason so many are willing to hide, to run and to endure the stress of illegality: jobs. In particular, I will explore how workers are bound by employers and documents, as well as how life in the 3D-sectors is narrated and justified.

## Employers

The employers are the actors with the least direct association to the border, but who remain important through their role in the borderlands. As migrants signaled that they would rather leave an abusive employer than confront them, the employers are consequently not a final destination in themselves. Sure, migrants primarily indicated that they migrated to better their financial situation, but it doesn't mean that once they find an employer they remain faithful to their job for life. From the employers' side, this can lead to several strategies of securing manpower: hiring illegal migrants and denying them documents in order to make further movement difficult, hiring migrants and then 'rewarding' them with papers after a sufficient amount of time and money has been paid, or simply keeping it on the safe side of the law with provision of documents and adherence to the labor policies. Thus, while they do not directly affect the border, they are part of affecting the situation in the borderlands. Let us be fair: how would there be labor migrants with no employers?

### *Being anchored by employers*

A common characteristic of many of the low-skilled workers in Thailand is their lack of bargaining power when facing employers. As a result, employers have been known to ‘anchor’ migrants in order to keep them working. By anchoring, I refer to the ways in which employers restrict the movements of the workers, keeping them either at the workplace or in the immediate surroundings. While the different scenarios do flow into each other, there appear to be four main groups of migrants being anchored:

The first are the forced laborers, such as the trafficked, deceived and exploited. Often such migrants have been lured into jobs by dishonest brokers (Meyer, et al. 2014), either by being lured or deceived into jobs such as sex trade or fisheries, or being given the job they expected but are now restrained by the employer. As shown with Nung Hom’s first job in Bangkok, domestic workers are particularly vulnerable to abuse because they work in places harder to see. Additionally, domestic work has long fallen outside the scope of Thailand’s labor laws. While an amendment in 2012 outlined some regulations for sick leave, days off and monthly payment of salaries, it does not stipulate a minimum wage (Hogan 2016a). Being cut off from the rest of the world prevents the migrant of learning more of any labor rights or communicating experiences of violence.

The second group is the illegal and undocumented. In contrast to the forced laborers, this group does *in theory* have the possibility to leave their employer. While vulnerable to exploitation by agents and employers, they remain as employees rather than modern day slaves. Salaries are paid on a day-to-day basis or monthly, and commonly includes laborers working in agriculture, construction or factories. Sai Aung, for instance, would recall a long list of workplaces he had in the past: restaurants, security guard-companies, factories and construction sites. Jobs would often be on a short term basis, and while they were easily available they were hard on the body and often dangerous. “When we come to Thailand, we have nothing. Even though finding a job is sometimes easy, we cannot choose. We have no option to choose”, Sai Aung explained. Living in constant fear of being found out by the police, as well as often living hand-to-mouth or with a family expecting either remittances or income in Thailand, the undocumented are practically immobilized and easily exploited.

Third comes the group of those between the undocumented and the documented: the illegal and hopeful. In Mae Sot I met two women typical of this group. Both were working at a nearby clothing-factory. They had arrived from Rakhine state nearly a year ago, and still had no papers. Worried about being caught by the police, they rarely left the factory area; days

consisted of working, eating at the factory, sleeping in the factory dormitories, and then going back to work the next morning. The workday began at 8 AM, had one hour off for lunch, went on until 5 PM, when they would be granted another hour for dinner. After that, overtime usually required them to work until 11 PM. Sundays were more relaxing, they said, as they were exempted from overtime-hours. While they were undocumented at the moment, they thought that their employer would help them obtain an ID-card as soon as they had worked a full year in the factory. Workers their senior had been given papers, and they had been told they would be given too. So for now, they worked and waited.

The final category that I propose is the legal and anchored. Technically, migrants holding legal papers are free to move, though to a varying degree depending on what ID-card they hold. However, for a migrant caught when not carrying their papers, deportation or arrest is not unheard of. As employers worry about their workers going astray and finding better jobs, many employers retain their employee's papers, forcing them to choose between their jobs and illegality (Eberle and Holliday 2011, 387; own data). This is made possible through the requirement that a worker wishing to change employers must have their current employer 'sign them over' to the new one. If not, the worker is given seven days to find a new job before being relabeled as illegal (Jaisat, et al. 2014, 20). Consequently, even the documented worker risk anchoring and illegality under certain circumstances.

### *Contracts and 'shadow employers'*

Burmese migrants frequently lack legal papers which links them to the Thai state and their rights, this should be clear by now. Adding to this documentation deficit come the links to their employers. Workers rarely have contracts with their employers, and if they do the contracts are often illegal (Harima 2012, 8). A report from 2014 surveyed 58 factory workers in Mae Sot, and found that only 43% of the workers had signed a contract with their employer. Of this group, 40% stated that their employer kept the contracts without giving them a copy, while others admitted to not understanding the importance of the document and had either lost or misplaced it (Jaisat, et al. 2014, 37). A similar study conducted in Samut Sakhon, southwest of Bangkok, revealed that 80% of the surveyed workers there had signed no contract with their employer (UNIAP 2011, 39).

Of course, for an employer hiring undocumented laborers, there is no benefit to them to have this relation written in a contract. What is noteworthy though, is that even the legally employed often lacked a proper contract with their employers. What does happen however, is that the workers often have to list a fake employer in their papers, either because they have

only been given aliases by their employers, or because they pay for ‘shadow employers’. Informants reported paying up to 2000 baht a year for these names. A construction worker in Chiang Mai told me that in order to avoid responsibility for the workers’ health insurance, their boss had told them to write someone else in their documents. As a result, they paid another Thai ‘shadow employer’ so they could list them as the employer instead.

Going around the system like this made it possible for the workers to sign up for and make use of their health insurance, as well as enabling the employer to wash their hand of them and avoiding any responsibility should the migrant get into trouble with the law. If anything severe were to happen to the worker, however, such as workplace injuries or other issues, they were in a vulnerable position. Sai Aung would tell of how construction workers fell off buildings and into their death, and the family and colleagues would remain silent with no compensation. “They don’t dare to go to the office”, he said:

That’s why they all stay quiet. In the construction sites, we do not have contracts. When we go and apply for a job... when they accept us, they call us and say “yes, you have work here”. But we do not make a contract. That’s why we cannot call the police if we get injured or there is a problem. We do not have anything we can show the police.

What this shows, is that the regulatory infrastructure has developed into a system which poses requirements which neither employers nor migrants adhere to, ultimately penalizing migrants who are not able to live up the standards of registration and documentation, while at the same time failing to sanction deviance by the employers. In many ways, this resonates with Xiang and Lindquist’s idea of ‘infrastructural involution’, referring to how “the growth of one dimension has led to the growth of another, thus creating a self-reinforcing mechanism” (2014, 136). As the regulatory demands grow, so do the many ways around these requirements, building a market or services around what is supposed to be basic links between the migrants and the employer.

### Managing workplace violence – or ‘the art of keeping your head down’

Visibility and performance was, as mentioned, central to the general navigation of the borderland. This also transferred to the work place. Although most workplaces, such as factories and construction sites, were outside the immediate line of sight for the police, there were instances where the workers could be made visible. Raids, for example, took place

regularly to uncover and detain undocumented workers<sup>23</sup>. Even if there were no indicators that a police raid would take place, the possibility of it remained. Employers knew. Workers knew. As a result, informants would often speak of how avoiding attention was a much higher priority than attempting to turn around poor working conditions. Time after time I was told that the best way to react to an abusive employer was to keep your head down, or silently try to find a new job elsewhere. Searching for a new job might be difficult, but it was better than risking someone calling the police directly. Such strategies of (in)action and avoiding conflict was a way to remain invisible, and employer were often said to explicitly threaten employees with calling the police if they stepped out of line. This strategy of silence and evasion is in line with the findings of other studies in the region (Aung 2014, 34; Eberle and Holliday 2011, 386). I suggest that part of this behavior can be seen as a way of maintaining some sense of control in a permanently violent context. Interaction with the police was associated with the paying of bribes, potential direct physical violence, degradation and unpredictability. Meanwhile, working in a precarious setting might be difficult, but in many ways it would remain the same – therefore more predictable. Choosing to search for another job would be hard, but it would be the choice of the migrant. In this way, keeping their head down maintained agency for the worker, offering some degree of choice and control.

### Police money

Similar to the business fees described by the small store- and restaurant-managers, large scale employers were described to pay local authorities – either to prevent raids, or to ensure a warning when a raid would be impending. In some cases, workers were forced to pay such ‘police money’ to their employers, or had the sums deducted from their salaries. While employers vowed to keep them safe, the police would often arrive having heard nothing of this agreement (Aung 2014, 37; own data).

Although relevant, the migrants’ social standing was not the only one affecting their safety. For some workers the issue was not how they employer treated them, but rather how the police treated the employer. One informant spoke of her first factory job in Thailand as being “very safe”, as her employer had a good standing with the local police. Money would be paid, and no workers would be controlled while they were working. While safe from the police, the job proved too physically demanding, and she was eventually forced to move. In the new job, the employer was described as both kind and helpful. Sadly, kindness got them nowhere with

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<sup>23</sup> See Pinitwong 2016a; 2016; Hogan 2016b; Nay 2016 for recent reports.

the police, and she was nearly arrested several times. In the end, the stress forced her to enter the job market once again.

What this shows, is that ‘employers’ are not one uniform group, and that their social and economic capital can be decisive for the wellbeing of their employees. Moreover, it illustrates how there are different kinds of safety which can be experiences in the borderland.

Underlying structural violence such as precarious working conditions could be tolerated for a long time, as long as the unpredictable and immediate violence of a police raid was kept at bay.

## Conclusion

In this chapter I have explored ways in which migrants enter the borderland, how this borderland is navigated, and how migrants manage issues linked to their jobs and employers. Through the stories of Nung Hom and Sai Aung, I have illustrated how entry into the borderland can take place, the former moving through Thailand on empty promises and wrong-turns for decades, the latter going straight from a village in Myanmar to Chiang Mai in a matter of days.

Vision and performance have been presented as central topics, giving us a way to look at individual interpretations of direct interaction between state the police and migrants, as well as employers and migrants. Building on Goffman, and so some extent Butler, I have outlined how life in the borderland is not all chaos, but in fact defined by a range of roles to play and expectations of how to play them. Again comes the unpredictability of navigating between the expected and the possible. By looking at such performances, I have tried to move beyond the migrants as simply ‘moved’. In their attempt to open the black box of migration, going beyond the textbook-analyses of push and pull-factors, I contend that Xiang and Lindquist risk creating their own ‘black box’ – the migrant. People rarely decide to migrate on a whim, choosing paths and destinations at the top of their head, this is clear. Yet they have some agency, some level of participation and impact themselves. Emphasizing the mediation of migration through various interlinked dimensions brings the benefit of a larger perspective, but could run the risk of forgetting the first building brick of the migration infrastructure: the migrant.

# Conclusion and discussion

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While each chapter has been concluded on their own, I will here provide a short conclusion synthesizing and discussing my findings. At the beginning of this thesis, I set out to explore the following problem formulation: “How do the Thai state, state officials, migrants and other central actors produce and navigate the Thai-Burmese border and borderland?” In order to answer this question, I have looked at the border and the borderland both horizontally and vertically; taking a closer look at how the border has emerged over time, as well as approaching the border and borderland both as a product of state-level structures and micro-interaction on the ground.

To illustrate the findings, three primary cases were presented throughout the thesis, supplemented with additional interview data where this clarified the analytical points to be made. What I have found, is that there is not one singular defined border which has emerged and is reproduced, but rather a stretched borderland reaching far into Thailand. This border does not stop at the checkpoints or rivers crossed, but is internalized and brought with the migrants, creating a borderland beyond the common spatial notion of the term. In this extended borderland, the border lingers in the spaces inhabited by the migrants, be it legally, socially or otherwise. Thus, the margin of the state is not just a spatial position, but a lived experience which has developed through the porosity of the border, erratic migrant policies, practices of corruption, a need for cheap manpower, as well as a search for employment and safety.

But if we accept the premise of a semi-open border, characterized by its porousness - when does the border close? Do you exit one state, and then just partially enter another one? You are no longer in Myanmar, but you are not fully in Thailand; reaping the benefits of citizenship in neither state, but potentially the stress and worry of both. Physically, the migrants have arrived in Thailand. Not always visible, but the effect of the workers can be seen; houses are built, factories export their goods, farms produce. Does this really mean that these persons are fully physically in the country though, when just their footprint is left behind? Some can be seen, unapologetically wearing signs of ‘burmeseness’, such as the *thanaka* and the *longyi*. But many are hidden, in the garment factories, in the fisheries, in the vegetable trucks and in the small side streets of Mae Sot and Chiang Mai. It suddenly sounds a lot like the philosophical question of the falling tree: if a tree falls in a forest and no one is around to hear it, does it make a sound; if a person migrates to a country and no one is around

to see it, has it still migrated? Metaphysical jokes aside, I argue that there is a significant effect in this in-between life, as failure to comply to the state ideal leads to high levels of vulnerability, subjected to those with low levels of visibility.

Structural violence does not need an isolated, physical perpetrator, this should be clear by now. But what I might not have emphasized enough, is that neither does it require a particular, individuated victim. As members of the marginalized group that is the Burmese labor migrants, most workers are continuously subjected to this violence. Underlying structural violence can enable the prevalence of personal violence such as police officers ‘forgetting’ certain types of ID documents, or employers anchoring their workers. At the same time, the outcome of such situations are not pre-determined, but has been demonstrated to also be the product of the performance of the actors involved. Looking at the migratory dimension provides us with a clue of what logic is at play. To better understand the outcome, however, we need to look at the actions taken on the ground, and acknowledge that the actors part of this borderland are not following one unified logic as they navigate and maintain the border, but constantly act on the balance of what is ideal and what possible, between logics of the social, the regulatory and the commercial.

The use of a liberal commercial logic in an originally bureaucratic and legal context has grown out of the gap between ideal and real. The Thai state rolls out migrant policies with complicated procedures and high costs, while providing migrants with little protection. The fact that both the TP and the PC were introduced as short term-documents, only granting the migrant permission to stay for a limited amount of time before being sent back to Myanmar, does not function as an incentive to go through with the procedure either. Thus, institutional involution causes the broker-fees to shoot through the roofs, while employers reap the benefits of unregistered migrants desperate to make a living.

As this thesis is being wrapped up, both Burma and Thailand are in the midst of political change. Burma has a democratically government which still appears to be settling into its own power. Aung San Suu Kyi has been urged to acknowledge the poor conditions faced by migrant workers abroad, and the upcoming time will show if the state in fact will act upon the interest of its workers. Thailand, on the other hand, remains under military rule. As this is being written, a referendum for a new constitution is to take place within a few days, and the most recent window for PC-registration is closing. There is talk about the possibility of another Friendship Bridge, to strengthen bilateral ties between Myanmar and Thailand; as well as increased discussions of the possibility of federally ruled states in Myanmar. In short,

things are uncertain, but the continued flow of people and goods at the Thai-Burma border is not. What remains to see, is how the politics on the top will continue to affect those on the ground; in the small side-streets, at the back of the vegetable trucks, in fisheries, in factories, on farms. Amongst my informants, some were anxious about the policy changes, some optimistic about the development back home, already planning on returning to their home-state. Others were speculating on how the crackdowns and police violence might increase with even more policies, while others were prepared to go with the flow, stay afloat and keep working no matter what. In short, the borderland will still be open. It will still be lived. And it will continue to develop in the gap between what should be done, and what can be done.

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