

Illegality & Alterity: Preliminary Notes on SEZ, Civil Society, and the Thai-Burmese Borderland

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Abstract

This article aims to sketch preliminary notes on the nexus of illegality and alterity amidst the changing landscape of the Thai-Burmese borderland. Based on a set of ethnographic research, it lays out two seemingly disparate discussions that mutually inform each other: theoretical and practical. Theoretically, it articulates the intertwining relations of people, culture, and capital, framed as border's cultural politics. Practically, it addresses a set of complex concerns from members of the civil society and some business sectors regarding the advent of the Mae Sot Special Economic Zone.

Keywords

Mae Sot Special Economic Zone, the civil society, Thailand, Burma, borderland

OTHERNESS AT A MARGIN¹

Zin Min Naing had spent more than half of his life in monkhood since the age of 12 until 2 years ago when he was 33 years old. He had been travelling from place to place to pursue his religious education prior to his achievement in the middle level. There remained several more steps before reaching the highest degree, but with this success, he was considered capable enough to teach neophytes. So, around August 2012 he traveled to Mae Sot to teach, but it turned out that he could not do what he had wanted due to his lack of legal documents. Instead of going back to the temple in Burma, his curiosity about worldly life drove him to quit the monkhood. At the time, he thought he would like to learn more about the mundane world and to live a mundane life. “I am highly educated about religious knowledge. But I don’t know anything about how to earn a living, how to improve my life, and how to make money, how to be rich.” Hence, Zin Min Naing decided to disrobe in Mae Sot and started his first secular job as a migrant worker on a sugarcane farm. Zin Min Naing said he would go back to the monkhood again in the next 2-3 years and go back to the place in Burma, where no one knew him (Phianphachong Intarat, April 21, 2014).

I invoke Zin Min Naing’s journey to exemplify those of many migrant workers along the Thai-Burmese borderland.² Juxtaposing his life with the borderland’s life becomes crucial during the time of two critical changes looming large on the horizon: the Mae Sot Special Economic Zone (hereafter Mae Sot SEZ) and the ASEAN Economic Community (hereafter AEC). His life evinces marginal peoples’ vulnerability at a margin of two nation-states amidst globalization and the ASEAN

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In this article, the Republic of the Union of Myanmar is called ‘Burma/Myanmar’—except for the term “Thai-Burmese borderland”—in order to acknowledge the official name, Myanmar, as well as to emphasize traces of the Burmese junta’s attempts to Burmanize the whole social fabric of this land, which have also had deep impacts on both the peoples and spaces along the Thai-Burmese borderland. Moreover, the term “people” is pluralized in order to emphasize ethnic diversity that is the norm of the Thai-Burmese borderland’s lifeworlds. When the term is deployed as a singular, it is meant to refer to: people in general or people as a concept. Finally, I retain names within Burma/Myanmar as practiced before the Burmese junta changed them. Such deployment is aimed to emphasize a politics of naming that delegitimizes the junta as well as to remember the names designated by ethnic groups/nationalities themselves lest their memories are forgotten.
 - 2 This excerpt is from a field note sent to me by my research assistant, Phianphachong Intarat. One could be tempted to discuss what considers “success” in his religious education when he was still tempted to get rich. Such question must be postponed for another occasion.
Spring Song, Crystal Maung, Kzin Thuang Oos were the non-Thai research assistants and translators for that project.

regionalism, which has until now been designed to have economic dimensions at its heart, hence the AEC.

Until the historic election on November 7, 2010, memories regarding the Thai-Burmese borderland had predominantly been scripted with ethnic strife, war, and/or dictatorship. Since the election, the international community has largely been satisfied with culturo-political situations inside Burma/Myanmar. Myriad global investors have flooded the country lest they would miss tremendous opportunities. Yet, Burma/Myanmar's conundrums have been nothing short of alarming: the government's persistent authoritarianism, the "Muslim Question," fighting between the government's armed forces and ethnic armies in some areas, and human rights violations in many. On the Thai side of the boundary, five border districts in Tak's province—Umphang, PhopPhra, Mae Sot, Mae Lamat, and ThaSongyang—have often been affected by Burma/Myanmar's political uncertainty. Effects on these in-between zones and the peoples therein, however, dated back before the five districts were designated as such.

Since 1984, many non-Thais from Burma—both in terms of nationality and ethnicity—have tremendously impacted the social fabric of Mae Sot and its vicinity, at a rate not seen before. It was the year that the Thai state allowed humanitarian organizations to set up a string of (what the Thai state calls) "temporary shelter areas" along this borderland for (what the Thai state named) "people fleeing fighting." Four years later, there was a massacre during the so-called "8888 uprising" which started on August 8, 1988. Thousands of people were killed by the then junta, especially in big towns throughout the country. That massacre drove millions of people out of Burma/Myanmar, many of whom headed to Thailand—be they the "majority" Burman or the "minorities" Karens, Mons, Shans, Padong, Kachins, Chins, Pa-O, Rakhine, Arakans, among others. Mae Sot was the central gateway of Thailand's western front. Many of these people started their "illegal" lives in Mae Sot and its vicinity while more migrated deeper inside to become cheap laborers.

However, presently—April 2015—forced migration to Thailand due to war and dictatorship is, for the most part, not the norm of the day. Instead, illegality is the atmosphere that many people from Burma/Myanmar living in those five districts have found themselves dealing with. They are non-Thai nationals; and some of them are just stateless people. Zin Min Naing's story exemplifies a common fate of those diverse peoples who have traversed the Thai-Burmese state-boundary, more often than not, with little knowledge of how ugly life could become:

In January/February [2014], Zin Min Naing was arrested for illegal immigration. Police asked for 2,000 baht in return for releasing him. Zin Min Naing

did not have the money, so they detained him for 3 days. On the 4th day, the police officers gave him 50 per cent discount. Zin Min Naing insisted that he had no money. They asked him to contact his relatives for help. He told them that he had been alone and [was just] ... a construction worker. As a result, the police officers continued to detain him one more day. On the fifth day, the price offered was lowered to 500 baht, but Zin Min Naing's answer remained the same. On the sixth day, he was released. A police officer gave him 20 baht to help him travel back to the construction site(Phianphachong Intarat, April 21, 2014).³

Zin Min Naing's life is a life that epitomizes how illegality breeds vulnerability—at times, tragedy. It is the vulnerability as alterity to the Thai nation-state: illegal to the state; otherness to the nationhood. Within such complicated terrains of the borderland's culturo-political entanglements, this article, which is a work in progress, aims to sketch preliminary notes on the nexus of illegality and alterity amidst the changing landscape of the Thai-Burmese borderland⁴ Based on a set of ethnographic research that I have been a part of, the article lays out two seemingly disparate discussions that mutually inform each other: theoretical and practical. The first part will attempt to theoretically articulate the intertwining relations of people, culture, and capital, framed as border's cultural politics. The second will address a set of complex and practical concerns from members of the civil society and some business sectors regarding the advent of the Mae Sot SEZ.

A BORDER'S CULTURAL POLITICS: PEOPLE, CULTURE, AND CAPITAL

Mae Sot has for a long time been the busiest area of Thailand's western zones. It is located across Myawaddy, a town in the Karen State of Burma/Myanmar on the other side of the Moei River, a *boundary*.⁵ Throughout the history of western Thai-

3 As of April 15, 2015, 1 US\$ was about 32.45 ThaiBaht.

4 This article is developed from my chapter in Varanyuwatana et al. (2015). The chapter was in turn summarized from three groups of research projects which I have been involved since 2000:

a) An on-going project on the Mae Sot SEZ (Tangseefa et al. [2015]).

b) My works since 2000: Tangseefa (2003), (2003/2004), (2004), (2006), (2007), (2008), (2009), (2010a), (2010b), (2013), (2015); Tangseefa et al. (2014); Monthathip & Tangseefa (2014).

c) Research projects within the grand project "Streams of Knowledge along the Thai-Burmese Border Zones: Multiple Dimensions of People, Capital, and Culture," which I led during 2011-2013: Durier & Chanthawong (2015), Boonprakarn et al. (2013), Bua-dang et al. (2013), Arunotai et al. (2013), and Warland (2013).

5 The Karen State was later renamed as Kayin State in 1989 by the junta government.

land, Mae Sot has always been culturally rich—even before it was designated as a district.⁶ These kaleidoscopic textures have resulted from two complex dimensions: geography and history of violence.

The Geography

Mae Sot was located next to a kingdom and is located next to a nation-state, both have been culturally extremely rich—the richest on the mainland Southeast Asia. When this land was still known as the Kingdom of Ava, a missionary—who had travelled into the hinterland encountering diverse indigenous peoples—once wrote that “some of the races or tribes change their language[s] as often as they change their cloths.”⁷ Many people who had lived in this land had to be able to speak a few languages if they wished to cross mountains to contact with other peoples. Later on, under the military rule, the government used to declare that there were 135 “national races” in the country.⁸

Mae Sot is located about 160 kilometers from the sea at Maulamaeng (later renamed as Maulamei by the junta in 1989). Maulamaeng was one of the British Empire’s most important international deep seaports in the Indian Ocean (Panthurata 1998, 14). Before the construction of a road from the city of Tak to Mae Sot over mountainous terrains, it was far easier for Mae Sot’s residents to trade with peoples who lived along the paths to Maulamaeng. Thus, Mae Sot—or as it was known *Chod* in ancient time—has always been situated in a space of trade opportunities through contacts with peoples from faraway lands.

With these spatial conditions, different ethnic groups have lived in this town for over one hundred years: first were the Karens, later on the Tais, the Chinese from Yunnan, the Burmans, the Muslims from Bangladesh and northern Thailand, the Sikhs and the Hindus from India. Later on, many Tais, Chinese, and Burmans also fled turbulence in Burma to live here; not to mention many Chinese migrants from mainland China to Thailand, who came here through Bangkok. Northern Thai and Thai-Chinese merchants from southern Thailand also migrated here later (Ibid., 14-17).

6 In historical records of the Sukhothai Kingdom, Mae Sot was then known as *Chod* (Panthurata 1998).

7 J. H. Green, “A Note on the Indigenous Races of Burma,” in *India, Census of India, 1931, Vol. 11, Burma, pt. 1, Report (Rangoon, 1933), app. C., p. 245*; quoted in Silverstein, 1980, 8.

8 Myanmar Information Committee, Information Sheet No. B-1417 (I), 21 June 2000: quoted in Amnesty International, 2001a, 4.

History of Violence

Again, violence inside Burma/Myanmar has horrendously affected the social fabric of Mae Sot and its vicinity. Two periods must be underlined when one attempts to fathom this borderland's kaleidoscopic reality: 1962-1984 and 1984-2010.

1962-1984: When General Ne Win staged a *coup d'état* ending a fourteen-year-old democracy of a nascent independent country, fire of violence devastatingly intensified. The flames harrowingly burnt throughout with Burma/Myanmar's army (hereafter the *Tatmadaw*) fighting with many ethnic nationalities' armies— some of whom had started fighting since the independence in 1948. For the Thai-Burmese borderland, the army of the Karen National Union (hereafter KNU) had secured this contact zone and set up gateways, taxing all black-market economy passing through them. Before 1988, the KNU-controlled areas had been tacitly accepted by the Thai government as “buffer zones” between the two countries. All these political complications as well as devastating violence have, for many decades, shaped Mae Sot and its vicinity as a hub of not only some ethnic nationalities' headquarters that connect with the world at large, but also of trade amidst fire of violence along the borderland.

1984-2010: In 1984, the Thai government officially allowed a string of “temporary shelter areas” to be established along the borderland. Before then, the *Tatmadaw* had retreated back into the country when the rainy season arrived; and displaced peoples who had crossed into Thailand had returned to Burma's side. But 1984 was the year that they could not return after fighting stopped because the *Tatmadaw* set up their military bases along the borderland. Such military deployment rendered the lives of hundreds of thousands critically vulnerable. Many humanitarian organizations the world over had to set up their operational branches in Mae Sot to support the displaced peoples in those shelter areas. Later on, many community-based organizations (CBOs) run by the displaced themselves had gradually been developed to help their own peoples.

With such kaleidoscopic lifeworlds, a question is: how does one theorize the changing contours of the Thai-Burmese borderland?

A Border's Cultural Politics

A borderland is a zone of heterogeneity which also implies tremendous (economic) opportunities. Especially, if a borderland is located next to a political society with the following features: a) more-than-half-a-century history of violence and war; b) high cultural diversity like Ava/Burma/Myanmar; and c) not far from a sea or an ocean. Mae Sot is such a location. Moreover, theoretically speaking, after more than one hundred years, diverse localities have been produced; translocalities have emerged in and surrounding Mae Sot and its vicinity. This is because: first,

people have deepened their roots into where they have moved; and, second, they have come from faraway searching for prosperity provided by this “contact zone.” Many peoples thus have developed both characters and mentality of *translocality*. Mae Sot and its vicinity have become and continue to be a manifestation of multi-faceted localities—and will be even more so once the SEZ and the AEC commence.

Like other borderlands, Mae Sot and its vicinity have been a site of conflict and/or accommodation, on the one hand, and cultural translation and negotiation, on the other. Some Chinese traders I talked with in Mae Sot recounted the time over two decades ago when they had helped their counterparts from Burma who had been forced to (temporarily) leave Myawaddy to the Thai side because of fighting between the KNU and the *Tatmadaw*. Perhaps it was because of such “specific histories of cultural displacement” (Bhabha 1994, 172) that have been parts of every town dweller’s genealogies and memories, especially the older generations’ memories, that, in turn, have rendered this town accommodating to “the others.” The memories they refer back to, and the discourses that account for those memories, are rooted *somewhere else*—because most people have immigrated here. However, such tolerance has later decreased when many people have forgotten that they themselves had once immigrated here. In effect, they have often belittled later generation diaspora, to say the least.

What we have witnessed are two incongruent strands. On the one hand, whoever are considered as “others” would be ill-treated. On the other hand, because many people migrated from somewhere else, their cultures have been reconfigured more drastically than those of the “hosts.” Such transnational dimensions of the cultural transformation of these residents has complicated cultural signification—cultures are then always translational (Bhabha, *Ibid.*). Each group’s cultures are always fluid because of engagement with “otherness” and globalization. The Thai national culture has not been easily entrenched here either: “The fiction of cultures as discrete objects like phenomena occupying discrete spaces becomes implausible for those who inhabit the borderlands,” write Gupta & Ferguson (1997, 34). The transnational and the translational intertwine and are closely akin—they form a hybrid location of cultural value. That is, any attempt to establish a certain set of “values” deemed better than another group’s would not succeed or at least would be much more complicated than in other spaces deep inside a nation-state. This is because *cultures become strategies for survival* (Bhabha, *Ibid.*) for every subject that has to always alertly negotiate in this contact zone.

Moreover, peoples’ spatial histories of displacement within and along these translocalities have more often than not been accompanied by “the territorial ambitions of ‘global’ media technologies” (*Ibid.*). Together with capital flows, such ambition has tenaciously deterritorialized nation-states’ boundaries. Dated back to

at least since the opening of the Thailand-Myanmar Friendship Bridge on August 15, 1997 when war was still raging in Burma/Myanmar,⁹ Mae Sot and its vicinity have been a zone where the electronic mediation thrives along with capital transactions, creating capital-electronic circuits. These material conditions have in turn been exploited by diverse subjectivities, including members of ethnic nationalities fighting against the Burmese junta.¹⁰ Specifically, since the late 1990s, there have been more computer-support and/or internet shops in Mae Sot than in other border districts of Tak. From the late 1990s till the historic election in 2010, ethnic nationalist organizations located along the borderland were exploiting cyberspace and technological supports from experts in towns like Mae Sot, by setting up their own websites to disseminate their peoples' struggles in war zones to the world.

The urbanization along the borderland—at least on the Thai side—since Prime Minister Chatchai Chunnawan's policy of "turning war zones into trade zones" in the late 1980s has significantly transformed this area. On Burma/Myanmar's side, gradual development and urbanization in the late 1990s resulted from a spatial transformation: from contested spaces among various armed forces to Burmese-controlled spaces, from war zones to economic zones. Through diverse foreign-invested developmental projects, global capital flows have enabled the Burmese nation-state to weaken and gradually wipe out resistant ethnic armies along the borderland (e.g., ERI & SAIN 1996). The spatial memories of ethnic nationalities along the borderland have gradually been erased, while the two nation-state's memories have been re-entrenched. Still, as mentioned earlier, once the electronic mediation began to surge in Mae Sot in the late 1990s such capital-electronic forces have begun to deterritorialize both countries as well. The prolif-

9 The Thailand-Myanmar Friendship Bridge was first envisioned in 1986 as a connection point, filling the missing gap of the Asian Highway A 1, between Myawaddy town of Burma/Myanmar and Mae Sot. The Asia Highway A1 runs through Iran, Pakistan, India, Bangladesh, Myanmar, Thailand, Cambodia, and Vietnam, altogether with a length of 7,615.6 miles. As Mae Sot was later envisaged as a strategic gateway of a land-bridge from Da Nang Port of Vietnam in the Pacific Ocean to a few deep seaports of Burma/Myanmar in the Indian Ocean, the Friendship Bridge then became critical in fulfilling this aspiration. Such a land-bridge which will be part of a new ocean and land shipping route will shorten even the shortest ocean route, for instance, between Japan and the Persian Ports through Malacca Strait from 6,800 miles down to 5,500 miles (Directorate of Operation, Royal Thai Army, 1997; Tantisunthorn, 1997).

10 Since Thailand's policy of "turning war zones into trade zones" in 1988, the Thai government began to link with its war-torn neighboring countries by focusing on the economy. Along with the strategic envisioning of the Vietnam-Myanmar land-bridge is a series of multi-billion dollar developmental projects in the Thai-Burmese in-between spaces ranging from logging, natural gas, dam projects, highway constructions, to deep seaports. These economic prospects have been too tempting for some Thai armed-forces leaders, business people, and politicians to not pay attention (see a variety of views in e.g., Chae 2000; ERI & SAIN 1996; ICN 1999; Ngerndee 1996; Pa Pawklo 2002; "Phama poet prathet tem roi," Phuchatkanraiwan; Chaisawat 2000a, 2000b; Subpan 1992; Jinakul 2000; Thai Koei International Co., Ltd. et al. 1996).

eration of the capital-electronic circuits had, in some ways, pushed, and in others, opened, another space for members of ethnic nationalities (and their sympathizers) to also start fighting against the junta in cyberspace. Such a phenomenon has resulted from a capital-electronic circuit's paradox along this borderland—long before the era of social media that has become the dominant quotidian mode of global citizenry.¹¹

MAE SOT SEZ, THE STATE, AND PEOPLE

On July 15, 2014, the Policy Committee on Special Economic Zone Development, chaired by General Pruyuth Chan-ocha, prime minister and the head of the National Council for Peace and Order (hereafter NCPO), announced its plan to develop special economic zones (SEZs) in five potential areas. Mae Sot was one of them. Mae Sot SEZ was designed to grasp opportunities provided by abundant transnational resources of people, capital, and culture, especially when Burma/Myanmar's infrastructures—physical, legal, knowledge and public health—are still comparatively inadequate to support attempts to exploit such opportunities. Under the borderland's kaleidoscopic complexity and within the mentioned conceptual frame of cultural politics, this section will highlight key issues that must be addressed when designing a SEZ. They are the voices of many members of the borderland's civil society. While a design of a SEZ basically prioritizes economic investment, as far as the Thai-Burmese is concerned, the following two dimensions must be paid attention to: a) Nation-state and Internal Politics; and b) Border Peoples.¹²

11 See more detailed treatment of such a paradox especially regarding the intertwining relations between time, capital, and identity in (Tangseefa 2003: chapter 7).

12 For the latter, my research team was organizing a series of workshops and focus-group discussions. On July 25, 2014, my team and I organized a workshop to listen to members of the Thai-Burmese borderland's civil society regarding the Thai state's plan on the Mae Sot SEZ. There were fourteen organizations, whose work ranged from issues regarding education, public health, gender, environment, legality, labor, human rights, and children. Afterward, my research assistants—one Thai and two Karens (who spoke Sgaw Karen, Pwo Karen, Burmese, and English [though their English was at the intermediate level])—transcribed the whole conversation of the workshop. They then developed a set of questions for a round of follow-up deep-interview with all attending organizations, plus four more organizations working in the borderland. After that, the deep-interview transcriptions were double checked by the Thai research assistant. The latter then suggested some further questions for another round of follow-up interviews with almost all organizations of the earlier round for some missing issues. Afterward, the two non-Thai research assistants wrote a set of field notes from all the interviews for me to study. After reading, I developed some questions for the three research assistants to follow-up for me with some interviewees at least one more round, depending on the complication of issues being pursued. The whole process of data collection from these members of the civil society lasted about six months and became the basis of my chapter in the first comprehensive master plan of the Mae Sot SEZ (Varanyuwatana et

Nation-state and Internal Politics

All policies toward sustained economic growth along any borderland hinge firstly upon a simple reality: stable relations between the two bordering countries. Yet, toward the end of March 2015, Burma/Myanmar's internal political fragility has been the largest undermining factor regarding the two nation-states' border security. Our research team has learnt from members of the civil society who have been campaigning for peace, democracy, and human rights within Burma/Myanmar for a long time—for instance, Burma Partnership, Forum for Democracy in Burma, some leaders of ethnic armed groups including the KNU. They have all confirmed that peace agreement between the government and ethnic armed forces is still faraway. Moreover, a national ceasefire agreement has not yet been signed. On the contrary, there have been worrying signs, for instance: military-strong-grip politics behind a democratic façade; inadequate freedom for the civil society therein; religious discrimination toward the Muslims; the *Tatmadaw's* pounding of some ethnic armed forces. If such internal political fragilities are not well taken care of, the planned special economic zones could easily run into trouble. Some leaders of the civil society recently said to me: With all these fragilities coupled with the authoritarian ethos therein, we must not be surprised if—instead of closing the string of “temporary shelter areas” and repatriating shelter residents back to Burma/Myanmar, as has been planned by the Thai government for quite a few years—more shelter areas might have to be opened for a new flood of “people fleeing fighting” due to new wave of violence. One only hopes that such a remark was too pessimistic.

Nonetheless, there were some skirmishes and/or confrontations that have sent negative signals, as they could negatively affect the atmosphere of both the two countries' corporation and the border investment as a whole. There was an example of such a situation happening on September 13, 2014 while Thailand's Permanent Secretary for the Ministry of Finance and his entourage were visiting Mae Sot and Myawaddy for a few days. An armed wing of the Democratic Karen Benevolent Army (DKBA), led by Col. Tiger, and the Myanmar police—who were escorting the Permanent Secretary's trip while in Myawaddy—almost clashed. Listening to analyses on that episode from diverse borderland's actors—e.g., some leaders of an armed group, members of the civil society, business sectors, and the Thai authorities—I came to a conclusion that such confrontation could easily and violently escalate as long as power and benefits among all concerned armed groups in Burma/Myanmar have not been adequately settled. All armed groups—

al. 2015). Aye Thandar Aung, Yoon HtarAein, and NaruemolTuenpakdee were those wonderful assistants.

big or small—possess adequate weaponry and fighting experiences to wreak havoc in the borderland amidst the development atmosphere whereby infrastructure and land have been transformed for the sake of rapid economic growth of both nation-states.

Border Peoples

Within this rubric, there are four issues that members of the borderland's civil society and the business community have emphasized: a) Migration and Population Growth; b) Illegality; c) Welfare for the Unskilled and the Young; and d) Labor Training and Education.

a) Migration and Population Growth

Becoming a multicultural society has been a most important phenomenon in Mae Sot during the past one hundred years. If Burma/Myanmar's prolonged violence is properly taken care of, the Mae Sot SEZ will attract a great amount of people. In this light, there were two major concerns that we learnt from the civil society's members: first, the "Muslim Question"; second, the question of public health.

First, Mae Sot has a big Muslim community which has taken root over many decades. At the same time, the "Muslim question" has been a most fragile segment of Burma/Myanmar's cultural politics for quite a few years. In this light, Mae Sot SEZ's architects must heed the issue of religious fragility as well as a possibility that Mae Sot could become a sanctuary for some religious extremists who might pass through this area. One most important question therefore is: How will the Thai state manage border multiculturalism amidst the nexus of migration and population growth?

Second, since Burma/Myanmar's public health services are still largely rudimentary, people mobility to-and-fro along the borderland could contribute to complex problems of border and transnational public health. Members of the civil society emphasized that the two countries—at least Thailand—had to develop a Border Health Care Master Plan as well as a Border Health Management System for both Thais and non-Thais, whether migrating from Burma/Myanmar or not. In this sense, low-cost health insurance with the least complicated application procedures possible would thus be a necessity.¹³ Moreover, they also suggested that a Border Health Network had to be established and would have to systematically work as a team that comprises government's hospital and health care services as well as those of the civil society—this might include private hospitals, if possible.

¹³ Durier & Chanthawong (2015) have shown that low-cost, not-for-profit health insurance for migrants along the Thai-Burmese borderland is feasible.

Furthermore, extensive health education for all people living along the border would also be critical and be continuously pursued, especially for those who had little (or no) education.¹⁴

Moreover, a member of the leading organization along the borderland, the Mae Tao Clinic, proposed that the borderland would have to have the following centers to tackle transnational public health issues which had become increasingly complicated: a Communicable Disease Control Center; a Health Education Center; a Counseling Center; and a Drug Rehabilitation Center (for border youth who have increasingly become drug addicts). Multilingualism would be a most important element of these centers—so as to take care of people with different linguistic backgrounds. Thai, English, and Burmese languages would be the basic means of communication to serve both Thais and non-Thais. These centers could be developed from similar health care services that might have already existed within the existing public health system of the five border districts. Otherwise, they would have to be immediately set up.

b) Illegality

Quite a number of people along the borderland do not have any *legal status*. Many are even *stateless* as they have not (gone back to) register(ed) as Burmese/Myanmar nationals after the then junta opened the nationality registration service before the historic election in 2010. Still, many of those who registered and have been residing in Thailand do not have *work permits*.¹⁵ Many of these illegal mi-

14 I myself have had the honor to be a part of a multi-national research team, led by Prof. Dr. Nick White from the University of Oxford, who is considered as the world's top malaria specialist. This grand project started along the Thai-Burmese borderland with the Shoklo Malaria Research Unit (SMRU) as the driving agency. The project has recently been expanded to cover some areas in Vietnam, Cambodia and will also be commenced soon in Laos, Bangladesh, and within Burma/Myanmar. Scientific data that this transnational team and their networks have gathered for many years show very alarming signs: a) malaria parasites in the mentioned areas have resisted the best ever produced anti-malarial drug named Artemisinin; b) without a proper mass drug administration (MDA) in those areas, the malaria resistant could resurge to Africa and millions of people could die—it did happened before in the past. See more details in Gozner (2006), McLaughlin (2014), Nosten (2014), WHO (2011), Young (2014).

15 All of this signifies the complicated lives of migrants from Burma/Myanmar. In July 2014, Thailand's junta, the NCPO, announced the establishment of one-stop services in order to register migrant workers whose registration grace period would expire on October 31, 2014. Following this all migrant workers would have to enter the nationality verification process before March 31, 2015. After such announcements, concerned parties along the five border districts—especially, the Ministry of Interior at the local level, the municipality, the Tak's Federation of Thai Industries, and the Tak's Chamber of Commerce—together conducted a survey of illegal migrant workers. They learnt that there were about 126,000 such kind, which Mae Sot, PhopPhra, and Mae Ramat, respectively, had the highest level of illegal migrant workers along the border.

This data was extrapolated from an interview with Mr. ChaiwatWithitthammawong, the President of the Tak's Federation of Thai Industries. It must be noted here that this figure was not much lower than the officially registered number of Thai-nationals in these three districts—Mae Sot (72,838), PhopPhra

grants are transnational laborers. There is no need to elaborate how fragile their lives could be: both in terms of working conditions and the necessity to always hide from police. What we have learnt from a few projects along the borderland has pointed to the same direction. When these people are abused or their rights violated by people who have power (in every sense of the term) over them—traffickers, employers, and/or state apparatuses—generally, these illegal laborers have not been able to take the wrongdoers to court. To do so is to render themselves “viable” to the legal procedures when they themselves are illegal. Theirs, thus, are lives with irony. In effect, illegality breeds (extreme) vulnerability—a vicious cycle of long-term violation. At the end of the day, there will not be any legal procedure to protect them against their violators. Many illegal migrant workers have lived their lives this way. Within this conundrum, these people have to endure being cheap laborers when they are illegal—with possibilities of continued exploitation. Nonetheless, they have been a part of millions of people pushed to Thailand since the mass killing during the “8888 uprising.” These millions have been one of the most important collective “backbones” of Thailand’s economic growth since the late 1980s. In a nutshell, illegal status breeds exploitation for the host country’s economic prosperity.

Legalization of migrant workers, therefore, becomes extremely critical. Yet, when these migrant workers’ wages become higher due to legalization, the Mae Sot SEZ’s comparative advantages will become less so. In the long run, if the Thai state cannot balance foreign investment attraction with appropriate labor wages, the SEZ will finally encounter the stage of diminishing returns. Thus, it is crucial to ponder a proposal by a most important business sector along the borderland: the Tak’s Federation of Thai Industries (hereafter TFTI) who proposed a plan for sustainable management of migrant laborers.¹⁶

With the “Announcement No. 70/2557: Temporary Measures for Solving Migrant Laborers and Human Trafficking Problems,” Thailand’s junta attempted to legalize low-skilled and unskilled migrant workers by establishing one-stop service centers in every province and pushing the workers to enter the nationality verification process. The announcement led entrepreneurs in Thailand’s border areas, especially Mae Sot, to propose their notion of effective solutions to the NCPO.

According to the TFTI, many entrepreneurs along the borderland had learnt that Mae Sot and its vicinity had been training zones for unskilled or low-skilled migrant laborers. After spending some time along the border as well as acquiring

(58,283), and Mae Ramat (40,523)—altogether were 171,644, as of March 2015. http://stat.dopa.go.th/stat/statnew/upstat_m.php. Accessed on April 15, 2015.

¹⁶ The TFTI’s President granted out team several interviews. The last session was on October 23, 2014. See my more detailed discussion of this proposal in (Varanyuwatana et al. 2015: Chapter 7).

some skills and documents provided by their employers, the workers would move into Thailand's inner provinces. During all these years, the entrepreneurs always: first, encountered revenue loss due to labor shortage, hence facing an imbalance between labor power and production orders; second, bore the documentation cost for inner provinces' entrepreneurs.

Article 14 of the Alien Working Act B.E. 2551 (AD. 2008), proposed by the TFTI, inspired a dual-track solution for this conundrum by: first, implementing the article along the country's border provinces; second, signing a Memorandum of Understanding (MoU) for employment in the country's inner provinces.¹⁷

First, According to Article 14, an alien—with residency in and being a citizen of any bordering country and who enters Thailand using any document in lieu of passport and in accordance with all relevant immigration laws—may be permitted to work in bordering provinces in some certain categories of jobs on a temporary basis. The TFTI thus proposed that, for a worker in this category, only a border pass would be issued, allowing him/her to commute to work in Thailand in the following manners: (a) crossing the border daily; (b) short-term stay for a period of either 7 days or 14 days; (c) long-term stay, e.g., seasonally, but no longer than 90 days.

Second, the Thai state should sign a MoU with the Burmese/Myanmar government in order to legally import workers for Thailand's inner provinces; and air transportation will be the only channel. This track was proposed to: a) overcome challenges associated with illegal immigration, including smuggling and traffick-ing; b) ensure migrant worker rights protection.

The Article 14, the TFTI averred, would serve to benefit all concerned parties—the Thai state, the Burmese/Myanmar state, migrant laborers, and entrepreneurs, especially those who resided along the border provinces. Effective immigration control would be very feasible because this implementation would: a) separate migrants working along border from those who would not; b) legalize migrant laborers, hence helping them from being exploited; c) facilitate a certain level of smooth immigration by legalizing more natural/traditional channels of immigration flow along the border;¹⁸ d) enable migrant workers to cross to work in Thailand easier by using only border passes as had been stated in the agreement between the governments of Thailand and Burma/Myanmar, signed on May 10th, 1997; e) help employers manage uncertainty in the production process and re-

17 The Alien Working Act B.E. 2551 (2008) can be found at (http://www.immigration.go.th/acts/act_alien-work2551.pdf). Accessed on November 6, 2014.

18 *The Establishment of Special Economic Zone in Mae Sot-Mae Ramat- PhopPhra, entrepreneurs satisfied the privileges, zoning areas and one-stop service center on investment.* <https://www.facebook.com/aecasean-news/posts/881942871816385>. Accessed on December 11, 2014.

duce production costs. Moreover, once the Mae Sot SEZ as well as the AEC commence, this dual-track system would strengthen the development of both the borderland and the country as a whole. To be sure, this proposal is not agreed upon by the borderland's civil society working on labor issue, the discussion of which I discuss elsewhere (Tangseefa et al. 2015).

c) Welfares for the Unskilled and the Young

One of the most important prerequisites for the Mae Sot SEZ is cheap labor. One could inquire how much an unskilled or low skilled worker will earn within the minimum wage's parameters. Some members of the borderland's civil society inferred from their data: After the Thai government increased the minimum wage to 300 Baht/day a couple of years ago, most borderland's migrant laborers had rarely earned up to 200 Baht/day. Moreover, they maintained, because the Burmese/Myanmar society would not be ready to embrace all unskilled laborers to work in the short future, many of them would continue to come and work in Thailand. Many of these workers would not have work permits—unless an accessible and uncorrupted system would be installed—they thus would be willing to work in whatever odd jobs they would find, including the unreliable, dirty, difficult, and dangerous (3-Ds), as it were. Therefore, it is advisable that a committee supervising labor wage decisions for migrant laborers be formed. Such a committee could comprise representatives from five sectors: the government, employers, employees, non-governmental organizations (working on labor issue), and academics.

It is also critical that the Thai nation-state must take good care of the borderland's young, especially the “illegal” migrant youth which are many in number. Data from the Committee for Protection and Promotion of Child Rights confirmed that there had been a lot of youth who had been physically (including sexually) and mentally abused as well as exploited as child labor. It was thus extremely crucial that all concerned parties brought these youth back to classrooms before they would become even more acute social problems. This committee was also very concerned that these youth had gotten married or become pregnant at younger ages than before—while they had not learnt life-skills and had little or no education.¹⁹ Quite a number of them, moreover, had become part of drug rings while many still had no interest in continuing their education but wanting to earn their income as early as possible. Hence, when the Mae Sot SEZ commences these young people would enter the labor force without much knowledge and/or skills and join an enormous contingent of cheap laborers. The committees thus

¹⁹ Interview Naign Min, Director of the Committee for Protection and Promotion of Child Rights on August 15, 2014. See also ARHN (2012).

inquired: Under the SEZ landscape, how could we ensure that rights of people, especially young ones, be protected—be they rights to life, education, and caring for their own health?

d) Labor Training and Education

A most important issue that I learnt from the civil society, therefore, was: Training/education. Since many migrant workers have to work in the 3-Ds conditions, their health will inevitably deteriorate. It was thus proposed that skill training for these unskilled laborers become imperative, especially for the young who had come from very poor families, hence receiving very little education—or none at all. This group had easily fallen victim to their employers and/or traffickers and finally became social problems along the border. Many of them had turned to alcohol and drugs. It was thus proposed that the Thai state set up a series of training for these people, which in the long term would help increase the Mae Sot SEZ's productivity. A concrete proposal was to set up a vocational school for these people.

One last proposal from many interviewed members of the civil society that must be highlighted here is: In the process of establishing the Mae Sot SEZ, it is advisable that representatives from the civil society—who, they averred, had worked closely and had continuously learnt problems of the migrants situated therein (and who were many in number)—should be involved. This proposal has not been honored and very most likely will never be.

CONCLUSION

Zin Min Naing's story at the beginning of this article signifies an "illegal other" along the Thai-Burmese borderland, which has undergone the biggest change in its history. Within this economy-driven changing-landscape, migrant workers' lives along the borderland are at a crossroads. On the one hand, after the Burma/Myanmar general election in 2010, many non-Muslim migrants who have since left the country have Myanmar's ID cards, which have enabled them not to be stateless persons in both countries. On the other hand, having such ID cards does not securitize their lives if they do not have at least one of the followings: first, reliable transnational social networks to help them start and sustain their lives in Thailand; second, adequate education or intellectual capability that enables them to "read" the world good enough to make sound decisions; third, sought-after skills to land them in sustainable jobs; and fourth, adequate money to help smooth their life journeys. At the end of the day, *choice* is the key word here. Or, to frame it philosophically, it is the issue of *freedom*. Yet, in order for them to have

decently sustained lives, their *rights* as workers must be protected. This nexus between freedom and rights is thus the cornerstone of each migrant labor's "good life," as it were. Such a nexus becomes even more acute within the politico-cultural matrix of the Mae Sot SEZ, looming on the horizon. One cannot help but ask: Will lives like Zin Min Naingbe become better or worse? Up to this point, what we have learnt seems to have a negative confirmation.

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