

**Migration Strategies:
Understanding Shan migrants' perceptions of access to rights and bureaucratic processes**

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Section I: Introduction

Anti-migrant sentiments, while nothing new, are currently felt worldwide. A stagnant or slowing economy, paired with an influx of people observing differing religious, political and cultural beliefs shakes the perception of calm and stability for many communities and countries. As such, immigration and national policy interests tend to steer away from providing an efficient process for migrants to navigate to gain access to foreign nations for work. Many of the immigration policies are purposefully designed to be confusing, and barriers during the application process are set in place to deny or make the process difficult. In an effort to showcase a strong national interest to citizens of the host country, governments often perpetuate a narrative of anti-immigration rhetoric that supports and reinforces xenophobic responses to migrants, under cover of “national security” interests. These sentiments are seen globally, from Europe to Asia. Southeast Asia has long been host to a large population of migrant laborers leaving their home countries to escape political violence and a lack of economic opportunities.

While many countries in the European Union, and elsewhere around the globe are trying to cope with a steady influx of new workers, Thailand has been admitting migrants from neighboring Mekong countries for decades. As a beacon of economic prosperity within mainland Southeast Asia, Thailand plays host to migrants from neighboring countries, mainly Myanmar, Cambodia, and Laos.

This paper examines one specific ethnic migrant community entering northern Thailand. The Shan, an ethnic group migrant community found throughout the Chiang Mai Province in Northern Thailand. Myanmar’s Shan State shares an eastern border with Northern Thailand. Thailand has extremely porous borders, and many Shan migrants have fled into neighboring Thailand to find refuge and work. However, in the case of the Shan, many stated that they do not experience or even expect equality or transparency during bureaucratic identification procedures

or in interactions with authority figures. Not only do Shan people feel they do not receive equal treatment in Thailand, many felt like second-class citizens in Myanmar.

I argue that past experience in Myanmar has negatively affected and prevented Shan migrants from fully realizing their rights during the bureaucratic procedures necessary for labor migration in Thailand. Moreover, poor interactions with government authority are reflected in perceptions of unequal standing in employer-employee relationships. These first negative impressions, paired with a strong culture of kin-networks and client-patron relationships, encourage a system of repression and inequality. The foundation of discrimination established in Myanmar shaped an unrelenting self-identity as second-class citizens and applied to life in Thailand. This negative self-identity encourages migrants to employ and prefer informality when positioning themselves for opportunities and in interactions with authority figures. Migrants value informality and scenarios where they can quickly adapt, rather than strict adherence to labor and human rights standards. Respect and dignity, rather than a focus on traditional legal rights becomes the basis for the level of treatment that migrants expect and will bear. As such, the “moral economy” of migrants differs from Western human and labor rights standards, which often do not provide the strategic flexibility that many migrants seek, as a result migrants often elect to flee unfavorable or unbearable situations rather than seek legal or bureaucratic solutions.¹

Through 50 qualitative interviews with 25 male and 25 female Shan migrants in Chiang Mai province, three main themes emerged. First, migrant workers become forced into highly structured bureaucratic processes of identification and documentation as they cross the border of Myanmar into Thailand. Migrants past negative experiences with government and cultural authorities in Myanmar often shape perceptions of standing and access once they arrive in

¹ Scott, James C. *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*. New Haven: Yale University Press, 1976.

Thailand, creating low expectations for standards of consideration. Second, while an ideal hierarchical structure exists, the actual implementation is often fluid. Migrants utilize flight as a tool to leave unfavorable political or economic situations. Many Shan view flight as their only option to address and improve their position by exiting unfavorable situations rather than utilizing formally structured processes to lodge complaints. Not only do migrants value political informality, but they also value fluidity in social and ethnic identity. Migrants prefer maintaining informality because it enables strategic flexibility in choosing informal employment opportunities and the adoption of shifting roles and identities, which help maintain economic stability. Third, strict adherence to labor and human rights standards often did not resonate with migrant workers interviewed; instead, it became apparent that dignity and respect became valued above the human and labor rights individuals can claim. Dignity and respect towards migrant workers from employers or administrative authority become a poorer substitute for labor and human rights. Many migrants settle for an uncomplicated working relationship where trust and familiarity has been built, rather than risk disapproval of an employer by seeking strict adherence to labor and human rights standards. Instead opting to strategically utilize collective bargaining via one-on-one relationships rather than claim labor or human rights through a bureaucratic process.

Structured Bureaucratic Process of Identification

Both Myanmar and Thailand have imposed regulations and documentation requirements on Shan migrants as a way of maintaining national security interests, controlling travel, borders, movement, and identity via ethnic categorization. In the case of the Burmese Administration, ethnic conflict and territorial disputes are a large cause for concern during the country's democratic transition and the ongoing conflict with armed ethnic actors in the northern parts of the country. Thailand has used strategic adoption of migration policies paired with a strong

national identity to secure borders and promote their national security agendas. By traversing through two rigid systems of identity and regulations of people, labor, and movement, Shan migrants have attempted to find their place within these unfamiliar systems. Migrants have often struggled because they feel removed from the central political systems and processes. Migrants routinely stated they do not feel they enjoy privileged political, legal and social status, both in Myanmar and in Thailand. This identity affects how migrants act and take, or not take, action in both contexts.

Once migrants make their way to Thailand, they are expected to adhere to Thai immigration policy and labor laws. Thai immigration policy has often been a reactive vehicle to promote “Thainess” and serve as a clear line to denote nationhood and citizenship.² Examples of reactive policy are visible in the policy surrounding individuals registering for highlander cards and assigning ethnic political identity on state documentation.³ Often, immigration policy is structured as a protection of national security interests, many times to the confusion and detriment of migrant workers.

As Shan migrants pass through a multi-layered administrative process required for national identification and labor visas, they largely rely on trust of the third party, typically a broker or employer. The requirement for documentation, and rules protecting their rights, are routinely unclear to migrants. The Memorandum of Understanding (MoU) or National Verification Process (NVP) operate separately and do not share the same application procedures.⁴ The costs and constraints placed on migrants from the MoU and NVP process often pushes migrants to

² Winichakul, Thongchai. *Siam Mapped: A History of the Geo-Body of a Nation*. Honolulu: University of Hawai'i Press, 1994.

³ Winichakul, Thongchai. *Siam Mapped*.

⁴ Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers, 2002.

accept, or prefer informal agreements, rather than the confusing multi-step bureaucratic documentation procedures. This can create confusion and unclear answers disseminated throughout the Shan community. Shan migrants are largely removed from the bureaucratic procedures required as they typically rely on a third-party to complete the paperwork, most often a broker or employer. Most of the Shan migrants utilize a third party actor as some are unable to read Thai, the language on all required forms or after a long day of work, many lack the time and funds needed to complete the paperwork. These factors further create barriers and feelings of inaccessibility for migrants.

Flight and Informality as a Coping Mechanism

The idea of informality and flight showcases how many migrants have opted to cope with the administration, ethnic identity, and modernity. Shan migrants typically migrate to Thailand in pursuit of increased economic or political security. Leach highlights a political and cultural spectrum between the Kachin and Shan, roughly divided between highland and lowland dwelling groups. Administrative structures emphasizing categorization of ethnicity introduced through British administrative efforts set the path towards a decrease in maintaining a fluid political and ethnic identity. This shift towards administrative categories diminished the ability for migrants to maintain a flexible identity and encouraged flight, rather than integration, as a response for increased political pressure. In modern Shan State, lines of distinction are largely drawn via ethnic identity and categorization.

Scott expands Willem van Schendel's term "zomia" to explain the unique geographic and social characteristics of the Burmese highlands.⁵ Those residing in pockets of resistance throughout Shan State are often branded as uneducated farmers or rebels; this categorization

⁵ Scott, James C. *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. New Haven: Yale University Press, 2009.

misaligns the Shan from the national rhetoric of unity, inclusion, and governance. The Shan people, once a ruling class, have experienced marginalization in an independent Myanmar and due to drawn boundary lines throughout Myanmar, Thailand and Laos. While Scott and Leach emphasize the highland population in their studies, I argue that many of the criteria they apply to the highland populations have now affected the modern-day lowland Shan population due to economic and political hardships stemming from xenophobic policies of the Burmese central government and many Shan choose flight and informality as strategies to cope with increasingly encroaching bureaucratic formality and structured means of identification.

The ability to navigate informality and understand ones standing in social and political hierarchy is apparent in life in Thailand and Myanmar. It becomes especially interesting when migrants cross national borders and have to reevaluate further ways to become strategically flexible in their self-identity, in addition to gauging when flight becomes the best course of action to remedy economic or political hardships. Often, migrants will enter into illegal documentation agreements to preserve informality and the ability to adapt to future situations, or to preserve strong working relationships with a company or individual. These scenarios, while offering the desired informality, place the migrants into irregular migration situations and significantly increase their level of vulnerability for repercussions of immigration law and actions by unscrupulous individuals.

Seeking Respect and Dignity from Authority Figures

Finally, migrants' feeling of accessibility and standing in hierarchical bureaucratic or employer-employee relationships stem from expectations of a "moral economy" and the differences between a system placing greater value on human dignity than a Western

ethnocentric idea of human rights.⁶ Western discourse of human rights often permeates policy discussions surrounding migration and labor rights and become an international standard, but is this the best course if the standard does not necessarily resonate with the migrants themselves? Instead, respect and human dignity arose as a frequent theme in the consciousness and decision-making processes of migrant workers. Many migrants expressed feeling dissuaded to engage in bureaucratic procedures or systems of governance if they interpreted the actions of authority figures as lacking respect, or ‘fair’ treatment towards migrants. The negative and disrespectful actions of authority figures instilled feelings of insecurity, fear, and a lack standing or acceptance for migrants.

According to the migrants, positive experience with administrators or favorable working conditions correlated to feelings of respect and human dignity. Strict adherence to migration or labor laws and a traditional western human rights discourse were often met with little understanding of its application or relevance for migrants. Client-patron relationships encouraging an environment of respect and reciprocity outweighed a legal or rights framework that is accepted by the majority of migrants. If a migrant felt respected and cared for, these feelings were often enough to override migrant’s tolerance and acceptance of labor rights abuses within the workplace or treatment in bureaucratic proceedings.

In the West, the idea and ideals of “human rights” are the frameworks in which to assess and administer fair and ethical treatment of individuals. However, through interviews with migrants, their feelings of contentment and standing were largely unrelated to violations of labor laws. Instead, their contentment and comfort level with administration and those in positions of authority were related to their treatment by authority figures and if felt respected or well taken

⁶ Scott, James C. *The Moral Economy of the Peasant*.

care of. This system based off of client-patron relationships promotes a high degree of dependency between migrants and employers or brokers. Not only are migrants dependent on employers for income and employment; they often rely on their employer for work documentation and subsidized or employer-owned housing arrangements, placing migrants at a clear disadvantage to negotiate for better conditions or opportunities.

Even while client-patron relationships won the overwhelming favor of migrants, a culture of unease and fear permeates below the surface. Many migrants stated that they “dare” not speak out or against employers holding so much of their livelihood and security in their power.⁷ They fear speaking out to improve or change the situation because they do not want to upset the client-patron relationship or lose-face with their employer.⁸ These factors, along with other vulnerabilities are a recipe for fear tactics and the high chance of falling into situations of irregular migration, an attitude that creates a culture of fear and informality. Like many migrants throughout the world, Shan migrants feel that their best option to escape an unfavorable situation is to flee and look for a more agreeable economic or political situation elsewhere. These feelings culminate in migrants not feeling it is their place or position to approach government authority to remedy abuses, due in part to many migrants’ irregular status, unfamiliarity with bureaucratic processes, or simply not having the time to complete the process. As a result, many migrants engage in group collective bargaining to maintain a positive working relationship, while still seeking increased security and “fair” working conditions.

Section II: Past Experience in Myanmar Shaping Current Actions

Varying degrees of governance are common throughout Myanmar. The areas referred to as hostile, tolerated and accommodated claims typically correspond to the topography and the ease

⁷ Interview 08.

⁸ Persons, Larry Scott. “The Anatomy of Thai Face”. *MANUSYA: Journal of Humanities* 11.1 (2008): 53-75.

of accessibility for government forces and infrastructure.⁹ The area in Shan State that Shan migrants originated prior to entering Thailand is one indicator of perceptions and viewpoints of and the expected treatment of authority figures. Some of the most rural and rugged areas are under ethnic insurgent control where fighting with the *tatmadaw* (Burmese Army) is common, thus negatively priming the Shan for interactions with government authority figures. The absence of experiences with the central government creates a lack of understanding or familiarity with bureaucratic procedures. This gap in knowledge primes migrants to feel uneasy in undertaking bureaucratic formalities, these feelings of unease are compounded upon when migrants cross the border into Thailand where they feel they hold even less standing than Thai citizens.

Most sources divide the state's administrative presence into three areas: hostile, tolerated and accommodated claims administrative areas. Within these areas, varying degrees of state presence is felt, the degree of state presence differs throughout Shan States North, East, and South.¹⁰ Rural and urban experiences drastically vary in the availability and presence of the state or other state structures and services. Rebel governances rule those in deeply rural areas, and the *tatmadaw* military forces are typically found in urban areas near infrastructure such as roads and railways.

Shan people have long belonged to a political and cultural system of client-patron tribute relationships and such relationships enjoy a strong tradition present throughout Southeast Asia. Kinship and client-patron relationships are integral parts of the social structure and hold substantial influence in how migrants visualize and experience political administrative procedures. Both kinship and client-patron relationship structures act as a type of middleman to accessing services and rights. O.W. Wolters describes kinship networks with "men of prowess" serving as the center point in a mandala, with power radiating from the center towards the

⁹ Jolliffe, Kim. "Ethnic Armed Conflict and Territorial Administration in Myanmar". The Asia Foundation, July 2015.

¹⁰ Jolliffe, Kim. "Ethnic Armed Conflict and Territorial Administration in Myanmar".

periphery. This structure is seen on a macro level in the nation-state, and on a micro level within villages. As such, the village headmen hold a large degree of power and influence over the village inhabitants, and their ability to access the nation-state. The village headman's (Phu Yai Ban) influence is strong, their permission is most often needed to approve most documentation, and their leadership is incredibly influential in daily life. Client-patron relationships provide a sense of security. Those protected by a patron expect reciprocity should they fall on hard times. This relationship is in many ways paternalistic. The structure of kinship networks and especially client-patron relationships was ever present in how migrants spoke of their engagement and access to government administrations and employers.

Documentation and formal legal agreements, such as the documents required for work permits, are in many ways foreign and deemed unnecessary to Shan people. As such, past institutional knowledge of formal proceedings required for work are intimidating and seemingly unapproachable for migrant laborers. To obtain such documents, many migrants will expect their village headman or a broker (often one and the same) to complete the documentation required for legal work. This structure places a large degree of trust into the village headman or broker. Even if the village headman/broker completes the documents, many migrants operated on trust that their documents are correctly completed. Often, this is because migrants cannot read or write, and many not even speak the Burmese language, let alone Thai.

Those I interviewed had resided in Thailand an average of ten years. The majority of individuals left Shan State when they were quite young and have lived the majority of their lives in Thailand, placing them at a disadvantage. In Myanmar, the responsibility of interacting with administration fell to their parents or guardians. The majority of migrants do not hold the institutional knowledge of the inner workings of public administration and a culture of

advocating for oneself is a foreign concept. Most migrants want to stay under the radar and advocating for oneself in a government setting is terrifying and unnatural, especially for women.

As a Shan individual, interacting with the Burmese government is inherently intimidating. Many associated the ‘government’ or ‘administrative authority’ in Myanmar to mean the tatmadaw. The large majority of Shan interviewed shared stories from their past of negative and frightening interactions with the tatmadaw while in Shan State. Commonly, individuals would share stories of hiding in the forest to escape military patrol or violence; forcing communities from their farming responsibilities and resulting in their daily lives more fraught with uncertainty and lost economic opportunities.¹¹ Many individuals’ recounted stories of forced labor in service of the Burmese military a deep fear and unease were present in each of these interactions. Individuals were either forced to act as porters between communities and military outposts or were forced into labor projects to build barracks or other varying infrastructure projects. Most women were fearful of physical violence or rape at the hands of the military. Such encounters do not inspire confidence, and many individuals would avoid interactions with government authority at all costs due to the association between the Burmese government and military. If individuals pursued the national identification card, some feared that it was a way for the military to track the population and communities of Shan people in the highlands. For this reason, they did not want to provide their house registration listing family members, or their place of residence. As such, when these individuals migrated into Thailand without identification from Myanmar, they were not eligible to enter into a labor contract in Thailand legally.

The migrants do not feel like they have full access as members of society. As Shan people, they have not felt like they get full citizen rights. Within Myanmar, ethnic groups are treated as second-class citizens, as seen in the administrative structures within Shan State.

¹¹ Interview 07, 15, 25, 29, 31, 33, 34, 39, 49.

Introduction of Administrative Structure & Hierarchy from Colonial Influence

Throughout Myanmar's history, the struggle between ethnic groups and centralized control has manifested in separation, civil war, and a lack of trust, these feelings are further showcased through the way Myanmar governs the ethnic States. I argue that migrants experiences with the varying degrees of structure and hierarchy of administration from within Myanmar have shaped their expectations and perceptions of governance and knowledge of navigating bureaucratic processes once they arrive in Thailand, affecting the manner in which they interact and engage with formal structures in Thailand.

Before colonial influence, Southeast Asia had long operated with a series of tribute relations among larger civilizations and smaller village dependents. The cycle of conquering urban centers and periphery cities was a practice dating back to the Tai classical empires in the thirteenth century.¹² This Tai muang system described political and social units. The muang functioned as both political and economic safeguards of defense and trade. The success of the muang system depended on tribute alliances forged between a local ruler and an overlord. Overlords were expected to provide protection and economic trade incentives, while the local chiefs would provide a yearly tribute to secure the relationship. Tribute payment came in the form of taxation or labor services. The tribute payment was typically mutually beneficial; manpower was a key currency in the region, and smaller muang were given trade and protection. The muang system lacked organized mechanisms for denoting land rights, and easily identifying taxable land and food stores. It became the mission of the British and French to begin denoting hard boundaries. The implementations of set boundaries disrupted the region of the pre-existing informal system of tribute client-patron relations.

¹² Wyatt, David K. *Thailand: A Short History, Second Edition*. New Haven: Yale University Press, 1972.

By the 1930s British lawmakers bounded the Shan petty kingdom into the newly dubbed Shan State and deemed the area a part of the 'Frontier Areas,' with the intention that these frontier areas with ethnic non-Bamars should unite with 'Burma proper.'¹³ Defining the Shan people and frontier areas 'other,' bolstered the ethnic Bamars ideas of superiority and aimed to civilize the out-of-reach and ungoverned hill areas.

The new Burmese authority under General Ne Win described armed insurgent groups headquarter in the mountainous highland of Burma as "outside the legal fold" and attempted to bring them back into "the fold" for a unified Burma.¹⁴ Numerous ethnic armies sought autonomy from Burma and engaged in continued fighting against the tatmadaw. Within General Ne Win's ethnically charged national policies, deep-rooted xenophobia became visible through the actions and structural implementations of the tatmadaw. Deeply affected by colonialism and foreign rule, General Ne Win established the 1948 Citizenship Act, which implemented a new Burma Citizenship Law focused on ethnic Bamar.¹⁵ Furthermore, General Ne Win publicly denounced the trans-border trades and links held by the ethnic minorities in borderlands, fearing that Burmese natural resources would be smuggled out to aid neighboring countries.¹⁶ Ethnicity in Burma has long been a contested, political, and violent struggle. Ethnicity challenges the union's vision of unity and solidarity, and insurgent groups challenge the narrative of Burmese ethnic and national unity and solidarity.

¹³ Conway, Susan. "Shan Tribute Relations in the Nineteenth Century" *Contemporary Buddhism*. Vol 10:1(2009): 31-37. 35.

¹⁴ Fink, Christiana. *Living Silence: Burma under Military Rule*. London: Zed Books, 2001.46.

¹⁵ Egretreau, Renaud and Larry Jagan. *Soldiers and Diplomacy in Burma: Understanding the Foreign Relations of the Burmese Praetorian State*. Singapore: NUS Press, 2013. 62-63.

¹⁶ Egretreau, Renaud and Larry Jagan. *Soldiers and Diplomacy in Burma*. 63.

De jure or de facto Administration in Myanmar

The structure of the current administrative system is biased against ethnic groups. The *de jure* and *de facto* administration within Myanmar causes ambiguity, insecurity, and feelings of inaccessibility within the general population. Many individuals interviewed were either too young to interact and pursue government administrative programs, were uninterested, or felt like they could not access the services. When individuals felt like the services were not accessible, this was typically related to fear of contacting government or insurgent actors in power, stemming from a lack of connections from family or friends, or due to financial reasons.

The varying degrees to which citizens feel and experience the presence of the state depends on the amount of control they hold in certain areas of Shan State. It is not uncommon for the central state to have not set eyes on areas of Shan State for decades. These unreachable pockets are typically under insurgent or rebel governance; some may even have informal understandings with the tatmadaw forces. Mary Callahan refers to administrative and ceasefire agreements areas as “not quite peace.” Most sources that explain the administrative structure in Myanmar divide the expected political climate and control of the area into three categories, the different terminologies agree on categorization to gauge the influence and saturation of the central nation-state in ethnic dominated areas. These three different relationship types have also been termed: devolution, military occupation, and coexistence; black, white, and brown areas of administration, or hostile, tolerant, and accommodated claims.¹⁷ Even with ceasefire agreements, and a move towards consolidation of territorial administrative areas, peace and stability have not been achieved.¹⁸

¹⁷ Callahan, Mary P. “Political Authority in Burma’s Ethnic Minority States: Devolution, Occupation, and Coexistence”. *Policy Studies* 31. East-West Center Washington: 2007; Jolliffe, Kim. “Ethnic Armed Conflict and Territorial Administration in Myanmar”.

¹⁸ Callahan, Mary P. “Political Authority”.

Within these spaces, Callahan emphasizes the “moral universe” that individuals try to maintain with a variety of players and the balancing act that comes with accommodating diverse interests. This balancing act supports informality, and the ability to keep options and relationships open is reflective of the political and social culture experienced in their life in Myanmar. While individuals did not put their experience in these specific terms, it was apparent that such a balancing act was taking place. On a political level, one can see insurgent groups balancing their goals against the tatmadaw and attempting to provide services for townspeople. On an individual level, villagers were attempting to balance their personal family lives against the administrative or political insurgent groups, who in turn were trying to balance against other armed actors such as the tatmadaw. The structure of such balancing acts can be seen moving up higher levels of the social and political hierarchy; this reflects back to the muang system of client-patron relations.

Shan States South and East have traditionally experienced the heaviest fighting. Many migrants recounted stories of their interactions with both the tatmadaw and the Shan insurgents. While ceasefire agreements have emerged, large areas of fighting persist. Throughout these areas are mixes of tolerated and hostile claims to administrative territory.¹⁹

State	Number of People	Towns
Shan State North	8	Hsibawpaw, Man Tsang, Sanwee, Tangyan, unspecified town in Northern Shan State
Shan State East	2	Doi Lam
Shan State South	37	Kaesee, Kahlee, Keng Tung, Kohlam, Laikha, Langkhur, Meung Pan, Muang Kung, Muang Nai, Muang Su, Nah Kong, Namjarng, Taunggyi
Unspecified	3	Unspecified towns in “Shan State”

Figure 1 Source: Author’s Compilation

¹⁹ Jolliffe, Kim. “Ethnic Armed Conflict”. 70.

A wide gap exists in Northern Shan State from the administrative capacities and the actual services offered and expected by the people. Aside from violence and fighting; citizens are most likely to feel the presence of the nation-state in the form of taxation or corvée labor. Corvée labor was a situation in which the interviewees described feeling especially vulnerable and fearful. Those interviewed either responded to corvée labor by taking flight towards larger towns or to the forests near their small villages. Flight served as an escape mechanism from forced labor or conscription by insurgents. One woman recounted that the Shan insurgents demanded she serve as a porter to bring supplies into the forest camps.²⁰ She said that because the male members in her family had either fled or passed away, the responsibility fell to her, as all families operated on a rotating porter schedule. She expressed deep fear each time she went into the forest. She held fear of what the insurgents might do to a woman, fear of physical harm, or fear that the tatmadaw may mistake her as a willing Shan rebel.

Many Shan feared discovery by the tatmadaw, if discovered, they could be physically harmed, forced into corvée labor, subjugated to taxes, or possibly killed. Migrants rebuked such unfair treatment from those in positions of authority and never felt on equal footing; a male migrant told a story where such feelings are apparent.²¹ While he was living in Shan State, he owned his truck and had a small business transporting items. The tatmadaw knew that he had a large vehicle, capable of transporting numerous items. The tatmadaw demanded the use of his truck to transport building materials and other supplies. The tatmadaw did not pay for his services, time or driving expenses, and it was clearly understood that he could not refuse these demands. Those that experienced corvée labor, either from the tatmadaw or insurgents recounted

²⁰ Interview 39.

²¹ Interview 46.

that forced labor was the last straw and many fled to Thailand after these types of intrusive interaction to exit the unstable conditions.

Interactions with Burmese Bureaucracy

From a scale of 0-10, participants reported feeling an average comfort level of 4 while they were interacting with the administration.²² Migrant's identification of the 'administration' was flexible and more in accordance with personal experiences; authority figures might be described as the Shan State Army, tatmadaw, or varying levels of government or village administrators. The varieties of definitions for the 'administration' were in itself telling of the lack of consistence or institutional knowledge of bureaucratic government proceedings. The most common feelings of discomfort stemmed from fear, discrimination, and feeling that government services were inaccessible. Additionally, individuals cited discrimination against the poor, uneducated, and those without politically advantageous relational ties as those that would not receive fair and timely service. Many individuals recounted stories of paying outrageously large sums of money to obtain their Burmese identification cards.²³ The rural farmers were often required to pay a reported ten times increase in price because they lacked the personal relationship ties to civil servants.²⁴ Further, if one did not pay civil servants, the process could take upwards of a month, which would require repeated trips to the larger cities, or staying in the city - time or funds the peasant farmers simply did not have. One interviewee nicely summed up interactions and corruption expected throughout the process, "A little table means little pay. A

²² See Appendix Figures A-C.

²³ It is somewhat difficult to calculate the increased kyat that many rural Shan paid, because the years individuals obtained their cards differed (or individuals could not recall the year). The amounts that those interviewed remembered paying was differed greatly, a range of 50 – 100,000 kyat was reported. Typically, the cost was most consistently reported between 20,000 - 50,000 kyat.

²⁴ Interview 46.

big table means big pay!”²⁵ The interviewee observed that bigger bribes were the expectation at every level of the application process and as one connected to higher-level officials a larger bribe became the norm.

The most frequent reason migrants would have contact with a government authority figure in Myanmar was to obtain a government issued identification card. When asked about the process to obtain their identification cards, their answers highlight the disparity between the rich and poor and differences in access based on ethnicity. Immediately noticeable was a large difference in access and kyat paid by those living in deeply rural areas, compared to those residing in an urban setting. Many in the urban settings held better connections to access officials through family or friends. As such, these individuals were served more quickly or paid smaller amounts for their identification cards. The identification cards are supposed to be free of charge, but in a country with corruption, the high majority of individuals pay for the free service. Those coming from poor rural backgrounds, however, tended to wait far longer for service and paid markedly higher prices. One individual told me that those in rural settings often paid four times the amount, creating a huge burden on families that are barely scraping by with enough food.

The rural children often did not attend school because their families lacked the funds or they needed the children to work. The lack of schooling and rural upbringing only reinforced negative stereotypes of poor, uneducated ethnic minorities that are rampant, both in Myanmar and in Thailand. Migrants recounted numerous stories of feeling like they held unequal standing within official bureaucratic proceedings because of their impoverished upbringing. One way that the Shan are actively excluded from Burmese political life is through language and literacy. All government forms are written in Burmese. Many of those interviewed conveyed that they could

²⁵ Interview 18.

not speak Burmese, let alone read and write. Additionally, many were not literate in Shan language.

Most of the migrants interviewed were children while they still resided in Myanmar. Most reported sadness and fear from their living conditions and sadness at the responsibility placed on their shoulders at such a young age to help with work on the home and farm. Nearly all that I spoke with had not attended school or attended very little while in Myanmar due to a lack of funds, and most expressed sadness that they could not learn. Of the children that did attend school, nearly all saw a marked increase in the availability of government services. Most reported that government officials came to their schools to issue government identification. If they did not come to the schools, when they approached government officials, often on behalf of their families, they were treated with an increased level of respect due to their student status, and more likely due to an ability to effectively communicate in the Burmese language. Gender did not appear to be a factor for students approaching government officials. Girls and boys received relatively equal treatment. One female interviewee stated that, had she not been a student, she would have been too afraid to approach the government officials to apply for an identification card, but because she was a student, she felt like she was able to approach the officials and complete the process.

Further, nearly all interviewed expressed a general discomfort with life in Myanmar and a sentiment to the effect of, “life was hard”. Life was hard in a variety of aspects. Scott utilized an image of a man standing up to his neck in water, where even the smallest wave or ripple could drown him.²⁶ The slightest disruption places the subsistence farmer’s life and livelihood in jeopardy, and ethnic political fighting is more than a slight disruption of a balanced system of subsistence farming. To cope with the uncertainty, systems of adaptive and informal networks

²⁶ Scott, James. *Moral Economy of the Peasant*.

are utilized to link political authorities.²⁷ The experience of Shan in Myanmar obtaining formal documentation was already a difficult and expensive process. Most migrants in rural setting mentioned that they first had to contact the village headman, or a Shan individual that was employed by the government to handle their affairs. Unless you had a personal connection, or approval from the headman, you were unable to directly access government service. Hierarchies of introductions were a requirement for accessing the government. Again, a culture relying on middlemen to provide access to bureaucratic services is the norm.

Migrants hold many preexisting ideas about the government and expect to feel a lack of support or equality while accessing services. Through decades of interethnic conflict, disconnection and erosion between administrative practices on paper and in practice became further disconnected from the reality of migrant's lived experiences. Rural or urban settings are seen to influence the experience and shaped migrants' understanding and experience with the administration. How migrants conceptualized administrative fell into three categories. First, the *tatmadaw* was seen as the administrators and 'face' of the government. Often mixed into their responses were exchanges between Burmese and Shan military forces. Second, individuals would respond that the village headman served as the administrator of governmental affairs. Third, those that typically lived in larger cities would mention a more traditional scene of a civil servant in office buildings between government positions. Further, many recounted experiences of moving from small rural paddy fields to a larger city-center for improved economic prospects, family ties, or safety.

Half of those interviewed stated that they had no direct contact with the administration while they lived in Myanmar when they were asked to rate their comfort level in dealing with

²⁷ Callahan, Mary P. "Political Authority". Xiv.

administrative authority figures.²⁸ Yet when asked a ‘yes’ or ‘no’ questions if they had direct contact with the administration, only 17 individuals responded that they personally contacted authority figures. Of those that had indicated they had contact with the administration, it was split in the middle in terms of gender. Additionally, it appears that these were individuals, who had specifically sought out the administration, and those that answered ‘no’ may have had contact with administrative figures, but the administration likely came to their village or school and made the effort to contact the Shan individuals, typically to issue a Burmese ID card.

The age of individuals at the time they resided in Myanmar is a partial explanation for their lack of contact with officials. Of those that stated they had no contact with the administration, a majority were young children and would have had older family or friends to act on their behalf. It did not appear that their elders or family members informed the children of the process, leaving a gap in institutional knowledge of how to proceed and the process for approaching the administration. Many would first seek aid for the patriarch, and then the village headman. Many of these individuals expressed nervousness of upcoming return trips to Myanmar to obtain a renewed Burmese ID card, or reapply for a Temporary Passport. Many stated that the familial ties they had once had were no longer available to them because their family is all residing in Thailand, or older relatives have died or no longer live in their childhood hometown. Others stated they had no contact with administration because they did not have a reason to contact the administration, or they associated the administration with armed forces - frequently the tatmadaw, or sometimes Shan insurgents. Additionally, many reported that the administration came to them directly, and they would not seek help from the administration on their own. An existing structural procedure to contact the administration was roughly in place.

²⁸ See Appendix Figure A-C.

An absent village headman or head of the village track due to traveling halted the process. In such cases, the individuals were required to wait for the leaders to return, and they were adamant that it was not acceptable to go around. The villagers were not allowed to, "...overstep and go straight to the administration".²⁹ The process of utilizing a village headman was seen in migrant's approach to seek aid in Thailand; it appears that they felt they needed a third-party to act on their behalf, and they could not directly approach government officials for aid. By adding documentation, migrants state that they do not like all the steps and extra red-tape. Instead, they would prefer to simply pay off the police or administrator, one person, and one relationship to foster.³⁰

Section III: Feeling of 'Standing' while in Thailand

While migrants reported feeling increasingly comfortable in the Thai system when compared to their experiences in Myanmar, there was still a common understanding that they still lack equal and complete access to administrative and bureaucratic structures. While most migrants lack trust in the bureaucratic system in Thailand as a whole, it was viewed more favorably and enthusiastically than the system in Myanmar due in main part to the relative consistency of the established bureaucratic system in Thailand. On a scale of 0-10, migrants reported feeling a comfort level of 6 when interacting with the Thai authorities.³¹ Commonly, when asked to expand on their numeral ranking of comfort, interviewees would respond with a variant of the phrases "They are Thai, we are Shan" or "We are Shan people".³² These statements were always delivered in a cut and dry manner, and many would not or did not feel like they could expand or explain the statement further. I took this statement to mean that a clear ethnic division separated

²⁹ Interview 23.

³⁰ MAP foundation. *Regular Rights: Do Documents Improve Migrants' Lives?* MAP Foundation: 2012. Online.11.

³¹ See Appendix Figures A-C.

³² Interview 05, 13, 14, 15, 16, 30, 31, 42.

Shan from realizing the full potential of their rights, and they see ethnicity and nationality as a barrier to full participation, both in Thailand and in Myanmar. The phrases encapsulate a matter-of-fact settling in of the reality that discrepancies in access and treatment are the expected norm. Both statements directly tie to ethnic and national identity to a lack of comfort level in accessing services or standing in bureaucratic spaces. Migrants viewed their Shan identity as an admission of being less than, or not able to fully access services because they are not Thai citizens. A similar attitude is seen in Myanmar due to their status as an ethnic minority. It appears that an unrelenting self-identity as second-class citizens follows their perceptions of legal and political standing.

Perceiving that the law would not grant migrants full status under Thai labor laws, many Shan feel disenfranchised by the whole administrative process and instead elect to change their situations. Migrants elect to change their situations either politically or at work, by fleeing to a more favorable scenario. Within these scenarios comes an understanding that while it may not be ideal, at least it is an improvement. Scenarios viewed unfavorably that could warrant fleeing include: unpaid wages, sexual or physical assault, and increasingly difficult demands from employers, unfair working hours, or other such extreme circumstances. Flight becomes a mechanism to improve their situation. The fear of legal authorities, lack of alternative economic gains, or the threat of verbal abuses often kept migrants in negative working situations. Many migrants are willing to endure with harsh and abusive situations, rather than face the unknown where a new job may be the same or worse, or more importantly, enter into unemployment without a way to support themselves or their family. Again, the pattern of exclusion through language and literacy is visible in Thailand, as most cannot read or write the Thai language. Lack of Thai language skills makes bureaucratic procedures related to documentation inaccessible and

migrants must place a large deal of trust in those completing documents on their behalves. Migrants also lack time and knowledge about procedures or labor and human rights.

Interactions with Thai Bureaucracy

While many view the Thai bureaucratic system as intimidating and inaccessible, it was still viewed more favorably than the bureaucratic system in Myanmar. Many migrants viewed the structure of taking a number and standing in a queue as very positive. Migrants were adamant in expressing their positive reaction to the orderly line of service, migrants knew that the line would proceed according to the order of their arrival, and would not be an arbitrary system of influence and status as was the experience in Myanmar. The queue provides stability and reliable expectations of service. The majority of migrants expressed that “fair” and “kind” service was largely dependent upon the individual at the government office, rather than a governmental standard. Therefore, there was little to no expectations of consistent service, both from employers and government officials. The lack of stability in many ways mentally forced migrants to maintain an informal approach to dealing with the documentation process and work illegally. Even in highly structured bureaucratic offices, migrants had to remain flexible, should issues with their paperwork or the officials arise. I often heard migrants complain about their experiences with authority figures that “it’s the job of the authorities to help the people, but they don’t”.³³

Some reported discrimination when they went to government offices in Thailand, apart from the 90-day check-in for some migrant work visas. Most often it appears that the administration becomes quickly frustrated and impatient with the migrants when they do not understand the process or ask too many questions. As a reaction, the administrator may adopt unapproachable

³³ Interview 15, 18.

facial expressions, raise their voice, become rude, yell, or insult the migrant's inability to read or their lack of a formal education, voicing common stereotypes about the Shan migrant labor force. They stated that the Thai staff would either refuse or delay service to them. They would not look at documents brought in by Shan expediently, while Thai citizens that arrived after the Shan migrant would receive quicker service and consideration. Such treatment was recounted on more than one occasion during interviews. Additionally, many Shan highlighted that their lack of Thai language knowledge created a barrier in service and their ability to confidently complete and submit the required forms.

While many Shan recounted stories of discrimination and a lack of service, one male said that he was happy with the service and, "Even if we are not Thai citizens when we contact the administration about the document process and how to apply, they will explain it to us".³⁴ This man felt like the process was largely positive and that, "We all have the right to speak because we are human beings", and he expressed interest and excitement at the process and was eager to learn more. Such reactions were very uncommon. Some migrants had exposure to definitions of western ideas of human rights and equality; typically through NGO outreach groups or membership in civil service organizations aimed at advocating for migrants' labor rights. These migrants were more apt to understand the process and avenues to find help. It did not appear that migrants with more knowledge were more or less likely to pursue formal complaint mechanisms to better their situation. However, migrants that were active in civil service organizations or with the outreach programs of NGO's were more likely to understand and better utilize collective bargaining and had a better knowledge level of the labor and human rights that are afforded all workers.

³⁴ Interview 27.

Many migrants go through the work permit documentation process but are at the same time irregular, meaning they have fallen out of legal protection or status because they are not following the laws and regulations of their visa, or lack a visa altogether. Irregular status could stem from a lack of documentation, expired documentation, working at a different job site than permitted, working in an occupation not permitted or listing an inaccurate employer, such as their landlord or broker. Many migrants thought that irregular status provided welcomed informality and speed in acquiring employment.

Switching employers was the number one complaint that migrants had concerning their work documentation. The process was expensive and complicated. Often, employers did not want to sign documentation for migrants because they would lose workers and money from the documentation fees paid to acquire the worker. Instead of completing the formal process of switching employers as a seasonal or temporary employment opportunity arises, many migrants

Occupation	Men	Women
Agriculture	2	3
Construction	12	9
Factory	1	-
Food Service (Restaurant; Coffee/Tea Shop)	6	4
Vendor	-	2
Domestic Worker	-	6
Other	4 (Large Chain-Store; Mechanic; Deliveryman; Security Guard)	1 (Copy Shop)

Figure 2 *Source:* Author's compilation
 opt for inaccurate employer listings on their work permit paperwork. This admission and choice of irregularity provides increased informality, but also increased vulnerability. While migrants can, and do, pursue employment at other work sites, they are also at risk for jail time, fines or deportation should their status become discovered. Additionally, women are more at risk for

such scenarios because many occupations traditionally deemed ‘women’s work,’ such as *maebaans* (domestic workers), are not eligible for work permits, as it is unskilled labor.

Even if a migrant does remain a regular migrant and attempts to switch employers legally, they meet resistance. Often employers will become angry and threaten the migrant, either to report them to the police or threaten to charge the migrant large sums of money to complete the process. A balance of negotiation hangs between the migrant and employer. Both realize that they need each other, again highlighting the client-patron relationship between employers and laborers. If an employer denies a migrant’s request to switch jobs or bullies them into staying, the migrant risks a negative and uncomfortable working relationship in the future. Because a strong working relationship with the employer is paramount to migrant’s feelings of stability, some migrants will risk the instability of irregular status to stay, while others are prompted to leave and enter irregular situations.

Reporting Labor or Human Rights Abuses

Nearly all migrants have experienced labor or human rights abuses while working in Thailand. Migrants do not feel comfortable reporting their employers for labor or human rights abuses. Not a single interviewee had gone to the Labor Protection Office (LPO) and filed an official complaint. A few individuals had secondhand knowledge of the process from friends or family telling them about their experience filing against abuses. Another small group had mentioned hearing about Shan migrants filing complaints via radio or television programs and a few individuals mentioned seeing information shared on Facebook. While none of the interviewees held first-hand knowledge, many expressed interest in the process and thought it was a “good” way to handle complaints. They appeared to feel empowered by the actions of other Shan migrants, and in many ways felt that actions of the others in the Shan community

translated into an empowering action for the larger Shan community. Overall, migrants viewed filing labor complaints as a positive avenue for people in general to handle complaints, it is unlikely that faced with such a situation, the majority of migrants would follow-through with the process. Many felt that to file they would need help with the process, such as aid from an NGO, or a group effort would be required. Migrants were only able to provide second-hand knowledge of migrant experiences with complaint mechanisms.

The second-hand knowledge shared provided an insightful view at how information is disseminated and received throughout the Shan community. The idea of a larger Shan community acting on behalf of the individuals was very appealing to those interviewed. Again, a third-party mediator was acting on behalf of individuals for the benefit of the larger Shan community. When asked who could file labor complaints, migrants most commonly responded stating "someone who knows the process" or a "leader" as those most adept at navigating the formal administrative process.³⁵

It was no surprise that none interviewed filed a formal complaint. The International Labour Organization's (ILO) "2014 Thailand Migration Report" cited around 18% of all migrants in Thailand had filed a complaint, including migrants from countries in addition to Myanmar.³⁶ Migrant workers from Cambodia, Laos, and Myanmar make up a majority of unskilled laborers and migrants originally from Myanmar account for the majority of workers residing in Thailand. As of 2014, Thailand had a legal migrant worker population of 2.23 million, with an additional estimated 1.82 million migrants who had entered the country illegally. Of the total legal migrant population, 1.74 million come from Myanmar, 395,000 are from

³⁵ Interview 15, 17, 31, 32, 42.

³⁶ Huguet, Jerrold W, Ed. "Thailand Migration Report: 2014". United Nations Thematic Working Group on Migration in Thailand: Bangkok 2014. 140.

Cambodia, and around 96,000 come from Laos.³⁷ The ILO report further states that those in irregular situations are even less likely to undertake formal proceedings for fear of negative financial or legal repercussions.

Most migrants held a vague understanding that an office does exist for them to file work complaints. Outside of this limited understanding, the process, specific complaints, and other matters are not widely understood or commonly undertaken. Many migrants combined the immigration office, and the LPO, or simply did not know where to go or what rights they were afforded. While it is easy to say that a simple lack of understanding prevents migrants from utilizing services at the LPO, I think that is incorrect. Not only are migrants operating under client-patron based working relationships, but they also lack trust in administrative systems as a whole and do not think that the system provides consistency. Rather, the level of service that one received is based entirely on administrative officials' mood or personality. First, in a community that disseminates information informally and amongst themselves, narrative and information detailing the process to file a complaint are often incomplete and inaccurate. The highly structured and detailed reporting method and fact-finding required is not a structure familiar to migrants. As such, if they had a complaint, many times it becomes heresy and does not contain hard irrefutable facts. Migrants feel they lack the time and resources to utilize the LPO. Migrants are employed during working hours, and taking off one or more days from work without pay to undertake a formal process they are apprehensive about, is low on the priority list. Furthermore, most migrants were adamant in telling me that they did not have any issues with their employer, but had heard of negative situations elsewhere. I think these statements were partly true. Because the employer-employee relationship is so important, migrants did not want to receive a

³⁷ Jirattikorn, Amporn. "Thailand and Myanmar's Policies Towards Migration: Policies, Practices, and Future Challenges" *Trends in Southeast Asia*. Singapore: ISEAS Publishing, 2015. 9.

reputation as a troublemaker or poor employee. As such, filing a formal complaint against a Thai employer had the potential to make trouble for the employee and brand them a troublemaker. Stories relayed about negative working experiences were rarely spoken about in the present tense; the experience was typically in the migrant's past or was told about a friend or family member. Any statement shared about a friend or family member that had filed a complaint nearly always followed a statement of assurance that they were not the ones who had an issue with their employer and their current situation was all right.

Aside from the fear of speaking out against an employer, an understanding of actions that violate Thai labor laws is lacking. Apart from unpaid wages, an understanding of the legal rights migrants hold is limited at best. After seeing Shan migrants on the news, family or friends successfully, or unsuccessfully, approach the LPO, many thought that this was a course of action they might consider if informal discussions did not work, admitting they learned from the experiences of others the type of information they needed to prepare and what documents or where to go. Many also stated that they had experienced abuses within the early years of first arriving in Thailand, but at that time they were too young, afraid, and unaware of how to solve problems. To remedy the situation, they quit and found employment elsewhere. The aforementioned scenario is common, migrants will enter Thailand with legal documentation, but somewhere along the way will either incorrectly complete the paperwork required to stay, or will leave employment without legally switching employers, at that point, the migrants enter into irregular migration status, compounding upon their preexisting feelings of inferiority and insecurity.

The ILO's 2014 Thailand migration report mentions that while the implementation of complaint mechanisms has not prevented or curtailed many of the labor abuses, they have been

successful in helping to establish an “environment of order and regulation for labour migration in several Asian countries.”³⁸ Some level of order has been achieved. One of the first comments that migrants use to describe their experience in Thailand versus Myanmar is a semblance of order, mostly in the form of taking a queue number when they visit government officers, and expectations of service. Even though migrants feel discrimination, they are content with the level of service they receive in Thailand because they have access to a system that does not require familial connection or bribery at the same frequency as experienced in Myanmar. While migrants can often expect prompt service, simply providing order and expedient service does not encourage migrants to utilize complaint mechanisms. Beyond procedural order and expediency, migrants still feel like second-class citizens and experience insecure standing within the system as a whole. Migrants still do not expect fair treatment when seeking solutions to labor rights abuses, nor do they feel welcomed to approach and participate in administrative systems.

Strategic Flexibility and Flight

Many migrants, especially women, reported that fleeing a situation is the most appropriate course of action due to perceived limited options. Many employers utilize fear tactics to keep migrants from reporting, like threatening to call the police and report migrants, taunting irregular migrants to approach the authorities and report, or reminding them of their inability to support themselves should they leave. For those that decide to stay in unfavorable employment situations, mediation or collective bargaining become their only perceived avenue to remedy their situation, thus migrants must be able to maintain strategic flexibility and the ability to adapt to their surroundings and within the relationship with their employer.

When asked about labor rights abuses, most migrants were unfazed and replied that such treatment was very common, and quitting the job was the easiest way to handle such negative

³⁸ Huguet, Jerrold W, Ed. “Thailand Migration Report: 2014”. 143.

situations, “We are not Thai citizens and we come to their country and we depend on them [employer], and they discriminate. We are not at the same level as them and we don’t have the same knowledge. We came to Thailand as a migrant and we can only be workers, so they look down on us”.³⁹ Many migrants said that it is easy to speak with their employer, but when pressed if they could bring up topics surrounding unfair or dangerous conditions, their answers changed and they said they would not dare bring up topics that would cause tension with their employer. Mediation and collective bargaining were the most utilized methods to remedy unfair working condition. Migrants utilize flight as an extreme answer to unfavorable situations, most will instead try to negotiate with an employer. Within negotiation, they are negotiating for conditions that are typically afforded to migrants under labor and human rights standards. However, because migrants feel like they are in inferior social and political standing, they will often choose to employ a definition of good and fair working conditions based off of perceived respect between employee and employer, rather than defined by legal measures.

Mediation is almost always undertaken in a group setting, typically with a respected individual or elder taking the lead. When individuals would describe their experiences asking for improved conditions or wages from their employer, they described acting with deference towards their employer and sought to make themselves small through highlight the reliance that the migrants had on their employer for their well being. Again, highlighting a client-patron relationship between the two parties. Mediation occurs through the husbands of female workers, an older migrant foreman to a Thai employee/employer, conducted in a large group with a “leader” figure, or through the help of an NGO. Not only are complaint mechanisms mediated, but employers also mediate visa documentation. If one refers to experiences in Shan State, the process of access is, again, mediated. A cultural hierarchy is set in place before one can gain

³⁹ Interview 17.

access to government officials or the head villager. Stepping outside of this system is not an option. When I pushed migrants to imagine a scenario where they would go around this structured system their body language immediately changed, and they gave firm answers and an indication that acting outside of the structured hierarchy is not common practice. Some laughed and said that it was not possible, but most became quieter and subdued, seeming to shrink inwards, imagining negative repercussions should they go around established authority figures.

Collective bargaining was a popular problem-solving avenue and produced the most positive results when utilized. However, migrants were then forced to weigh the types of issues and how frequently an employer was approached. A culture of individual actors is not established for individual workplace complaints, especially abuses that typically occur on a one-on-one basis, such as sexual or physical harassment, the act of stepping out alone does not outweigh the risk or fear. Many claim that they do not approach employers because such an action is filled with uncertainty and anxiety asking questions such as: Will the employer agree? What will occur if the employer does not agree? How will the employer think about me after an unsuccessful attempt? Some migrants understood the benefits that knowledge of labor and human rights could bring, but also accepted the limitations of the perceived social standing of migrants within Thailand, “It is good to know about labor rights, but in practice it is not easy. We must worry about our employer. The problem when we go to negotiate is that if the employer doesn’t agree and we quit for a new job – we may face all the same problems against with the new employer in the new job”.⁴⁰ Approaching an employer is a risky choice, not only may they reject your proposal, but you may lose-face and be remembered as disagreeable or non-compliant. Many migrants referenced the fact that they must build trust in order to be able to

⁴⁰ Interview 47.

approach their employer and ask for things, like an increase in payment or unpaid holiday leave for cultural festivals and holidays.

Human Dignity

Human dignity and the ‘moral economy’ that Scott describes function much the same. Scott describes the moral economy as, “Their [peasants] notion of economic justice and their working definitions of exploitation – their view of which claims on their product were tolerable and which intolerable.”⁴¹ The peasant’s views of social equity and justice were disrupted via the European administrative emphasis on categorization and structure. In much the same way, Shan migrants experience a similar disruption while pursuing cross-border employment. Nearly all migrants held similar backstories and used the phrase “life was difficult” to encompass their overall struggles for survival. Many sought to bypass the bureaucratic system of governance, in part because they did not see clear or secure economic incentives or increased safety for joining. Economic ‘safety nets’ are often embedded in village life to ensure that those living near or below the poverty line receive care.⁴² This same feeling of unease and insecurity in gaining access to rights and services exist in Thailand. While taking on another form, lodging formal complaints against labor rights abuses or in obtaining the correct migrant work visa documentation, migrants are still unwilling to advocate for themselves directly.

Many migrants referenced the fact that they must build trust in order to be able to approach their employer and ask for things, like an increase in payment or unpaid holiday leave for festivals. Many claim that they do not approach employers because such an action is filled with uncertainty and anxiety asking questions such as: Will the employer agree? What will occur if the employer does not agree? How will the employer think about me after an unsuccessful

⁴¹ Scott, James. “The Moral Economy of the Peasant”. 3.

⁴² Scott, James. “The Moral Economy of the Peasant”. 40-41.

attempt? I noticed that the younger generation was more apt to understanding the process and realizing that there were rights that they could claim. While none of those I interviewed had personal experience lodging a formal complaint, they were quicker to agree that it was a “good” thing to do and that more should participate. Most were waiting for a leader to act on their behalf. None would act alone for fear of the outcome or fear of the unknown. Most agree that a group is best to solve any dispute, whether that be in a government building or a place of employment.

Scott describes the peasant’s survival strategy in rural village life as risk-adverse. However, when this strategy becomes transposed in the context of cross-border labor migration, risk-aversion becomes informality, which carries much higher risks of legal trouble, yet may produce higher economic gains, dependent upon the situation. The juxtaposition of stability and informality that migrants often find themselves in while pursuing a risk-adverse survival strategy seeks to maximize opportunities through paid labor and avoid placing their family at risk for starvation. How migrants weigh and value economic versus legal risk becomes a constant struggle as they attempt to navigate purposefully complex and time-consuming administrative processes for legal labor migration. Risk-aversion becomes a whole new landscape. Conservative approaches to documentation may not always carry the highest economic gains. Irregular migration is a real and common outcome for migrants seeking informality, rather than pursuing the avenue that is least risk-adverse, most likely in the form of who migrants list as the ‘employer’ on documentation. It is not uncommon that the ‘employer’ is actually the migrant’s landlord. Additionally, it is common that migrants work for a sub-contracted construction company, which is illegal and strips any protection of labor rights. To succeed, migrants must accept a fluid approach towards employment opportunities.

While previously mentioned as a barrier, the inability to easily and legally switch employers represents a repression of freedom of choice and movement for migrants, or more simply put, a lack of dignity. Migrants realized that illegally switching employers placed them at greater risk for irregular status, imprisonment, fines, and deportation should they be found working in the incorrect occupation, location, or employer. However, migrants often reported that employers would refuse to sign the necessary paperwork, charge the migrant fees to change employers, refuse to pay wages, or withhold their documents. Faced with the prospects of unemployment or irregular status, most migrants take the risk and move to the new job without correctly filed documents. The migrants realize their precarious social position and one migrant described the insecurity between migrants and employees by stating, “They think that we are migrants. We are not Thai citizens and we come to their country and we depend on them [employer] and they discriminate. We are not the same level as them and we don’t have the same knowledge. We came to Thailand as a migrant and we can only be workers, so they look down on us”.⁴³ Migrants lack many choices when they arrive in Thailand and the control exerted by employers and the state touches all aspects of a migrant’s life and the spaces in which they are allowed to occupy.

Thailand is very concerned with tracking the location of outside populations within their borders. Migrant’s work documents will specify certain areas where they are allowed to be. Before migrants are allowed to travel throughout Thailand, they must receive a note of permission from the district government office and the suppression of non-citizen’s movement throughout Thailand is very visible within Thailand. Throughout Thailand, highway patrols serve as a means of identifying migrants and restricting their movement and the spaces they can occupy. While riding buses from Chiang Mai towards border towns or across district lines, I witnessed armed Thai police board the busses and demand to see travel permits and paperwork

⁴³ Interview 17.

from non-Thai (excluding *farang*) citizens. These highway patrols serve as a way to enforce travel restrictions for migrant workers.

Additionally, crackdowns on migrant labor are frequent and typically correlate to national displays of control and prosperity. Thongchai writes of the inwardly focused nationalism of Thais; this identity is only heightened during times of political upheaval. As Thailand becomes more insular during times of political change, its migration policy becomes more exclusive. Preceding the military coup in 2014 and immediately following, anti-migrant raids were executed throughout Thailand, focusing on rounding up and deporting irregular migrants. This same trend was seen in Thailand during the late November and October 2016. Mere weeks before reports of King Bhumibol's continued failing health and passing were published, an uptick in raids on migrants throughout Thailand, centralized in Bangkok, became more commonplace. These raids highlight Thailand's insecurity surrounding the successions and showcase the military's priority to show the Thai citizens that the junta holds the interest of Thai citizens and has maintains control. A common belief held by Thais is that the migrants are taking desirable jobs away from Thais, and that they should return to their countries or to the occupations that Thais do not want to do, such as the fishing industry, construction, or cleaning houses.⁴⁴

Part of the difficulties in enforcement come when Western standards are applied and do not resonate with migrants. This is not to say that migrants do not want or care about labor rights. They are unaware that they have these rights waiting to be claimed, or that they can access such services. Part of the difficulty lies in educating individuals, groups, and employers about rights, and enforcing those rights. Some interviewees were a member of a local civil service

⁴⁴ Lefevre, Amy Sawitta and Panarat Thepgympanat. "Thailand Cracks Down on Migrant Workers," *The Irrawaddy* (Bangkok, Thailand), Sept. 30, 2017.

organization that sought to educate and advocate for migrant workers' rights, their level of engagement and knowledge was superior to those not holding membership. Members of the local organization were better equipped with strategies to approach an employer for successful collective bargaining, or had an elevated knowledge of the people or places to contact to report labor or rights abuses. While speaking with migrants about rights or laws that they think they can speak to the LPO about, most were unaware and could not come up with answers independently. However, when asked to state, yes or no, after reading a list of common labor rights abuses, their response rates increased. After selected questions concerning labor rights or laws, migrants expanded upon the scenarios and recounted examples that either they or family and friends had experienced related to the rights violation. Many migrants expressed an attitude that labor rights abuses were seen as "the way things are" and they felt like they had no control to say or do anything to remedy unfavorable or unsafe working conditions or labor rights abuses. For example, one woman was recounting child labor within her community.⁴⁵ She felt like the children should not have been forced to work. She stated that the children were the responsibility and belonged to their parents. If their parents wanted them to work, it was not her place to mention anything to the family. However, she then stated that she felt this practice was wrong and felt sorry for the children forced to work. Often, a similar response was seen for domestic violence within families. Due to the close-quarter living situations in employer-sponsored housing, many people are aware, yet removed from advocating for those abused. Migrants do not want to make waves and draw unnecessary attention to themselves and their family by reporting the incident to the police. A common response to injustices or labor rights violations against an individual or working community was to "Let it be."⁴⁶ When I asked if they could expand what

⁴⁵ Interview 13, 50.

⁴⁶ Interviews 12, 25, 43, 50.

this phrase meant to them, they said it was not worth the trouble or attention to make a complaint. They must accept their position and move on because they do not have the luxury of time or financial security to pursue compensation for rights abuses.

If a violation was reported, and the LPO was coming to investigate, the employer would receive a warning detailing the time and date of an inspection. The migrants found such a process humorous and stated that if an investigation was set to occur, irregular migrants would be forced to stay home from work without pay, or the employer would bribe the investigators or police to look the other way. Additionally, on occasions where an investigation was scheduled, migrants reported they were provided safety equipment, but just for that day. If migrants wanted their own safety equipment, like hard-hats, gloves, or harnesses, they must purchase the equipment on their own.⁴⁷ As such, some migrants choose not to purchase the equipment because they must use the funds for immediate needs to provide for their families, rather than preventative costs for events and injuries that may or may not occur. Thai building law states that women construction workers are not allowed to work higher than the fifth floor for safety concerns, if an inspection is scheduled, the women reported that they were instructed to work on lower levels for that particular day, and would resume their typical duties on higher floors the following day. Clearly, reporting a labor or human rights violation sees little recourse or positive results, thus enforcing the migrant's perceptions that such bureaucratic mechanisms are not accessible or geared towards serving migrants. Migrants think it is best to "let it be" instead of reporting and creating tension at work between employer and employee.

Some migrants were members of rights advocacy groups sponsored by local NGO's. From this group, a marked difference in rights awareness was noted. While many members of such groups could list from memory rights afforded workers, a marked difference was not seen in

⁴⁷ Interviews 09, 34, 35, 37, 43.

how they approached similar scenarios. While those with experience participating in NGO workshops, or those with relationships to NGO staff members, different in action was negligible. Though, of the individuals that highlighted unfair treatment, they were more likely to understand or have knowledge about options and processes to utilize complaint mechanisms. Typically, they stated they would rely on the NGO staff to handle their claims, again emphasizing a client-patron structure of authority. Increased education and outreach in migrant communities has provided a difference in responses and awareness to rights abuses, but a deep-seeded fear still permeates and limits actions of migrants against such abuses. Migrants do not approach their employer regarding unfair working conditions or treatment because most migrants think and feel that their employer holds more power and their employer is always 'right'. They feel that if there were to approach an employer with an issue at work, they would not win, "Most people think that the employer has more power than them and the employer is right. They will discuss issues with co-workers, but not with the employer because they don't think they will win. Most workers will just let it be. If we are not going to win, let it be, or else we will get in trouble...[at that time] the documents were not complete, so the employer could cheat them [those that complain] without their documents".⁴⁸

Scott describes the tolerance levels of those discriminated against as quite high and largely unaligned with human rights standards, "As peasants experience it, then, the *manner* of exploitation may well make all the difference in the world. Forms of exploitation that tend to offer built in subsistence security and which, in this sense, adapt themselves to the central dilemma of peasant economics are, and are seen to be, far less malign than claims which are heedless of minimum peasant standards".⁴⁹ The type of exploitation and the degree to which an

⁴⁸ Interview 50.

⁴⁹ Scott, James. "The Moral Economy of the Peasant". 32.

individual will accept the exploitation matter, this is where the term ‘dignity’ comes into play. Migrants want to feel that they are in an atmosphere of respect, between both employers and employees. In such scenarios of respect, reciprocity is expected to some degree. I asked one migrant to explain why individuals did not confront their employers regarding poor working conditions. She took a moment to reflect on her answer and then responded, “I don’t know. Maybe they are fine with what they get”.⁵⁰ The interviewee inferred that migrants hold a strong tolerance for unfair treatment; based in part by an inferior self-identity as migrants, it did not readily occur to the interviewee that such treatment could be altered. Migrants want to feel that if unexpected hardships, such as an arrest or injury, befall them; their employer will step in and care for their needs. One woman said that upon discovering she had become pregnant, after the eighth month of her pregnancy she was forced to quit her job as a domestic worker.⁵¹ She still claimed that her employer was kind and good because once she was forced to quit, the employer gifted her a basket filled with items for the baby. This woman was entitled to maternity leave and should not have been fired for the pregnancy. However, when she left her job, she claimed that her employer was kind and fair because he gave her items for the baby and the parting was amicable. She stated that the action of providing a gift basket for the baby was not expected and because the employer did so, they parted on good terms.

Unfair treatment was almost always categorized into three offenses: unpaid or low wages, unfair balance of work, and yelling at the migrants. On the other hand, fair treatment was typically defined as a fair wage and kindness, mostly indicated through respect and the tone of voice towards migrants. Many migrants, typically the women, were paid below the minimum daily wage. Often, women would disclose their wage, and when asked if they felt they received

⁵⁰ Interview 28.

⁵¹ Interview 11.

fair treatment, they would respond that they felt they were treated fairly. Surprisingly, unfair treatment in the form of wages lower than the minimum was not the most commonly indicated factor of “unfair” treatment. Migrants were active in utilizing collective bargaining to ask for increased wages, even if the increase was only 5-10 baht (\$0.14 - \$0.28 USD) per day. Women were placed at a disadvantage during these negotiations. Those employed in construction stated that women were paid less because their work was not as physically demanding as the work of the men. Additionally, women employed as domestic workers are often the lone employee, making wage negotiations a one-on-one undertaking. These scenarios create a disadvantage for women and increase the likelihood they may encounter unpleasant outcomes if their request is denied. Even though many migrants received below the minimum wage, they felt they had a kind employer who spoke well to them, thus creating a fair and positive work environment. However, the types of topics that migrants would speak to their employer about were strategically approached. Typically, migrants would utilize collective bargaining for issues like a wage increase or holiday leave for festivals. Suggesting that migrants ask their employer about safety concerns seemed to be a taboo subject. Migrants would rather save the times they approached their employer to scenarios that immediately and directly affected their ability to survive, such as questions about documentation or wages. Topics that might not see an immediate return, like safety equipment, did not seem to be worth the risk of a denied request or being viewed by their employer as too demanding.

When you speak with an authority figure at work in Thailand, do you feel you are treated fairly?	Total	Men	Women
Yes	42	24	18
No	5	-	5
Sometimes	2	-	2
Blank	1	1	-

Figure 3 *Source:* Author’s compilation

A similar pattern was visible during the 90-day check-in process at immigration. Often, those working at the immigration offices would demand bribes or unauthorized payments, yet, if they were kind and helpful the migrants thought they were treated fairly and it was an overall positive experience.

Much of the fair treatment that migrants repeatedly mention is reflected back on the onus of the migrant worker. If the migrant is a diligent, hard-worker that does not complain, the employer will be kind to them. Kind and fair treatment was typically listed as kind words, or actions from an employer. Frequently a kind employer was held in high esteem if they “understood” the Shan people.⁵² This was taken to mean that the employer respected their culture and ethnic identity, and knew of how respect was given and received in Shan culture. Additionally, if the employer was empathetic and expressed an understanding of their position and hardships, these actions and emotions went a long way to create a positive working relationship. If a migrant begins to complain or is not a hard worker, the employer will yell and shout and become unfair. In many of the scenarios where migrants listed that their employer was fair and kind migrants were typically experiencing violations of labor law, most frequently related to wages below the minimum, long working hours, or not receiving the appropriate overtime or holiday leave. The migrants appeared to be more concerned with a positive working relationship with the employer and a situation where they were not yelled at and somewhat cared for, rather than asking and receiving the due labor rights, circling back to the ideas of dignity, the employer would treat the migrants kindly, if the migrant is not too vocal, works hard, and acts respectful towards their employer. A large amount of fear is present in such working relationships. The migrants dare not create disturbances for fear of reprimand or a loss of the respect of their employer. No migrant wants to be branded as a troublemaker.

⁵² Interview 02, 03, 20, 27, 48.

Another common story concerns the housing of migrants. Many employers across a variety of occupations will supply the migrants housing either free of charge, or with very low base-rates for utilities. The employer then cares for the details of housing and provides a relatively stable place for migrants to live, and the migrants do not need to concern themselves with the details of rent, utility payments, or in some cases, paying off the police if migrants are residing in Thailand illegally. However, the space provided is very rudimentary and is typically an empty lot near the worksite. These sites are very crowded, lack privacy, and are often dangerous and unsafe. In both examples, the immediate basic needs of migrants and their families are being cared for by the employer, thus establishing the bond and trust in a reciprocal client-patron relationship. However, the housing provided is of very poor quality and many migrants listed a low comfort level at home, due to unsanitary or unsafe employer-provided housing.⁵³ When interviewing in migrant's homes, I observed cramped spaces with little privacy. Women complained that they did not feel safe because the men would get drunk and fight and because the bathing and toilet areas provided little privacy. Some complained that the homes became dangerous in the rainy season due to a hazardous mixture of exposed electrical wires and standing water. The homes were typically constructed from plywood, tarps, bamboo, or cement blocks. Large families would live together in cramped one or two room spaces. One migrant explained to me that most didn't refer to these areas as 'home', but rather as 'room'.⁵⁴ She made sure that I understood the distinction, and that migrants did not feel like the places they were living were truly their own or a place of refuge and comfort, but rather a room to occupy in the interim.

⁵³ See Appendix Figures A-C.

⁵⁴ Interview 07.

The employee has a level of confidence, that should things become dire, their employer will likely care for them and advocate on their behalf. This is also seen when migrants have issues at administrative offices or if they are arrested for improper documentation. The employer will come and pay a sum of money to help the migrant out of legal scenarios or offer Thai language assistance. In such cases, the migrants feel that they could not expect a positive outcome without the aid of their Thai employer. Migrants are reliant on their employers for a variety of issues and fear upsetting the balance will open them up to increased vulnerability and uncertainty, therefore, most migrants are unwilling to place themselves at risk by reporting labor rights abuses. Migrants view a complaint as a taint against their working relationships, which may in turn affect their livelihood, housing, or legal status.

Treatment tolerated by the migrant community is treatment that western workers would not find acceptable. In some instances, migrants did not view treatment by their employers as unacceptable, but treatment that was routine or normalized. Treatment deemed ‘fair’ by migrants and the notion of human dignity become a poorer substitute for human rights. Dignity and “fair” treatment is seen as a poorer base level of human rights that are typically not afforded. Liu Xiaobo, the 2010 Nobel Peace Prize laureate and currently imprisoned Chinese dissident, penned poems and essays throughout his incarceration. During Xiaobo’s third incarceration, a shift is seen in his thinking. Poems and essays that he penned from this point forward begin to place emphasis on ‘human dignity.’⁵⁵ While the catalyst for Xiaobo’s writings differs from economic labor migrants, similar structures of oppressive governments influenced and affected their daily lives. Xiaobo’s essay titled “On Living with Dignity in China,” serves as a strong rebuke for the

⁵⁵ Xiaobo, Liu. *No Enemies, No Hatred: Selected Essays and Poems*. Ed. Perry Link, Tienchi Martin-Liao and Liu Xia. Cambridge: The Belknap Press of Harvard University Press, 2012.

treatment handed down to peasants from the state. He recognizes an individual's affinity for stability and safety instead of respect and dignity. He encourages one to question the quality of their life and one's spirit in exchange for pride and respect in exchange for their economic interest. He questions if they have no "shame" in the way they allow treatment from the state in return for playing a part as 'willing cogs' for the economic and power gains of those holding power. Xiaobo offers a biting critique of those. While not stated explicitly, his writings urge those under thumb to rise. While more articulate than migrant laborers and taking a moralistic tone, many of the sentiments written by Xiaobo were apparent during interviews with the Shan migrants.

Partly stemming from a lack of institutional knowledge and feelings of inaccessibility, the process of documentation and feelings of inaccessibility become compounded. The Thai government has approached the issues of migration in a reactive manner.⁵⁶ The policies implemented react to the influx of migrant laborers, rather than create a structure supporting migration. Further, in the past Myanmar lacked the political will to protect their migrant laborers abroad.

Many migrants and their families have lived in Thailand on average ten years up to this point. Many have established communities, and their children may be enrolled in Thai schools. This establishment within Thai society is seen as a threat to Thai livelihood and stability. Instead of holding higher social status, many Thais are beginning to feel like they occupy the same social and economic status as the migrants. One established community of Shan farmers that I visited in Chiang Mai province mentioned discrimination in their community coming from Thais. They noted the careful balance that their village headman (in this case a woman) had to establish to

⁵⁶ Jirattikorn, Amporn. "Thailand and Myanmar's Policies Towards Migration: Policies, Practices, and Future Challenges"; Mon, Myat. "Burmese labour migration into Thailand: governance of migration and labour rights"; Stern, Aaron and Supang Chantavanich. "Thailand's Immigration and Emigration: A Legal Overview".

please the Thais, yet care for the migrants. The leader of the Shan in this community noted how he must negotiate with the Thai village headman regarding rent prices on farmland. He said that the Shan were being charged an ever-increasing rent because of their perceived prosperity. I was told that the Shan community had recently purchased a brand new truck. This truck was used throughout the community and resources were pooled together to purchase it. He observed that the Thais resented the success of the Shan people and were jealous of the newly purchased truck; he said that as a result the rental prices on farmland were increasing and a Thai landowner recently broke a contract with the Shan farmers renting the land. While this farming community was self-employed and self-sufficient in many ways, they still depended on their village headman to act as their broker to supply the correct documentation to reside in Thailand. Even though those in the farming community were much more self-reliant, discrimination is still ever-present. Like day laborers, the migrants feel they must be careful to maintain a positive client-patron relationship with their Thai neighbors, cultivate respect, and diminish their perceptions of standing in the community to balance against their Thai neighbors.

Myanmar faces many struggles ahead, armed ethnic tensions, modernizing the infrastructure of the country, and land grabs, let alone balancing the influence and power of the military within the government. Admittedly, Myanmar faces pressing challenges in attracting investment, infrastructure development, and peacebuilding. While Aung San Suu Kyi has made visible efforts in connecting with migrant laborers abroad, the country faces more insurmountable issues before the topic of resettlement may take center stage. First and foremost, peace must be achieved in Myanmar for true economic opportunities to prosper and employment opportunities for once they return. Additionally, steps towards a peaceful reintegration must be made in the cities and villages where migrants will return. Small steps have been taken; the first

68 Burmese migrants were voluntarily repatriated in late October of 2016.⁵⁷ Repatriation from Mae Sot is a start, but the overwhelming majority of Shan interviewed in Chiang Mai province have no immediate plans to return, 42 interviewees said they were not sure or did not know how long they would stay in Thailand, only eight individuals reported that they wanted to stay five years or less in Thailand. Some migrants said that staying in Thailand was dependent upon receiving the documentation to stay, the situation in Shan State, or they would stay as long as they were able to stay in Thailand. The uncertainty in their timeline for living in Thailand showcases the high premium on remaining adaptable to changing situations and their inability to exercise long or short-term planning. While some stated that remaining in Thailand was dependent upon their documentation status, many migrants elect to enter informal working conditions to remain in Thailand, regardless of their document status.

Reports from family members and friends have not produced evidence that Shan State is safe, stable, and will provide employment opportunities. Many of the children have grown up in Thailand and have little desire to return to an unfamiliar life in Shan State. More dire, ethnic tensions continue to increase, with the violence experiencing an upswing towards the beginning of December 2016, resulting in thousands fleeing the border into China to escape fighting from the tatmadaw.⁵⁸

Section IV: Conclusion

The discriminatory treatment of Shan migrants in Thailand is in many ways typical of the treatment of migrants found elsewhere throughout the world. Such a large global influx of economic and political migrants will only increase national anti-migrant rhetoric. As migrants

⁵⁷ Lefevre, Amy Sawitta. "First repatriation of Myanmar refugees in Thailand begins," *Reuters* (Bangkok, Thailand), Oct. 24, 2017.

⁵⁸ Aung, Thu Thu. "Hundreds flee renewed fighting between Shan, Ta'ang ethnic armed groups," *Myanmar Times* (Myanmar), Dec. 21, 2016.

are typically employed in sectors that are dangerous, dirty and demeaning, understanding their feelings of accessibility in their destination countries is an important step to providing adequate access to bureaucratic documentation processes and encouraging human and labor rights. The strategic flexibility observed in this case study of Shan migrants offers helpful insight into the manner of exploitation deemed allowable within the migrant community, and the dichotomy between dignity, respect and human rights standards. I expect similar distinctions and similarities in migrant communities elsewhere. Furthermore, previous experience, or more likely a lack of experience, contacting and interacting with government authorities underprepares migrants to confidently approach government or employer authority figures to remedy negative situations in their destination country.

This case study was beneficial in highlighting the strategic flexibility that Shan migrants employ to maintain informality to maximize economic return and opportunities, while still feeling like they maintained respect in working relationships with employers. Strategic flexibility was highly valued in the workplace, yet migrants also appreciated a stable and predictable bureaucracy in Thailand as compared to a corrupt and inconsistent system of governance common in Myanmar. In daily practice, many migrants still sought out relationships based on a system of patronage and respect, viewing such a relationship as the most secure should they require additional advocacy. As seen in the high value placed on kin and client-patron relationships by Shan migrants, it is expected that a similar cultural ‘safety-net’ would be present in communities of migrants from other ethnicities or countries.

This case study highlighted that migrants must first feel like they hold political standing within bureaucracies, both at home and abroad, before they will take steps to utilize and report abuses. The negative experiences from Shan State and a lack of institutional knowledge of

government procedures transferred cross-border and underprepared Shan migrants to access Thai government authority figures. Additionally, a heavily imbedded client-patron systems of governance halted migrant's access to government services. Such informal political structures are likely visible in different geographic contexts. Further studies may seek to address how past experiences affected the cross-border perceptions of government authorities and feeling of standing to accesses government services and programs from migrant's of differing ethnicities from Myanmar, or different geographic regions.

While I would expect to find many of the themes uncovered during this study in other scenarios, it would be especially interesting to conduct the same study with differing ethnic groups from Myanmar that have migrated into Thailand. Would differing ethnic groups from Myanmar encounter many of the same issues and feelings as Shan migrants, or would they employ different strategies for interaction with authority figures and bureaucracies? From such a study, a more robust understanding of the historical ties between the Shan/Thai and the Shan/Burmese may inform how Shan migrants are more or less successful than other migrant ethnic groups from Myanmar. Additionally, I expect that migrant communities throughout the world would hold similar experiences, and employ similar strategically flexible strategies. How the specific strategies differ cross culture would prove an interesting comparison.

It appears that the work of civil service organizations and NGO's have helped create an increased knowledge base and awareness of scenarios violating labor and human rights. While it did not immediately appear that such efforts have produced an increase in those who had received training expressed the utilization of complaint mechanisms, an increased awareness of human and labor rights violations. From that group, those that held an increased awareness of labor and human rights were more enthusiastic about processes set in place to protect workers.

Those involved in advocacy outreach were more empowered to utilize, organize or join collective bargaining methods. With a growing awareness of labor and human rights, many migrants are speaking against human and labor rights abuses, thus moving the baseline of treatment closer towards international human and labor rights standards, providing increased security and safety for migrants.

The next step of this research may be to further uncover how an increased awareness and understanding of the rights offered within the bureaucratic systems could benefit, or harm, migrants in their working and home lives. It is apparent that migrants must maintain a positive and cordial working relationship with their employer. As such, collective bargaining is utilized to respectfully approach an employer to discuss grievances. The process itself is an intimidating process and places migrants at a disadvantage should their request be denied. However, client-patron relationship also provides security for the migrant should they fall on hard times. It is expected that the employer will protect and care for migrants in times of need. Such safety nets limit somewhat limit migrant's ability to advocate for their own human or labor rights, yet for migrants in irregular situations, the protection of their employer against the Thai bureaucratic systems is paramount. Such vulnerabilities and dependencies are expected in migrant populations around the world. Shan migrants are able to utilize strategic flexibility to hedge against formal and informal systems of protection. Where migrants choose to make such strategic choices of protection from formal or informal avenues provided the main point of interest during this case study.

With a huge influx of migrants throughout the globe, understanding of cross-border systems of governance becomes vital for providing documentation and thus access to enter a country and pursue employment to support oneself and one's family. However, realizing that

many migrants enter or fall into irregular migration status, understanding the moral economy of migrant communities allows for better opportunities for education and to understand particular informal strategies allowed and employed throughout the community. While the specific informal strategies, or customs may differ across migrant communities, I argue that the basic structure of flight, strategic informality, and past perceptions of government and employer authority figures can compound in a decreased level of comfort for migrants and a decreased ability to access rights afforded them.

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Appendix

Figure A Source: Author's Compilation

Feeling Scale: All	Home Myanmar	Work Myanmar	Admin. Myanmar	Home Thailand	Work Thailand	Admin. Thailand
0	5	2	-	-	1	-
1	8	1	2	1	5	-
2	4	1	6	3	-	3
3	3	8	3	2	3	7
4	5	7	-	1	3	5
5	9	8	5	11	7	7
6	5	4	1	5	4	6
7	3	1	1	9	6	6
8	3	3	3	5	10	6
9	2	2	2	6	4	4
10	1	1	-	6	6	2
Blank	2	2	2	1	1	1
N/A	-	10	25	-	-	3
Average	4.02	4.68	4.47	6.51	6.1	5.73
Median	4	4.5	5	7	7	6

Figure B Source: Author's Compilation

Feeling Scale: Male	Home Myanmar	Work Myanmar	Admin. Myanmar	Home Thailand	Work Thailand	Admin. Thailand
0	3	-	-	-	-	-
1	6	1	1	1	-	-
2	2	-	3	1	-	2
3	1	4	1	1	3	3
4	3	5	-	-	1	3
5	3	3	1	4	4	2
6	3	2	1	4	1	4
7	-	-	-	6	4	4
8	-	1	1	3	6	3
9	2	1	1	1	2	4
10	-	-	-	3	3	-
Blank	2	2	2	1	1	1
N/A	-	6	14	-	-	-
Average	5.69	5.05	5.22	6.45	6.79	6.04
Median	4	4	3	7	7	6

Figure C Source: Author's Compilation

Feeling Scale: Female	Home Myanmar	Work Myanmar	Admin. Myanmar	Home Thailand	Work Thailand	Admin. Thailand
0	2	2	-	-	2	-
1	2	-	1	-	4	-
2	2	1	3	2	-	2
3	2	4	2	1	-	4
4	2	2	-	1	2	2
5	6	5	4	7	3	5
6	2	2	-	1	3	2
7	3	1	1	3	2	2
8	3	2	2	2	4	3
9	-	1	1	5	2	-
10	1	1	-	3	3	2
Blank	-	-	-	-	-	-
N/A	-	4	11	-	-	3
Average	4.68	5	5.28	6.56	5.56	5.4
Median	5	5	5	7	6	5