Between Structural Violence and Resistance: The Everyday Resistance Of Karen Migrants in Thailand

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Elementum tristique ac? Magna elementum mauris et aliquam a. Sagittis lacus rhoncus platea mauris, cum urna sociis duis nisi elementum in purus, urna mattis?

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Abstract

This paper details the lives of eight Karen-Burmese migrants living in Mae Sot, Thailand, a city on the Thai-Burma border and one of the main legal crossing points between the two countries. The study demonstrates the important relationship between structural violence and everyday resistance. It documents how individuals in a legally liminal state can increase their security and it describes just how these linkages occur – that migrants utilize their liminality and “in-between” status and attempt to increase their security to avoid oppression and harassment in daily life. By linking these concepts – resistance and liminality posed against structural violence – the study suggests a lens through which researchers may examine the marginalized who lack official status and are therefore denied basic human rights.

Over one million Burmese migrants have fled to Thailand to seek safety from poverty or oppression in their native Burma. Life in Thailand offers a better salary and safety, but migrants who chose to live outside formal refugee camps are considered illegal by Thai authorities. Because they are illegal, they lack rights and are arrested, shaken down for bribes, deported, or exploited. Meanwhile, they resist these with methods of their own: obtaining fraudulent identification cards, changing their dress or behavior, and relying on social networks for support. Ultimately, migrants create space and accommodation for themselves.

In order to understand the interplay between structural violence and everyday resistance within migrants’ lives, seven weeks of fieldwork were completed in Thailand in June and July 2010. Research consisted of both participant-observation and interviews with individuals throughout the city. Each individual was interviewed multiple times in order to gain a deeper understanding of their reasons for leaving Burma and a detailed view of their lives in Thailand. This study is based on the information gathered during those interviews.
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The refuge we all seek is protection from forces, which wrench us away from the security and comfort, physical and mental...

– Aung San Suu Kyi (1991: 240)
On a bright day in June 2010, I lifted a glass of tea to my lips as the other guests huddled on the bamboo platform looked on eagerly. We sat in a rubbish dump on the Thai-Burma border, surrounded by piles of trash sweltering in the sun. For the guests watching, waiting for me to drink, this dump served as both their home and their livelihood: shredded plastic and rubber, houses pieced together from bamboo and tarps, days spent collecting bottles and cans.

We were celebrating the birth of a baby girl to a migrant Karen family that lived in the dump. The child’s father, Hseh, had fled both the extreme, debilitating poverty and forced labor in his native Burma. He had been a jaggery farmer, growing a raw type of sugar and then selling the product to a middleman. But he could not make enough to survive, and he fled to Thailand and moved into the dump. Now he collects bottles, digging through the trash dumped daily from one of Thailand’s leading manufacturing towns in order to scrape together enough money to buy food and water. When he can, Hseh works as a day laborer. He cuts grass for a local landlord – but only when the seasons are right. His two elder sons also work daily, coming home to sleep in the small community nestled
among the trash. Hseh’s immediate neighbors are his family, an aunt and a married daughter and son-in-law.

Hseh, his family, the other guests at his party, and thousands of others fled the harsh realities of Burma to take refuge in Mae Sot, often described in guide books as a dusty town of little note beyond the border. For these migrants, Mae Sot offers much of what Burma cannot: relative prosperity; freedom from persecution at the hands of a brutal regime; safety from years of ethnic insurgency and conflict (Amnesty International 2010). Economics are a big factor, as the 2010 United Nation’s Human Development Index Report, a composite measure of income and quality of life, clearly shows. Thailand is ranked 92nd in human development; Burma is 132nd. But, more importantly if we are to consider push/pull factors between the two countries, Thailand’s Gross National Income (GNI) per capita is listed at $8001 (expressed in purchasing power parity). Burma’s GNI per capita is $1596 (UNDP 2010: 144-145).

Migrants choose to live outside the formal refugee camps that scatter the Thai-Burma border, instead living in self-settled communities so they can work and enjoy relative freedoms. But the choice is not a simple one and without risk: because they do not live in camp, the majority of these migrants are considered “illegal” by Thai policymakers, lacking the rights enjoyed by officially designated refugees. Instead, these migrants are vulnerable to the abuse that often accompanies the title of illegal migrant. They are harassed, arrested, and deported. They pay bribes to avoid the police; they face a right less existence open to exploitation by employers and others. Even with free clinics and aid
groups, it becomes difficult to get vital services like health care and it is incredibly difficult to fight for the rights that should be afforded to them.

For illegal Burmese migrants in Thailand, life becomes a balancing act. On one hand they face violence and oppression at the hands of the state, which seeks to use their labor but deny them rights. On the other they gain the numerous opportunities presented by a life lived in better conditions in Thailand than in Burma and with greater freedom than those who live in official refugee camps. These migrants are by no means helpless victims: they contest their lack of legal status, they resist state attempts at control, and they rely on family and neighbors to survive. Most importantly, the migrants work to create a space and accommodation for themselves that – although outside the formal, legal structures – allows them to survive, to work, and to live with whatever sense of stability they are able to muster. It is also resistance with a limit, intended merely to arrive at a level of personal, household, and community security in exile, and nothing more. Migrants selectively resist, and violate only those laws that affect their immediate presence, including their ability to pursue a livelihood, in Thailand. They challenge specific policy and authority, not the legitimacy of the Thai government.

This study details the process migrants go through to create that space, the troubles they experience in doing so, and the ways they address the problems they face in exile. It is specifically the Karen migrants in Thailand, but the processes detailed here are by no means unique to the Karen ethnicity nor to refugees and migrants in Thailand. I intend to show how migrants create space for themselves
on a small scale in one country, but similar events are happening across the globe. It becomes, as this paper will show, a question of agency: how much agency do migrants have to create their social worlds? And what does that agency mean for our larger, international policies on forced migration?

I intend to present a case study. The Burmese-migrant situation in Thailand provides a significant opportunity to study resistance and structural violence in regards to irregular migrants: the conditions migrants flee from are particularly harsh; the treatment at the hands of Thai police and government officials is detrimental. Thailand may not be unique in its methods of harassing yet simultaneously gaining from the presence of illegal migrants. For example, there are parallels between Thai migration policy and the United States’ treatment of undocumented workers – both countries benefit from, arrest, and then deport irregular migrants. While such a comparison may yield great fruits, space here is limited and the focus of this study is strictly on the case of Burmese migrants in Thailand.

**To Begin at the Beginning: Refugee Status and The Fractioning of Labels**

All modern refugee law stems from the years following World War II. In response to a large flow of refugees from the war, the United Nations approved the 1951 Convention Relating to the Status of Refugees. The document was rooted in several historical contexts: the geopolitical realities of post-World War II, the Cold War, and “Eurocentric Humanitarianism” (Aleinikoff 1995:260). These factors also led to an understanding that those granted refugee status under
the Convention would be best helped by resettlement, rather than any other solution.

While there were other definitions prior to 1951, the Convention set up what has become the standard definition of who qualifies for official “refugee” status and, therefore, rights granted to such a status. A refugee is someone who:

Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (UNHCR 2009:16).

Those individuals falling into this category are afforded certain key rights under the Convention – nonrefoulment\(^1\), freedom of movement, employment, and others. Originally this status was only given to people displaced due to events prior to January 1951. Only in 1967 did the United Nations update the status to include people fleeing their country of origin after 1951.

While the Convention and subsequent 1967 Protocol provide a base framework for the protections afforded to refugees, it has proved far from comprehensive in practice. First – both documents have not been universally accepted. Only 147 states have signed on to one or both instruments (UNHCR 2008). Second – even with these signatories, certain provisions from the Convention are disregarded (Chimni 2003). Compounding these two concerns is the fact that many of the countries that see the largest refugee flows (Thailand

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\(^1\) “No contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever...where his life or freedom would be threatened” (UNHCR 2009: 32).
included) are not signatories. In these cases, UNHCR workers often must use other methods to ensure basic protections.\(^2\) Ultimately, while the international community has attempted to regulate an emotionally-fraught humanitarian concern, the resulting regulations seemed ineffective when faced with realities on the ground.

Much has changed since 1951. With the rise of new stressors – different patterns of warfare, the entrenchment of ethnic conflict and systemic poverty, the degradation of environments and erosion of livelihoods, increasing inequality and wealth gaps between rich and poor individuals and nations, decolonization, globalization, to name a few – forced migration patterns have changed and migrants are experiencing a longer exile. Alongside these changes, refugee protection has shifted focus from an “exilic focus” to one of control (Aleinikoff 1995:258), where the refugee aid structures are used to limit the number of refugees resettled to a third county (read: Western Europe and the United States). Unfortunately, however, official refugee statuses and protection have not followed the changes to forced migration, and so scholars have attempted to create new categories to describe these new push factors and people who flee due to them. The reasons for migrating have become increasingly mixed: “forced migrants are one category in a much larger population of migrants who are moving for a complex of social and economic reasons…In complex emergencies

\(^2\) According to a UNHCR worker in Thailand, Thailand has not signed the Convention but has signed on to several other international conventions, such as those preventing torture. Staff members at UNHCR are able to use provisions in those other conventions to ensure basic protections for refugees on the border.
many people are caught up in conflict and flee, though they are not persecuted” (Zetter 2007:175-176).

States often see undocumented migrants as a security threat, and they may see migrants as potential militants or as risks scattered among the larger population. People may see undocumented migrants as taking needed jobs away and challenging governments to provide aid to a larger pool of individuals beyond its “citizens.” Migrants become popular scapegoats for crimes and for any change in the social composition of an area. In light of this, governments often use the refugee label not as an inclusive protection for many, but as a restriction reserving protection for a few. As Zetter writes, the convenient refugee label has “been displaced by fractioning of the label which is driven by the need to manage globalized processes and patterns of migration and forced migration in particular” (2007:174). He offers the following:

The key defining characteristics of the present era are: first, the marked proliferation of new labels which at best nuance interpretation, at worst discriminate and detach claimants from the core attribute of being a refugee – international protection; second, labels are now formed (and transformed and politicized) by government bureaucracies in the ‘global north,’ not humanitarian agencies operating in the ‘global south’ as in the past (Zetter 2007:176).

Using Mary Douglas’s framework of purity and danger, Emma Haddad symbolically links the dangers seen in refugees to the fact that they are neither in nor outside of societies: “the refugee can therefore be seen as a polluting person; she has crossed, or threatens to cross, a line that should not have been crossed, and her displacement unleashes danger” (2007:123). This fits into Thai discourses of the “lazy” Burmese worker or the “other” that dresses differently (perhaps in a lungyi) or wears the yellow cooling powder on their face that is so
popular in Burma. The “other” is dangerous, and it is a danger that must be policed.

Philomena Essed and Rianne Wesenbrooke observe that human rights “should be provided to everyone without distinction, but national politics create difference between categories of people on the basis of citizenship” (2004:61).

The issue is not whether States can or cannot denote membership – they can – and use citizenship to do so. But when States take the next step and deny basic human rights using such classifications become problematic. Several categories of migrants, as Zetter or Essed and Wesenbrooke discuss, exist on a sliding scale depending on the importance they proscribe to various push and pull factors, as well as the rights provided to that category. At the top is the designation self-settled refugees or urban refugees (Hovil 2007; Jacobsen 2005). This label recognizes persecution as a push factor and merely remarks on the fact that refugees live outside camp while still entitling those refugees to protection and aid. Moving down the scale is irregular migrant — simply those without documentation (LeVoy and Geddie 2010; Schuster 2005). In many ways, the irregular tag begins to emphasize pull factors (better employment, etc) and by its very nature does not necessitate protection for the individuals it describes. Finally, there is the category of illegal migrant. Illegal migrants enjoy little protection under laws and a great amount of insecurity in exile. They are viewed solely in light of the factors that drew them to the country of exile and not potential abuses faced in their country of origin. Use of these labels is deliberate

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3 This is the best-suited title to describe how Thailand views migrants living outside camp.
on both sides: I would argue many officials see it in their state’s best interests to actively downgrade individuals’ statuses within this continuum, while individuals often attempt to use these status designations to their own benefit and to increase their status through whatever means necessary. Migrants’ illegality creates an opportunity for corruption among people in their host country. This sets up a central struggle in the lives of refugees and/or migrants.

From my vantage point, *self-settled, irregular, and illegal* all describe the migrants in Mae Sot in same ways and in others the terms do not. As the Karen Human Rights Group (KHRG) points out, there is no clear distinction between push and pull factors when considering Burmese migrants in Mae Sot (2009:6-7). Many migrants cited multiple reasons for fleeing home, many of which I consider as active persecution by the ruling military for their ethnicity (thus covered under the Convention definition). The lines between “economic migrant” (read: illegal) and “refugee” (read: protected) are demonstrably blurred: “while the individuals interviewed by KHRG in Thailand would normally be classified as ‘economic migrants,’ the factors which they cited as motivating their choice to migrate make it clear that [the ruling junta’s] abuse made it difficult for them to survive in their home areas” (KHRG 2009:7). Poor governance practices on the part of Burmese government over decades have wrecked the Burmese economy, and counterinsurgency and forced labor polices have further compounded the issue. The Thai government emphasizes the economic pull factors of Thailand over the persecution faced in Burma, and so sees these migrants as illegal and open to whatever abuse that label creates.
In the absence of official protections, I seek to locate these migrants and their actions within a framework of violence and resistance. Throughout the rest of the paper, I will attempt to integrate several key theoretical constructs in order to examine the lives of Karen migrants in Mae Sot.

**Theoretical Lenses**

In his book on state planning, James C. Scott (1998) describes what he terms *simplifying fictions*: state attempts to reduce reality into simple black and white for the purpose of regulation with little allowance for local knowledge. Scott offers scientific forestry as the quintessential example (1998:11-21). The forest became regulated and measured based on profit and sellable lumber. Incidental uses of the forest – firewood, grazing, gathering foodstuffs – and other definitions of the forest based on local knowledge are ignored and one type of tree is planted in uniform rows, one after another. Such fictions extend to every aspect of state life. A road, for instance, is only to bring a traveler from one place to another, not “a site for leisure, social intercourse, exciting diversions, and enjoying the view *between A and B* (Scott 1998: 347; emphasis in original). Scott may be writing about a particular style of state planning: high modernism. But his argument on simplifying fictions extends well beyond those individual high modernist states and into any bureaucratic system that needs to simplify reality in order to make its governance easier and more efficient.

Discrimination along insider/outsider lines has always been a hallmark of social groups. But I would argue that legality and its relationship to citizenship is a central simplifying fiction of the modern state. As Zetter (2007:173) points out,
“we deploy labels [onto migrants] not only to describe the world but also to construct it in convenient images.” Legal/illegal is seen as black and white, A or B; it is a dichotomy and not a continuum. Things (activities, people) are either legal or illegal. Citizenship is the same way – an individual is either a citizen, or an outsider. They either belong, or they do not. Legality and citizenship, viewed is this way, are then used to justify the State’s actions. If State authorities harass, arrests, or deport individuals, it is because those individuals do not fit comfortably into their self-erected categories, denying rights to those outside the system while simultaneously enjoying and exploiting those outsiders for labor or use within the economy. Actions are further reinforced through means of registration for those within the system: the passport, the ID card, birth certificates, addresses, social security numbers (Scott 1998:70).

Borders, as a site of contested identities and first interaction between legalities, can offer a natural laboratory to examine simplifying fictions. Well-defined borders and the maintenance of those borders are key elements to the modern State: “the border is not a neutral line of separation; borders not only demarcate boundaries between nation-states, they also make the distinction between belonging and nonbelonging to the State” (Toyota 2007: 91). But this belonging and “nonbelonging” are not always clear-cut; and “at the individual level, there will be exclusions as well as inclusions, sometimes on a very arbitrary basis” (Toyota 2007: 91). On the one hand, strong borders allow governments to clearly demarcate those identified as “citizens,” or in the very least those allowed to stay. This demarcation is tied to the rights and benefits provided to one who is
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legally within those borders. On the other hand, of course, it can be an oppressive tool to prevent people from moving freely. When one considers forced migration, this critique of borders is especially pertinent.

Burmese migrants do not fit comfortably in the official dichotomies. For the migrants I worked with, legality exists as a grayscale. To me, this appears to be a form of liminality much in the vein of van Gennep’s original use of the term (1960). These migrants exist “betwixt and between” legality and illegality, in a state of legal liminality. This is an important designation, because it invites two competing behaviors on the part of the state and the migrants. Dealing with such liminal (read: non-citizen, nonbelonging and therefore illegal) migrants opens the door for state authorities to act in ways that are structurally violent (see Farmer 2004; 2005). But the migrants themselves actively use this liminality to secure a status that is “half-legal” or “more legal” than otherwise available within simple state dichotomies. In doing so, they resist state hegemony along the lines proposed by Scott in his seminal work on peasant resistance (1985).

In the absence of formal protection for migrants in Mae Sot, state officials and representatives behave in structurally violent ways. The term first structural violence first originated with Johan Galtung, who used it to denote violence that is not directly linked to a specific actor (Galtung 1969:170). Today it is used to describe a wide variety of injustices, from slavery to HIV. Here, however, I employ Paul Farmer’s (2004:208) definition: “Structural violence is violence exerted systematically – that is, indirectly – by everyone who belongs to a certain social order.” The state arrests migrants, detains them, and deports them. Its
police officers and other law enforcement can solicit bribes from individuals. When considering the police, bribe taking may be a privatization of a public role. But this abuse is a function of the status. Because these migrants hold no official, State-sanctioned status, even employers and managers can abuse their workers, maintain poor working conditions, or offer terrible wages. Such actions also take their place alongside hundreds of other inequalities inherent to the situation of migrants in Mae Sot. These are acts of violence exerted systematically on those who belong to a certain legal status. But when faced with such violence, are those on the margins truly powerless?

Scott and others suggest no – such individuals have the ability and the weapons to counteract state hegemony through techniques of everyday resistance (see Scott 1985; Sivaramakrishnan 2005; Hollander and Einwohner 2004). “Everyday resistance emphasizes a constant strategic alertness on the part of those involved that places a lot of weight on agency and calculations” (Sivaramakrishnan 2005: 350-351). Scott emphasizes a similar point: “it seemed far more important to understand what we might call everyday forms of peasant resistance – the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents, and interest from them” (Scott 1985:29). He is writing mostly about the struggles of peasants within Malaysia. But subsequent literature has extended Scott’s concept beyond internal, class-based resistance. I follow this analytic jump and extend the concept to migrants, and I do not draw a line between migrants resisting in a “society of exile” and peasants resisting dominant forces in their own society. These migrants use
resistance as a means to an end, not to overthrow the societies they look to prosper within but rather to create space for themselves. They are forced into a society where they are not welcome; they resist in order to create space for rebuilding their lives.

   This pattern rings true for migrants in Mae Sot and similarly powerless groups resisting dominating hegemonies. In Mae Sot, this resistance takes many forms. Migrants may seek to fraudulently obtain identification or strategically use their place of work to avoid police harassment. They may rely on family networks or positive employer-employee relationships for support. They might change their style of dress or pattern of behavior, “dressing Thai” and traveling on back-roads or on off-hours. Through similar tactics, migrants resist the structural violence of the State and State actors.

   An important distinction must be made here. As Sivaramakrishnan writes, resistance “seeks not the overthrow of the state or even its policies but merely to mitigate or subvert their effects” (2005:250). This is resistance and not outright revolution. The migrants in Mae Sot seek to resist the structural violence of state officials and representatives, but they do not seek to challenge the authority of the state in any real sense. Instead, they are fighting to create spaces for themselves in order to live within the boundaries of the state, not to overthrow the state. Thus, migrants can hold a seemingly conflicted stance; they can challenge the
state’s hegemonic influence while at the same time justifying and upholding the right of the state to hold such an influence.\(^4\)

It is these theoretical lenses – simplifying fictions, legal liminality, structural violence, everyday resistance and their influences on rights and protection regimes – that inform the ethnographic detail that follows. The next chapter details some of the relevant Burmese history. While space is limited, I will attempt to paint a picture of the salient issues in Burma, both past and present.

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\(^4\) This concept came up in several interviews. Usually, responses centered on the thought that “we are in their country and must behave under their laws.”
The Thai-Burma Border (South 2011:3)
Refugee camp locations on the border (TBBC)
Chapter 2

Burmese History, Abuse, Conflict, and Refugee Flows

Burma is bordered between India and Bangladesh to the east, and China, Thailand and Laos to the west. The Irrawaddy River splits the country down its middle before it empties into the Bay of Bengal. Burma is mainly agricultural, with a seventy percent of its 53,999,804 people working in farming or related fields (CIA 2011). It is a country of geographical contrasts: the beautiful rolling landscape of paddies and the Irrawaddy delta to the south, giving way to the hills and mountains of the Southeast Asian massif to the north.

A Brief History of Burma After Independence

Burma has a long history of indigenous states dating back at least to the ninth century. The country’s “modern” era begins in 1824, when British forces first invaded the country. By 1886 the whole of Burma was conquered, the last king sent into exile, and the country was enveloped into the British Raj (Bennion 2006). The independence movement began in earnest in the 1920s and 1930s, with Aung San emerging as the predominant leader. Colonialism officially ended in 1947, and Burma’s first constitution “established a federal structure of government” and, while this government was essentially led by the ethnic

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5 His daughter is Aung San Suu Kyi, the leader of the democracy movement in Burma.
Burmans, it did attempt “to incorporate ethnicity into the independence process” (Lang 2002:36).

Peace did not last however. Rival politicians assassinated Aung San in July of 1947, along with six of his closest aides (Suu Kyi 1992:51). The assassinations left Burma without its most trusted public figure and some of its greatest politicians, and the assassination threw the country into turmoil (Bennion 2006). U Nu became the first prime minister, but ethnic minorities – including the Karen – revolted. A powerful general and one of the original members of the independence movement, Ne Win, began a military campaign to put down any resistance. But instead of defending the State, he took control of it. His campaign was largely successful, and eventually led to a coup. In 1962, Ne Win overthrew the last vestiges of democratic government and formed his own “Revolutionary Council.” The age of the military junta had begun.

Ne Win’s government proved disastrous for the country. The economy collapsed, and general’s “Burmese Way to Socialism” left the country “one of the most isolated and hermetically sealed” in the world (Smith 1999:1). There were significant and regular human rights violations and continued civil war in ethnic areas. Then, in 1987, wide scale rioting resulted when the government devalued the currency. The unrest eventually led to the Student’s Uprising in 1988, known as the “8888 Uprising.”

**The 1988 Students’ Uprising**

In 1988, a set of protests began in Burma. Led by students, the marches and demonstrations were widespread and had great popular support, but the
government brutally cracked down on the protests in August of that year (AAPP 2010). 10,000 people were killed (Smith 1999:1). The junta imposed even further restrictions on the press and restricted movement and assembly. The government then opted to rename the country as Myanmar, signifying a “new union” and called for elections for the first time. The elections were planned for 1990.

Aung San Suu Kyi, the daughter of Aung San, had returned from Britain to care for her ailing mother. After the protests were crushed, however, she became the leading voice of the government’s opposition. Aung San Suu Kyi founded the National League for Democracy (NLD) and, in the 1990 elections, she was elected prime minister. However, the junta refused to honor the results and placed her under house arrest for most of the next two decades. Although she was released, many NLD activists remain in jail, and they were unable to contest the recent elections in 2010 (AAPP 2010; Naing 2010). The country continues under a repressive military rule. Distrust and fear spread among the population, with the government spreading the rumors of spies and government informants among the rank and file (Skidmore 2003; Larkin 2004). Meanwhile, although much of Asia experienced rapid expansion in recent years, Burma’s economy is stagnating – 32 percent of the population lived below the poverty line by 2007. In contrast, the junta’s cronies benefit from the sale of Burma’s natural resources (CIA 2011).

The Saffron Revolution
In 2007, Burma’s leaders arbitrarily decided to raise the price of gasoline (Ostergaard 2008). Immediately, transportation costs doubled, and it became increasingly difficult for the already poor in the country to survive. The Buddhist monks, traditionally a strong power base in the country and a neutral force in politics, decided that the suffering was too great. In symbolic protest, the monks overturned their alms bowls and took to the street.

The protests lasted from August until October, but after some time the military brutally cracked down on the demonstrators. Many Burmese hoped that the military leaders were too religious to attack the monks, and that the protests offered the best chance of regime change since Independence (Ostergaard 2008). Unfortunately, however, the monks were not spared. Authorities arrested at least 1,400 monks; many were tortured and others were killed (Human Rights Documentation Unit 2008). After the violent crackdown, hundreds of political refugees, monks, and activists fled across the border into Thailand (Human Rights Documentation Unit 2007). At least 253 monks are still in jail (AAPP 2010). Many others are still missing.

The violent political upheavals have fit against a constant and consistent set of ethnic conflicts in the upper hills of Burma. These ethnic areas have had long-running separatists conflicts, although the government has attempted to sign ceasefires with many of the forces and integrate them into the “Border Guard Force” (Zaw 2010). The longest-running conflict is in the Karen State, the area adjacent to Thailand on Burma’s eastern border.

**In the Karen State: A Timeline of Resistance**
Burmese Karens participated in the protests, and many of these activists eventually fled to Thailand through the Karen State. The Karen ethnicity, like many of the hill tribes of Upland Southeast Asia, extends on both sides of the border. There are Karen native to both Thailand and Burma. The Burmese-Karen areas, however, were never completely united until the British consolidated their holdings in the nineteenth century. British Colonialism brought what was a lowland, ethnic-Burman kingdom surrounded by independent hill tribes into a unified, one government colony. While some ethnic tensions existed between the Karen and the larger Burman population before colonization, the British exploited and heightened these tensions (Thawnghmung 2008: 4-5). The British rule also reified ethnic identities, creating clearly separate Bama and non-Burman categories (South 2008:10). Additionally, groups like the Karen and Chin were adopted Christianity and Western-style education faster and to a greater extent than other groups, making them more likely to participate in colonial government and further enhancing the British’s divide-and-rule policies. This clearly separated Burman and Karen identities and fostered mistrust between them.

During World War II, the Burmese under Aung San originally allied themselves with the Japanese during World War II. In contrast, the Karen were strong supporters of the British, fighting a guerrilla-style campaign against the invading forces. Many Karen believed that “they would be rewarded with a separate, independent state and other special privileges for their loyalty to the British government” (Thawnghmung 2008:5). This did not happen. The British kept the Karen areas within Burma when its independence was granted in 1948.
Fighting soon broke out in the Burma’s Karen State. Their 1949 revolt emerged “as a broad-based movement supported by what seemed to be the majority of the Karen population” (Thawnghmung 2008:viv). The Karen National Union (KNU) and its army, the Karen National Liberation Army (KNLA), spearheaded the struggle for an independent Karen State.

Warfare has raged on and off between government forces and Karen separatists for the past six decades. The KNU originally established its base in the southern Delta, but was forced out by Burmese counterinsurgency strategies in 1968. From that date until the early 1990s, the KNU “operated as a quasi-government along a 500-mile stretch of the Thai-Burma border,” with its capitol at Mannerplaw (Thawnghmung 2008:25). This struggle mostly consisted of low-intensity, guerilla-style fighting. The Karen initially proved enormously successful at using the highland areas of their homelands to attack the Burmese Tatmadaw, or military. Throughout the mid-1980s, however, the KNLA began to lose much of its “liberated areas” to Burmese advances as the government continued with the brutal “Four-Cuts” strategy detailed later (South 2008:56).

In 1994, the KNU and KNLA were dealt a huge blow when the Democratic Karen Buddhist Army (DKBA) broke ranks from the separatist movement. The broader Karen people, despite perhaps a disproportionate Christian leadership, are largely Buddhist. Only 15 to 20 percent of their overall population is Christian, and another 5 to 10 percent follow indigenous religious practices (Thawnghmung 2008:5). The leadership of the KNU and KNLA, however, was predominately Christian. The DKBA’s creation “was one result of
the KNU leadership’s denial of legitimacy to elements of the Karen grass roots,” i.e. the Buddhist population (South 2007:61). The DKBA sided with the Burmese government against the KNU and KNLA. In 1995, the KNU headquarters at Mannerplaw was overrun by DKBA and Burmese forces. The DKBA continues to act as a “proxy militia” for the Burmese government, with control of large areas of the Karen State (South 2008:58).\(^6\) Fighting has not stopped, however, and the KNLA still boasted a force of 5,000 soldiers in 2007 and claimed that between the fall of Mannerplaw and 2006, they had killed over 6,635 Burmese soldiers in a total of 13,087 clashes (South 2008:56). Sporadic ceasefire attempts between the two sides have been unsuccessful. While many other ethnic forces made peace with the government, joining its “Border Guard Force” initiative, the KNLA remains on the outside (South 2011:17). Today, the Karen insurgency stands as one of the world’s longest running conflicts.

Many ethnic Karens live away from this war zone, residing in other parts of Burma. Some of these individuals have sought to “collaborate with successive Burmese governments or have attempted to effect political change by working within the system” (Thawnghmung 2008:11). Thus, there is no homogenous Karen identity or social bonds linked strictly to the KNU or its struggle. However, most of Karen-dominated areas have been subjected to abuses and repression at the hands of the Burmese government. This oppression motivates Karen migration.

*The Four-Cuts Strategy: Brutality and Forced Relocation*

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\(^6\) Many of those interviewed for this project have at times dealt with DKBA-officiated checkpoints on their trips to Thailand.
A communist insurgency based largely among the Burman population erupted soon after General Ne Win took over control of the national government. The Burmese military responded with a harsh counterinsurgency program. For the Burmese, the strategy was termed the *Pya Ley Pya*, the four-cuts: “to suppress insurgency by cutting the insurgents off from their support system…linked to the civilian population” (Lang 2001:61). Civilians were assumed to aid enemies of the State, and were therefore treated as enemy combatants. Following the end of the Communist insurgency, these tactics were extended to the ethnic conflict.

On the ground, the four-cuts has resulted in massive human rights abuses. One key tactic to control the population is forced relocation. The military marches into an uncontrolled or tenuously controlled village and burns down homes, business, and other structures. The army then relocates the villagers to an area closer to army bases or areas that the army can more easily control. “Forced relocation creates consolidated pools of civilians who are then subject to systematic forms of exploitation by military forces and State officials for food, money, labour, and other supplies” (KHRG 2009:19). Thousands have been internally displaced (The Karen Environmental and Social Action Network 2005; Hull 2009). Relocation has been coupled with other serious rights abuses as well, including rape and murder as intimidation techniques (Karen Women’s Organisation 2007: 16). Villager movement is further constrained by land mining.

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7 The Burmese counterinsurgency techniques are not unique, and share common elements with other counterinsurgency campaigns in other places (see Castro and Ettenger 1994).
footpaths through the forest, forcing individuals to travel via roads the military controls (Lang 2002:45).

**Forced Labor and Economic Issues**

Even in areas controlled by the State Peace and Development Commission (SPDC; the name chosen by the ruling militia after the Saffron Revolution), human rights abuses are prevalent. The Burmese military has long-held policies detailing “living off the land” – exploiting villagers through forced labor. A KHRG investigating migrants’ motives for leaving Burma found that forced labor was the most cited abuse leading to migration (KHRG 2009:30). Villagers are forced to porter for soldiers, build roads, or work on military-controlled farmlands.

The high costs of waging war and rampant official mismanagement have consistently wreaked havoc on the country’s economy. Burma currently ranks 132nd of 169 countries in the current United Nations Development Programme’s Human Development Report, reflecting its citizens’ depressed living standards and low incomes. For example, life expectancy at birth is 62.7 years (UNDP 2010). Infant mortality rate stands at 87 deaths per 1,000 births (Raks Thai Foundation 2004a). Thailand’s life expectancy is 69.3 years on average (UNDP 2010).

Consistent government abuse only heightens Burma’s poor quality of life. The country boasts significant natural resources, including teak, rubies, and natural gas, but “apart from [military] generals, the beneficiaries have been almost

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8 Landmines have been used by both sides in the Karen conflict (Moser-Puangsuwan 2008)
exclusively ethnic Chinese and a handful of hill tribe smugglers” (Chua 2003:26). The generals play a currency exchange game in order to profit from the country’s natural resources (Bissinger 2010). In 2009, Burma earned $2.9 billion dollars in natural gas exports. The regime, however, artificially keeps the exchange rate at 6.5 kyat per dollar, even though black market rates are closer to 1000 kyat per dollar. The gas exports were exchanged at the market rate, but recorded at the official exchange rate. Using this slight of hand, over 99 percent of the revenues from natural gas exports in 2009 did not go into official government accounts. Even the United Nations was not immune from this institutional cheating: following the devastation of Cyclone Nargis in 2008, the international body announced it had lost $10 million in aid money through Burma’s currency exchange schemes (Buncombe 2008).

While these abuses are common, The KHRG has also documented villager techniques to resist the oppressions of the government (2009). Villagers will cultivate covert fields or markets to avoid arbitrary taxation. They will share food with family, monitor troop movements, and employ advance-warning systems for when the government comes nearby. Some of the techniques used to resist the Burmese government parallel those used by migrants in Thailand, as will be considered in future chapters.

A Complex of Push/Pull Factors

Ongoing conflict, economic chaos, and political repression within Burma create a difficult situation for the Karen in Burma. Yet, these circumstances are not evenly experienced by all Karen in the country. Furthermore, interviews
indicated that identifying a specific cause or trigger for people’s movement into Thailand is not easily accomplished. Consider the following example: a farmer’s crops in the Karen State’s fail, and he decides to flee to work in Mae Sot’s factories. His harvest failed and he cannot make a living and wanted to flee for the better wages he could earn in Thailand. This suggests a simple economic pull factor; under these terms, he might be considered only an economic migrant. But why did his crops fail? Perhaps, as it often is, it was because he was forced to spend so much time building a road for the military that he could not take adequate care of his own lands. Or because of consistent and widespread abuse in Karen areas, he was fleeing a persecution that ultimately manifested itself in economic destitution. These would suggest push factors; he is a member of a persecuted group. Migration from Burma defies the simple classifications preferred by governments. But, while we rarely can pinpoint a single cause, the effect is hardly invisible.

**The Thai-Burma Border and Migrant Flows**

With political upheavals, brutal crackdowns, ethnic wars, and economic collapse, millions of Burmese have fled across the Burmese borders and into neighboring countries. Burmese refugees now live in the majority of countries bordering Burma, including Malaysia, India, Bangladesh (Alexander 2008; Phiri 2008). By far, however, a majority of refugees have found their way to Thailand.

Thailand has established refugee camps since 1984. The Thai-Burma Border Coalition (TBBC), a consortium of humanitarian aid agencies, has overseen rations and camp setup on the border since that time, and today they
operate ten camps throughout the entirety of Thailand’s border with Burma (TBBC 2009). In 2009, TBBC gave rations to 134,401 people in the camps; 61 percent of that population was Karen (TBBC 2009:7). Since 2005, Thailand and the international community have made serious attempts to begin closing down the camps. Thousands of Burmese refugees have been resettled in third countries, including over 50,000 in the United States (United States Department of State).

However, focusing strictly on “official” people granted refugee status covers only a fraction of those displaced from Burma. The largest group of migrants lives outside camp throughout Thailand. While there is no official count, this group numbers in the millions. The Mae Tao Clinic estimates 2 million (2010); Dudley cites an Integrated Regional Information Networks’ report that places the number between 1.2 and 1.5 million individuals (2010:29). Brees (2008:382) breaks the populations into several different categories based “on time of crossing and the destination in Thailand.” There were 124,300 official refugees in camp in 2007, designated by the Thai government as “displaced person fleeing fighting;” 1,284,920 legally present migrants in 2004, 849,552 legally working migrants in 2007; illegal migrant workers totaling up to 816,000 in estimated by Thailand’s Ministry of Labor in 2001, although the number is truly unknown; and an unknown number of ethnic Karen who now hold Thai identification cards (Brees 2008:382). The people residing outside camp are the primary focus of this project, and make up a significant part of Mae Sot’s

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9 As explained in the next chapter, I use the term “migrants” refer to all those who Thailand does not consider official “refugee.” “Refugee” denotes official refugee status and protections.
Although there are no accurate numbers for the population of migrants in Mae Sot, Brees cites a local businessman who places the number around 100,000 (2008:388).

The Burmese migrants have served as a great boon to the Thai economy, and Thailand has become increasingly reliant on the cheap labor provided by migrants. Because of Burmese rights abuses, companies choose not to open factories within Burma rather than risk the public relations nightmare those factories might entail. Rather, opening factories in Thailand “allows firms access to cheap Burmese labour without the international condemnation that would greet a factory opening in Burma [sic]” (Arnold and Hewison 2006:167).

With its much-higher income and human-development, life in Thailand can offer significant benefits compared to life in Burma. Brees (2009:25) writes that not only have migrants been able to establish networks both in Thailand and abroad, but also these networks help refugees to “support their families and communities in their homelands. Remittances are sent from Thailand to family in Burma through informal messenger systems, and reduce poverty back home. And, again, migrants are joining a country with substantially higher quality of life indexes across the board (Raks Thai Foundation 2004a; UNDP 2010:144-145).

But not only migrants benefit from their presence across the border. A 2007 report from the International Labor Organization estimated that migrants contribute a 6.2 percent increase to the Thai GDP if considered as productive as their Thai counterparts (Martin 2007:xii). The percentage is staggering, but only
more so when one considers that most migrants are illegal and subject to harassment at the hands of Thai police and others.

The vulnerability and harsh nature of the migrant life in Thailand will be detailed throughout the sections that follow. However, that vulnerability deserves brief mention here. Migrants living outside camp are seen as illegal, unless they hold some form of identification allowing them to stay in Thailand. They are arrested and deported by the Thai police or shaken down for bribes (Brees 2008; Raks Thai Foundation 2004a). The migrants face reduced access to health care systems, and a slightly higher risk of HIV (Raks Thai Foundation 2004b). They also run the risk of being caught or exploited by human traffickers, either into factory or sex work (United States Senate 2009). These risks are heightened by a lack of rights, as many of the migrants are in Thailand illegally. In February, 2010, a new Thai program had been announced requiring all migrants to return to Burma, where they could then register and come back to Thailand (Brees 2009:29). When I arrived in Mae Sot in June and July of 2010, however, all the migrants I interviewed had avoided this process, thinking it was somewhat suspect.

**The Future: Changing Times, Uncertain Ends**

Within the last year, the Burmese situation has shifted significantly. After a new Constitution was approved by a controversial referendum in 2008, the country began to prepare for the switch to parliamentary democracy and many of

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10 Somehow, the referendum drew votes by 98.1 percent of the country, 92.4 percent in favor of the new Constitution (Amnesty International 2009). This seems like a miraculous number, as the referendum was held soon after the country was decimated by Cyclone Nargis.
the former ruling generals left the military so they could run for office. On
November 2010, the country went to the polls for the first time since 1990. Much
of the international community, however, saw the vote as the mere
institutionalization of military power in a “democratic” form, and the fairness of
the elections were questioned by the UN (MacFarquhar 2010). Since the election,
Aung San Suu Kyi was released from house arrest later that month. Parliament
met for the first time in February 2011, and the SPDC, the military’s official
ruling regime since 1988, was officially dissolved in March (BBC 2011).

Immediately after the elections, a renegade brigade of the DKBA –
Brigade 5 - broke away from the fold and attacked Burmese government forces
(Moe 2010). As many as 10,000 refugees fled to Mae Sot, although they quickly
returned home after fighting moved away from their home areas in Burma.
Fighting has been consistently on and off since the election, however, and this has
created various flows of refugees back and forth between Burma and Thailand
(Weng 2010; Naing 2011a).

Meanwhile, the Thai government publicly stated that perhaps the refugees
should return home. In early April 2011, Tak Province’s governor\(^{11}\) said it might
be time for voluntarily repatriation of refugees along the border (Naing 2011b).
The governor claimed that, with a new parliament was in power in Burma,
conflict no longer existed. Human rights groups have expressed great concern
about these proposals, noting that Tak province already experiences heightened
the persecution of refugees (Buncombe 2011). Should Thailand act on these

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\(^{11}\) The province where Mae Sot is located.
measures, migrants will find it more difficult for migrants to survive in the country. The ideal solution, of course, would be to encourage political reform in Burma in order to ensure the respect of human rights and foster widespread economic development. But, absent such wholesale changes in their homeland, the migrants’ future ultimately remains to be seen.
The Friendship Bridge over the Moei River. The bridge links Mae Sot, Thailand with Myawaddy, Burma.

Individuals cross from the Burma bank of the Moei River, near the Friendship Bridge.
Mae Sot has come a long way from the dusty border town it is so often referred to as in popular travel guides. Divided by the main highway down its center, it now sports a few grocery stores – including a Tesco – and at least two 7-Elevens. There is a day market, a night market, and a weekend market. The trip takes eight hours by bus from Bangkok and the route follows the Asia Highway out of the provincial capitol of Tak, over snaking switchbacks in lush green hills, and down into central Mae Sot. Off in the distance one can see the hills of the Karen State, and the highway continues on, past the bus station and a now-defunct airport, to the border and the Friendship Bridge. Under the bridge is the Border Market, where cheap Burmese electronics are sold at cut-rate prices. Just downstream, people cross back and forth from the neighboring Burmese town of Myawaddy on inner tubes and boats. Thai police look on, ensuring none cross the river walk and concrete buttresses that mark the informal beginning of Thailand. From improvised wooden ledges that cling to the side of bank, Burmese men sell cheap, imitation Marlboro cigarettes and shady aphrodisiacs in tin packages.

Mae Sot, a city of around 120,000 ‘legal’ residents, is located on the Asia Highway, AH1, and is therefore a major hub of activity between Thailand and Burma (Ellgee 2010). It operates as one of the few legal border crossings, but
today the city is home to both the legal and illegal. Mae Sot welcomes many foreign travelers, looking to spend a day across the border from Burma in order to renew their visas. Dozens of NGOs and INGOs working on Burma issues have offices located here. But Mae Sot functions as a center for smuggling as well: “the porous border between Burma and Thailand near Mae Sot serves as a transit point for the smuggling of many illicit goods including methamphetamines, wood, and humans” (Moncreif 2002). As will be described in the next chapter, the drug trade and smuggling serves as the justification for travel restrictions on buses and transport out of Mae Sot. The city’s legitimate business interests take advantage of the cheap labor Burmese migrants provide (Arnold and Hewison 2006).

Tucked away in small pockets throughout the city, thousands of migrants live in small communities and many more migrants flood across the border each year, both legally and illegally. This paper details the everyday life of eight Karen migrants who live in and around Mae Sot, Thailand. I have attempted to capture aspects of the hardship and reward of migrant life in Mae Sot, and I hope to show how both agency and resourcefulness allow migrants to create a life for themselves in exile.

I went to Thailand to profile the lives of individuals in an attempt to understand, given the choice to live outside camps, whether structure or agency became the dominant factor in their life. To this end, I completed seven weeks of fieldwork in Mae Sot in June and July 2010. This fieldwork resulted in thirty formal interviews combined with interviews with NGO staff and participant-
observations throughout the city. Two choices were made to limit this study. First, I decided to focus solely on the Karen ethnicity. This provided the opportunity to study a smaller set of “push” factors from Burma, as well as a chance to study one common history instead of the multiplicities that abound when considering Burma’s fractured ethnic landscape. Second, I limited the number of interviewees to eight. Focusing on a small set of interviewees increased the depth of coverage for each person’s story. With fewer interviewees, each could be interviewed multiple times to gain a richer life history.

Individuals were identified with the help of Mae Tao Clinic and the Hsa Thoo Lei School and were opportunistically sampled. The Mae Tao Clinic is the chief provider of medical care to the Karen population in Tak Province, Thailand. Last year the Clinic saw a total of 140,937 visits to their facilities. The Clinic also runs various social programs aside from their medical care and works with other community organizations throughout Mae Sot (Mae Tao Clinic 2009). The Hsa Thoo Lei School is one of the largest migrant schools in Tak Province, and is located on the opposite side of Mae Sot from the Clinic. Both the Clinic and the school serve as vital gatekeepers to the Karen migrant community in the town. I coordinated with the research director at Mae Tao, and he took me around Mae

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12 Originally, the plan was to interview each respondent four times. However, the Red Shirt protest in Bangkok, my two bouts of dengue, and initial difficulty finding an interpreter meant that it was not feasible. Five respondents were interviewed four times, three were interviewed three times with the first interview lengthened to cover the same information. The final interview was conducted with a non-Karen man who lived in the Mae Sot dump, in order to gain some perspective on the dump situation outside the experiences of the Karen family that lived there.
Sot and introduced me to various migrant settlements. The same process was undertaken with contacts at Hsa Thoo Lei.

I interviewed the majority of the individuals four times, with each interview pertaining to a different subject. The first interview dealt with Burma, and I asked about what daily life was like back “home” and why, when, and how they fled to Thailand. The second interview dealt with life in Thailand: what was her first day like? Why did their families choose to live in Mae Sot? Where did he work and how were those working conditions? Did he or she have any form of identification? The third interview addressed problems they experienced in exile. Interviewees were asked questions about problems at home, work, and elsewhere. They were also asked about where they received news and if they still had family connections back in Burma. Finally, the fourth interview dealt with what they thought the future would bring. Due to time restrictions, the final three consultants were interviewed only three times. In these cases, I combined the Burma and Thailand interviews into one session. Almost all interviews were completed in Karen (either Pwo or Sgaw, the two Karen language subgroups) with the aid of an interpreter. One consultant was interviewed in English.

**Paper Trajectory**

I have already discussed Burmese history and the flows of migration created by that history. I now turn to the personal histories of the individuals considered in this project. The next chapter will focus on the structural violence migrants experience at the hands of the state. I hope to document several such incidents and patterns among the consultants. This violence will be examined by
location: violence at home, at work, and on the street or in public. I plan to conclude this section by examining the broader inequalities this structural violence entails. I will then turn my focus to questions of resistance. First, I will examine my concept of legal liminality and situate it among the migrants in Mae Sot. These tactics will include obtaining fraudulent identification, using a place of work as a means to avoid detection, and other “half-legalities.” After considering legal resistance, I will look at other methods of resistance displayed in everyday life. Finally, I will conclude with an examination of the refugee system, status, and what the agency and resourcefulness documented throughout means on a larger scale.

All names that follow are pseudonyms to protect the anonymity of those interviewed. Their stories follow below.

**Eight Karen Migrants and Their Stories**

*Hseh, Male, 45 years old*

Hseh is 45, a father of nine – his oldest is 23, the youngest was born days before I interviewed him in July 2010. He originally came from a township in the Karen State, about one day’s trip from the border. As mentioned in the Introduction, Hseh grew sugar cane in order to produce a raw form of jaggery. However, he operated more as a contract laborer: he would produce the jaggery on his farm and sell it on to a middleman. The overhead costs were high, while the return was low and very soon, Hseh and his family could no longer support themselves. He decided to move to Thailand along with his brother, and left Burma soon after the decision was made to move.
During his first visit to Thailand, he and his brother worked on a large farm with dozens of other migrants. They grew sugar cane, cucumbers, and other crops and lived on the landlord's land. The work was hard but he was well liked by the landlord. Eventually he decided to return to Burma so that his sons could become novices in the Buddhist priesthood, a common practice among devout Buddhists in Burma and Thailand. Again, however, there was no work in Burma, and three years ago he decided to move back to Thailand. He crossed the border legally, using the Friendship Bridge to cross into Mae Sot.

With his family’s encouragement, Hseh chose to live in the dump. In many ways the dump is representative of many of Burma’s problems. It consists, as the name suggests, of piles upon piles of shredded plastic and rubber, added to each and every day from collection points throughout the city. Between 50 and 100 people live here, all illegal squatters who work as informal recyclers. They represent almost a wide range of ethnic groups from Burma, and both the cataclysmic political events that caused people to flee (such as the 1988 Student’s Rebellion) and the longstanding socio-economic push factors (such as Hseh’s struggle to make enough money to feed his family). For Hseh, daily wages in Burma meant earning just money enough to buy a kilogram of rice without any other source of nourishment. In Thailand, however, the same day’s work allows him to buy a similar amount of rice, as well as meat or other forms of protein.

Hseh lives towards the back of the dump, surrounded by other family. His home and many of the migrants who live in houses consists of a traditional style

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13 Squatting at dumps is not unique to Mae Sot, and the poor in developing counties often use dumps as both a place of residence and work.
Giammatteo 42

thatched roof, with bamboo floorboards raised about three or four feet off the ground. The house is all one level, with a small, lower “veranda” and a private main room closed off in the back. Hseh paid a lot to build the house because he had to buy the bamboo from others, but he built the house himself with the help of his neighbors and sons.

Hseh spends his days picking through the trash for plastic and glass that can be resold. Each day, the trash is trucked in from a nearby processing facility, which sorts it first to find anything that can be recycled. The migrants in the dump then dig through each load, trying to find whatever they can. Thai men (Hseh did not know their exact identity) come and purchase whatever the migrants find: ten baht\(^{14}\) per kilogram for plastic and glass. Hseh also works occasionally for a Thai landlord, cutting grass and creating bales of hay by hand. For this work, he may earn 100 baht or so per day, but it is incredibly hard, tiring work. He emphasized, however, that he sees this life – backbreaking labor and picking through trash – as a better alternative to life in Burma.

*Saw Thoo Myint, Male, 38 years old*

Saw Thoo Myint had one of the most intricate and mobile stories of all the people I talked to. He grew up in the Pa-an region of the Karen State, on a family farm. He was the youngest of six siblings. His childhood was not easy – he was forced to be a porter for the Burmese Army – and then one of the Karen armies recruited him when he was still a teenager. He fought for five months; at one point, he was shot in the knee in a battle with Burmese government forces. When

\(^{14}\) Roughly 30 cents.
the DKBA split from the KNLA, he decided to flee Burma, and crossed the border into Thailand.

He first arrived at one of the feeder camps that eventually were consolidated into Umpium camp, on the border about an hour south of Mae Sot. At first he stayed with an aunt for almost a year. His aunt’s husband was working in fields outside the camp, and so he joined in that labor. One day, however, he was caught by the police, transported back to Mae Sot, and held in jail for three days. Finally, he was deported back to Burma.

He returned to Thailand within a few days and decided to travel to Pattaya, where his sister was living at the time. He paid 3,000 baht for an illegal transport, and while there he worked in a carpentry shop, earning 4,000 baht per month. His sister, however, decided to resettle to New Zealand. And so, after his sister left, he contacted a cousin who lived in Bangkok. She helped him get a job in a rice warehouse, and he stayed there for three years.

After three years in Bangkok, he returned to Burma to become a Buddhist monk. He only lasted seven days, and decided instead to go back to his family’s house. Saw Thoo Myint worked there for two years, and again decided to return to Thailand. This time, however, he did not have the money to pay for transport out of Mae Sot and decided to stay. When he got to Mae Sot, he chose to live with a friend in a community on the road to the dump, in a traditional-style bamboo house. He now works on a farm, planting rice with other migrants for 100 baht per day. He is in constant pain, however, from an injury he sustained while working in Bangkok, and he has a large growth on his upper thigh. The
pain is getting worse, especially at night. When I interviewed him, he had just been to the Mae Tao Clinic, where doctors said the growth should be removed. Because the Clinic could not do the procedure there, the doctors were going to send him to Chiang Mai for the operation.

_Daw Nu, Female, 51 years old._

Daw Nu grew up in a large village within the Pa’an township, in the Karen State. Her village had around one hundred houses, which she described as a big village by Burmese standards. She studied through the fifth grade, and then helped her parents work. They were day laborers, but with no set job. She lived in the village until she was 20, when she met her husband. Her husband was Arkanese – another ethnicity in Burma – and he worked as a policeman in Pa’an city, the capitol of the Karen State. One day, he came to Daw Nu’s village, they met, and were married soon after. They lived in Pa’an and had seven children. The oldest is thirty-one years old; their youngest is six years old.

Eight years ago, two of her daughters were arrested in Thailand. The daughters had paid a trafficker to bring them from Mae Sot to Bangkok to find work. The trafficker, however, had provided them with fake passports and documents. They were caught with fake documents, and were put into prison for two years in Mae Sot. Daw Nu and her family decided to move to Mae Sot at that time, to be closer to the girls and to be able to visit them regularly and with ease. They have stayed in Thailand ever since. Today, she lives in a bamboo house near both Saw Thoo Myint and Ma Panayea. Her husband is sick, and he cannot sleep through the night. Originally, he was a janitor in the local factory, but he
can no longer work. Daw Nu has taken over his work, and works long hours cleaning the factory. She described it as “heavy work.”

*Lover, Male, Age 24*

Lover grew up in the SPDC-controlled areas of the Karen State, where he was one of five brothers and sisters. His mother passed away when he was young, and his father remarried. When he was eight years old, however, he moved to live with his grandparents. He went to school at a monastery and worked on a farm. Lover studied until tenth grade in Burma, and then he worked for one year on his uncle’s farm. His uncle had paid his school fees in Burma, and so he felt he owed him for that money. However, Lover did not have enough money to apply to a university in Burma and so he began to look at other ways of going to school. A man who worked for the Karen community in his town suggested that Lover travel to the refugee camps in Thailand.

And so Lover left his family and followed the man through the jungles to the border. It was a long, hard trip, but eventually Lover made it to Thailand and continued his studies. Today he is fluent in English because of his camp education, and he works for a health organization associated with the Mae Tao Clinic. He coordinates some education programs for the organization, and recently met and married a co-worker. Lover lives closer to the border, and often bikes to his office on the other side of the city. He spends his time off work playing soccer in the fields around Mae Sot and his friends on the pitch dubbed him “Lover,” a name he proudly accepted.
In early 2010, Lover traveled back to see his family at much risk to his own security. After coming back to Thailand, his grandmother passed away. Lover was unable to return for the funeral – the rainy season made travel difficult, and he was too afraid of his security to make the trip again. It was hard for him, however, to be away during the funeral of someone who he viewed as a mother.

Ma Panayea, Female, 38 years old.

Ma Panayea and her husband lived in a large bamboo house near Daw Nu and Saw Thoo Myint. She grew up in Pa’an in a large family, but her father died when she was two. She left Burma 21 years ago, hoping to earn money so she could send it back to her mother and siblings. When she arrived in Thailand, she met the man she would eventually marry and decided to stay. They moved to a small forest near Mae Sot and collected forest products. They would go into central Mae Sot to sell things at the market.

Eight years after her marriage, Ma Panayea and her husband were approached by a “headhunter” (labor recruiter) who offered them employment on a Thai farm. Instead of providing them with that work, however, the headhunter sold them into slavery. This episode will be considered in greater detail in the next chapter, but it took the couple a few months to escape. They resettled in Mae Sot and today work on a field shared with other migrants. They have two children, a school-aged boy and an older girl, who helps with chores in the field.

Pie Pie, Male, 19

Pie Pie was from a farming family in a small village. He was a student and in his free time would fish in nearby rivers and streams. In 2001, fighting
broke out between the SPDC and DKBA and the KNLA. The DKBA and SPDC marched into his village. His parents were killed by landmines, and he was forced to flee with his uncle to Thailand.\textsuperscript{15} He crossed the border, and lived for a while in a refugee camp until his uncle heard of the Hsa Thoo Lei School in Mae Sot. He sent Pie Pie there to study.

Now Pie Pie lives in Hsa Thoo Lei’s dormitories. He is learning the guitar, and in his free time often heads out to the school’s farm and helps cultivate vegetables. Pie Pie has only one year left before he graduates. Occasionally, he visits his brother in camp. He has a sister in Thailand as well, and she is now married. His uncle, however, has returned to Burma and is a soldier with the KNLA.

\textit{Paw Sue, Female, 29 years old.}

Paw Sue grew up on a farm in the Karen State, where she had lived with her uncle and mother since she was ten years old. Every morning at four a.m. Paw Sue rose to take care of their water buffalo. Because of her work on the farm, Paw Sue only attended school until the second grade. She later grew rice, and collected leaves to sell. When she had free time, Paw Sue went to the Buddhist monastery. Occasionally, she would attend festivals in her free time. The areas where she lived were also in between the KNU-controlled areas and the SPDC-controlled zones. As the two sides battled, Paw Sue would flee to avoid the violence.

\textsuperscript{15} Our interview was unclear on some of these points. While I believe he was saying his parents were killed in that fighting, they may have been killed at an earlier time and he only fled later on, when the fighting came to his village.
In 2000, she decided to go to Thailand. Her mother was mentally unstable, and unable to function on her own or earn any money. Paw Sue decided to leave Burma and try to earn enough money in Thailand to support and send back to her mother and uncle. She and another woman from her village crossed the border at Myawaddy, on the Friendship Bridge. Originally, Paw Sue had planned to travel to Bangkok, but after bribing an SPDC soldier and dealing with checkpoints on the Burmese side, she lacked money and she stayed in Mae Sot. Paw Sue followed her travel companion to a house near the Has Thoo Lei School, eventually obtaining a job when a Thai recruiter came to her new home. While working on the farm, planting rice, Paw Sue met her future husband and the couple was married in 2001.

Paw Sue stopped working recently to raise their three children. Her husband is the primary breadwinner for the family, working from 7:30 a.m. to 5:30 p.m. for 100 baht per day. At one point last year, Paw Sue had been arrested by the police in a raid on their community. She was sent almost immediately back to Myawaddy, where Paw Sue had to pay a fee at the Burmese checkpoint to get out of custody and back into Thailand.

When I visited her, her youngest child was ill, and her husband was sick as well. The child had just been to a local Thai clinic, and Paw Sue paid 50 baht for services. Paw Sue was also taking care of a set of piglets, but on the same day her child got sick the piglets died. Because the children are too young, she can’t work. This, combined with her husband’s low wage, has forced the family to incur over 4000 baht in debt, buying food on a day-to-day basis.
Naw Chi, Female, 24 year old

Like many of the other interviewees, Naw Chi grew up in the Karen State on a farm. Her parents grew and sold vegetables – eggplant mostly – and lived in a bamboo house. They woke at 4 a.m. each morning and headed out to work on the farm. When she turned thirteen, however, her mother died. Her father quickly remarried, and moved the family to live with his new wife. Naw Chi was not happy, and soon ran away.

She managed to pay a transporter 2000 kyat to ferry her to Thailand and she began working as a nanny near Mae Tao Clinic – the transporter had found her work. She was paid 400 baht per month. Naw Chi stayed with the family and look after the children. After two years, her friend helped her find a job selling snacks at the Mae Sot Market, where she worked for three years. Her employer helped her get a Thai identification card, and so now when she moved she was no longer afraid of dealing with the police.

Naw Chi and her husband own a small shop near the Hsa Thoo Lei School, where she sells small snacks and other items to the school children and the migrant community immediately surrounding the school. This occupation puts her squarely in the center of an economic web: she buys supplies from the main Mae Sot market at reduced rates and resells them. Often, she allows people to build debts if they cannot pay. She runs the shop from 6:30 a.m. until 9 p.m.

Conclusion

These individual biographies illustrate the choices made by migrants in Mae Sot. They chose where to live; they chose where to work. They make
perfectly rational decisions as they try to secure both livelihood and safety in Thailand. Even in these short accounts, it is possible to see the agency these migrants exhibit in the face of incredible odds. Throughout the rest of this paper, these eight migrants will inform the analysis and exemplify the ways – in the absence of formal legal status – individuals can resist potentially overbearing circumstances.

**A Note on Terminology**

I must note some of the terminology used throughout. First, I have chosen to refer to the country of origin for the Karen migrants as “Burma.” This is at odds with the official name of the country, which changed from Burma to Myanmar in the early 1990s. Many others argue, and I tend to agree, that changing the name was nothing more than a false gesture on the part of a brutal regime in the wake of a violent and fatal crackdown on mass protests. The intent of the part of the military government was to signify a renewed “union.” But many Karen observers and others feel the government is illegitimate and, therefore, had no right to change the name of the country. In solidarity with these activists, I continue to refer to the country as Burma in line with many of these Burmese exiles.

As mentioned earlier, labeling migrants can be a tricky thing and each term comes loaded with meaning. In order to remove such value judgments, I will refer to those individuals covered within this project as migrants. I see this as a broad, overarching term that encompasses multiple status designations and my use of the term does not necessarily denote any of those statuses. When “refugee”
is used, I intend it to be within the context of a formal refugee status. This may be formal refugee registration from the UNHCR or Thailand, or the individual who holds such registration (several consultants did have official status as refugees, either for real or fraudulent reasons).
Typical bamboo-and-thatch-roofed migrant homes in Mae Sot, clustered around a factory.

Migrant homes in the Mae Sot rubbish dump, on top of the trash piles.
After her marriage, Ma Panayea and her new husband moved to a small forest away from Mae Sot. They collected bamboo shoots, and would leave home at 2 a.m. to trek to the city market to sell their product. It was a comfortable, if rustic, existence, and they lived there for eight years. But then a headhunter (labor recruiter) arrived.

The headhunter promised them a job on a Thai landowner’s land and offered them 7000 baht per year to work the land. But the broker lied, sold them to the Thai landlord, and pocketed the money. The couple moved to the jungle to take care of the cows, and they were given only rice and fish sauce. They caught crickets to supplement the meager food they were provided. After one month, their savings were running low, so they went to the landlord to ask if they could get an advance on the money they were owed. “He said: ‘I don’t need to pay any money to you because I already bought [you].’”

They fled and the broker chased after them with a gun. They avoided roads as too risky and traveled through the jungle. It was rainy season, and sometimes they had to swim (Ma Panayea said she could not swim. Fortunately, her husband could). After two days, they caught a ride in a car. When they reached the outskirts of Mae Sot, however, the police arrested them. But they had
a stroke of luck – the Thai police were kind, keeping them for a while in the
police car, and then dropping them off again close to where they now live.

**Structural Violence in Migrant Life**

In this chapter, I will consider violence inherent to the migrant condition
in Mae Sot. The demarcation between who belongs within a border and who does
not is a crucial one when considering the rights that are tied to belonging in a
society or place. Those who belong and are legal can legally access their rights.
Too often, those who do not are excluded from that picture. The difference is not
just in “actual” rights, but also in the ability to press for rights, to utilize the legal
system to gain rights in practice that have already been granted in theory, such as
actions against unsafe working conditions.

As Paul Farmer (2005: 231) points out, “Human rights can and should be
declared universal, but the risk of having one’s rights violated is not universal.”
There are certain identifiers that heighten the chance that an individual’s rights are
violated: poverty, gender, social status, or legal status, and others. Human rights
violations are not unique to Thailand, of course, but because the government does
not provide official status to migrants, this increases the chances that migrants’
human rights will be violated. And so, in the absence of official recognition,
State authorities behave in ways that are structurally violent. Individuals are
discriminated against, shaken down for bribes, oppressed, or exploited.

There may be, however, some objection to painting the State as the villain
in this scenario. It is, after all, *individuals* I am describing who violate migrants’
human rights, and it may very well be a *privatization of a public* role that leads to
the most flagrant abuses. All that is well and good. But I argue that the reason that privatization is possible in the first place is the absence of rights and, as the “gifting” of rights is the State’s job, ultimate responsibility falls on the State itself. Without the absence of rights and if there were regard for the rights of migrants, individuals would not be able to act in a structurally violent way towards those same migrants. It may be individuals who are taking advantage of the system, but the system is in place because of the State.

This chapter provides evidence regarding the incidence of structural violence as migrants in Mae Sot experience it. This violence permeates much of migrant life, especially for those without any form of identification.\textsuperscript{16} It impacts the workplace, resulting in long hours for little pay with little chance of redressing any wrongs suffered at the hands of employers. It invades the home, with police raids in the middle of the night. And it carries out into the streets, to the roadblocks and checkpoints of the Thai police.

\textbf{At Work}

Dennis Arnold and Kevin Hewison documented numerous cases of workplace abuses around Mae Sot (2006). Foreign workers cannot form in unions. Many only get one day off per month and they often are forced to stay within the compounds on days off. Wages can be well below Thai minimum wage, and some workers have reported forced methamphetamine usage to encourage longer hours. Those who demand rights, strike, or attempt to organize

\textsuperscript{16} Different forms of identification and their relation to combating structural violence will be considering in Chapter 4.
have found themselves fired. Agitating for rights has led to deportations, as well, and as attempts at collective action increased, so did intimidation:

For example, on 14 January 2004, an officer in the Tak Labour Office relayed a message to NGOs warning them to cease using labour protection mechanisms and to stop making appeals for the enforcement of the legal minimum wage (Arnold and Hewison 2004:176).

Many of the people I talked to had issues with employers. Hseh, the man who lives with his family in Mae Sot’s dump, first worked for a different landlord than he works for now. His boss treated the other laborers harshly:

JG So it was hard work, hard labor?
H The owner is mean, and look down on them too. Like when they cannot do the right. Some people – because they have a way how to plant those things – if it is not correct, he even beat them or push so they fell. Yeah, like if he asks to plant only 3 seeds per hole right. You have to do exactly like that. If it’s 4 or 5, he beat them. For Karen people it’s a bit better – the owner like them. But for Burmese, if they make a mistake, they got hit.

Hseh himself was treated well, if only because he was Karen and his boss felt the Karen were hard workers, and more honest than the Burmese.

Saw Thoo Myint also told a similar story about his first night in Thailand:

JG Where did he stay that first night? Did he stay with the farmer or did he stay in the refugee camp?
STM Yeah that first day when he came the farmer give him accommodation, like a hut or tent. A hut. A small hut there. He stayed there for 5 days. Then he told the farmer, he said he couldn’t stand to work there anymore. Then he moved to the refugee camp.

JG Why couldn’t he stand to work there?
STM It’s like the work is too hard for, because he has to…and he also has to remove the wood when we cut it up and the roots, that one. It’s too hard, too heavy for him. Then he got only 30 baht for five days. Then he asked to leave, then it seemed like the owner was a little bit mean to him. He said if you didn’t want to work here you can leave.
JG So he only paid you 30 baht$^{17}$ for 5 days?

STM 30. Yeah, 30 baht for 5 days.

JG So the farmer treated him poorly?

STM Yeah, he like treated them poorly, like mean. Actually, the owner has to give them a meal, right? Two times a day because they have to work hard too. But the worker there, like him, there are two. But the guy, the owner, just give them a small piece of sticky rice that is not enough for them.

Saw Thill Myint and Hseh were able to get way from harmful treatment from an employer, but many may not be so lucky or know they have any other option than to deal with the abuse.

Additionally, police can raid factories and the workplaces, detaining those who do not have any identification. This was experienced by Daw Nu, who had come to Thailand to visit her daughters in jail. She found work in a factory near her house, and she was working as a janitor. It was tough labor, but she found her job in the first place through her neighbors.

JG How did she find this job?

DN Yeah they needed workers. And then the people who work there asked them to come and join. Actually, they don’t have any document to stay. I don’t know what document is that. I’m not sure.

JG Maybe a work permit?

DN Yeah – a work permit, or a document to stay here. Only two guys and another have it, but she doesn’t have it.

JG Is that a problem? Does she have trouble with that?

DN Yeah, they have a lot of times the police come and catch people from the factory. More than a hundred people, she is the one. Only…80 person. Arrest at daytime, police keep for a while, and then at 10 p.m. they are released. For the other 30 people

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$^{17}$ 30 baht is less than $1.$
who have no document have to stay for 10 days in jail. 30 people.

This arrest and raid had happened shortly before I arrived in Mae Sot, in May of 2010.

Sadly, Ma Panayea’s trafficking story is not a single or isolated incident. While she is the only consultant in this project that cited such a blatant example of abuse, she certainly is not alone among migrants in Mae Sot. A report to the U.S. Senate’s Committee on Foreign Relations stated that “a collection of reports suggest that a few thousand Burmese migrants have been [trafficked] to the Malaysia-Thailand border in recent year” and have to pay to get their freedom (2009:7). Trafficking is a real risk for migrants, whether into Thailand’s bustling sex trade or even to farms and other places of work. Mae Sot, as a main border crossing, sees its share of trafficking as migrants are brought through the city in transit, or brought by fixers to work in factories (see Ellgee 2011). The Nation, a Thai newspaper, reported in 2007 that several children were disappearing from Mae Sot’s Burmese Muslim community every month, and it was suspected these children were being forced to beg or work in Bangkok and elsewhere (Paengnoy 2007). Trafficking is a concern for migrants in Malaysia as well (Lwin 2009).

Even taking such dire situations into account, life for workers in Mae Sot has improved in some ways and there is now at least some access to courts. According to members of MAPS, the Migrant Assistance Program, normal wages
average around 60 or 70 baht per day\(^\text{18}\). This contrasted with the official minimum wage, which at the time was 153 baht per day. But groups like MAPS had started to offer legal aid to migrants looking to make a claim to the Thai Labor Offices. The members said if a migrant could come with evidence, MAPS will help file the complaint. While it is still difficult to do if one does not have an identification, the organization has been working to protect identities while ensuring the suits still see the light of day. To that date (mid-June), MAPS had filed around 40 cases in the first half of 2010.

Certainly, not all employers act in abusive ways. Saw Thoo Myint, for instance, had good experiences with employers after his first negative experience, including employers who helped smuggle him to other parts of Thailand so he could find better work. Ma Panayea, after surviving the slavery ordeal, is now firmly established in Mae Sot and she works on a farm. Good employers can be incredibly useful, providing transportation throughout the country and paying bribes or negotiating with police to ensure migrants were released eventually if they were detained. This will be further considered in Chapter 6.

**At Home**

A migrant’s home is usually not his or her own. Many are illegal squatters or pay rent to a Thai landlord. But the biggest threat comes from the police, who regularly raid migrant neighborhoods. These raids come in the middle of the night, and if migrants are caught they are detained and usually deported. The police have free range to exploit the situation as well: often, they may burn or

\(^{18}\) For many of my consultants, the wages were higher – usually around 100 baht – than those cited above.
destroy homes, and steal property from the homes as they see fit. The frequency of these raids vary from place to place – it could be every month, but more often the raids take place three or four times a year.

Hseh has only experienced only one raid since he has been in the dump, but proved devastating for him and his family. He lives towards the back of the dump, and so he was alerted to the raid when his neighborhoods fled past his home. All his family escaped into the forest, but they had to live there for five days before they felt it was safe to return. While he was away, the police stole anything he owned that appeared new:

JG The police took the new things?

H Yeah – they use the, some time, they got the donation from the NGO. The blanket, the mosquito net, and other things. Anything [the police] were able to use, they even took it. Yeah it almost happen every year, they destroy the house, something like that. But he’s only faced it one time.

The police tore down the houses in the dump with machetes, and then left. After the five days, Hseh returned and rebuilt his house, but at considerable expense. He is now in debt after having to buy new bamboo and building supplies, even if he built the house again himself.

Paw Sue had been arrested and detained in a raid on her home. She was taken to the border, and dropped off in Myawaddy the year before:

JG Has this happened to her before? Has she been caught [in a raid]? …

PS Yeah. Last year, before last year.

JG Did they send her directly to Myawaddy or did they hold her in a jail for a few days?
PS  Yeah, they came here for one day for just a few minutes and then back to Myawaddy.

JG  If you can pay the police, do they let you back out?

PS  If they come to our houses, we can’t give them money. But if we meet them on the road, like a daily we go, we can give them money. But for here, every year they come here. They come and arrest us and even you give them money, they will not take your money.

Paw Sue came back to Thailand as soon as she could. It was the second time her home was raided. While the first time she had escaped, the police stole a knife and fishing net from her.

Such raids are common in Mae Sot. Sitting in Saw Thoo Myint’s house in mid-July, I asked if the police ever raided his neighborhood:

JG  Now let’s talk about the police. Have the police ever come here?

STM  Yeah – when the police come he run away. Everybody run,... Sometimes when they cannot. Sometimes they get caught. And last time, the lady’s daughter – two of the daughters were caught in this house because they have no time to run. And they have to pay for 700 baht for the fine and then they escape.

JG  Why 700 baht?

STM  The cop people just, for getting the money. Sometimes not even the police, the soldiers. They come and catch people and you have to pay for release...

JG  Is there a time of day – when do the police usually come?

STM  Usually they will come in the morning. Like 4 a.m. Like last time, they were not aware of it and the police or soldier get into the house and catch the daughters. When they come, they are not even sure they are the police or the soldier because they just ordinary looking shirt like that. They know it by the gun that they have, or the pistol. They didn’t wear the uniform.

A little later I asked if he knew the raids were coming. He did – he knew a Thai motorcycle driver who would call and alert him if raids were about to occur. In fact, he knew of one the next week. By the time I interviewed him for the last
time, the police had raided his neighborhood, again at 4 a.m. He fled, and continued to check with a neighbor with a Thai ID to see if he could come back to his house. Other neighbors weren’t so lucky; the police arrest 15 people that did not have time to flee.

**In Transit**

The streets, and therefore travel, became sights of contestation. Police set up roadblocks throughout the city with the aim of checking identification. There seems to be three main types of roadblocks that I encountered while traveling in and around Mae Sot: checkpoints throughout the city, road blocks and bus searches while traveling out to other destinations, and random searches throughout town.

First and foremost, the police establish checkpoints at various points throughout the city, and the police seem to randomly stop cars and motorbikes. If stopped, the individuals are expected to pull out their identifications and prove their citizenship. Even with some form of ID, the police may try to trap migrants, asking extremely complicated and convoluted questions in Thai (equivalent to say, speaking Shakespearean English to a modern day person) in order to test migrants’ knowledge of the language. And, while these checks are “random,” I passed them countless times without ever being stopped, and it is widely understood one will only be stopped if one “looks Burmese.” These sites also function as sites of exploitation: often, if pulled over, the police will look for a bribe in order to avoid bringing an individual into the station or deporting them.
This corruption and exploitation can make the cost of traveling prohibitive for many.

Each bus traveling in and out of Mae Sot is subject to several road blocks on the highway. When I traveled from Mae Sot to Chiang Mai (in northern Thailand), our bus was stopped three times. Police or army personnel boarded the bus and asked to see passports, ID cards, or other documents. Those without these items are pulled off the bus. While I did not witness it myself, a housemate in Thailand told me the story of her trip into Mae Sot. She had sat next to a young woman, and they had shared a few snacks. When they stopped at the roadblock, however, the young woman could not produce an ID and so was taken off the bus. The bus continued on without her.

Finally, there are random checks at places throughout the city. For instance, when I went to the bus station to purchase a ticket, I pulled up alongside a *rot Deng*, a pickup truck equipped with benches in the back that serves as a taxi. The police were there soon after, checking everyone’s identification cards on the truck before they were allowed out and into the station.

All these sites, as mentioned above, become chances for violence and abuse, as many offer the police opportunities to take bribes. For instance, Lover was detained with a group of health workers who were traveling to a celebration. He and his group had been held at the police station for almost an hour and Lover explained what happened at the police station:

> At the time, unfortunately, they said stand up. Right there. Oh, they punch me. Why’s that, I asked people who speak Thai. Oh, they hit you,

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19 See Chapter 5, also, for the role their identification cards played in the situation.
they said, we are not being respect to them anymore. That’s why they punch me. So they said sit down, and I had to sit down.

Eventually, this group was released, but not before they paid 10,000 baht per car.

I asked Lover where he thought the money went:

JG  Where does that money go? …Does it just go to [the police’s] pockets or…?

L  If you go the office, they have to use for their administration. They have let know every officer or people, or every staff in the office. If they stop you on the way, how to say, without go to the office, the money will go to their pockets.

Lover was not alone in asserting the police merely pocketed the “fines” and bribes – whenever it came up, people assumed bribe-taking simply supplemented Thai police salaries.

Saw Thoo Myint would often leave his refugee camp to go to work. Most days he would follow a secret footpath to avoid the police, but one day he did not and the police arrested him. They brought him back to Mae Sot, and held him for five days.

JG  What would happen if they didn’t take that shortcut? If the police caught them working?

STM  Yeah – one time, he said that they got caught because the police caught them, right? They got arrest for 3 days in Mae Sot, the police brought them here. Then they sent them back to Myawaddy. Then they have to travel back, they have to walk.

JG  So he was in the refugee camp, got caught, got brought back all the way back to Mae Sot, was brought to Mywadday and then crossed.

STM  Yeah – sneaking in again.

JG  What was he feeling those three days he was arrested? What does he feel?

STM  Yeah he feels so stressed. And then, he didn’t have enough meal, not enough sleep, not enough water for a new journey,
yeah? To take in a new... he feel so stressed. He thought he would not come back here anymore, he would stay in Burma. And then that time is the village is not safe as well, because at that time the Karen rebel, the K...

JG  ...KNLA?

STM  Yeah, the KNLA and the Burmese soldiers are fighting there and it’s not safe as well and then he decided to come to Thailand and go to work in Pattaya.

JG  So this is the reason why he went to Pattaya and left the refugee camp, was this getting caught?

STM  Yeah.

JG  How long did he stay in Burma after he was put there?

STM  He’s leaving back here right away after that.

JG  What was his treatment like? How did the police treat him? Were they nice, mean?

STM  Yeah, the police are so mean. When it is meal time, you have to take a queue, because it’s lots of people they give us a small rice, it is not enough. It’s not full. Then you have to be well behaved. If not, if you do some small mistake, then they will beat you with a stick.

JG  Did he know other people who were arrested? Like of that big group, did he know anyone else?

STM  Yeah, he know a friend, yeah, the one that got caught with him.

JG  What did he do for those three days... How did he keep busy?

STM  Yeah, they have to do some cleaning, like some janitor work within just that area. Then he sleep, sit down, all day. And if he didn’t want, he just sit and sleep like that.

JG  Did he know he was going to be put back in Burma? Did they tell him they were going to deport him?

STM  Yeah, they told him you have to deport to Burma.

JG  When did they tell him?

STM  They tell them on the last day. Yeah, on the last day they told him you have to go back to Burma and don’t come back again. Like that.
Saw Thoo Myint was an officially registered refugee, having fled fighting in the Karen area. He did not stay in Burma for long, and came right back to Thailand as soon as he could.

**Systemic Abuse and Denial of Services Offered**

I have already detailed several abuses above. But the rights-less existence led by migrants cuts deeper and more systemically than I have detailed thus far. This is because even key services, which, in theory, are offered to migrants, are often out of reach due to the practical environment created by the restrictions of travel, threats of detention and deportation, or harsh economic realities of life on the ground. Perhaps this is most visible when considering health care, a service that is technically within reach of many migrants in Mae Sot.

The Mae Tao Clinic, which helped coordinate my research, offers free care to migrants throughout Mae Sot. They also coordinate health care workers back across the borders in Burma, and many in Burma cross the border each day to be seen by the Clinic’s staff. If a case is too serious for the Clinic to handle, it will often pass the patient on to the hospital in Mae Sot and foot the bill. This means that healthcare is, theoretically, available to migrants. But again, this care is out of reach for many. Paw Sue said she rarely goes to the Clinic:

JG  What about healthcare? She said people were sick – if she had to go to a doctor, where would she go?

PS  Sometimes we go to a [Thai] clinic, but we have to pay money. They went, once before yesterday, so we have to pay 50 baht. For just last night, she also got sick as well. For just last night, for the medicine. If, sometimes you want to go to Mae Tao Clinic, you have to pay the transportation, go 100 baht, come back 100 baht also. Sometimes if we meet with the police, we [sit in police car also]. We cannot go there easily.
Her child was sick at the time when this interview occurred. But it was difficult for her to get proper care for the child. Only in dire circumstances is the risk and price of heading out to the Clinic worthwhile.

Sometimes the costs of healthcare cannot be measured simply in baht. I shared a guesthouse with a bunch of foreign medical students while in Mae Sot, and when they arrived from work one day, they shared a story that brought this point home. A couple lived far away from the Clinic. One day, the man had an asthma attack and passed out. Without medicine, his wife managed to drape his unconscious body over a motorbike and drive him all the way the Clinic. He was much larger than her, however, and she did not know that his feet were hanging off the side of the bike. The cure for the attack was easy: the Clinic staff delivered medicine and he was soon conscious. But he woke to an enormous amount of pain as his toes had been almost completely worn-down by road burn.

Thailand ranked 47th out of 191 countries in the World Health Organization’s 2000 World Health Report. That placed Thailand between Barbados and the Czech Republic in overall Health System performance (World Health Organization 2000: 200). The United States ranked only ten spots higher, at 37th. While Thailand may have some issues delivering health care to its populace, these numbers should make it clear that the situation is certainly not as dire as the two cases above suggest. But even if, for the sake of argument, access to healthcare is a problem in Thailand, it is problem only exacerbated for migrants without rights. The systemic, structural issues detailed throughout this chapter

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20 It should be noted, of course, that Burma ranked 190th of 191 countries on overall health performance in the same report (World Health Organization 2000).
make it much more difficult for these migrants to access Thailand’s healthcare system. It is in this way that structural violence invades migrant lives and livelihoods.
On one of my first days in Mae Sot, Saw Maung Aye took me on a tour of the grounds of the Mae Tao Clinic. Saw Maung Aye works in the Clinic’s main office, and was my primary contact throughout the research phase. As we walked around, we stopped by the maternity ward and Saw Maung Aye discussed the services provided – birth, infant care, and, more recently, birth certificates.

Originally, the Clinic did not give birth certificates to new mothers or register the births in any official way; the Thai government did not allow it. This meant that no formal recognition of birth took place for the majority of those children. For migrants without status, this lack of recognition extended statelessness into the next generation. In the past few years, however, the Thai government has allowed the Clinic to register births in a semi-official way, providing accurate records. The Clinic also periodically registers children born at home. Saw Maung Aye pointed out that these registrations do not carry the complete weight of the law as a birth certificate of a Thai child, born at a Thai hospital to Thai parents. Nonetheless, the certificates best symbolize a step in the right direction because at least there are accurate records of birth. Pausing to
think about the best way to describe the certificates, Saw Maung Aye shook his head: “They’re better than nothing. It’s half-legal.”

In this chapter, I will consider such “half-legal” methods. Whether it is glossed as half-legal, legal liminality, or some other term, the process of offering birth certificates outside of one hundred percent official channels is emblematic of a larger pattern throughout migrant life in Mae Sot. As mentioned in the introduction, legality is often viewed as black-and-white – an individual is (to the State, the police, the employer, etc) both legal and deserving of rights, or illegal and therefore possessing none. But I suggest legality, in practice, is far from cut and dried. Instead, legality functions on a continuum and socially distributed, as legal shades of grey that vary depending on the individual and the particular situation. This is what I mean when I adopt van Gennep’s (1960) term liminality; individuals exist betwixt and between the official legal and illegal at positions of different securities. Nor are these statuses immutable. They can be contested; legality can be increased or decreased based on individual action. Such action is a weapon of the weak (Scott 1985), a question of resistance, an attempt for individuals to clear space for themselves to survive the factors arrayed against them.

Half-legal birth certificates, choosing to work for certain NGOs over other employers, fraudulently registering for official IDs: these are strategies used by migrants to deliberately appear legal in order to fashion a space for the individuals within the structures considering in the previous chapter. The result is a blurring of the line between legal and illegal, belonging and non-belonging. It is a
technique of resistance, suggesting that in the absence of full official status and any possibility of obtaining that status, it becomes possible for individuals to increase their statuses through other means. These individuals may never be fully, objectively “legal.” But they create the continuum considered below, from the “more legal” to the less, based on strategies and contingencies rooted in Mae Sot’s social fabric.

**Hill Tribe Registration**

For a long time, Thailand had what Toyota (2007) describes as “ambivalent” categorizations when it came to hill tribes within Thailand. These hill tribes, distinct ethnicities from the Tai identity that was idealized in forming the country, made up 1.4 percent of the population of Thailand in 2002. While a large group, hill tribes were traditionally discriminated against in the Thai polity. “Thai-ness,” as Toyota points out, was a crucial requirement of citizenship. In 1959, the Thai government officially designated these ethnicities on its periphery as “hill tribes,” a term which had “specific political implications in terms of making a distinction between those who can be included in the classification Thai citizen and those who cannot” (Toyota 2007:98, emphasis in original). This was after a 1956 survey of households excluded hill tribes families. Hill tribes were not regarded as Thai, and therefore, not citizens of Thailand.

Beginning in 1974, the Thai government offered citizenship to Thai hill tribes as long as individuals could prove the length of time they had lived in Thailand and had birth certificates (Toyota 2007). As mentioned above, though, there were not accurate records of hill tribe households. This enabled for
migrants, who shared strong ethnic ties to the hill tribes, to sneak in Thailand’s back door. Migrants would figure out which village was scheduled to be surveyed for citizenship next. If they had the means, Burmese migrants would then find a family in those villages that would agree to place them on the documents as an offspring or family member. The migrants would then, for all legal purposes, be effectively “Thai” citizens and receive an official identification.

Saw Maung Aye took this path, finding a Thai-Karen family that was about to be registered. While he was too busy to work on the host family’s land as many do, Saw Maung Aye had to pay the equivalent of two years salary the family for their trouble. Working through this agreement, he received a Thai identification card. The card has served him well and was a wise investment in his future. It has allowed him to attend college in Thailand, travel freely throughout the country, with somewhat frequent trips to Bangkok and elsewhere, and the opportunity to own a home in central Mae Sot outside of the normal migrant areas. Additionally, with his identification and the resulting passport, he has traveled abroad on clinic business, without fear of being stopped as he tried to reenter Thailand. By subverting the system, Saw Maung Aye has created an almost wholly-legal space for himself within Thailand, and therefore the effects of the structural violence considered in the previous chapter are almost non-existent in his life.

These identifications, however, can pose their own problems to the individuals who are able to obtain them. They are expensive and take a great deal of negotiation and luck to set up. The circumstances that allow such a loophole
are also increasingly rare, and require certain social (read: relationships) and economic (read: cash) resources. Aside from such practical considerations, dual-identification can also greatly affect an individual’s identity. One of my interpreters in Mae Sot possessed such an ID from an early age. Although she lived outside camp, she had a refugee registration card. Additionally, her family had all qualified for resettlement and now lives in the American Southwest. She remained behind and had just graduated from a Bangkok college when I arrived in Mae Sot. One day, we were talking about her dual identities, one as a “Thai” Karen, and one as a refugee. She said it felt like she was two different people. On the one hand is her Thai persona, to which is connected to her education and professional qualifications. On the other hand was her persona as a refugee, which tied her to her family and offered her the opportunity to resettle abroad. These two identities are mutually exclusive. Should she leave for the United States, she must disregard her fraudulent Thai identity which does not “legally” exist and, with it, the degree that was granted with that identity. Should she stay under her Thai ID, she loses rights inherent to her refugee status. Never the two shall meet.

**Refugee Cards**

Some migrants held official refugee cards, registered by the UN or the authorities from the camps where they lived before moving to Mae Sot. Such cards were strong legal tender if arrested – nonrefoulement and the international protections against nonrefoulement will prevent police from deporting someone

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21 She worked for a KNU-affiliated organization, located just outside of Mae Sot, and ran programs in multiple camps.
who is and officially registered refugee. Maintaining ones refugee status can be hard, however, as one must stay in camp; becoming an “official” refugee also means officials recognized that that individual fled Burma for very sanctioned reasons. But there are ways to subvert the systems, as Lover did. He fled to Thailand, essentially, as an educational migrant: he knew the only way he would be well-educated is if he left Burma and availed himself of the resources and schools in the camps. Lover also knew that, should he cite this reason as the main purpose for fleeing Burma, he would not receive a refugee card. And so, he described abuses and harassment in order to secure refugee status.

A key benefit of holding a refugee card is the possibility of resettlement to a third country at some later date. Saw Thoo Myint sees the main value of his refugee card within these parameters, and he traveled back to camp when he heard resettlement was an option. Unfortunately, he forgot his card at camp and had yet to retrieve it. Saw Thoo Myint does hope to resettle to New Zealand eventually, where his sister is already living. Lover, on the other hand, continued to keep contacts in the camp. Every time a census takes place in the camp, he receives advanced notice and traveled back to ensure he stays on the refugee rolls. This keeps resettlement on the table for a future date, just in case.
A Tale of Two Organizations: Using Your Place of Work or Study to Avoid Jail

Early in my stay in Mae Sot, I met with representatives of a regionally recognized human rights organization.\(^{22}\) The group documents abuses in Burma, running research projects back across the border and conducting interviews with individuals in villages across the country. They are one of the few organizations with such access back in Burma, and their network of sources provides a demonstrable good to the international community by documenting human rights violations in areas other groups cannot access. However, the group does not necessarily work on issues crucial to the Thai government, such as drug trafficking, nor is it of a high enough profile internationally to offer the protection other groups might enjoy.

Three members of the staff (one foreign national, and two Southeast Asians) were willing to meet me, but they were not comfortable with me coming to visit their office. Instead, they suggested meeting at a coffee shop that was near to both their office and my guesthouse.

So we found ourselves, at a laid-back, expatriate coffee house in the middle of Mae Sot. The foreign national began by explaining why we were meeting there: owing to the cumbersome nature of Thai regulations regarding organizations, the group had to keep a low profile. The office space they rented was a house in a residential neighborhood, and they did not invite people over to their offices. The NGO went to great lengths to maintain the appearance of a

\(^{22}\) Considering the steps they took to meet with me in private, I have chosen to obscure the group’s identity.
family dwelling, including hiding all the motorbikes when staff members arrived so neighbors would not know how many people were in the house at the same time and therefore deduce it was an office. He said that many organizations operated in the same way in the area.

One of the staff members told about her career. She was now a translator for the group, but had started in an organization dedicated to drug education throughout the border region. This was in line with the Thai government’s goals. Anti-drug policy has been a key platform in Thailand’s international diplomacy, and so an organization dedicated to dealing with drugs was looked on favorably by government officials. She once used an ID from that organization, and from her school, and both seemed to work well if she was stopped at checkpoints. Both cards had expired, however, now that she was working for another organization, and she had been detained and had to bribe her way out.

The other staff member, a Southeast Asian man, was also a translator, but he had once worked for an international organization focusing on education. INGOs are able to formally registered, and they provide work permits and travel permits to their local staff. When he worked for such an organization, the man said he could move freely and use only his work ID to travel. Now, however, he has to change his travel times, and attempt to avoid the police. He arrives at the human rights office very early in the morning, before the police set up the barricades, and he leaves late at night once the checkpoints have closed. After the

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For a discussion of Thai drug policies and how they relate with hill tribes in Thailand, see Cooker 1988.
interview ended, the expatriate team member left the coffee shop first see if there were roadblocks on the trip home.

In the same neighborhood as the coffee shop sat the offices of the Assistance Organization for Political Prisoners (AAPP). AAPP was a well-known organization around town and had just recently collaborated with an international photographer in a project that had won photography prizes. While the majority of the staff consists of former political prisoners, AAPP has a number of foreign volunteers who work for them. They maintain a small museum in the offices for visitors, complete with scale models of Insein Prison, a life-sized prison cell, and portraits of hundreds of political prisoners currently incarcerated across the border. Outside the office was a takraw court, where some of the men played almost every day after work. Furthermore, while I was in Mae Sot, I would often go over to their offices to watch the World Cup matches. The staff members would set up a projection screen and a couple of chairs, and host a party, seemingly impervious to any worries about the neighbors or police.

There are many organizations in Mae Sot, all of different visibilities. But the two organizations highlighted here suggest there can be a sharp contrast. Consider the symbolic difference between keeping a museum (read: actively inviting people in) and hiding even your own staff’s motorbikes (read: actively hiding their presence). As one of the interpreters’ story suggest, real differences exist in the way that organizations and their staff are viewed and treated by

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24 Takraw is an amazing game that combines the skills of volleyball and soccer. The best way to describe the game is volleyball, but played with soccer’s rules. The ball is served, set, and spiked, all without players using their hands.
government agents. For organizations officially sanctioned or favored by local police and government, their identification cards may serve as legal tender in transit. For organizations out of favor, workers must rely on other techniques to travel and avoid arrest or deportation.

Additionally, as the female interpreter mentioned above, school identification cards can provide some measure of protection when in transit. Students at Hsa Thoo Lei School felt safer with a school ID card, which allowed them relatively free movement in the Mae Sot area, including to fields the school owned. And while police might raid the areas surrounding the school, the school itself would never be raided.

**Conclusion: Multivocal Legality**

It is important to note that these legalities are, in many ways, multivocal (Geertz 1973) – they mean different things depending on who is to receive them. Local police may accept an identification card from a local organization as a way of avoiding arrest, but it is doubtful that the special police brought in occasionally from Bangkok will see that identification in a similar light. One policeman might have a stronger opinion of an organization than the others. The whole process is, essentially, arbitrary in ways that we are not used to when considering (il)legal systems.

Herein lies support for my claims about resistance and status. As a result of the ambiguous nature inherent in a state of legal liminality, it becomes possible for migrants to attempt to increase their legality and become “more legal.” This

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25 The fields are, according to several sources, about half-an-hour bus ride from the school. The school grew many of the vegetables served to students.
could mean “trading up” in one’s occupation, that is, moving to work for an organization that one knows will provide you with a better ID. Or, once one has the resources, you may be able to find a village still being registered and work to get a Thai hill tribe ID card, and thus reach a sense of security and place oneself high enough on the social ladder to avoid many of the structural issues confronted in the previous chapter. These are choices individuals make; the results allow individuals to resist oppression and violence. The choices are constrained – changing one’s place of work, or paying for an ID requires both social capital and human capital. One must have the skills required (such as good English skills), the education required, or the money required. One also must also have relationships and contacts to facilitate finding a Thai family or a new job. Ultimately, if Thai officials wanted to eliminate illegal migrants they could do so with ruthless efficiency. Strict enforcement however, does not seem to be on the government’s agenda. But the resistance techniques are weapons in a potential arsenal, if one can access them. There are methods that individuals can take, outside of outside forces, to attempt to increase their security.

In closing, let me provide a quick example. Lover works one of many health organizations with some ties to the Mae Tao Clinic. The Clinic and its founder are well known both within Thailand and internationally, having received numerous awards. Because of this high profile, its IDs are effective stand-ins for more formal means of identification and offer a powerful bargaining chip out on the street. As Lover says:

Especially, I’m worried when I drive a bicycle. Maybe the police stop me, ask me a lot of question and I can’t speak the language anymore, sometimes we worry that. But now we use the Mae Tao Clinic card, we
can say this is maybe safe. Some way for us to protect the security for us. But even we use that card, we still worry for security. It is not really legal, it is illegal too.

While the Mae Tao Clinic card may not guarantee security, the health workers for the various organizations tied to the Clinic have successfully argued to be included in the Clinic’s identification card schemes because it provides an added level of personal safety. These workers recognized the power of a Mae Tao ID, and they look to increase their own position by holding these IDs. This tactic has been successful for Lover too. One day, while traveling with other health workers to a ceremony in Mae Sot, Lover’s group was stopped by police:

There are maybe thirteen people, and we rent a car. Some people have a Mae Tao Clinic card, some people don’t have. So I don’t know where they got information that we were going to have a ceremony, but suddenly they stop…They asked a lot of questions, they make a lot of questions. At that time the foreigner people came and tried to explain. [The police] not agree, not happy. Oh, go to the office to have an assessment. So we go, two car…We went to the office, they asked a lot of questions and they ask who have an MTC card. The people who have this, divide two groups…

Lover and his fellow health workers were detained for a couple hours, but the Clinic intervened to obtain their release. The group paid the police 10,000 baht per car, who finally allowed them leave.

The police hold the duty of enforcing laws and regulations, and many of them use this as an opportunity for shaking down the health workers for bribes. Because the health workers were affiliated with the Clinic schemes, they were able to avoid a larger shakedown involving more money, or deportation. If they had not had their IDs, or if they had had no ties to the Clinic, the result of this event would certainly have been very different.
One day, my interpreter and I went to interview Daw Nu early in the morning, hoping to catch her before she left for work. When we got to her home, Daw Nu’s husband explained that she had gone into work early. There was a wake and funeral of someone she knew, he said, and so she was working early so she could leave in time to make the funeral. He said she would be back in an hour or two, if we wanted to return then.

We left the motorbike and proceeded to walk to Saw Thoo Myint’s house, which was nearby. On our way we stumbled upon a crowd of people in the street. My interpreter explained to me that it was the funeral or, rather, the wake – a Karen woman in the neighborhood had died of cancer. We stopped to chat for a while. The woman’s son came over, explained the situation and invited us (rather insistently) to stop again on our way back, when the food was ready.

We then went to talk to Saw Thoo Myint. He knew the woman who had died, and said he was attending the funeral later. The family, he said, was not well off and so the whole community was helping to pay the funeral expenses. Saw Thoo Myint estimated the costs (the monks, cremation, etc) could be as
much as 6000 baht. This burden necessitated that everyone contribute a little bit to cover costs. He figured he would pay about 30 baht to help out, but when I offered him his normal compensation for the interview, Saw Thoo Myint promised he would put this money towards a larger donation. In this way, he explained, both he and I would “make merit.”

We headed back to the wake on our way out of the neighborhood. The deceased was in a colorful box, on the bed of a pickup truck; the body was prepared for the procession to the temple. We were greeted again by her son, and sat at a table nearby. The son ensured that we were brought curry and rice, and other traditional Karen food, and he tried to talk to us for a while (although his English was not polished). When we finished our food, my interpreter asked if she could borrow some baht as she hadn’t brought money with her for that day. Then we headed back to give an offering. The monk blessed us, and we went on our way.

This sketch shows a slice of the communities in which migrants live. No discussion of migrant lives in Mae Sot would be complete without considering these communities and some of the social methods of resistance that migrants use to create space for themselves in Thailand. These are quotidian attempts to survive and thrive against the odds. They are attempts for migrants to rely on kin and family to support them when they are in need. Sometimes these methods may take the form of relying on a kind employer, or mean that migrants change the way they act or think in order deal with the oppression, violence, and insecurity of

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26 60 times a daily wage.
being a migrant in Mae Sot, Thailand. In some ways, these methods are “hidden in plain sight” – the migrant communities and networks are visible if one looks hard enough. There is perhaps an occasional indifference among Thai officials; they are not raiding migrant communities every day until the migrants flee. But like the legal efforts described in the last chapter, these methods offer migrants the opportunity to look for accommodation and increase their security in Thailand. These social methods of resistance stand as evidence of the agency and resilience migrants show when faced with the violence of life in Thailand.

**Social Networks: Relying on Relations**

As in the opening anecdote, family and friends play a key role in migrant life in Mae Sot. While this is certainly neither unique nor new, it is important to note the ways that neighbors and family offer a chance to escape some of the abuses and more difficult aspects of life in the city. This is evident in the funeral: the family was not wealthy, but the woman must be cremated according to tradition and regardless of cost. So neighborhood leaders took up a collection, and Saw Thoo Myint contributed. Daw Nu attended the funeral, and contributed as well. Ma Panayea was closer to the family of the deceased, and so she helped to cook.

While interviewing Saw Thoo Myint on the morning of the funeral, we talked about his role as a community member. I asked whether he would do something to support the funeral, or whether he would have a specific role:

JG So how will he participate in the funeral?

STM Yeah, like, giving the money. Like 30 baht.

JG Does everyone around do the same thing?
STM Yes, everyone around does the same thing. Especially the Karen people because the one who died, she is also Karen.

JG So why is it important to help like this?

STM To show care for each other. Then when something happen, for example, if the same thing happen to the family then the other will also help. Yeah, it’s important.

Reciprocity is important among the individuals I interviewed because sharing among social relations offers a chance to keep one’s head above water. It is reciprocal exchange, since aid is given with the understanding that at some point when one needs it the same will be returned.

When Hseh had to flee to the jungle and the police wrecked his house, he incurred debt to rebuild his house. If family members and neighbors did not help him rebuild, he would have had to hire workers. These carpenters would have cost 400 baht per day, substantially increasing the debt he already carried from the incident. Instead, he relied on his social network, saving himself much needed money. It was understood he would return the favor to his neighbors at a future date.

And, while debt is a problem among migrants, many of the migrants I spoke with owed debts to family members. For instance, Hseh owes money to a small shop just outside of the dump owned by relatives. But he is not concerned about it:

JG He said he saves money. Does he save money now?

H No. He doesn’t have any saving. He even has debt.

JG What are some of his debts?

H He has to pay his debt to the little shop here because they are relatives, and it’s not that serious. They can deal with it, they
can talk it out. They have money that they pay and when they move or something like that, they want to pay them.

Paw Sue had large debts too. But, because she was not relying on family for these loans (indeed, she did not have any except for her husband and children), she had to pay interest. Occasionally the debt collectors would come knocking to obtain repayment.

Relying on one’s social networks begins early in migrants’ life in Mae Sot. Many of the people I interviewed insisted that they came to the city with the help of or because of family members. Family ties brought Hseh to the dump, and he followed his brother to Thailand in the first place. Daw Nu had found her job through people in the neighborhood. The same was true with Saw Thoo Myint, whose sister helped him locate a job away from Mae Sot. The sister is now living in New Zealand, and he hopes to resettle there as well.

For the majority of people I talked to, family and friends helped them find jobs. Many of the individuals I worked with talked about how neighbors would give advice and tell each other who was hiring and where they each should look for work. In many ways, the networks are identical to those in pre-exile life in Burma, and the migrants work to re-establish similar networks will in exile. These networks helped people keep employment and earn a living, and made it more likely to find a new job if, say, one’s employer was abusive. They offered an escape valve.

Challenging Conceptions of Borders

Some migrants I talked to in Mae Sot used an important type of ideological resistance in their everyday life: they refused to see the border as an
obstacle. Thailand’s main threat – and therefore largest opportunity to exert its will on the migrants – is the threat of deportation. There is little worse for many refugees than the threat of being sent back to the place one is fleeing from. But for some of the migrants, the threat of deportation has lost its teeth. Even formal “refugees,” who could lose status if they traveled back to the home country, many travel to Burma for family celebrations and religious ceremonies. As Hseh himself did, others travel back to serve as novitiates in Buddhist monasteries or to establish their children in novice roles within the Buddhist clergy. Others said no reason existed to fear the police, who would only return them to Myawaddy. The migrants had crossed once and they would cross the border again.\textsuperscript{27}

I do not, of course, think that return to Burma would be unproblematic. People in Mae Sot have left Burma for extremely compelling reasons, and one cannot make the argument (as I have made and will make again in the conclusion) for protection for these migrants and against repatriation if returning back across the border is simply “no big deal.” And on the Burma side very real threats exist for repatriated migrants (KHRG 2008), and those who had been deported said that even the Thai police did not usually give them into the hands of the Burmese officials. Many of these trips are made quickly – perhaps they would only last a day before those deported can get back into Thailand – and any longer trip requires dealing with checkpoints, bribes, and other issues on the Burmese side of the border. It is not taken lightly.

\textsuperscript{27} This was, admittedly, a small group. Others said they feared being returned to Myawaddy, especially if they were dropped into the hands of police in Burma.
However, I see this attitude of some of my consultants as almost an emotional barrier, a psychological bulwark against the worst Thailand had to offer. If deportation was shrugged off as “only back to Myawaddy,” then the threat was neutralized.

**“Dressing Thai”: Changing Appearance and Behaviors**

Throughout the interviews, I asked if there was anything the individual did in order to avoid the police. Interviewees often responded that they changed some behavior or characteristic to seem more “Thai.” For instance, many migrants regularly ride two or more people to a motorbike, but this is something the Thais rarely do unless it is a male and female on the bike. So migrants, if they were worried about traveling or being arrested, would try to avoid such obviously “Burmese” modes of transportation.

The same considerations also applied to style of dress. “Thai” dress was seen as neater and newer, as Paw Sue points out:

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JG  When she has to go into town, does she do anything to avoid the police?

PS   You know they go very early morning, the police didn’t have.

JG  Does she ever change her style of dress or anything?

PS   Yeah.

JG  What type of differences?

PS   Not me, she said, for her husband. My husbands, sometimes he change. He wear the trouser, like a Thai shirt.

JG  Thai shirt? So what’s a Thai shirt?

PS   These kind of shirts [references button-down shirt]. But new, not very old.
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Appearance was important, especially when traveling on the street. Pie Pie brought up appearance as well. He wanted to grow his hair long, but that was something Thai students were not allowed to do. Also, Thai students dressed in a very particular way with a uniform. So Pie Pie kept his hair short and wore a uniform, so that in public he would appear to be a Thai student.

Saw Maung Aye also brought up the use of language as a method of resisting the police. As mentioned earlier, the police would try to trip up people they expected were in the country illegally. Again, they would speak in convoluted or archaic usages or idiomatic expressions. The goal would be to test language facility or trick the listeners into exposing themselves as migrants. At one point, Saw Maung Aye traveled to Canada on Clinic business. He said when he got to the airport in Bangkok, he was a little nervous about getting through immigration. Saw Maung Aye ensured he dressed nicely, and spoke very polite Thai. When he was questioned on his fluency, which also occasionally happened in Mae Sot, he shrugged it off. He told whoever he was talking to that he was Karen, and that even though he was born in Thailand, Karen was his mother-tongue. This usually allayed any question of his legal status.

Appearance and language were not the only things people changed in order to resist oppression. Often, individuals changed their habits or behaviors to avoid arrest or confrontation, especially traveling on the street. This is something I mentioned briefly when considering the human rights group in Chapter 4. One of the interpreters for the group said that, now, he travels to the office really early
in the morning in order to get there before the police have set up checkpoints.

Lover agreed as well:

JG How do you avoid the police?

L …[Sometimes] we need to use motorbike. For that situation, the police doesn’t wait in the very sunny, very hot situation. Like 5 o’clock, and 8 o’clock. So we choose that situation, and we go and pick someone up. Yeah, we can move then too. But sometimes when we saw them there, waiting in the roads. If we saw the other way to avoid them, we can go the other way.

Paw Sue echoed the same thought. If she has to go to the market, she will leave early in the morning so she can avoid the police. She had not been caught yet, but her husband had been stopped in a taxi a few days before the interview. He managed to pay 100 baht and get out.

Resourcefulness

Migrants in Mae Sot try to make the most of the resources available to them. By using social networks, friends, and employers, migrants can sometimes mitigate some of the ill-effects of the structural violence. This varies from individual to individual, but on the whole these techniques can be among the most important in their arsenal.

Saw Thoo Myint provides a great example. He befriended a Thai motorcycle driver who works in Mae Sot. The driver knows much about potential police raids, and he usually knows when the raids are coming. And so the driver calls Saw Thoo Myint whenever he hears about a potential raid, so that Saw Thoo Myint knows the police are coming and can prepare accordingly. One day, early in our conversations, I asked Saw Thoo Myint if the police came to his house often. He informed me that, yes, they did. Not only that, he said, but he had
heard that a raid was coming in the following week. When I asked how he knew, he brought up the motorcycle driver. The man had called him and said he had heard it on the news, and to be careful. Sure enough, the police raided at four a.m. on the morning the driver said they would. While they arrested fifteen of Saw Thoo Myint’s neighbors, he was already awake and outside his home. He avoided arrest. This also is similar to how the Karen in Burma resist the army and government officials by having others warn whole villages when soldiers or officials approach (KHRG 2008).

Saw Thoo Myint had traveled throughout Thailand, and he spent a long time working in Pattaya and Bangkok. Usually, he found these jobs with the help of his sister, who knew the good employers in the areas he wanted to move to. In these situations, he was able to use his employers to travel between the border and other regions. Saw Thoo Myint and his sister would set up illegal transports in trucks so that he could bypass the various roadblocks on the route. The transport to Pattaya cost 3000 baht, but he was paid well when he arrived in the town, and was given an apartment in which to live.

As mentioned in Chapter 3, benevolent employers can be one of the best resources for migrants. Often, these Thai men are wealthy enough to pay off the police for the migrants, or to go to the police station when they are arrested and talk them out of jail. Employers with “underground” connections help people move from place to place, taking risks for the migrants in order to have trustworthy, hardworking laborers for their business.
Again, this was the case when Saw Thoo Myint arrived at Bangkok. His sister had resettled in New Zealand, and so he did not want to stay in Pattaya any more. He contacted his cousin, who got him a job in Bangkok in a rice warehouse and the owner of the warehouse came and picked him up in Pattaya. In this case, the boss relied on Burmese labor, and would defend the migrants if need be.

JG What does he do in his free time?

STM They just stay in the room, they listen to the music sometimes. They talk to each other, they play, just a lot in the room, that apartment. They cannot go outside because they’re afraid of getting caught by the police. If they want to go somewhere, they have to go with the owner of that.

JG He can protect them?

STM Yeah, he protect them. And if he has to bribe, have to pay for the money yeah he pay. He tells the police you cannot arrest them because my job is heavy. Without people from Burma, yeah, then there will be – no one – will do my job. Sometime, he even bribe the police every time they go out and distribute the rice. Up to 10,000 baht, the owner have to pay, have to bribe the police in order to avoid the arrest.

The job was back-breaking, but Saw Thoo Myint was well-paid, and in both Pattaya and Bangkok he was able to send money home to family in Burma. This was possible, of course, because Saw Thoo Myint effectively used the resources and connections available to him as he moved from city to city.

**Conclusion**

Social relations and social networks play a key role in resistance and increasing security for migrants in Mae Sot. Migrants may reestablish social networks from Burma, or create new ones in order to create space and accommodation for themselves in Thailand. Through these methods, migrants are able to find new avenues of work, avoid arrest, and survive. And again, these are
active choices made by migrants to try to maximize security and carve out a space for in Thailand. These methods provide evidence of migrants’ agency in the face of official and unofficial state repression.
This study documents the difficult lives of Burmese Karen illegal migrants in Thailand, migrants who regularly face abuse and insecurity. Conflict, political oppression, and economic hard times drive the Burmese Karen from their home country. Those Karen who lack official recognition as refugees, or who leave the refugee camps without authorization, have a vulnerable existence. The abuse they encounter is manifested largely in the form of structural violence aimed solely at people without legal status. In the absence of this status, they are sold into slavery, arrested, and robbed. Their houses are burned, perhaps, or their possessions stolen. They have to take on debt and pay it off with their already reduced-pay wages and seek to ward off harsh employers. And at the end of this struggle, they may just be deported anyway and have to work their way back to Thailand.

In the face of this abuse, the migrants I studied were able to resist these policies and pressures. They often utilized their legal liminality to increase their security through obtaining identification cards or through their choice of occupations. Each individual relied on neighbors, friends, and family. They left harsh employers to find benevolent ones whenever the opportunities arose. And
they strategically used the resources available to resist – with limits – the structures of abuse.

Herein lies the important point; it is central to the question I set out to research. These migrants have agency, which should not seem surprising considering the stories documented above – from first flight to Thailand right up to the social networks migrants establish and utilize each day. They have capacities, and they are resourceful. The individuals covered in this paper have been able to, with varying degrees of success, create space for themselves and loved ones in Thai society and against tough odds. These stories were carried throughout this paper.

This study has shown the important relationship between structural violence and everyday resistance. It documents how individuals in a legally liminal state can increase their security. It is important to note just how these linkages occur – that migrants utilize their liminality and “in-between” status and attempt to increase their security to avoid oppression and harassment in daily life. By linking these concepts – resistance and liminality against structural – I suggest a lens through which we can examine people who lack official status and therefore are denied basic human rights. This analytic lens could be applicable to further studies of irregular migration, or even in subaltern studies or similar studies of those on the margins of society. Like the migrants I worked with, the marginalized often face similar structures of violence and oppression. But the migrants I worked with demonstrate an incredible capacity, resilience, and
resourcefulness – a resourcefulness Thailand would do well to utilize to its benefit.

Where We Should Go: Changing Policy?

Protection in the form of official refugee status should be extended to the majority of Burmese migrants throughout all of Thailand. As we consider all the push factors motivating migrants to flee Burma, we again see that these factors are varied and multifaceted. It is not simply a question of whether there is a “well-founded fear” of persecution or not, but rather it is a complex of reasons and fears that, when aggregated together, form a valid case for protection under refugee law. A migrant who flees because his farm fails in an area where forced labor or conscription is in practice and where arbitrarily high tax rates exist in essence flees persecution. Perhaps it is chronic and not acute. But I see it as persecution nonetheless. And continued rights abuses against anyone, much less people who are fleeing harassment and oppression, are reprehensible. A more-open migration policy would only stand to address some of those issues.

This argument may not sway many hardliners in Bangkok and elsewhere. Perhaps they would make the case that Thailand’s social welfare programs could not, or should not, be stretched to support poor migrants, that there are rural poor in Thailand that the country should support before helping foreigners. Or they may argue that these migrants are simply “pulling the wool over the eyes of strangers” (Kibreab 2004) and that the behaviors I have described in this paper merely demonstrate that the Burmese are in some way gaming the system or stealing resources and jobs. I doubt those who hold these views would see what is
essentially a cosmopolitan argument about the universality of human rights and dignity, nor throw much weight behind expanding who deserves international protection under refugee law.

So I hope to appeal to Thai national self-interest. Irregular migrants can be a great boon to a country’s growth, as demonstrated by Guilfoyle (2010). He writes that there has long been a focus on seeing irregular migration as a criminal law matter, rather than a “trade-in-labour” issue, creating a dependence on an exploitable underclass of unskilled labor and a criminalization of migration inherent to a protectionist trade measure. Guilfoyle (2010:186) argues that “it is impossible to prevent irregular labour migration…its criminalization has negative consequences for individual migrants and accrues unearned benefits to host economies, and…that expanded regular labour migration is simply a matter of self-interest for developed countries” (Guilfoyle 2010:198). He is concerned with labor migrants, but the same issue extends to other forced migrants: Ongpin (2009) describes how refugees in Tanzania affect change in a variety of ways within certain aspects of the economy. Jacobson (2002:593) writes that while “the empirical record is mixed…there can be no doubt that…the resources embodied in refugees represent all kinds of potential.”

Tanzania and Thailand both are second countries of resettlement for refugees and Thailand, like Tanzania, benefits from its migrant population. A 2007 report from the International Labor Organization estimated that migrants contribute a 6.2 percent increase to the Thai GDP if considered as productive as their Thai counterparts (Martin 2007:xii). This is an incredibly powerful figure,
especially if one considers all the burdens and barriers erected by Thai law and enforced by the Thai police. Burmese migrants in Mae Sot still contribute greatly to Thailand’s economic strength; they encourage investment (i.e. Arnold and Hewison 2004).

The solution is two fold. First: open up the existing refugee camps and extend protection to migrants living outside camp. Second, allow migrants to pursue livelihoods while receiving that protection. As Brees points out, “refugees with freedom of movement and access to work can contribute positively to the economic development of the host country” (2008:381). If Thailand were to approach handling migrants under a self-settled model, it would not only ease its burdens of providing aid to the camp but increase the capacities of the migrants themselves. Indeed, other authors have described benefits to such a self-settled approach in other parts of the world (Jacobsen 2005; Hovil 2007; Dryden-Peterson 2006).

The argument here is that removing the bureaucratic chains, when considering the Burmese migrants in particular, would only result in a positive impact on the Thai economy. If migrants can productively contribute 6.2 percent to Thailand’s GDP while facing police harassment and bribes, consider what is possible when those handcuffs are removed. Sure, there would be losers in this new scheme. Those profiting from trafficking, bribe taking, or smuggling would lose significant, tax-free income. But Thailand as a whole and the migrants themselves would be better for it. For Thailand, I see revisiting its migration

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28 That is, allowing people to leave camp, work outside, and still receive protections.
policy as a way to both remedy the egregious abuses detailed in the past pages and ensure a better quality of life for all involved.
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On a bright day in June 2010, I lifted a glass of tea to my lips as the other guests huddled on the bamboo platform looked on eagerly. We were all sitting in a rubbish dump on the Thai-Burma border, surrounded by piles of trash sweltering in the sun. For the guests watching, waiting for me to drink, this dump was both their home and their livelihood: shredded plastic and rubber, houses pieced together from bamboo and tarps, days spent collecting bottles and cans.

We were there to celebrate the birth of a baby girl to a migrant Karen family that lived in the dump. The child’s father, Hseh, had fled both the extreme, debilitating poverty and forced labor in his native Burma. He had been a jaggery farmer, growing a raw type of sugar. But he could not make enough to survive, and he fled to Thailand and moved into the dump. Now he collects bottles, digging through the trash dumped daily from one of Thailand’s leading manufacturing towns in order to scrape together enough money to buy food and water.

This paper details the lives of eight Karen-Burmese migrants like Hseh living in Mae Sot, Thailand, a city on the Thai-Burma border and one of the main legal crossing points between the two countries. The case study examines the relationship between structural violence and everyday resistance and the role that liminality plays in migrants’ lives; it is based on seven weeks of fieldwork in
Thailand in June and July 2010. Research consisted of both participant-observation and interviews with individuals throughout the city. Each individual was interviewed multiple times in order to gain a deeper understanding of their reasons for leaving Burma and a detailed view of their lives in Thailand. I completed a total of 30 interviews with participants, as well as informal meetings with community organizations and aid groups helping migrants in Mae Sot.

The eight interviewees are part of over one million Burmese migrants who have traded oppression and violence in Burma for harassment and exploitation in Thailand. For some of the migrants I worked with, ethnic conflict between government forces and a separatist army forced them to flee after their houses were burned or relatives killed. For some, forced labor, counterinsurgency tactics, and economic manipulations by the Burmese government made it impossible to survive. Still others were drawn to the resources available in Thailand, where the gross national income per capita is more than five times higher than in Burma.

While all had fled Burma for different reasons, those interviewed in this project all lived outside the refugee camps scattered along the Thai side of the border. It was an important decision and one made deliberately. Living outside camp allowed migrants to work and enjoy relative freedom. Thailand, however, considered all migrants living outside camp illegal and therefore lacking any legal status or protection. Without legal status, migrants were *liminal* – betwixt and between legal status, using Arnold van Gennep’s term – and this liminality set up two competing processes. Migrants were denied basic human rights: police
officers arbitrarily arrested, took bribes from, or deported migrants; employers demanded long working hours for little pay; individuals were sold into slavery. In response, migrants tried to increase their security through a variety of methods and resist State oppression and harassment through everyday resistance.

Because Thailand views migrants outside camp as illegal, the State and its actors behave in ways that are structurally violent. Structural violence, exemplified in the work of medical anthropologist Paul Farmer, is generalized violence exerted against all members of a social group. Many of my interviews had seen this type of violence visited through the police – they had been arrested and deported, shaken down for thousands of baht in bribes. The police burned down their homes and stole anything that was new, like mosquito nets and electronics. When this happened to Hseh, he had to flee, live in the forest, and take on debt to feed his family and rebuild his home. Another interviewee and her husband had been sold into slavery, and were only able to flee after months of working on a Thai landlord’s farm. Other interviewees faced employers who abused them or paid them a wage well below what a Thai employee would make. They tried to limit their travel, fearful they would be stopped at numerous checkpoints throughout Mae Sot and elsewhere.

However, migrants were not helpless in dealing with structural violence. They fought to create space and accommodation within Thai society, and this fight took on the form of everyday resistance. Everyday resistance features prominently in the work of James C. Scott and describes the ways that the powerless resist oppression by daily subverting State control. Migrants in Mae
Sot form social networks that allow them to survive police raids and find better means of employment. They use good employers to help bribe the police and as a resource to move around Thailand. Migrants change their style of dress or behavior to ensure they are harder to spot on the street.

A key method of resistance took advantage of each migrants’ *legal liminality*. States attempt to claim legality is black and white: either a person or action is legal or illegal. The migrants interviewed for this project, however, demonstrate that, in actuality, legality is a gray scale. Migrants used their *legal liminality* to appear more legal using a variety of methods. They fraudulently obtained Thai identification cards. Those who could would work for popular organizations or organizations whose work was in favor with the Thai government. When on the street, ID cards from these organizations can provide protection and a change to escape deportation.

Herein lies the important point; it is central to the question I set out to research. These migrants have agency – from first flight to Thailand right up to the social networks migrants establish and utilize each day. They have capacities, and they are resourceful. The individuals covered in this paper have been able to, with varying degrees of success, create space for themselves and loved ones in Thai society and against tough odds.

This study has shown the important relationship between structure and agency and structural violence and everyday resistance. It documents how individuals in a legally liminal state can increase their security. It is important to note just how these linkages occur – that migrants utilize their liminality and “in-
between” status and attempt to increase their security to avoid oppression and harassment in daily life. By linking these concepts – resistance and liminality against structural – I have suggested a lens through which we can examine people who lack official status and therefore are denied basic human rights. This analytic lens could be incredibly useful in further studies of irregular migration, or even in subaltern studies or similar studies of those on the margins of society. Like the migrants I worked with, the marginalized often face similar structures of violence and oppression.

Burmese migrants make huge contributions to Thai society, and the International Labor Organization estimates migrants increase Thailand’s gross domestic product by 6.2 percent each year. This percentage is especially amazing when considering the fact that migrants performed this increase while being harassed and denied rights. Even so, the migrants I worked with demonstrated an incredible capacity, resilience, and resourcefulness – a resourcefulness Thailand would do well to utilize to the country’s benefit. If Thailand were to open the camps, allow individuals to live outside camp and work while receiving legal protection and ensuring rights, both parties would benefit.

The argument here is that if the chains were removed and responsible policy was shown towards migrants, the impact on the Thai economy would only increase. If migrants can productively contribute 6.2 percent to Thailand’s GDP while facing police harassment and bribes, consider what is possible when those handcuffs are removed. Sure, there would be losers in this new scheme. Those profiting from trafficking, bribe taking, or smuggling would lose significant, tax-
free income. But Thailand as a whole and the migrants themselves would be
better for it. For Thailand, I see revisiting its migration policy as a win-win, and a
way to both remedy the egregious abuses detailed in the pages above and ensure a
better quality of life for all involved.