Contesting Migrant Labour:
A Politics of Precarity on the Thai-Myanmar Border

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Abstract

The global proliferation of export processing zones, linking migrant labour to international markets and global supply chains, has established these sites as critical components of contemporary globalised capitalism. As regulatory enclaves of industrial production, export processing zones are marked by forms of population administration organised around the optimisation of low-waged, flexible labour. This dissertation is a study of the social construction of formal and informal labour regulation at one such regulatory enclave. It focuses on the Mae Sot Special Border Economic Zone in northwest Thailand, where some 200,000 plus Myanmar migrants have been engaged in highly precarious employment in garment and textile manufacturing, agriculture, and service work since the early 1990s. While formal state policy significantly impacts the on-the-ground regulation of migrant labour in Mae Sot, the local situation exhibits a variety of overlapping, formal and informal regulatory regimes. These multiple regimes of regulation are subject to continual processes of contestation, negotiation and compromise, with uncertain effects on Mae Sot’s border capitalism. In order to trace these processes, I present ethnographic accounts of migrants engagement with various state and private actors, including the Mae Sot police, officials of the Thai government’s Labour Protection Office, private passport companies, and non-governmental organisations. I further trace the emergence of migrant social formations, shaped by the particular conditions of low-waged, flexible labour as well as despotic employment practices and coercive policing. The dissertation concludes by following the organisational efforts of a group of migrants employed at one Mae Sot garment factory, as they seek to raise their wages and improve their working conditions over the course of a year. Throughout, I find that migrants’ everyday practices and patterns of struggle are shaped both by the site’s network of governmental rule and by the disciplinary powers of the local police.
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### Table of Contents

Introduction ......................................................... 1  
Chapter 1. The assemblage of migrant labour in Mae Sot 32  
Statistical interlude: Class composition of Mae Sot migrants 79  
Chapter 2. Border capitalism, disrupted 89  
Chapter 3. Migrant formations under coercive policing 129  
Chapter 4. Everyday recomposition 164  
Chapter 5. Organising under flexibilisation 197  
Conclusion .......................................................... 244  
References cited .................................................. 252
Introduction

A politics of precarity on the Thai-Myanmar border

Through to the back of the cremation grounds where the fields of sugarcane begin, Ko Soe and I coast our bicycles to a stop. It is mid-December and the sugarcane stocks are tall now, taller than us. Somewhere amidst these fields Myanmar migrant workers from the nearby KBC garment factory are hiding. We know this because Ko Soe had only minutes ago been talking with one of them by phone. But then the connection had died; presumably this worker’s phone had run out of power. So we dismount and look around for an entrance into the fields. The sugarcane is far too dense to walk through, even if we left our bicycles behind. Uncertain how to proceed, we soon spot a man standing, looking at us from the edge of the fields where some car tracks come to an end. Ko Soe calls out and, as we approach, explains to the man that he too had worked at KBC, having quit only a few months prior. “We’ve come to see the workers’ situation,” he adds.

The man, whom we now see to be in his early twenties, leads us down a narrow path walled by stocks of sugarcane. When the trail reaches a small stream we lift our bicycles and carry them along the watercourse until, as directed by our guide, we lay them aside and jump across the brook to an isolated patch of banana trees. It is here that we begin seeing the migrants, bunched together with their baskets of food and clothing, standing, idling, chatting with each other, sitting on mats laid out on the ground. Some of the men are smoking. Others chew quids of betel. A few young children are milling about and I even spot a couple of babies being held. To my left a young women lies on
her back reading a Burmese romance novel. Another, somewhat older woman, speaking by phone to a migrant friend elsewhere, laughs as she explains her predicament. Someone else brings out a box of biscuits and passes them around to share. The migrants waiting here smile and greet us, thanking us for coming.

There are, perhaps, about 50 migrants here—mostly women—crowding out small patches of open ground between the banana trees. Although KBC had, I was told, employed upwards of 300 workers only a few years prior, the workforce had seriously declined when large groups quit in a series of disputes over unpaid wages, while others left following the recent closure of the factory’s weaving department. Hence, the 50 or so migrants hiding here are all that are left, among whom are a handful I know from my previous visits to the factory.

In response to our enquiries about their situation, the migrants here tell us that they fled into the sugarcane field this morning while it was still dark, taking with them supplies of rice, boiled eggs, pickled tea, and packaged snacks they had prepared the night before. Initially, they say, the KBC factory owner—himself based in Bangkok—gave instructions that the workers were not to stop production, despite news of impending raids. At the last minute, however, the personnel manager got cold feet and told the workers they should temporarily hide out in the nearby sugarcane fields, since neither he nor the owner could guarantee their security. The migrants we are speaking with ask us, in turn, what we know of the raids elsewhere, and they name a factory nearby where they have heard the police who came up yesterday from Bangkok have already arrested the workers.
Today is 15 December 2012, one day after the deadline for undocumented migrants in Thailand to register for passports and work permits, thereby escaping their status of illegality. Like the vast majority of Mae Sot’s 200,000 plus Myanmar migrants, those hiding here amidst the sugarcane lack documentation for legal residence and work in Thailand. And like most everyone in Mae Sot’s migrant community, they knew the registration deadline was approaching; billboards had been put up, and loudspeaker-toting pick-up trucks had toured the town, announcing in Thai and Burmese that those not registered by 14 December would face up to 5 years in prison, with fines up to 50,000
baht (just over US $1,600). Government officials in Bangkok had further announced that over one million undocumented migrants would be deported (\textit{Voice of America} 2012, 14 December). At other factories in Mae Sot, workers had fled across the nearby border to Buddhist monasteries in the Myanmar town of Myawaddy to wait until the Bangkok police departed. Everyone seemed to know it would only last a few days; this was not the first registration deadline to pass, nor was it the first time raids had been conducted in Mae Sot.

Although most Mae Sot-based migrants knew in advance of the registration deadline, only a small minority had actually applied for passports and work permits. For the majority, the cost of obtaining these documents through any of the area’s many passport companies was prohibitive—more than they could save in a year. While it was possible for employers to advance the money to cover the cost, this was, in Mae Sot, not a common practice. Most factories, such as KBC, simply avoided immigration hassles and potential raids by paying off the local police with monthly fees deducted from the wages of the undocumented workers they employed. This was, presumably, why the Bangkok (and not Mae Sot) police had been entrusted with the task of enforcing the current registration deadline.

In the end, however, very few raids actually occurred in Mae Sot when the registration deadline passed. Out of some three to four hundred factories in the area, I heard mention of only two where such raids apparently took place. And shortly thereafter, the Thai Ministry of Labour announced a three-month extension to the registration period (\textit{The Nation} 2012b, 25 December).
Had the threats of raids, arrests and deportations all been for show? Or had the Thai government heeded humanitarian appeals for an extension to the registration period, such as that made by the head of the International Labour Organisation (Voice of America 2012, 14 December)? Perhaps policy-makers in Bangkok had recognised that mass deportations would have severely undermined Thai industry. In any case, the migrants I met in the sugarcane field went back to work a few days later. They did not, to my knowledge, ever register for passports or work permits while employed at the KBC factory, despite the extension granted.

**Whence the precarious worker...**

The migrants hiding in the sugarcane field that day epitomise the precarious worker, that increasingly conspicuous figure whose proliferation is the hallmark of capitalist globalisation. Born of the neoliberal shift that marked the turn of the 1980s, the contemporary precarious worker achieved her prominence as governments seeking to attract and maintain globally mobile capital while containing national debt have deregulated labour markets, rolled-back protective labour legislation, and cut social welfare spending (Harvey 2005). Within this sparser regulatory environment, and under the increasing uncertainty and competitive pressures of a more open global market, firms have sought to reduce costs and offload the risks of market fluctuations onto the workers in their employ (Deyo 2012).

To these ends, firms have shifted to more “flexible” employment practices and production strategies. David Harvey (1989) locates the expansion and intensification of
labour flexibility in a period of “flexible accumulation,” which began during the mid-1970s. “Flexible accumulation,” writes Harvey (1989: 147), developed as “a direct confrontation with the rigidities of Fordism.” These labour processes are “flexible,” then, relative to the employment and production arrangements that characterised the preceding Fordist-Keynesian era. Under the Fordist production model, prominent (largely male) segments of the working class were provided stable, secure employment with relatively high wages as means of securing their consent to a regimented and intensified industrial labour process (Gramsci 1971: 279-318). The flexibilisation of labour, by contrast, withdraws this stability of employment and this relative affluence of wages. Hence, in Thailand and other East Asian countries, Frederic Deyo (2012: 131) argues that employment arrangements in light manufacturing (such as Mae Sot’s garment sector) have undergone a shift since the 1980s from (using Michael Burawoy’s terms) “hegemonic regimes” towards “market despotism.” Under the former, employers relied on worker consent and cooperation to ensure production, whereas under the latter employers have utilised coercion and “the economic whip of the market” (Burawoy 1985: 122).

This “flexibility” in employment and production, as Frederic Deyo (2001: 269) defines it, entails “the ability to introduce changes in product and process quickly, efficiently, and continuously.” In Asia’s export-oriented manufacturing sectors, flexibility has primarily involved a focus on “short-term adaptability and cost-cutting,” the result of which has been “an insecure, floating workforce” (Deyo 2001: 269-270). It is this “insecure, floating workforce” that has earned the now familiar epithet of
In conceptualising precarious work, I follow Leah Vosko’s (2010: 2) definition of the term as “work for remuneration characterized by uncertainty, low income, and limited social benefits and statutory entitlements.” In Thailand, such precarious work has expanded under an increased use of subcontracting, casualisation, and contract and migrant labour, particularly following the 1997 Asian economic crisis (Hewison and Tularak 2013). As labour market deregulation and flexibilisation have fostered increased precarity among workers, this precarity has, in turn, pressured the individuals so affected to accept lower-paid, more flexible employment arrangements.

Such broad political-economic analysis usefully situates contemporary forms of precarious work within a context of globalised production and trade, neoliberal reform and the discursive hegemony of marketisation. Within this analytic milieu, arguments connecting state policies to the growing insecurity of workers have served as a consistent basis of political critique. In a recent iteration of this argument, Ching Kwan Lee and Yelizavetta Kofman argue that “In some countries, precarious labor, rather than the outcome of global capital competition, is an integral part of the state’s strategy of development” (2012: 394).

Conceptual linkages, such as that articulated by Lee and Kofman, which draw a straight causal line from neoliberal reforms to flexible management strategies to precarious work, usefully call attention to the significant role of state policies in enabling and exacerbating the insecurity of contemporary employment arrangements. Such analysis can also aid in sharpening a strategic focus for broad-based political action. Yet
what are the finer empirical grains that slip between the cracks of such generalising narratives? How, for example, are we to reconcile a variegated landscape of labour arrangements within the shared policy environment of an individual country? The particularly sordid labour situation in Mae Sot, for instance, once earned this district an ignominious reference as “the cesspool of labour rights in Thailand” (Macan-Markar 2003).

This notion of “labour arrangement” is one I will repeatedly draw on throughout this dissertation. It therefore demands some elaboration. In understanding particular configurations of regulation and control over labouring populations, such as migrant workers in Mae Sot, I take as a point of departure what David Harvey has referred to as “labour control.” By this he means a certain “mix of repression, habituation, co-optation and co-operation” that is organised both in the workplace and “throughout society at large,” and which serves to discipline workers for the purpose of capital accumulation (Harvey 1989: 123). The particular configuration of labour control in a given time and place, argues Harvey, is shaped by the “regime of accumulation,” such as Fordism-Keynesianism or post-Fordist flexible accumulation, within which this labour control plays out. This conceptual linking of labour control to regime of accumulation enables broad typological analysis. There is, however, little scope left within this framework to analyse the diversity and dynamics in labour control configurations that play out within a given regime of accumulation. I thus adopt the notion of labour arrangement for the purpose of analysing configurations of labour control that differ geographically (such as between Mae Sot and Bangkok) and temporally (such as between Mae Sot in the mid-
1990s and in early 2010s), even if these different contexts are all seen to operate under similar regimes of accumulation. To speak of labour arrangement, furthermore, plays on the dual meaning of the term, both as a particular configuration of things and as a tentative, negotiated outcome between multiple (if unequal) parties. To the extent that labour arrangements under contemporary neoliberal orders are geographically different within a single country, this difference demands explanation.

Analysis that situates such geographical variance at the receiving end of “zoning technologies” with which states seek to “achieve strategic goals of regulating groups in relation to market forces” (Ong 2006: 7) can account for certain policy-related regional differences. Arguing along these lines, Pitch Pongsawat writes that a legal regime of “border partial citizenship” structuring migrant labour in the Mae Sot export processing zone “was intentionally created by the state as an effective means of entitlement, control and exploitation” (2007: 143). While such notions of geographically targeted state planning are attentive to the variegated landscape of labour policy, they are unable to make much sense of regionally particular labour arrangements that fail to achieve, move beyond, or even conflict with official state policy.

How, for example, despite the government’s stated aim of “regularising” undocumented migrants in Thailand and the widespread desire among migrants for the freedom of residence and work that legal documentation promises, has the acquisition of such documentation remained the exception, rather than the rule, among Mae Sot-based migrants? In addition, framing the vagaries of actually-existing labour arrangements in terms of well-laid-out state policy risks ascribing to states a singularity of agency,
coherence of logic, level of control, and clarity of foresight, which they simply do not have (Mitchell 1999).

**A politics of precarity**

In order to move the study of precarious labour beyond a taken-for-granted congruence between the dictates of states (agentive in the singular) and the ways labour arrangements—as regionally particular configurations of labour control—play out on the ground, I adopt here two analytic shifts.

The first of these entails shifting our analytic lens from precarious work to the precarity of workers (cf. Arnold and Bongiovi 2012: 10-15). In situations of heightened insecurity, flexibilisation and precarious work are tied to other forms of vulnerability outside the workplace, which impact on—but cannot be reduced to—remunerative work per se. In Mae Sot, for instance, low-waged, uncertain employment has undermined migrants’ capacities to save the money needed to acquire legal documentation. This lack of documentation has, in turn, constrained their capacities to claim their legal rights, while putting them at constant wariness of the ever present possibility of arrest, detention and deportation. Hence, it has been relatively easy for employers to leverage migrants’ illegal status in order to keep wages below the legal minimum; to put workers off work temporarily without pay when there is a drop or delay in production orders; or to fire workers without paying legally required severance.

The second shift requires expanding our analytic lens to encompass a range of parties—both within and beyond the state—who are involved in shaping the regulation
and control of labour, and thus the conditions of workers’ employment. In Mae Sot, this includes employers, the police, different government departments, non-governmental organisations, private passports companies and independent brokers, and migrants themselves—all of whom engage in quotidian disputes, negotiations and compromises that reproduce or transform local labour arrangements, albeit in highly unequal ways.

The spatialised regulation and control of labouring populations can thus not be understood solely as an expression of coherent state policy. To better comprehend how regionally particular configurations of power shape and make possible certain forms of workers’ precarity, what is needed is an analytic that situates this precarity within a web of social, economic and political relations extending into and beyond the workplace, as variously situated actors contest, negotiate and compromise, and undermine, transform or reinscribe existing labour arrangements.

Most useful in this regard is Henri Lefebvre’s conceptualisation of “social space.” As Lefebvre described it, this notion refers to the ways spacial arrangements shape social relations, while also being produced by these relations. Rather than being a neutral container of human activity, space is politically saturated. It serves as “a means of production [and] a means of control,” which regulates and reproduces existing relations of production (Lefebvre 1991: 26). While state planners and capitalist interests may be hegemonic in its construction, social space, as a social product, is co-produced by multiple “classes, fractions of classes and groups representative of classes” (Lefebvre 1991: 55). For this reason, social space is persistently disrupted by its internal contradictions—that is, by its internal class conflicts. It is for this reason, argued
Lefebvre (1991: 55), that “class struggle is inscribed in space.”

Understanding spatial formations of precarious labour in terms of (Lefebvrian) social space allows for an investigation into the situated practices and processes reproducing, reshaping or eroding the ways through which workers’ precarity becomes manifest in a given setting. In addition, by calling attention to the everyday conflicts and struggles of variously situated agents—in a word, politics—this analytic focus provides a starting point for addressing questions of what constitutes a politics of precarity in Asia.

In the early 2000s, precarity emerged as a conceptual point of convergence for political action in Europe amongst broad swaths of occupationally insecure groups. In part, the salience of precarity as a political platform within Europe at this time was contingent on the enduring legacy of the continent’s post-World War II Fordist-Keynesian welfare states, which served as a backdrop against which to contrast the increasingly insecure position of European workers (Neilson and Rossiter 2008). In Asia, however, precarity has not emerged so prominently as an explicit platform for political action. Thus, despite the expansion of flexible labour regimes and precarious work arrangements within Asia (e.g. Deyo 2012, Lee 2009, Arnold and Pickles 2011), Dennis Arnold and Joseph Bongiovi (2012: 15) note that “Identifying ‘precarious politics’ in developing Asia, assuming it exists, and theorizing around it is a largely unanswered challenge.”

The present study offers a response to this “unanswered challenge.” In doing so, I call attention to a politics of precarity (cf. Lee and Kofman 2012) as it has developed in one particular Asian context. I employ this concept of a politics of precarity in order to flag two related social processes. The first of these entails the everyday ways through
which different actors engage with each other, and in so doing, serve to undermine, transform or reinscribe particular precarious labour arrangements. The second process flagged here entails a specifically working class politics—that is, the ways through which a particular web of social, economic and political relations within and beyond the workplace shapes and makes possible certain forms of struggles, critiques and moral claims amongst precarious workers themselves.

An analytic focus on this quotidian political life brings into view for investigation those forms of contestation taking place outside of formal unionisation, electioneering, and policy reform (cf. Kerkvliet 2002). Such a focus is all the more important given that, as recent analysis has made clear, labour market restructuring around the world has increasingly excluded, or weakened the influence of, organised labour from formal political processes, thus raising—even if only relatively—the importance of alternative strategies of working class struggle.

In one of the more prominent recent analyses of precarious labour as a global phenomenon, Guy Standing (2011: 27) writes of the “class fragmentation” and weakening of trade unions that resulted from the late 20th century restructuring of labour market governance. In Southeast Asia, neoliberal reform and flexibilisation are seen to have “powerfully influenced the nature of industrial change” (Deyo 2001: 260), leading in Thailand to a significant decline in union density since the start of the 1990s, with a further weakening of the representative capacities of unions following the 1997 Asian economic crisis (Brown, Budit, and Hewison 2002: 23). (I return in Chapter 1 of this dissertation to examine this historical process in more detail.)
At one level, such analyses correctly point to an empirical decline in union density and the loss or weakening of an institutionalised space for unions to engage with formal state structures. However, analyses lamenting the decline of union density do little to explore what alternative forms of working class organisation and struggle might be growing in relevance under contemporary transformations in labour-capital relations (see Ness 2014). Such alternative forms of organisation and struggle are part of what I explore in this dissertation.

My suggestion, then, is that as previously existing working class institutions are undermined, space opens for alternative—though not necessarily more effective—forms of organisation and struggle. My argument here resonates with that voiced by Michael Hardt and Antonio Negri (2009: 110):

The resulting multiplicity of workers and working conditions makes it no longer possible to organize vertically in centralized structures... All relations of hegemony and representation within the working class are thus thrown into question. It is not even possible for the traditional unions to represent adequately the complex multiplicity of class subjects and experiences. This shift, however, signals no farewell to the working class or even a decline of worker struggles but rather an increasing multiplicity of the proletariat and a new physiognomy of struggles.

My aim with this dissertation is therefore to analyse Mae Sot as a dynamic social space—a politically charged space—whose movement is born of the site’s internal contradictions. This is, moreover, a movement that persistently threatens to disrupt the site’s existing social relations—relations whose conditions of possibility were, in part, born of antecedent class struggles.
An anthropology of the state on the Thai-Myanmar border

This dissertation addresses the everyday contestation and (re)shaping of regimes of labour regulation at the margins of the Thai state. My analysis is thus informed by important work done on the anthropology of the state. Specifically, I draw on three core insights within this literature, which help us understand how the regulation of labouring populations is constituted and transformed through quotidian political life at the state’s margins, rather than being fixed by the policy-making and legislating bodies of the central government. These anthropological insights, then, are that 1) the state, rather than being a single, coherent entity, is both fragmented and internally contested; 2) the state, lacking a fixed essence, is constituted through iterative performance; and 3) the law, its effects, and its meanings, are persistently (re)established through the law’s (often unpredictable) application, rather being fixed through legislation.

The fragmented and internally contested character of the state is evident in the “conflicting claims to the right to rule,” which persistently play out among competing government institutions (Krupa and Nugent 2015: 4). One implication which follows from this is that the state cannot be treated as a singularly agentive actor. This state fragmentation, moreover, allows for various non-state parties with often conflicting interests and agendas to engage state actors and institutions in an effort to achieve certain desired results. For this reason, central government authorities can never realise perfect control over the individuals and institutions operating in the name of the state, however much such control may persist as an aspiration. This gap between central state control, as an aspirational project, and the fragmented reality of state practice, opens up space for
contestation, negotiation and compromise at the margins of the state.

The second insight I draw from work done on the anthropology of the state is that the state is constituted through iterative performance—lacking, as it does, any a priori essence (see Foucault 2010: 77-78; Abrams 2006). Anthropologists advancing such an analysis have thus stressed our discipline’s particular relevance—with its methodological focus on everyday practices—for the study of the state (Sharma and Gupta 2006; Das and Poole 2004). Understanding the effects of everyday state practice demands an appreciation of the performative—even theatrical—character of what are often violent displays of sovereign power (Mbembe 2001: 115). Such performances serve to establish the efficacy and legitimacy of state power, which always remains a “tentative and unstable project” (Hansen and Stepputat 2005: 3).

A final insight from the literature on the anthropology of the state that I wish to call attention to here is the illegibility of law, the ambiguity of its status, and the uncertainty of its effects and meanings, despite—or because of—the status of certainty that the law presupposes. There is, Talal Asad (2004: 285) observes, an uncertainty located in the “space between the law and its application”—an uncertainty which is centrally constitutive of the law itself. Uncertainty about the law, its standing, and the promise it offers shape the behaviour of those—such as Myanmar migrants in Thailand—who are persistently confronted with its (often arbitrary) application upon their lives.

Among the implications of these anthropological insights is the understanding that the on-the-ground regulation of migrant labour in Mae Sot cannot be read off of official state policies. Rather, the everyday regulation of migrants in Mae Sot remains contested
at a local level, persistently re-shaped, and often ambiguously understood by the migrants to whom it applies. For this reason, Mae Sot offers an especially fruitful site of ethnographic research for an anthropological study of the state. What Mae Sot adds to existing anthropological studies of the state is its territorially-delimited and spatially-concentrated character as a zone of industrial production. As a Special Border Economic Zone, Mae Sot’s spatially-bounded regulatory arrangement, proximity to the Myanmar border, and distance from central Thailand have enabled a particularly acute situation of despotism organised around the optimisation of low-wage, flexible labour for the purposes of capital accumulation and border industrialisation. Where this arrangement is understood as part of a neoliberal restructuring of state-capital relations, Mae Sot emerges as a site of central analytical importance for contemporary research on the state. For as Brenda Chalfin (2010: 221) notes, one lesson of contemporary neoliberal statehood is that “it is ostensibly marginal political domains—the airports, borders and Customs officials, along with expatriate citizens and travellers—that emerge as crucial sites for the transformation and constitution of political authority.”

Situating Mae Sot in the history and geography of global capitalism

Discussion of precarity, precarious labour and flexibilisation, as globally relevant concepts of analysis, is made problematic by the world’s historic and geographic diversity. Against this backdrop of global difference, Arnold and Bongiovi (2013: 303) point out in their broad survey of the scholarly use of these concepts that their deployment has largely been within analyses of advanced industrialised countries. Such
is the case, for example, in Guy Standing’s influential book *The Precariat*, “[d]espite,” Jan Breman (2013: 134) points out, “the claim that the ‘precariat’ is a global class.”

This generalisation in the deployment of analytical concepts derived from the Global North onto the Global South risks developing into what Lloyd and Susanne Rudolph referred to as an “imperialism of categories.” By this they meant “the academic practice of imposing concepts on the other—the export of concepts as part of a hegemonic relationship. Categories crafted in a dominant sociocultural environment are exported to a subordinate one” (Rudolph 2005: 6). Notions of flexible and precarious labour would thus be, in the manner of Dipesh Chakrabarty’s (2000) post-colonial critique, “provincial” North Atlantic concepts that remain inadequate to representing non-European modernities.

The analytic privileging of Euro-American cases in discussions of flexible and precarious labour can indeed lead to certain broad generalisations about contemporary socio-economic change—generalisations which are not wholly transferable to much of the Global South. Among these, flexibilisation and precarious labour have been analytically connected to deindustrialisation, working class fragmentation, and a temporally-specific movement away from a post-WWII Fordist-Keynesian labour-capital arrangement. David Harvey, for instance, dates the emergence of flexible labour regimes to the period following the “long postwar boom, from 1945 to 1973,” which was built upon a “configuration of political-economic power [that] can reasonably be called Fordist-Keynesian” (Harvey 1989: 124). The Fordist-Keynesian configuration, Harvey (1989: 125-140) explains, involved, amongst other things, an expansion of industrial
production and a relatively strong, legislated position for trade unions.

Looking at Thailand and other countries of the Global South, the temporality of Harvey’s account of (largely Euro-American) post-WWII Fordist-Keyensian history does seem to make an ill fit. Although industrial manufacturing for export has been promoted in Thailand since the 1960s, it was only in the 1980s that a clear shift in government policy moved the country away from an economic dependency on agricultural production to export-oriented industrialisation. In addition, aside from a brief moment in 1956-1957, the establishment of trade unions has only been legal in Thailand since 1975. And the country’s most notable boom years occurred in 1987 to 1996, not 1945 to 1973.

Harvey’s model of capitalist transformation need not, however, be seen as problematic in the “provincial” sense I have indicated above—that is, so long as it is taken as a global, rather than universal, model. Insofar as Harvey’s dating of the Fordist-to-post-Fordist shift is understood as referring to the Euro-American experience, the different temporality of labour regime transformation in countries of the Global South can be understood as a function of their different historic and geographic (initially peripheral) integration into global capitalism (Lipietz 1997). It was, after all, in the mid-1980s, as Euro-American firms looked abroad for low-cost, flexible workforces, that industrial production in Thailand underwent a massive expansion with high levels of foreign capital investment into the country’s labour-intensive export-oriented industries—garment manufacturing included.

That the narrative of economic transformation in Euro-American countries cannot serve as a ready-made framework for understanding changing capital-labour relations in
the Global South is certain. Yet this does not necessitate the wholesale rejection of concepts like flexibilisation and precarious labour for analysing non-Euro-American countries such as Thailand. Rather, as Chakrabarty (2000: 16) has himself suggested, analytic categories derived from European social theory—and Chakrabarty here was pointing in particular to the Marxist tradition—are “at once both indispensable and inadequate in helping us to think through the experiences of political modernity in non-Western nations.” The issue is thus how we might make productive use of terms like flexible and precarious labour to flag general tenancies in labour-capital transformations, while accounting for the geographic and historic difference of non-Euro-American contexts.

The concepts of flexibilisation and precarious labour, referring specifically to post-Fordist employment arrangements, have, to be sure, already been extensively deployed by scholars specialising in countries of the Global South, including analysts focused specifically on Thailand (e.g. Deyo 2012; Arnold and Pickels 2011; Hewison and Tularek 2013). Yet, whereas scholars like Standing see these concepts as bound up with deindustrialisation, and whereas Harvey dates (Euro-American) flexibilisation to a post-1973 period, flexibilisation in Thailand emerged much more recently within a period of intensified industrialisation. Frederic Deyo (2012: 63-93), for instance, dates the start of Thailand’s labour market deregulation, and the resulting flexibilisation of employment arrangements, to the mid-1980s, when the country shifted to export-oriented industrialisation. Alternatively, suggesting a later date, Piya Pangsapa (2007: 165) argues that it is the 1997 crisis which serves as the crucial place marker for Thailand’s shift
“from Keynesianism and Fordism to post-Fordist free market policies.” Kevin Hewison and Woradul Tularak (2013: 454) similarly see the 1997 crisis as the most significant turning point in the transformation of labour regimes in Thailand. Whether the start date is set at the mid-1980s or at 1997, the process of labour flexibilisation in Thailand has developed concurrent with a significant expansion in manufacturing industries and in the country’s total number of factory workers (Deyo 2012: 63-93). In addition, while union membership in the United States peaked in the late 1950s, in Thailand this number peaked in the early 1990s. Thus, contra Standing’s claims that precarious labour globally is bound up with (Euro-American style) deindustrialisation, we would do well to note Ronald Munk’s (2013: 754) observation that “If we only focus on precarity (in the North), we miss out on the massive expansion of the global working class in classic Marxist forms.”

There is, furthermore, a possible alternative reading of North-South comparisons, according to which we might extrapolate from the geographic specificity of Mae Sot in order to call attention to emergent patterns of working class struggle tied to labour-capital transformations more globally. This analytic possibility follows from recent arguments by Jean Comaroff and John Comaroff (2011: 12), among others, that “it is the south that often is the first to feel the effects of world-historical forces, the south in which radically new assemblages of capital and labour are taking shape, thus to prefigure the future of the global north.”
**Mae Sot as a zone of precarity**

The border district of Mae Sot, Tak Province, in northwest Thailand, along with its neighbouring districts of Tha Song Yang, Mae Ramat, Phop Phra and Umphang, offers a particularly productive site of research for investigating the dynamics of contemporary forms of workers’ precarity. Situated on the border at the westernmost point of Thailand, the district has served as the entry point of highest traffic for migrants from Myanmar—along with war refugees and political asylum seekers—since the late 1980s. The period of large-scale migration into Mae Sot thus roughly corresponds with Thailand’s contemporary era of marketisation. Industrialisation in Mae Sot, which picked up following the 1997 Asian economic crisis, was thus from the start dependent on migrant workers, market-based labour (de)regulation, and flexible strategies of employment and production.

As an explicit development strategy, the Thai government began promoting Mae Sot as a migrant labour-based export processing zone in the late 1990s, encouraging capital investment using tax holidays as part of an industrial decentralisation strategy (Arnold and Pickles 2011; Pongsawat 2007). The Thai government has also sought to develop the site as the primary trade route along the Thai-Myanmar border, and as a key regional trade hub advantageously positioned on the transcontinental Asian Highway. Various state development agencies have, in addition, pushed to have the area designated a Special Economic Zone (Pongsawat 2007: 466-471). The plan, which was finally passed by the Thai cabinet in January 2013 (Bangkok Post 2013, 22 January), would grant the district certain regulatory exemptions and facilitate the import of migrant
labour.

Despite the clear stamp of state regulation, Mae Sot remains a border area at the margins of Thailand, where police, military and para-military forces, along with local government authorities have had considerable powers of autonomy from Bangkok. These actors have sought to manage in their own ways the traffic and presence of migrants, as well as border trade to and from Myanmar. Additionally, following the large-scale exodus of refugees from Myanmar into Thailand beginning in the late 1980s (see Chapter 1), a sizable contingent of international NGOs established an enduring

Figure 2. A billboard on the Asian Highway outside Mae Sot advertises the district for investment, trade and tourism. (photo: Stephen Campbell)
presence in Mae Sot and other sites along the border. Over time, some of these organisations expanded their mandates from humanitarian aid for refugees to cover various migrant issues as well. In addition to, and in many cases funded by, the international NGOs operating in Mae Sot, Myanmar migrants and political exiles established their own “community-based” organisations to address various concerns they identified within the local migrant population. The particular geography and history of Mae Sot has thus brought together an array of parties seeking to engage with (and benefit from) the site’s migrant population.

Outline of this work

In order to investigate the ways in which the inter-relations of variously situated agents bring into being particular arrangements of regulation and control of migrant labour in Mae Sot, and how these (shifting) arrangements shape and make possible a certain quotidian politics among the migrants residing there, the chapters of this dissertation are organised according to particular sets of relations.

In Chapter 1, I sketch an event history that leads up to Mae Sot’s contemporary arrangement of migrant labour. This is a labour arrangement whose emergence has been made possible, to be sure, by neoliberal reform, flexible management strategies, the discursive hegemony of marketisation, and the increasing globalisation of production and trade, but which is also contingent on the geographic specificity of the border area, the dynamics of armed conflict and political repression in Myanmar, the 1997 Asian economic crisis, informal systems of police financing (i.e. structural corruption), and the
governmental interventions of a range of actors. I argue that the particular arrangement of migrant labour in Mae Sot cannot be understood solely in terms of a singularly coherent logic of state policy (neoliberal or otherwise). Rather, this arrangement depends on a web of social, economic and political relations extending into and beyond the workplace, which are themselves contingent on the site’s conjunctural specificity. I furthermore call attention to the fragility of this arrangement, which may indeed fall apart, or at least change significantly, as the conditions and relations of the site shift.

Situated within this web of relations, I analyse migrant labour in Mae Sot as a governmental project—a project that has come into being as an assemblage of diverse (and often conflicting) aims and interests, which are persistently (re)negotiated amongst variously situated parties. To this end, I employ an analytic of assemblage (Li 2007b) in order to examine the inter-relations and tensions among various parties who have intervened to shape Mae Sot’s labour arrangement, and to direct the conduct of the migrants residing there. In support of this analysis, I present ethnographic accounts from three moments of governmental interventions in Mae Sot—performative interventions enacted as public events. The first of these involves an International Women’s Day ceremony jointly hosted by Thai government authorities, international “non-governmental” organisations (NGOs), and local Myanmar “community-based” organisations, each advocating improvements of varying sorts to the local labour arrangement. The second and third events I examine are two competing International Workers’ Day (May Day) rallies hosted for Myanmar migrants—one jointly organised by the Federation of Thai Industries, the Thai government’s Labour Protection Office and
certain international NGOs; the other organised primarily by the migrant-run Yaung Chi Oo Workers’ Association and its local partners.

Between chapters 1 and 2, I have included a short not-quite-a-chapter interlude in which I provide a demographic breakdown of Mae Sot’s migrant population. I draw for this data on numerous secondary sources as well as on my own survey of approximately one thousand migrant factory workers, which I conducted during the first half of 2013.

Having in Chapter 1 sketched with broad strokes the historical processes through which Mae Sot’s labour arrangement has come into being, I provide in Chapter 2 a more fine grained analysis of how various actors have negotiated, compromised and contested the arrangement of migrant labour in Mae Sot, using one particular issue of dispute: the mobility of Myanmar migrants into, out of and within Mae Sot. I examine how various parties (Bangkok-based policy makers, Thai media commentators, provincial and district government authorities, Mae Sot-based employers, the Mae Sot police, passports companies, NGOs, and migrants themselves) have struggled to articulate and determine the nature and scope of migrants’ freedom of movement. I argue that the extent to which migrants in Mae Sot enjoy (or do not enjoy) freedom of movement is not fixed, but rather is continuously (re)established through the struggles of various parties. Whereas Chapter 1 highlighted the roles of various governmental actors in establishing Mae Sot’s labour arrangement, Chapter 2 calls attention to the impact of migrants’ own engagement with (or avoidance of) the formal registration process as a constitutive factor in this arrangement. I do this by presenting a detailed overview of Thailand’s current migrant registration scheme, which was initiated in 2009 for the purpose of “regularising”
undocumented migrants in Thailand. I present ethnographic observations of migrants’ experiences of movement restrictions, their engagement with the registration process, and the arbitrary enforcement of immigration regulations in Mae Sot.

I follow, in Chapter 3, with an examination of group-formation processes among Mae Sot-based migrants. I argue that the structured relations of power that Mae Sot-based migrants confront—in particular, the ever-present threat of extortion, arrest, detention and deportation by the police—have shaped a common experience of alienation. Moreover, this common experience has led to shared evasion strategies, critiques and moral claims, all of which have bolstered processes of group formation. I position my argument here against claims that precarious employment has everywhere weakened processes of workers’ class-based identification (for example, Standing 2011: 12). I draw on the work of Pierre Bourdieu (2010 [1984]), and in particular his analysis of how agents’ manifest preferences and patterns of practice are daily shaped by the structured relations of class power they confront. My empirical focus for this chapter is on migrants’ relations with the Thai police in situations of (arbitrary) immigration enforcement. I present ethnographic material of encounters between Myanmar migrants and the Thai police, migrants’ strategies of police avoidance, conversations among migrants about evading or dealing with the police, and the frequent critical commentary of migrants concerning the police, employers and Thai authorities more generally.

In Chapter 4, I further examine subjective class formation, as it develops in relation to precarious work. I look at formations of workplace solidarity through everyday social relations among workers, which have been shaped and made possible by
the particular character of flexibilisation in Mae Sot. I argue against claims that flexibilisation inevitably undermines workers’ solidarity, and also against a narrow focus on subjective class formation within moments of resistance. I draw on the arguments of Antonio Negri (1991) and Harry Cleaver (1992) concerning “positive class struggle” in order to highlight the socially constitutive character of everyday support and mutual aid among workers, and I tie the manifestation of these practices in Mae Sot to the site’s particular arrangement of flexible factory employment. I present an ethnographic account of a religious celebration held at a Mae Sot garment factory in order to demonstrate everyday processes of class (re)composition among precarious workers, and to highlight the contingency and fragility of such workforce relations. I then survey a range of other practices among factory workers—drawn primarily from interviews—that similarly fuel such processes of everyday class (re)composition.

In Chapter 5—the final substantive chapter of this work—I examine the dynamics of collective action over the course of a year among a group of migrant workers employed at one Mae Sot-based garment factory. This case allows me to examine how undocumented migrant workers in a highly insecure position strove to mobilise, and to engage with various parties (including NGOs, Thai authorities and their employer) in order to advance their interests as workers. I situate this case analytically within a web of social, political, and economic relations of power at various scales. I argue that while flexibilisation has constrained certain forms of labour organising (primarily through legally registered trade unions) it has simultaneously shaped and made possible other forms of workers’ self-organisation. I draw on critical arguments from within the radical
labour tradition (Glaberman 2002, Solfed 2012) to consider possible openings for workers’ struggles in union-restricted contexts.

Following these five substantive chapters, I conclude this dissertation with an overview of the primary arguments I have advanced concerning the dynamics of flexibilisation, precarious work, and precarity, as they have played out in one particular Asian context. I then expand on the implications of my arguments for broader theorisation about contemporary transformations in capital-labour relations.

A note on methods
This dissertation aims to shed light on the ways in which various actors and social processes impact on, and are themselves shaped by, the precarity of workers at a given location. I take as a point of departure the understanding that workers’ precarity manifests in ways that are shaped and made possible by relations among an array of social, economic and political forces that extend into and beyond the workplace. These are relations, moreover, that can be analysed as geographically particular configurations. Hence, my methodological approach to ethnographic research has focused on the practices by which variously situated actors have disputed, negotiated, and compromised over the regulation and control of labour at a particular site: the border district of Mae Sot, Tak Province, in northwest Thailand, as well as (to a lesser extent) its neighbouring districts of Tha Song Yang, Mae Ramat, Phop Phra and Umphang.

Mae Sot-based fieldwork for this dissertation was carried out over approximately 20 months between May 2011 and June 2013. This included a largely interview-based
pilot study from May to August 2011 (see Campbell 2012b) and a longer period of ethnographic fieldwork from March 2012 to June 2013 (see Campbell 2012a, 2013a, and 2013b). In all cases, except where explicitly requested otherwise, the names of individuals included in this dissertation have been changed to pseudonyms. During the 2012-2013 fieldwork period, I was primarily based out of office and shelter of the Yaung Chi Oo Workers’ Association, a Mae Sot-based organisation supporting migrants’ efforts to organise their workplaces and file claims over labour law violations, and which also provides health, education, temporary accommodation and other humanitarian assistance to vulnerable migrants (see Arnold 2013). Mostly with contacts developed through Yaung Chi Oo, I was able to follow numerous labour rights cases and to participate in workers’ organising efforts to raise their wages and improve their working conditions. In addition, being affiliated with Yaung Chi Oo, I was able to attend meetings with local Myanmar organisations, international NGOs, various Thai government and police officials, as well as employers and their representatives, which provided valuable insights into the debates and negotiations that take place in Mae Sot concerning the local labour arrangement. Outside of my involvement with Yaung Chi Oo, I regularly visited and conversed with migrant friends in factory dormitories, external worker housing, Burmese-run tea shops, and Buddhist monasteries which housed monks from Myanmar. Throughout the period of my field research, I lived at a rented unit in a block of row housing in central Mae Sot, where my neighbours were mostly Myanmar migrants employed in service and other non-factory work, along with a small number of Thais.

In support of this ethnographic research, I conducted 60 in-depth interviews, of
which all but five were recorded. Additionally, in the first half of 2013, I conducted (with the help of migrant friends) a basic demographic survey of over 1,000 workers employed at 15 factories in Mae Sot.

Finally, Mae Sot is a town in which I had lived and worked for over four years prior to beginning my PhD. Fieldwork was thus very much a return home to Mae Sot, and among those who make ethnographic appearances in this dissertation are friends and acquaintances whom I have known since well before fieldwork began. This includes my partner May, herself a longtime Myanmar migrant resident of Mae Sot and a regular source of insight into the local situation. I was, in addition, overtly partisan in the frequent conflicts that erupted between migrant workers and their employers in Mae Sot. Aside from serving my own ethical concerns, this partisanship was also advantageous in my research, given that I was primarily interested in the activities and perspectives of migrants themselves. My active participation on the side of the workers in many labour dispute cases encouraged those involved to share their circumstances and concerns with me. The generosity with which so many Myanmar migrants in Mae Sot opened up to me about their experiences may also have been due to our “shared outsiderness” (Marcus 1998: 118) as non-Thais. Whatever the reason for their openness, and for their encouragement of my research, I remain deeply indebted to many Myanmar migrant friends and colleagues for their assistance on the border.
At the back of a large hall adjacent to the Mae Sot district (amphoe) government office hangs a mural showing photographed scenes of migrant life along the border. Garment factory workers busy at their machines are displayed next to an agricultural worker wearing a broad Myanmar-style bamboo hat (kamauk) and—uncommonly, I note—a full face mask to protect her from the hazards of insecticide and chemical fertilizer. Above these images are printed the words “migration for the benefit of all.” The slogan comes from the International Organisation of Migration (IOM), which produced the mural and co-sponsored the event at which the mural is being temporarily displayed.

The event marks the occasion of International Women’s Day on 8 March 2012. Along with IOM, the day’s proceedings have been co-sponsored by the district government’s office, the Adventist Development and Relief Association (ADRA; an international NGO based out of Silver Spring, Maryland), and the locally-registered, but Myanmar-run, Foundation for Education and Development. At the back of the room near the IOM mural are stalls set up by local and international organisations displaying pictures of their activities and providing free handouts regarding their projects, most of which target the area’s migrant population.

Of the 300 or so people in attendance, the majority are Thai, but the audience also includes a few dozen Myanmar migrant women, whom some NGOs have bussed in from garment factories in the area. A local Thai television station has a camera crew here,
filming the proceedings and interviewing select participants. The day-long event opens with a Thai song, to which the audience is encouraged to clap along. This is followed by speeches in Thai and Burmese—with running translation between the two languages—in which speakers from the local Thai government office, IOM and the Burmese Women’s Union talk about women’s rights and address various issues of concern for women—particularly migrant women—in the area. The speeches touch on violence against woman, HIV/AIDS and access to education for the girl children of migrant workers. Speaking on the subject of gender-based violence, a female Thai panelist exhorts that women need to support each other in order to more effectively respond to such abuse. The audience, however, does not appear particularly engaged. People seem to find more interesting the free snacks and drinks that are distributed as the speeches drag on. The highlight of the day—judging by the audience’s comportment—is an “ethnic dress” beauty contest in the afternoon, which is won by a young Karenni woman.

I call attention to this event not for it being particularly unique. Indeed, similar events are regularly held in Mae Sot for various occasions, such as International Migrants’ Day and (as I will described below) International Workers’ Day. What is relevant about this event, and others like it, for the purpose of this study, are two ways in which migrant labour is publicly presented in Mae Sot. First, the difficulties faced by migrants—and the majority of migrants in Mae Sot are women—are framed in isolation of wider structural determinants. Hence, the fact that the widespread insecurity of migrant women in Mae Sot is embedded in poverty-level wages (well below the legal minimum) and persistent harassment and extortion by the (all male) police are left
unmentioned. Second, improving the difficult situation that migrants face in Mae Sot is presented as a project of harmonious interests—of local Thai government authorities, international NGOs, local Myanmar “community-based” organisations (CBOs), the police, migrants and employers. This framing is explicitly conveyed in the IOM slogan of “migration for the benefit of all.”

There is, of course, nothing surprising about this framing. Critical analysts have long argued that the “anti-politics” of development discourse serves to isolate instances of poverty from their broader structural context (Ferguson 1994), and further, that such discourse “renders technical” the political relations that shape poverty and vulnerability, so that governmental interventions might be feasibly crafted (Li 2007a).

It is, nonetheless, a remarkable contrast from even a decade ago that migrant issues are now being so publicly addressed in Mae Sot, and that these issues are being openly engaged with by so many different actors. Indeed, over the past two decades there has been a significant expansion of governmental activities targeting migrants, and a growth in the formal incorporation of Mae Sot-based migrants into bureaucratic state mechanisms. By governmental activities, I mean those interventions which aim to work through the freedoms of target populations in order to achieve specific finalities in support of “the common good,” as it is understood by given development actors (Foucault 1991). Such interventions have increased despite the fact that the vast majority

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1 Among humanitarian/development actors in the Mae Sot area, unregistered, local organisations established and run by Myanmar nationals are conventionally referred to as “community-based organisations” (CBOs). International NGOs operating in Mae Sot are simply referred to as “NGOs”. Similar organisations registered only in Thailand (like the Foundation for Education and Development and the MAP Foundation) are commonly referred to as “local NGOs”. Although Mae Sot-based CBOs typically have stronger links than international NGOs to migrants in the area, most CBOs have no formal membership base among migrants, and thus should not be mistaken as self-managed migrant associations. Rather, most CBOs in Mae Sot operate like small NGOs.
of these migrants have remained “illegal” in their immigration status. Some examples of
the incorporation of migrants into governmental relations from the time of my fieldwork
can illustrate my point: In 2013 there were 72 migrant schools in the Mae Sot area\(^2\)
registered with the Thai Ministry of Education; a handful of organisations, such as Yaung
Chi Oo and the MAP Foundation, regularly supported migrants’ submissions of labour
rights claims to the Thai government’s Labour Protection Office (LPO); the New York-
based International Rescue Committee (IRC) initiated in 2012 an “Access to Justice”
project that sought to facilitate the prosecution of criminal cases brought by migrant
plaintiffs through the Thai judicial system; and many local Myanmar CBOs actively
promoted the Thai government’s migrant registration process, primarily by distributing to
migrants up-to-date information about the ever-changing registration policies.

None of these activities have, to be sure, led to any definitive redress of migrants’
grievances over low wages, poor working conditions, oppressive movement restrictions,
and police harassment and extortion. This situation does, however, represent a significant
transformation of the migrant labour arrangement—that is, the way migrant labour is
locally regulated and controlled—since the turn of the 1990s, when a substantial migrant
presence first developed in and around Mae Sot. At that time, there was no migrant
registration scheme at all, no access to the judicial mechanisms of the Labour Protection
Office, no migrant schools (registered or otherwise), no viable route for migrants to file
criminal cases, and no explicitly migrant-focused NGOs operating in the area. What has
occurred, then, is that a network of liberal governmental rule (involving NGOs, the Thai

\(^2\) By “the Mae Sot area” I refer to the five border districts of Mae Sot, Mae Ramat, Tha Song Yang, Phop
Phra, and Umphang, for which Mae Sot District is the economic and political centre.
Education Ministry, and the Labour Protection Office) has been deployed amid a continuing situation of sovereign violence. Whereas sovereign violence (enacted in the coercive policing of labour migrants) serves to maintain the area’s low-waged, flexible workforce, the co-existing network of liberal governmental rule promises legal rights and access to justice far beyond the reality of migrant life on the border.

I seek, in this chapter, to trace the historical emergence of this particular assemblage of governmental rule in Mae Sot, which comprises the “benevolent” half of the area’s particular mix sovereign and governmental power. The continuing violence of sovereign rule in Mae Sot—as seen in everyday police harassment, extortion, detention and deportation of migrants—is a topic I will cover more fully in Chapter 3.

The transformation (and governmentalization) of the local migrant labour arrangement to which I am referring here has been shaped by diverse actors, events and historical process. Acknowledging the multiply-constituted character of Mae Sot’s labour arrangement opens up for analysis the struggles of variously situated actors in shaping this arrangement. To suggest otherwise would risk conceding too much power to the interests of capital and the state in dictating the terms of migrant labour. It would also miss the constitutive role of workers’ struggles in shaping these arrangements, and of various development actors (NGOs, as well as Thai government agencies) in extending the reach of governmental interventions, and incorporating Myanmar migrants into such governmental relations.

Along similar analytical lines, James Ferguson has argued that development projects, even when they fail to achieve their stated goals (poverty alleviation,
productivity growth, or whatever), nonetheless function to expand bureaucratic state
power and to embed populations more firmly within networks of governmental rule. The
implications, according to Ferguson (1994: 281), are as follows:

The expansion of bureaucratic state power, then, does not necessarily
mean that ‘the masses’ can be centrally co-ordinated or ordered around
any more efficiently, it only means that more power relations are referred
through state channels—most immediately, that more people must stand in
line and await rubber stamps to get what they want.

For the moment, I wish to refrain from making any normative claims about this
transformation in Mae Sot’s migrant labour arrangement—of whether or not the working
and living conditions for migrants, or possibilities for the redress of their grievances,
have improved. Instead, my aim here is primarily a descriptive one: to call attention to
the transformation of the migrant labour arrangement in Mae Sot over the past two plus
decades. My narrative argument for this chapter, then, is as follows. Since the turn of the
1990s, when Myanmar migrants began to concentrate around Mae Sot, the arrangement
of migrant labour in the area has gradually transformed. This transformation has been
shaped by the struggles, negotiations and compromises of individuals and groups with
varied (often conflicting) aims. In so changing, the migrant labour arrangement has
become increasingly embedded in networks of governmental relations. The significance
of this transformation is that it has shaped and made possible certain forms of struggle
over the local conditions of migrant labour. I will continue, in subsequent chapters of this
dissertation, to elaborate ethnographically how this governmentalization of migrant
labour in Mae Sot has, in fact, shaped the struggles of the workers so governed.

In order to illustrate the ways in which Mae Sot’s migrant labour arrangement has
changed over time, this chapter is organised in two parts. First, following this
introduction, I sketch a history of migrant labour in Mae Sot, calling attention to the various, often unpredictable events, process and actors that have shaped and made possible the current arrangement of migrant labour on the border. Second, I frame the current migrant labour arrangement in Mae Sot using an analytic of assemblage (Li 2007b) in order to highlight the ways in which an increasing number of governmental interventions have sought to (re)assemble this arrangement in order to fit the aims and interests of different parties. Employing this analytic framework, I illustrate some of the tensions that exist among different parties to the assemblage of migrant labour, drawing on ethnographic accounts of two quite different events held for International Workers’ Day in Mae Sot. Despite their seeming divergence of aims, both events illustrate how ongoing struggles over local labour conditions have increasingly developed within networks of governmental relations.

The historical emergence of migrant labour in Mae Sot

Critiquing historical analyses that narrate unitary logics of evolutionary change, and trace linear trajectories in the formation of social and discursive phenomena, Foucault (1984) argued instead for a genealogical methodology. By this he meant a method of historical research attentive to the complex, unpredictable and chance development of such phenomena, assembled piecemeal, and contingent on often mundane accidents and quotidian struggles. Foucault’s targets of interrogation here were certain taken-for-granted truth claims, as well as teleological readings of history. I seek below to historicise Mae Sot’s labour arrangement in a manner informed by Foucault’s
genealogical method. Doing so analytically unshackles the contemporary arrangement of labour in Mae Sot from the singularly coherent logic of capital accumulation and opens up conceptual space for considering its ongoing transformation and possibilities for change.

Despite the area’s long history of population movement, the arrangement of migrant labour in Mae Sot is a distinctly modern phenomenon—a phenomenon only comprehensible within the logic of territorially-bounded sovereignty, which is itself a comparatively recent arrival to the region. In precolonial Southeast Asia, mainland polities were organised as constellations of city states whose power diminished as it radiated out from their political centres, leaving gaps between spheres of authority lying effectively outside any sovereign control (Tambiah 1976). Under this arrangement, the various states of what later became Thailand and Myanmar were never able to effectively assert their rule at the local level among upland communities along what later became the Thai-Myanmar border (Leach 1960: 61). Instead, these mostly Karen-populated mountains served as a buffer zone between antagonistic kingdoms in Siam and precolonial Burma (Winichakul 1994: 98).

What are now demarcated as the Thai districts of Mae Sot, Mae Ramat, Tha Song Yang, Phop Phra, and Umphang are situated along the contemporary Thai-Myanmar border in and around a large valley in the Dawna Mountain Range. In precolonial times, this valley served Burmese armies as the preferred route for military convoys seeking to attack Chiang Mai and Ayutthaya (Pongsawat 2007: 387). It was only in 1868 that British colonial administrators and Siamese officials jointly demarcated a fixed territorial
border through the area (Winichakul 1994). In Mae Sot district, the border follows the Moei River (a tributary of the Salween) with the Myanmar town of Myawaddy now located on the opposite bank. The district and town of Mae Sot were themselves established only in 1898, at the location of a previously existing Karen village by the name of Panor Kae (Pongsawat 2007: 404). At the time of Mae Sot’s official establishment, the town comprised some 300 houses, whose residents were predominantly ethnic Burman and Shan, along with smaller numbers of Chinese and Indian merchants and traders, and a handful of Siamese administrators, with the surrounding rice paddies cultivated mostly by Lao farmers, and the encircling mountains inhabited by Karen (Pongsawat 2007: 395).

As a sleepy border outpost in a bucolic valley at the margins of northwest Thailand, Mae Sot did not experience significant growth until well after the Second World War. Instead, during the early years of the post-war era, the mountainous border area around Mae Sot remained something of an “insurgent backwater,” wherein various armed ethnic and communist opposition groups maintained rear bases far from the main sites of conflict (South 2003: 126). During the 1970s, however, at a time of increased activity by the Communist Party of Thailand (CPT), the Thai government initiated a series of counter-insurgency measures and infrastructure projects around Mae Sot, as a means of improving surveillance of CPT units operating in the area. Hence, the paved roadways that now connect Mae Sot with the neighbouring towns of Tak, Umphang and Mae Sarieng, and which have enabled the district’s growth as a regional hub for trade, industry and migration were originally built in the 1970s for the purpose of counter-

In addition to this infrastructure development, the Thai military began in the mid-
1970s to support the avowedly anti-communist Karen National Union (KNU) and Karen
National Liberation Army (KNLA) in eastern Myanmar as a means to prevent a linkup
between the CPT and the insurgent Burma Communist Party across the border (South
2003: 127-128). Due in part to their close relations with the Thai military, various KNLA
commanders were able to assert control at this time over much of the trade going across
the Thai-Myanmar border (Smith 1999: 299). This trade had become especially
voluminous and lucrative due to the vibrant black market that developed when
restrictions on imports and exports were introduced in Myanmar under the banner of the
Burmese Way to Socialism after the country’s 1962 military coup. The strong position of
the KNU/KNLA in this area during the 1960s and 1970s was such that it at one point
controlled the border town of Myawaddy until this was lost to the Myanmar Army
following an aerial bombardment in 1974 (Bangkok Post, 25 March 1974). As there were
no vehicle bridges across the Moei River at this time, the cross-border movement of trade
goods and people was facilitated by longtail boats ferrying between a series of unofficial
piers. This is a practice that has continued to this day despite the completion in 1997 of
the Thai-Myanmar Friendship bridge, which now serves as the official immigration
checkpoint between Mae Sot and Myawaddy (Pongsawat 2007: 412).

The border arrangement in the Mae Sot area began to drastically change in the
late 1980s. In particular, it was the 1988 popular uprising against authoritarian rule in
Myanmar that set in motion new social, economic and political process along the border.
This occurred in two significant ways. First, the military crackdown that followed the uprising instigated a mass exodus of thousands of politicised students. The majority of these students fled into rural areas of eastern Myanmar, which were then under the control of various armed ethnic opposition groups, with some students crossing over into Thailand (Smith 1999: 406-411). Many of these students became involved in the All Burma Students’ Democratic Front (ABSDF), an armed opposition group that linked up with the KNU/KNLA and established an office alongside allied political and military groups near the KNU headquarters at Manerplaw in eastern Karen State, about 100 kilometres northwest of Mae Sot.

The alliance of mostly ethnic-Burman students with various non-Burman ethnic opposition groups motivated the Myanmar Army to intensify its military campaign to finally take those lands held by the KNU/KNLA and other insurgent groups in eastern Myanmar (Smith 1999: 408). The Myanmar Army’s efforts in Karen State at this time were aided by a split in 1994 within the ranks of the KNLA. A large section of the KNLA’s majority Buddhist infantry left the group over issues of discrimination and a lack of responsiveness by the KNU/KNLA’s Christian-dominated leadership. Having been encouraged by the Myanmar Army as a means to divide the Karen resistance, these former KNLA soldiers established a new military faction named the Democratic Kayin Buddhist Army (DKBA). The newly formed DKBA allied with the Myanmar Army, with whom it engaged in a joint attack on the KNU headquarters at Manerplaw in January 1995. The ensuing destruction of Manerplaw triggered a mass flight of Karen refugees

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3 In the English rendering of its name, the DKBA uses the ethnic label “Kayin”, which is a romanised version of the Burmese language name for this ethnic group. The KNU uses the term “Karen”, which is an Anglicised version of the Burmese name for this group. In Sg’aw Karen, one of the main Karen dialects, the group refers to itself as “Pakanyaw”. 
into Thailand (KHRG 1995). Along with the civilian Karen refugees, the political and military organisations that had formerly operated out of Manerplaw likewise crossed the border at this time, with many relocating to Mae Sot where they established new offices to continue their operations.

The 1995 refugee exodus from Manerplaw was but one moment in a continuous (though intermittent) movement of refugees into western Thailand from the mid-1980s to the second decade of the 21st century—a period which overlaps with the simultaneous trans-border movement of migrants. Research into the motivations for migration of those from Myanmar who have taken on employment in Mae Sot and elsewhere in Thailand have shown the overlapping character of refugees and migrants, as individuals who sought to escape armed conflict, forced labour, extortion, and a lack of employment alternatives, variously became “refugees” (registered in camps along the border as “displaced persons temporarily fleeing fighting”) or “migrants” (those who lacked such registration, and remained outside the camps) (KHRG 2009; Green, Jacobsen and Pyne 2008). Within this dynamic of migration as evasion, refugee-migrants seeking to escape extortion, forced labour, armed conflict and other forms of violence have made strategic use of the Thai-Myanmar border and the protection it affords them from human rights abuses in Myanmar (Aung 2014).
Figure 3. (above) The Thai-Myanmar Friendship Bridge. (photo: Stephen Campbell)

Figure 4. (below) Myanmar migrants “unofficially” cross the Moei River by boat. (photo: Stephen Campbell)
It was, in fact, as early as 1984 that Karen refugees began arriving in western Thailand. At that time, a consortium of NGOs that had been providing aid to Indochinese refugees in eastern Thailand began delivering food and medicine to the new arrivals on the western border under a mandate from the Thai Ministry of Interior (TBBC 2004: 105). As the population of Karen and other refugees from Myanmar grew throughout the 1990s, the number of organisations seeking to deliver aid to these groups increased significantly. As one critical observer described it, the situation along Thailand’s western border had by the early 2000s developed into a large “humanitarian industry” (South 2008: 91). In addition to the international NGO presence, numerous war refugees, political asylum seekers, and migrants—but, as discussed above, these categories are blurred—established their own CBOs to provide various forms of assistance to the refugee/migrant population that was expanding along the border. The Yaung Chi Oo Workers Association, for example, was established in 1999 by a group that included migrant workers, student activists, and U Moe Swe, a former member of the ABSDF (YCOWA 2009: 75).

The second important way in which the 1988 uprising in Myanmar reshaped border dynamics, was by catalysing a process of economic liberalisation in the country, made possible by policy reforms introduced by the military junta that came to power by coup on 18 September 1988. These economic reforms were initiated by the military authorities as a means to garner popular legitimacy in the face of continued domestic demands for political liberalisation (McCarthy 2000: 233). The reforms also served to undermine the black market economy that had enriched the KNU/KNLA and the other
insurgent groups who controlled border trade routes.

The economic transformation in Myanmar that was set in motion by these reforms produced both winners and losers. Those well positioned to take advantage of the new economic opportunities (primarily business and land owners, and those with high-level military connections) prospered. At the same time, however, the liberalisation process fuelled disparities in wealth and an increase in absolute poverty (Fujita 2009; Okamoto 2008), as government subsidies on staple goods were removed, and inflation drove up the price of basic commodities and agricultural land. The resulting economic hardships fuelled a growing exodus of people out of Myanmar in search of employment opportunities abroad, mostly to Thailand, but also to Malaysia, Singapore, China and elsewhere. According to a 2014 domestic news article, farmers in Myanmar’s Bago Region who decided to leave their farms to become migrant workers in Thailand listed as causal factors for this choice, “[l]and confiscation, high cost in expenditure for cultivation, low [price] for the yield crops, [and] small production due to poor technology in farming” (Eleven Media, 12 January 2014).

For those from Myanmar migrating to work in Thailand, Mae Sot has long served as the primary point of entry into the country (IRC 2012: 9-14). Recent estimates of the proportion of Myanmar migrants in Thailand who have entered via Mae Sot are as high as 90% (The Nation 2012a, 8 May). Myanmar migrants arriving in the Mae Sot area around the turn of the 1990s primarily found work as agricultural labourers, domestic servants, or as independent market sellers and petty traders. There were initially no factories in Mae Sot, as the first of these was only established in 1995 (Pongsawat 2007:}

46
3). There was also no system of migrant registration in place at this time. Human smuggling operations quickly emerged, largely run by the police, which would take migrants from Mae Sot to factories and other employment opportunities in central Thailand. For those migrants who remained in Mae Sot, the experience of violence and extortion by local police became an everyday occurrence (see Chapter 3).

While the initial focus of most NGOs along the border was on servicing camp-based refugee populations, in later years many of these organisations began expanding their operations to include migrants based outside the camps. As part of this focal shift, a group of international NGOs, Myanmar-run CBOs, and the IOM (an inter-governmental organisation) established in 2011 the Migrant Rights Promotion Working Group (MRPWG), a collaborative network operating under the auspices of the IRC’s Project for Local Empowerment. Since its establishment, MRPWG has brought together member organisations in monthly meetings to discuss the changing migrant situation, conducted joint advocacy directed at Thai government officials and ministries, and facilitated formal meetings between representatives of the Thai Department of Employment, the Mae Sot police, the Federation of Thai Industries (FTI), and Mae Sot-based NGOs and CBOs. While MRPWG has engaged in local advocacy with Thai authorities, there has since the 1990s also been a growth in more public, international advocacy over the dire labour conditions for Myanmar migrants in the border area (for example, Amnesty International 2005; Human Rights Watch 2010).

While most Mae Sot-based organisations have focused on health and education assistance to migrants, some (such as Yaung Chi Oo, the MAP Foundation and the
Labour Law Clinic) have sought to make use of Thai labour law as a tool to redress migrants’ labour-related grievances. This has been possible, in principle, despite the “illegal” status of most migrants, because the 1975 Labour Relations Act—which delimits the government’s industrial dispute resolution mechanism—broadly defines “employee” as anyone engaged in wage labour. The terminology of the Act is thus sufficiently open to cover undocumented, non-nationals employed in Thailand. Collective claims regarding employment-related grievances (by unionised or non-unionised workers) are formally handled in Thailand by the government’s Labour Courts, which operate out of regional branches of the Labour Protection Office (LPO), a juridical agency within the Department of Labour and Social Welfare of the Thai Ministry of Labour. These Labour Courts were first established in 1979, as a response by the Thai government to the widespread labour unrest that had erupted amidst broader popular political mobilisation between 1973 and 1976 (Brown, Bundit and Hewison 2002: 29). Brown, Bundit and Hewison (2002: 29) summarise the operations of the Thai Labour Court as follows:

The specific brief of the Labour Courts are to ‘concern themselves with conflicts between employers and employees over work contracts or the various rights of respective parties with respect to labour protection and labour relation laws’. For the most part, Labour Courts thus restrict their activities to making decisions on cases where the specific rights and duties as specified by workplace contracts and conditions of employment as well as those rights and duties as set out in various labour protection and labour relations laws are being contested. Officers of the Labour Courts are full-time professional judges attached to the Ministry of Justice. Associate judges, elected by employers and employee representatives, also serve on the court. The courts also include a mediation and arbitration element. Over the past two decades, the roles and activities of the Labour Courts have become the subject of considerable debate. Workers and their representatives, in particular, have argued that there now exists a pressing
need for reform of the courts. Various criticisms of the operation of the courts relate to the ways in which cases are processed, the bias often exhibited by judges, the lack of judicial expertise in labour matters, and the mechanism through which associate judges are elected.

In Mae Sot, the local LPO branch, out of which the Labour Court operates, was only established in 2004. Prior to this, the closest LPO branch was in Tak city, about a two-hour drive over the mountains east of Mae Sot. Due to their overwhelming lack of documentation for legal residence in Thailand, most migrants were unable at this time to safely travel to Tak in order to submit cases to the LPO. Yaung Chi Oo and the MAP Foundation therefore submitted an appeal to Thailand’s National Human Rights Commission calling for the establishment of a Mae Sot LPO branch. Although this appeal led to the opening of a Mae Sot LPO branch in 2004, this office was only open one day per week, with the relevant Labour Court officers based in Tak city.

The initial brevity of the Mae Sot LPO’s operating hours inhibited prompt and effective processing of labour rights cases. In response, a group of migrant workers who had filed cases with the Mae Sot LPO, along with members of Yaung Chi Oo and the MAP Foundation, staged a series of loud protests outside to LPO building during its first year of operation. According to a MAP Foundation staff member involved in the actions, these protests involved banging pots and pans to draw public attention, so as to pressure the LPO to extend its hours of operation. The protests eventually led to the extension of operating hours for the Mae Sot LPO, which is now open five days a week from 9:00 am to 5:00 pm. During the first few years of its Mae Sot operations, however, the impartiality of the local LPO was visibly compromised by the fact that it was situated within the office building of the Mae Sot branch of the Federation of Thai Industries, the
employers’ association representing local factory owners (Arnold 2007).

The economic transformations in Myanmar, beginning in the late 1980s, were concurrent with similar reforms taking place in Thailand. It was during the mid-1980s that Thailand firmly shifted its development model towards export-oriented industrialisation, backed by a rigorous programme of marketisation, whereby state subsidies were reduced or eliminated (Deyo 2012: 63). When former Prime Minister Chatichai Choonhavan announced in 1988 that Thailand would seek to transform the Mekong Sub-Region “from battlefields to market-places,” he inaugurated a period of political-economic restructuring that sought to build economic linkages with the country’s formerly antagonistic neighbours. The resulting geopolitical shift led to a policy of “constructive engagement” with the military government of Myanmar, which granted Thai corporations lucrative timber, mining and fishing concessions (Zaw 2001: 42).

The marketisation reforms which began in Thailand during the 1980s were concurrent and inter-connected with the restructuring of the country’s labour policies. Labour unions in Thailand have never had a strong, stable position within the country’s political system. In this regard, Thailand’s labour history differs from North Atlantic countries where dominant union federations maintained institutionalised political roles as part of post-WWII Fordist-Keyensian industrial arrangements. There has nonetheless been a recurring tension within Thai labour policy between approaches that seek to repress labour organisation altogether and approaches that seek to accommodate (or co-opt) such organisation within, or with the aid of, state regulatory mechanisms (Brown
2004). The history of modern Thailand has therefore been marked by periods of fierce repression of organised labour (such as after Sarit Thanarat’s 1957 coup) and relative accommodation (such as during the 1973 – 1976 period of popular mobilization among students, workers and farmers).

The accommodation of organised labour in Thailand has intermittently emerged since the 1950s out of a dialectic between increased workers’ struggles and government efforts to contain industrial actions. Specifically, Thai government officials and policy advisers have at various times argued that conservative labour unions can serve to inhibit leftist influence among workers (Brown 2004: 66). And, further, that with “proper training and guidance of their leaders, [unions] would act as useful mechanisms for the disciplining of workers, limiting the instances of industrial conflict and promoting harmony and cooperation in the workplace” (Brown 2004: 78 – 79).

The containment of labour struggles was to become a growing concern for the Thai government as the number and concentration of wage workers in the country expanded. When Thailand developed industrial production for export in the 1960s, a dense belt of factories—particularly garment and textile manufacturing firms—grew up along the outskirts of Bangkok. The geographic proximity of these factories to Thailand’s political centre meant that the country’s core industrial workers were “well placed to give voice to their demands” (Phongpaichit and Baker 1995: 91). In addition, this concentration of industrial workers in the Bangkok area became a major base of support for a radical current among workers that emerged when popular struggles for democratic change brought about the collapse of Thailand’s military government in 1973
The 1973-1976 period was to become the most notable eruption of working class industrial action in Thai history. According to Pasuk Phongpaichit and Chris Baker (1998: 138), within “4 years leading up to the 1976 coup there were 1,232 strikes involving 384,000 workers and over two million man-days lost.” Among the industrial actions taken at this time, women employed at the Hara Jeans factory seized control of their workplace and converted it into a workers’ cooperative (Brown and Chaytawee 2008: 104-105).

The increasing militancy of Thai industrial workers in the 1973-1976 period forced labour policy reform onto the agenda of the Thai government, culminating in the promulgation in 1975 of the Labour Relations Act (LRA), which legalised the establishment of independent workers’ unions. The content of the Act reflects the tension between progressive workers’ struggles and the reactionary efforts of government legislators seeking new legal instruments to contain an increasingly militant labour movement. Hence, embodied in the Act are clauses both enabling and constraining workers’ struggles. On the one hand, the Act served to widen the legal space in which labour organisations could operate. On the other hand, the Act required that workplace disputes be channelled through the government’s industrial relations mechanisms, with debilitating restrictions placed on the timing and duration of strikes. By promulgating the Act, government officials sought to reduce “disruptive” industrial actions and ensure a stable industrial environment for long term economic growth (Brown 2004: 95).

When military rule was re-established in October 1975, the Thai government
returned to its earlier repressive approach towards organised labour, rolling-back many of the gains workers had only recently achieved. Nonetheless, the 1975 LRA remained in place, and employers and government officials continued to seek accommodation with labour unions under the terms of the Act. As a consequence, following the enactment of the 1975 LRA, labour organisation in Thailand went through a double movement. While workers’ unions became, as Andrew Brown (2004: 90, 172) describes, “progressively weakened, fragmented and politically impotent,” their membership also steadily grew throughout the 1980s from 50,000 in 1975 to 336,061 in 1990.

The strength of workers’ organisation in Thailand developed considerably during the country’s economic boom years from 1987 to 1996, which occurred following the government’s shift towards a primary growth strategy of export-oriented industrialisation in the mid-1980s. During the latter half of the 1980s, Thailand’s export of textiles and garments increased eleven-fold, becoming the country’s largest export sector and, by 1990, employing a workforce close to one million (Phongpaichit and Baker 1998: 31-32). Capital investment during these years came overwhelmingly from domestic sources, with a minor share (1 to 8 percent) coming from foreign (largely US, Japanese and Hong Kong) investors (Hewison 2006: 88). Most of the garment and textile workers in Thailand at this time were domestic migrants from the country’s northeast. As the 1980s drew to a close, the country’s labour market began to constrict, strengthening the position of Thai workers and leading, in 1993-1994, to the most significant increase in labour protests since the repression that followed the 1976 military coup (Phongpaichit and Baker 1998: 141). Among the effects of the expanded labour mobilisation that occurred
during Thailand’s 1987 to 1996 boom years was the establishment within a ten year period of 28 new garment and textile unions (Thai Labour Database n.d.). The combination of a constricting labour market and increased labour organising fuelled a growth in real wages of 8 percent a year from 1990 onwards (Phongpaichit and Baker 1998: 96). It was this labour market constriction and wage growth that motivated business owners to expand their employment of foreign migrants beginning in the early 1990s.

As Thai workers became increasingly organised in the late 1980s, politicians competing in the 1988 elections began to see in the ranks of labour the germ of a potential votebank. Chatichai Choonhavan, most notably, began courting workers with promises such as greater legal protections for the right to strike (Brown 2004: 106). Hence, while formal unions did not hold a strong, institutionalised position in shaping Thai politics around the turn of the 1990s, there was nonetheless a defined space (however limited) in which labour issues could be raised politically.

This situation was significantly curtailed as a result of Thailand’s military coup in February 1991. After the coup, the National Peace Keeping Council, which led the post-coup government, promulgated a series of laws aimed at restricting labour organising and industrial actions in Thailand. Most dramatically, state enterprise unions were abolished altogether. In part a result of the post-coup anti-union legislation, there was a 7 percent drop in union density during the early 1990s, which has since further declined to the current rate of less than 4 percent of the country’s total workforce (Deyo 2012: 143).

Following the 1991 coup, a second major turning point in the recent history of
labour organisation in Thailand was the 1997 Asian economic crisis. In the industrial belt that had grown up around Bangkok, the crisis prompted many firms to cut costs by closing their larger unionised factories, laying off hundreds of thousands of Thai women and subcontracting their orders to smaller, non-unionized factories in the country’s outlying provinces (Pangsapa 2007: 130). The effect of this capital relocation on developments in Mae Sot was significant. According to one academic survey, 80 per cent of Mae Sot factories were established after the 1997 crisis (Kudo 2013: 200). This capital relocation away from relatively unionised factories in the Bangkok area to non-unionised factories in the country’s outlying provinces followed the logic of a “spatial fix,” whereby business owners seek to address crises of profitability by moving their capital to lower waged areas (Harvey 2001; Silver 2003). Beverly Silver (2003) argues that such crises of profitability have repeatedly (and inevitably) emerged because workers’ struggles have forced concessions from employers, thereby driving up production costs. Silver’s argument here echos an earlier thesis advanced by Peter Bell and Harry Cleaver, according to which capitalist crisis must be understood in the context of class struggle as “the rupture of that fabric [of capitalist control] and a positive consequence of the development of the working class as subject” (Bell and Cleaver 2002 [1982]: 1). So, while the 1997 crisis can be attributed to cyclical tendencies within capitalism towards over-expansion, over-production and declining profits (e.g. Hewison 2000), the antecedent struggles of Thai workers must be seen, in the Thai case, as components of these tendencies—in particular, by bringing down profits through increased production costs.
In addition to capital relocation, garment factory employers at the time of the crisis began using various tactics to offload the risks of market fluctuations onto the workers in their employ. Such tactics included “temporary shutdowns” as a means of cutting costs when there was a drop or delay in production orders, and an increased use of piece-rate payment (Pangsapa 2007: 155-156, 131). The 1997 crisis thus stimulated a significant expansion of employment flexibility within Thai industry, including the use of “part-time, home-based, agency-supplied, and migrant workers” (Hewison and Tularak 2013: 453-454). Hewison and Tularak (2013: 462) argue that the expansion of employment flexibility at this time was “not just a strategy to reduce costs, but a powerful means to limit the capacity of workers to collectively organize to improve their conditions.” Management strategies to counter at this time the growth of Thai unions included measures “both legal and illegal” (Brown and Chaytaweep 2008: 109). The implication of all this is that, in the period since the 1997 crisis, the efficacy of Thai unions to advance the interests of workers has been seriously undermined (Brown and Chaytaweep 2008: 103; Hewison and Tularak 2013)

The relocation of garment and textile factories from the Bangkok area to Mae Sot following the 1997 crisis was supported by the government’s introduction of tax breaks for capital investment in Mae Sot District, which became a prioritised area under Thailand’s new industrial decentralisation plan (Pongsawat 2007: 433; Arnold and Hewison 2005: 320). Mae Sot was also made a key target of development due to its strategic position as a hub of border and regional trade on the transcontinental Asian Highway. The site was thus early on marked for development as a Special Economic
Zone, which would allow certain exemptions from state-level labour regulations and would enable local factory owners to obtain non-standard arrangements for the import and employment of migrant workers (Pongsawat 2007: 10). Although repeatedly delayed, the proposal was finally approved by the Thai cabinet in January 2013 (Bangkok Post, 22 January 2013).

Figure 5. A billboard advertising Mae Sot as “The door to AEC [ASEAN Economic Community],” which displays Thai Prime Minister Yingluck Shinawatra alongside a map depicting the district as the hub of Southeast Asian trade. (photo: Stephen Campbell)

While 1997 marked the year of the Asian economic crisis that prompted significant capital relocation from central Thailand to Mae Sot, it was also the completion date of the Thai-Myanmar Friendship bridge. This project had been first proposed in
1986 and approved by the Thai cabinet in 1989, although construction only began in
1994 (Tantisunthorn n.d.). The completion of the Friendship Bridge in 1997 significantly
increased official cross-border trade and allowed for the establishment of more
formalised immigration procedures for Myanmar migrants travelling into Mae Sot.

As the migrant population in Mae Sot expanded during the late 1990s and early
2000s, these individuals often found themselves isolated at their workplaces, having little
contact with migrants employed elsewhere. This was especially the case among
agricultural and factory workers based outside of Mae Sot town proper. While mobile
phones had existed in Thailand since the late 1980s, it was only in the early 2000s that
network expansion and large drops in cost made these items viable communication tools
for Myanmar migrants in the Mae Sot area. Mobile phones are now among the first
purchases that new migrants make after arriving and starting work in Thailand. The
expansion of mobile phone use among migrants, starting around 2002, coincided with a
price war that was sparked by the entry of multinational corporations into Thailand’s
telecommunications market—an investment possibility made legal by legislative reforms
In this context, DTAC and Orange—the two major foreign-domestic partnerships in
Thailand’s mobile phone industry—worked to unseat the dominant market position of
then-Prime Minister Thaksin Shinawatra’s Advanced Info Services. In so doing, the cost
of owning a mobile phone in Thailand dropped substantially. This drop in cost made
these items suddenly affordable to low-waged migrants and fuelled a market expansion
“from 7 million users in 2001 to three times that number two years later” (Pathmanand
and Baker 2008: 114). By 2008, DTAC, Thailand’s second largest mobile phone company, estimated that it had around 100,000 Myanmar customers, and began offering its services in Burmese language (The Irrawaddy 2008, 17 September). The effect of this expansion in mobile phone usage among Mae Sot-based migrants since 2002 has been decreased isolation and an expansion of social networks across different workplaces. This has been especially important at rural factories, where migrants contemplating leaving work are now more able to contact friends at other factories to find employment options in advance, to hire transport to their new workplace, or to contact migrant support organisations for assistance. In this mobile phone-saturated context, over the course of my fieldwork, migrants I met nearly always requested my phone number. As a result, I received regular calls from migrants I had met only briefly or not at all (they had gotten my number from other migrants). These callers typically had questions about Thai labour law or the ever-changing migrant registration policy, or were seeking to arrange meetings with Yaung Chi Oo to discuss labour organising strategies.

Against the historical backdrop presented above, the current labour arrangement in Mae Sot—as a spatially particular configuration of regulation and control of workers—can be usefully understood through two comparisons with earlier moments in Thailand’s labour history. First, in contrast to periods of relative unionisation among Thai workers, the current employment of non-unionised migrant labour is part of a strategic shift by employers towards more flexible work aimed at “limiting the collective organizing capacity of their workers” (Hewison and Tularak 2013: 455). This strategic shift, involving the relocation of factories away from Bangkok following the 1997 economic
crisis, was in large part a response to earlier industrial unrest and labour organising among Thai workers.

This shift towards the increased employment of non-unionised migrants goes against earlier accommodation strategies, whereby conservative trade unions were promoted, and select union officials patronised, as means of disciplining workers and limiting shop floor militancy. Yet, by dispensing with conservative trade unions and union officials, employers have forsaken this institutional means of containing industrial disputes. For example, early Thai labour legislation, such as the 1965 Settlement of Labour Disputes Act, was drafted with the aim of stopping the disruptive practice whereby workers would strike first and only then submit demands (Brown 2004: 77-78). Among migrants in Mae Sot, however, the common practice in collective bargaining has been just that: to stop work prior to submitting demands (see Campbell 2012b; Campbell 2013b; and Chapter 5 of this dissertation). While employers have various other means of containing industrial actions by migrants, co-opted unions are not one of them, and migrants have stubbornly persisted with disruptive workplace struggles.

An illustration of the inability of current industrial relations mechanisms in Thailand to fully contain workplace conflicts involving migrants was dramatically displayed in the case of the Saha Farms chicken processing plant. The case was reported as follows in an 8 July 2013 article in The Nation, one of Thailand’s two English language daily newspapers:

Foreign workers suspected of torching factory

Forensic police are pouring over the remains of a Saha Farms chicken processing plant in Lop Buri that was destroyed by a suspicious blaze that
broke out late Saturday night... While local police and provincial authorities have refused to comment on possible causes, migrant workers have been frustrated by the non-payment of their daily wages for two months... The workers had staged peaceful protests inside the compound since the middle of last week, demanding their Bt300 daily wages for the last two months. About 20 Myanmar protest leaders had reportedly pushed for a mass rally of about 3,000 compatriots. A small commotion, according to unconfirmed reports, erupted Friday night, leaving one vehicle wrecked and four motorcycles torched. Ten fire trucks were called out to extinguish the fire, which took four hours, and police were mobilised from nearby stations to restore order, before six Myanmar workers were put under police detention. Lop Buri-based sources said this Saha Farms plant had faced liquidity problems and was going to close down, without paying the back wages to more than 5,000 employees, mainly Myanmar workers and a sprinkling of Cambodians. Many workers have also not been paid their full wages for previous months, on top of what they earned in the last two months, which the plant fully owes to all the employees. Deputy Governor Sujin Chaichumsak was the first official citing “a threat of arson from protesting workers,” in his statement given on Friday night after visiting the complex in Chai Badal district off Sara Buri-Lom Sak Road. The fire started from the main chicken-processing facility, which was almost totally burned down.

A second comparison, between the contemporary migrant labour arrangement in Mae Sot and the labour arrangement in this district during the early 1990s, highlights the increasing incorporation of Mae Sot-based migrants into networks of governmental relations. This shift has led to a growing number of labour disputes being channelled (often with the support and encouragement of NGOs and CBOs) into the industrial relations mechanisms of the LPO. To be sure, the LPO’s Labour Courts have been criticised as biased towards employers, and this industrial relations mechanism can indeed function to limit workplace struggles that might otherwise disrupt production and strengthen workers’ bargaining position. It is important to keep in mind, however, that the opening of Mae Sot’s LPO branch, as well as the growing willingness of Mae Sot employers to work through the LPO have all followed from workers struggles, rather
being preemptive to such struggles. Furthermore, the promulgation of the LRA in 1975 and the establishment of the Labour Courts in 1979 were themselves responses aimed at containing the growing industrial unrest of the 1973-1976 period. Nonetheless, as Brown and Chaytawee (2008: 103) point out, under the terms of the 1975 LRA, workers are “captured within a strict regime of processes, rules and regulations [which] has limited organizational capacity and has offered employers and the state ample scope to legally undermine labour organizing and industrial action.”

The Thai government’s tolerance of NGOs (and unregistered Myanmar-run CBOs), which help migrants seek redress for work-related grievances through the channels stipulated in the 1975 LRA, can thus be partly understood against the backdrop of volatile eruptions of workers struggles, including work stoppages, walk-outs or, more dramatically, the torching of the Saha Farms chicken processing plant. As radical critics have charged, NGOs often function to “convert potential uncontrollable dissent into a calm, peaceful, legal, controlled, institutionalized and completely harmless discontent” (Crn Blok 2013), thereby defusing workers’ collective power against their employer. In Mae Sot, for example, labour-focused NGOs (like the Labour Law Clinic) and CBOs (like Yaung Chi Oo) typically encourage migrants who engage in illegal work stoppages and walk-outs to return to work and to submit their grievances through the LPO, thereby restricting themselves to the strict rules and bureaucratic processes of the 1975 LRA. At the same time, however, labour organisations like Yaung Chi Oo have encouraged workers—who may not have otherwise done so—to take collective action, and for this they have provided these workers with legal, logistical and strategic support. In these
ways, both labour-focused organisations and labour law can best be regarded as aspects of labour struggle that are both enabling and constraining on workers’ industrial action—a point I will return to in Chapter 5.

The political-economic dynamics that have brought into being the current arrangement of regulation and control of migrant labour in Mae Sot, as described so far in this chapter, can be clarified with a conceptual model provided by Michael Hardt and Antonio Negri. Developing Mario Tronti’s (1964) earlier arguments about the primacy of workers’ struggles in catalysing capitalist restructuring, Hardt and Negri (2009: 291) elaborate the following dialectic of capitalist development: “workers’ struggles force capital to restructure; capitalist restructuring destroys the old conditions for worker organization and poses new ones; new worker revolts force capital to restructure again; and so forth.” Peter Bell and Harry Cleaver (2002: 1) describe these same dynamics using a different metaphor: “As in physics where two vector forces create a resultant force whose direction and magnitude is distinct from either of the two, so too in the class struggle that constitutes capitalist development, the ‘laws’ of accumulation or of crisis are the unplanned outcomes of confrontation.”

Hence, the current arrangement of migrant labour in Mae Sot—involving labour laws and policies, various governmental interventions, flexible employment practices, and spatial strategies in capital investment—is, in part, a result of prior waves of workers’ struggles. Moreover, the ongoing struggles of migrant workers in Mae Sot, pushing out, as they do, against the limits of this arrangement, have been shaped by their growing incorporation into networks of governmental relations, which connect these migrants
with NGOs, CBOs, and various agencies of the Thai government.

**Tensions in the assemblage of migrant labour**

As elaborated in the historical overview above, migrant labour in Mae Sot has gradually emerged as a field of governmental intervention—as a population targeted for projects of improvement by an array of development actors. It is through such interventions, Foucault (1991) informs us, that governmental authorities seek to achieve desirable outcomes by employing tactics that work through the freedoms of individuals, without having to rely on outright coercion. Foucault frames his analysis of governmentality as an historical transformation in the nature of sovereign authority, out of which emerged modern forms of liberal rule.

Analysing the practices of state actors in terms of governmentality is a necessary part of Foucault’s analysis of modern government. If, however, governmental interventions are viewed as clearly defined state projects that can be traced back to a source in coherent state policy, then the on-the-ground realisation of these interventions becomes obscured. What gets missed is the array of actors, within and outside the state, including target populations themselves, who are involved in (re)shaping projects of governmental intervention towards their own interests, in ways that may deviate or even contradict original policy formulations.

In practice, the actual arrangement of governmental interventions, as they play out on the ground, are inevitably contingent, fragile, and incrementally (re)assembled by an array of (often conflicting) parties, including target populations who may strategically
engage with governmental interventions, seeking to shape or divert them to alternative ends. Highlighting this contingent, multiply-constituted character of governmental interventions, Tania Li advances an analytic of assemblage in order to conceptually grasp the persistent on-the-ground (re)formation of governmental interventions. Framing governmental interventions as assemblages calls attention, says Li (2007b: 264 – 265), to the hard work required to draw heterogeneous elements together, forge connections between them and sustain these connections in the face of tension. It invites analysis of how the elements of an assemblage might—or might not—be made to cohere... recognizing the situated subjects who do the work of pulling together disparate elements without attributing to them a master-mind or a totalizing plan.

Drawing on Li’s analytic of assemblage, my aim here is simply to highlight the heterogeneity of interests among those involved in shaping such interventions, the contested character of such interventions, and the strategic engagement of target populations with such interventions, as they have played out in Mae Sot. To this end, I present in this section ethnographic accounts of two separate events held in Mae Sot for the occasion of International Workers’ Day (May Day). Certain key differences in these events highlight the tensions that exist between competing efforts to shape (and contest) the regulation of migrant labour. These accounts illustrate the compromises involved in the developing arrangement of migrant regulation in Mae Sot, as a particular assemblage of governmental interventions.

In the first account, Yaung Chi Oo and its partner organisations, while vocally contesting the existing situation of migrant labour in Mae Sot, nonetheless take advantage of the space provided by the broader governmental efforts of Thai authorities in order to hold their own, alternative May Day rally. Yaung Chi Oo members facilitating the event
encourage migrants attending to engage in certain projects of governmental rule, like the labour rights mechanisms of the Labour Protection Office. The struggles of migrant workers in Mae Sot, as presented at this event, are thus situated within and against the assemblage of migrant labour, as a governmental project of regulation and control.

In the second account, the Thai employers’ association and certain Thai government authorities have partnered with ADRA and the IOM in order to “celebrate” the role of migrant workers and to host a large football tournament, which is participated in by Myanmar migrants who remain overwhelmingly “illegal” in their immigration status. In other words, local employers and Thai government officials have felt compelled to publicly demonstrate their goodwill towards migrants, to overlook the “illegal” status of these migrants—who are at all other times subject to the threat of arrest, extortion, detention and deportation—and to officially recognise these otherwise “illegal” migrants within the official purview of the government. Both accounts illustrate the compromises of those involved in shaping and contesting the arrangement of migrant labour in Mae Sot.

International Workers’ Day, 1 May 2012

Shortly before 8:00 am, I arrive at the hall adjacent to Rujira Hotel, located a few blocks south of Mae Sot’s main market. Rows of folding metal chairs set up the day before stand empty, waiting for the audience to arrive. Hanging on the walls are signs printed for the event, stating the day’s slogans in Burmese, Thai and English: “Give us the 226 Baht per day minimum wage, Now!”; “8 hours work, 8 hours rest, 8 hours sleep”; “One
day off per week is a worker’s right.” I notice that on the background behind the text on two of the posters has been printed the flag-bearing, hammer wielding industrial worker who serves as the logo for the anarcho-syndicalist International Workers’ Association.

This particular May Day event has been organised by Yaung Chi Oo and its partner organisations (including the MAP Foundation, the Arakan Labour Campaign, the Burma Lawyers’ Council and the Democratic Party for a New Society). Shortly past eight, pickup trucks hired by Yaung Chi Oo and its partner organisations begin arriving, bringing migrants from various workplaces (mostly garment factories) in the area. Once the last of these trucks arrives, there are about 150 migrants in attendance, along with another 20 or so CBO members and a handful of visiting British trade unionists. At a table set up at the door of the hall, Yaung Chi Oo staff hand out the latest issue of organisation’s monthly journal, which includes information about the global commemoration of May Day, and a history of May Day rallies within Myanmar (the first of which was held by striking oil workers in 1938). Some of the Yaung Chi Oo members in attendance wear t-shirts produced by the organisation, on which are printed a clenched fist above the English words “Get up, Stand up, Fight for your rights.”

When the event gets underway, we hear *The Internationale* played loudly from speakers affixed to the wall—first it is Billy Bragg’s English version, and then an older, Burmese version, which, I am told, members of the Communist Party of Burma recorded in the 1950s at a base somewhere along the Myanmar-China border. The song is followed by a 15-minute-long video about the 1886 Haymarket affair, which sparked the movement for International Workers’ Day. While the video plays in English, a Yaung Chi
Oo colleague provides a Burmese language summary of the 1886 event.

As the video ends, Ko Htun, another Yaung Chi Oo colleague, standing before the audience gives a speech, informing the audience of the legal rights of migrant workers in Thailand. Ko Htun is followed at the front by others: individuals from the Burma Lawyers’ Council, the Democratic Party for a New Society, the visiting group of British trade unionists, the MAP Foundation, and myself. The most interesting speaker—at least to my mind—is a Myanmar migrant who talks of his personal experience organising with his co-workers and pursuing a case through the LPO. Aside from these speeches, a trivia game is held, with questions about Thai labour law and the minimum wage in Tak Province. As there are monetary prizes for this contest, the audience gets far more energetic than when they had been listening to the speeches. Many raise their hands to participate, call out answers and laugh together at their failed attempts to guess correctly. The large number of incorrect answers indicates how few people are familiar with the details of the Thai laws that are so relevant to their current lives in the country.

We then prepare to move outside for a demonstration march through town. Yaung Chi Oo members take down the signboards that have been hanging on the walls and distribute them to migrants who will carry them on our march. We then move outside the hall and line up by the side of the road, with those carrying the signboards positioned near the front of the group. When everyone is amassed together we head out. My friend Ko Htun later tells me that this is the first year that Yaung Chi Oo has organised an independent May Day demonstration to march through Mae Sot in this way.
Figure 6. Myanmar migrants demand the minimum wage on an International Workers’ Day march through Mae Sot in May 2012. (photo: Stephen Campbell)

On the march there are about 100 to 150 people walking with us. At first everyone files out of the Rujira hall silently without chanting. But then Ko Htun calls out a chant in Burmese: “Obtaining workers rights is our affair [doe a-yay], our affair!” Calling out this chant a second time, some migrants in the procession respond with “Our affair! Our affair!” (doe a-yay, doe a-yay). Ko Htun follows this chant with another: “Passport brokers are liars! Beware! Beware!,” to which the marchers respond in unison: “Beware! Beware!” (thadi-hta, thadi-hta). At first I notice that some of the migrants are hesitant to chant, and some giggle as they look to each other for reassurance. But Ko
Htun is confident and continues with his chanting. Gradually more migrants shout out in unison the appropriate response. When Ko Htun gets tired, an energetic chant leader comes forward: Ko Saing, who works as a general construction labourer in Mae Sot. We march together through the market, down the town’s main road, around the Mae Sot district (amphoe) government compound and into the town’s central high school through its back entrance. Before approaching the high school’s football grounds where the May Day tournament is underway, we stop for lunch. From the back of an accompanying pickup truck we unload and distribute polystyrene containers holding chicken curry and rice, which Yaung Chi Oo is providing to all those who are marching.

When lunch is completed, Ko Htun suggests that we all make a point of raising the volume of our chants and directing our march to the front of the stands where Thai government officials are providing running commentary for the football tournament. So, with this plan, we march before these officials calling out, “Obtaining workers rights is our affair, our affair!” Our march and chanting do not, however, seem to attract much attention from either the government officials or the other spectators at the event.

When we arrive at the football field, multiple matches are underway, with most teams comprised of Myanmar migrants. This tournament is part of the “official” May Day rally organized by the Thai government and some international organizations like IOM, ADRA and IRC. There are, perhaps, about 500 people in attendance at this tournament, the vast majority of whom are Myanmar migrants. Watching the migrants playing under the auspices of the Thai government officials, one of my other Yaung Chi Oo colleagues leans over to me and says in dismay, “These international organisations
have joined with the Thai government for the May Day event, but the meaning of May Day is lost."

*International Workers’ Day, 1 May 2013*

It is around 7:00 am, and I am driving my motorcycle back from my favourite tea shop in the Mae Sot market. As I exit the central market area, I pass a group of a hundred or so migrants walking from the centrally located CC & C garment factory. They are heading to the police station to gather for the “official” May Day rally. This is evident by the uniform football jerseys they all wear, emblazoned with “CC & C” on their backs.

A short while later, I head as well to the police station to join the migrants gathering there. Groups of workers from different garment factories stand in orderly lines in the police station parking lot. Each group is easily distinguished by the colour-coded uniforms they wear, which their employers have provided for the event today. Among these I read names like “Mae Sod [sic] Ceramics”, “CC & C” and “TK”. These colour-coded shirts will serve as distinguishing football jerseys for the tournament later in the day. In front of each group, select workers hold broad banners indicating their respective factories.
These workers are lined up for a parade—not a protest, and not a demonstration. This particular May Day event is organised by the Thai government’s Labour Protection Office, which invited local factory owners (via the FTI; the Federation of Thai Industries) to participate and send their migrant employees to this event. Behind the waiting migrants—overwhelmingly undocumented, it needs restating—are two police detention trucks, parked and empty. On any other day, these trucks might be filled with migrants—perhaps some of the same migrants lined up here today—to be taken to the border for deportation. In addition, there are a handful of cops nearby, sitting on their motorcycles.
and watching the migrants gather. Thinking of the seeming irony (to me, at least) of this situation, I ask one of the migrants standing in a line whether it is not strange to be gathering at the police station for May Day, under the auspices of the police themselves. “No,” he replies, “It’s nothing. It’s May Day.” The apparent normalcy of this situation, to my interlocutor, seems indicative of his capacity to dwell in, and to trust, the temporary peace of governmental rule, while the disciplinary power of the police remains, for the moment, held at bay. To me, this situation—including the police presence and my interlocutor’s casual indifference—seems indexical of Mae Sot’s ambiguous mix of sovereign and governmental power.

About 1,000 migrants are expected to gather at the police station and then to walk in orderly file to the football field at the Mae Sot municipal building. Along with banners indicating in Thai their respective factories, some migrants leading the parade carry photos of the Thai king and queen. Some of the participating NGOs and Thai government officials wear T-shirts produced by ADRA, which read on their backs (in English) “Happy Labor Day.” Simultaneous with this “official” May Day event, Yaung Chi Oo is running its own, alternative rally, similar to the previous year’s event that I described above. Wanting to be present for the Yaung Chi Oo rally, I leave the migrants still gathering at the police station.

When I return to join these migrants at the Mae Sot municipal building a few hours later, they have finished the parade and are in the midst of the—now annual—football tournament. A Karen friend of mine from another Myanmar CBO relates to me the details of what I missed of the government-sponsored May Day event during my
absence with Yaung Chi Oo. After the parade, he tells me, an LPO official from Tak City, another senior Thai government official, and the head of Mae Sot’s FTI branch spoke in Thai to the audience of mostly Myanmar migrant workers. The LPO official spoke of the activities of the LPO. The Tak governor then came and spoke on stage, saying that the Thai government was putting on this event for the benefit of the workers, so that the migrant workers could have a “funfair” (byaw-bwe shwin-bwe). The FTI head, my friend tells me, spoke positively about the factory situation in Mae Sot, describing the labour arrangement at these firms, in panglossian terms, as though it was “the best situation.”

Present at the football tournament are, I estimate, well over a thousand migrants and perhaps a few hundred Thais—significantly more participants than the year prior. Whereas the previous year’s tournament had been held at a Thai high school, this year’s event is being held at the much larger municipal stadium. On the announcers’ podium I can see staff of IOM and ADRA, who helped organise the event. Migrants not currently playing football are standing around the multiple pitches, cheering on their preferred teams. Others are playing cane ball on a court set back from the field. There are ice cream, fruit and coffee sellers on mobile vending carts selling to those in attendance. The announcer on stage is speaking in Thai over the din of Thai pop songs. I recognise some of the LPO staff who are sitting in the shade of the municipal building.

There is a certain absurdity to this event, which lies in its limits. By this I mean that governmental rule, as performed on this day, is greatly overshadowed by the everyday reality of sovereign power in Mae Sot. Outside of this brief time and place, most of these migrants confront not the benevolent “left hand” of the Thai state—
represented here by the LPO—but rather the state’s disciplinary “right hand”—the police, that is, with the threat of extortion, arrest, detention, and deportation that this institution embodies (Waquant 2010: 201).

But not everyone takes this event—and the LPO’s presence—at face value. Later that afternoon, I encounter by chance my friend Ko Aung, who works a power loom at the Royal Knitting garment factory. A short while into our talk we arrive on the subject of the LPO, and its hosting of the May Day football tournament. “The LPO is useless,” he tells me, “They opened the LPO for the benefit of the Thai people—not for the benefit of Myanmar people.”

*

There is a clear tension here between the two events described. The Yaung Chi Oo-sponsored event encouraged a sense of confrontation between migrants and (aspects of) Mae Sot’s labour arrangement. The event co-sponsored by certain international NGOs, government agencies, and the Mae Sot employers’ federation encouraged migrants’ consent to the area’s overarching labour arrangement. Yet, despite the differences between these two events, both were shaped and made possible by the increasing incorporation of Mae Sot’s migrant population into governmental networks. This incorporation has been in large part an outcome of various NGO-run humanitarian programs, migrant rights’ advocacy, and workers’ struggles. In neither case, however, were these events—as governmental interventions themselves—completely effective at
conducting the conduct of migrants. Not all migrants attending the Yaung Chi Oo event went on to organize their co-workers to make collective demands, and not all migrants attending the “official” government event accepted that the performance established the event’s sponsors as benevolent parties acting in the interests of migrants, as evident in my friend Ko Aung’s rebuke of the LPO later in the day. Yet, nor were these events, as part of broader governmental interventions, wholly ineffective. Mae Sot-based migrants have, with the support of various NGOs and CBOs, continued to recognize the LPO as a rights-delivering agency, and have directed their demands to this office, which presents itself as an arm of the Thai state. The incorporation of Mae Sot-based migrants into governmental networks has thus, indeed, shaped and made possible certain forms of workplace struggle, including that of the S.D. Fashion workers whose case I present at length in Chapter 5.

Conclusion

In this chapter, I have sketched the historical development of migrant labour in Mae Sot, as a particular regulatory arrangement. I have drawn attention to the role of workers’ struggles and governmental interventions in shaping this arrangement, and the broader historical events and processes on which it is contingent. I have also highlighted the contested character of the local arrangement of migrant labour, as a governmental assemblage in which a range of parties seeking varied (often conflicting) interests have engaged in a collective project of improvement. Understanding the multiply-constituted character of this arrangement allows for investigation—in subsequent chapters—of how
migrants have themselves been a party to its shaping, and further, how migrants’ responses to the difficulties they face have themselves been shaped and made possible by the regulatory arrangement under which they live.

What I have striven to show in this chapter is how governmental interventions, like the activities of the NGOs critiqued above, have worked to “convert potential uncontrollable dissent into a calm, peaceful, legal, controlled, institutionalized and completely harmless discontent” (Crn Blok 2013). What the historical overview of this chapter adds to this understanding is to show that these governmental interventions, which serve to maintain the border’s status quo, are, in fact, concessions. Like the 2004 establishment of Mae Sot’s LPO branch, these initiatives were only reluctantly granted by state actors (and only reluctantly participated in by local factory owners) following the confrontational struggles of Mae Sot-based migrants and their allies. As such, we can point to a process of recuperation here, in the sense that Guy Debord (1994: §192) introduced in 1967. The idea is that oppositional practices (like workers’ struggles) that have emerged in antagonism to capitalism, may subsequently become incorporated as means of reproducing the status quo. As Gilles Deleuze (1971) elaborated, “when we say recuperate we mean: each time something seems to escape capitalism, seems to pass beneath its simili-codes; it reabsorbs all this, it adds one more axiom and the machine starts up again.” There is, however, also a sense of something in the demands of migrants on the border, and of the more confrontational migrant organisations like Yaung Chi Oo, that risks escaping the permissible bounds of Mae Sot’s status quo. At the very least, Mae Sot’s development as a hub of low-waged, flexible labour—as a key node of
Thailand’s border capitalism—risks coming apart if the migrants residing therein were, in fact, ever to completely obtain the wages and conditions of work owed them under existing Thai law. This tension between governmental interventions promising rights and justice, and the reality of sub-legal wages and working conditions backed by sovereign (here police) power leads both to the illegibility of the state (Das 2004) and to the frequent ambivalence of migrants towards governmental interventions. This tension also leads to the persistent threat that migrants will, like those working at the Saha Farms chicken processing plant, respond to their grievances outside the permissible bounds of governmental intervention.
Statistical interlude:

Class composition of Mae Sot migrants

This brief interlude between chapters 1 and 2 provides a demographic breakdown of the migrant population in Mae Sot around the time of my fieldwork in 2011-2013. The details provided here serve to inform analysis of the dynamics of migrant labour as discussed in the other chapters of this dissertation.

Recent estimates of the migrant population residing in the five border districts of Mae Sot, Mae Ramat, Tha Song Yang, Phop Phra and Umphang range from 150,000 (Arnold 2010: 14) to between 200,000 and 300,000 (Aung and Aung 2009: 25). Dennis Arnold (2010: 14) has provided an occupational distribution ratio of 40:40:20 for migrants employed in these districts, representing industry, agriculture and domestic work/services, respectively. Employing a conservative population estimate of 200,000 working-age migrants, this occupational distribution would indicate that about 80,000 migrants in this area work in factories, a similar number work in agriculture, and about 40,000 are employed in domestic work/services. In addition, there were in 2013 between 14,000 and 15,000 migrant children attending 72 migrant schools in the five border districts.¹ Within these five districts, there are an estimated 300 registered factories (mostly garment and textile manufacturing firms) employing from 100 to 1,000 migrants each, with another 200 or so unregistered “home factories,” employing between 5 and 20 migrants (Kusakabe and Pearson 2007 cited in Pollack and Aung 2010: 216).

¹ This figure was provided by a representative of the Burmese Migrant Teachers’ Association (BMTA) at a monthly MRPWG meeting on 7 June 2013.
Figure 8. (above) Migrants working at a garment factory in Mae Sot. (photo: Stephen Campbell)
Figure 9. (below) Migrants working at an unregistered “home factory” in Mae Sot. (photo: Stephen Campbell)
Over the course of my fieldwork, the number of Myanmar migrants registered in Mae Sot, Mae Ramat, Tha Song Yang, Phop Phra, and Umphang under the National Verification “temporary” passport scheme increased from 10,012 (in July 2012) to 23,156 (in October 2013).\(^2\) Hence, depending on whether the largest (300,000) or smallest (150,000) migrant population estimate is used, the percentage of migrants in the five border districts holding this form of documentation for legal residence in Thailand would have been between 3.3% and 6.7% in July 2012, increasing to between 7.7% and 15.4% in October 2013. In either case, the percentage of migrants holding such documentation is a small minority of the total estimated population. It should also be kept in mind that many migrants who register for passports and work permits with Mae Sot employers subsequently use these documents to relocate to central Thailand (see Chapter 2). In addition, as employers typically withhold workers’ registration documents, legally registered migrants who quit or get fired often have to leave these documents behind, thereby becoming effectively undocumented despite remaining registered within government statistics. The actual proportion of migrants holding this documentation for legal residence in Thailand and residing within the five border districts would therefore be lower than the official figures cited here.

According to an estimate from 1997, migrants in Thailand were earning between a third to one half the wages being paid to Thais for similar work (Brown, Bundit and Hewison 2002: 22). During the course of my own fieldwork, migrants’ wages were typically between 70 to 150 baht per day, which was just under a quarter to one half of the 2013 provincial minimum wage of 300 baht per day. By comparison, in 1990 Mary

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\(^2\) The first figure was provided to me by the head of the Mae Sot branch of the Department of Employment at my request on 9 July 2012. The second figure was obtained from the Department of Employment by the International Rescue Committee and was distributed to me through the MRPWG email list.
Beth Mills (1999: 119) documented that most Thai workers employed at registered garment factories in Bangkok received the legal minimum wage of 97 baht per day, at least following an initial probationary period, with dormitory residence and rice provided without deductions. Hence, 22 years later, the daily wage being paid to workers at many Mae Sot-based garment factories had actually decreased in absolute terms from the 1990 rate. This disparity in wages between Thai and Myanmar workers helps account for the attractiveness of these migrants to employers operating in Thailand’s garment industry. The reasons why migrants’ wages remain so low in Mae Sot relate not simply to the abundant supply of labour on the border, but also to the various restrictions placed on migrants, which are examined further in subsequent chapters.

Over the first six months of 2013, I conducted a basic demographic survey of 1,061 migrant factory workers employed in the Mae Sot area, from whom I obtained usable survey data for 996 individuals employed at 15 different factories. (The remaining individuals had incorrectly completed the survey forms.) Of these 15 factories, 14 manufactured garments (sewn and woven) and 1 manufactured decorative flower lights. The surveyed factories ranged in size from small, unregistered “home factories” employing 9 to 20 migrant workers, to larger, registered factories employing between 100 to over 500 migrants.

The survey data presented in Table 1 (below) allows for some insights into the demographics of Mae Sot-based migrant factory workers. Firstly, almost 23 per cent of those surveyed held migrant passports. This figure is at least 7.4% and at most 15.1% higher than the percent of migrants holding these documents in all occupations combined for the five border districts. The implication is that factory workers are more likely to have obtained registration documentation than migrants employed in other sectors.
Table 1. Migrant factory worker survey data

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<th>Migrants (%)</th>
<th>Migrants (#)</th>
<th>Migrants (%)</th>
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The fact that only 68.2 per cent of surveyed migrants identified as women is a significant contrast to garment industries elsewhere in the region. In Myanmar, for example, it has been estimated that 90% of those employed in the garment sector are women (Eleven Media, 19 August 2013). One women I interviewed in Mae Sot, who had previously worked in Myanmar’s garment sector before migrating to Thailand, said that
she had never seen a man working in production at a garment factory until she arrived in Thailand. Similarly, Mary Beth Mills (1999: 121) documented that at Bangkok-based garment factories at the turn of the 1990s, many employers “restrict[ed] new hires to young women under age twenty-five; others only took workers up to age twenty-one.”

Although I did not survey non-factory workers, migrants I spoke with employed in other sectors estimated the following gender ratios: service (90% women, 10% men), construction (10% women, 90% men), agriculture (50% women, 50% men). According to registration statistics I obtained from the Department of Employment in July 2012, 62.2% of migrants registered in the five border districts of Tak Province were women. The relatively high number of men employed at garment factories in Mae Sot is significant in light of the percentage of surveyed migrants who were married (29%). Over the course of my research, I met countless migrant factory workers who had met and married their partners while being employed together at the same factory (see Chapter 4).

The age distribution of migrant factory workers (Table 2) shows a mean average of 25.5 years, a mode of 18 years, and median of 24 years. Following the initial peak at 18 years, the number of migrants employed in Mae Sot factories gradually declines as their age increases. This distribution is comprehensible within the context of Mae Sot’s position as a transit route through which up to 90% of Myanmar migrants enter Thailand. It is common for young migrants, primarily in their late teens, to enter Mae Sot, work for a number of years, and then find ways of leaving the border area for higher paid work in central Thailand (see Chapter 2). Alternatively, migrants may return home to Myanmar after having worked in Mae Sot for a few years.
The high number of migrants who identified as ethnic Burman (86.6%) is also surprising, given that Burmans are estimated to comprise only about two thirds of the population of Myanmar. By contrast, the low number of survey respondents who identified as ethnic Karen was unexpected, given that Karen State is immediately adjacent to Mae Sot. This ethnic disparity is also reflected in the number of surveyed migrants who came from the majority-Burman Bago Region (40.8%) versus Karen State (3.4%), where most of the population is Karen. This regional distribution of place of origin is depicted in the map below (Figure 5), which shows the percentage of surveyed migrants hailing from the various states and regions (formerly “divisions”) of Myanmar.

There are several anecdotal reasons that migrants provided to me to account for this high proportion of ethnic Burmans among Mae Sot-based factory workers. The first is that when significant migration from Myanmar to Thailand began around the 1990s, those migrating via Mae Sot were predominantly non-Burmans (especially Karen, Pa’O and Mon) who came from conflict areas along the border. The majority-ethnic Burman
areas in the central parts of Myanmar were largely cut off from the border due to the civil war. Over time, many of the early non-Burman migrants moved on to higher paid employment in central Thailand. More recently, as new, non-Burman migrants from eastern Myanmar have left the country, they have been able to take advantage of previously established networks of friends and family who can assist in directly arranging higher paid work in central Thailand, thereby allowing these new migrants to bypass lower paid work on the border. For those Karen who do take on employment in the Mae Sot area, many take on agriculture, service or domestic work. Reasons migrants have suggested for why Karen are disproportionately represented in service and domestic work is that they often speak better Thai than do ethnic Burmans. In addition, some Thai employers hold positive stereotypes of Karen vis-à-vis Burmans, and job advertisements at clothing shops in the Mae Sot market sometimes specifically state that they are seeking young Karen women (Campbell 2012b: 280).

The demographic details presented here help inform analysis of the social dynamics examined in subsequent chapters. Most broadly, the migrant population in Mae Sot is almost exclusively from Myanmar. This differs from other areas of Thailand where Myanmar workers intermingle with significant numbers of migrants from Laos and Cambodia. Furthermore, the Myanmar population in Mae Sot outnumbers the local Thai population. In some parts of the district, this phenomena produces an overwhelming Myanmar presence. However, given the widespread lack of documentation among migrants in Mae Sot, many of these individuals remain most of the time behind the walls of their workplaces, giving the impression that there are fewer Myanmar migrants in Mae Sot than is actually the case. The high population of migrants in Mae Sot and the high proportion of these individuals who lack documentation for legal residence and work in
Thailand also enables systematic practices of police extortion (see Chapter 3).

Specifically within Mae Sot garment factories, the typical production worker is an ethnic Burman, Buddhist woman from Lower Myanmar in her late teens or early twenties who lacks legal documentation. The age, gender and legal status of this typical factory workers is especially relevant when considering, for example, the systematic harassment perpetrated by the all male Thai police force. In addition, the relatively high proportion of men (about 32%) among garment factory workers in Mae Sot, as compared with lower proportions at other regional industrial centres, enables a high numbers of marriages among workers at a given workplace (see Chapter 4). These marriages are also facilitated by the relative ethnic and religious homogeneity of these factory workers. Inter-ethnic and inter-religious marriages do take place among Myanmar migrants in Thailand (see Campbell 2012b: 268-269). However, marriages across religious lines were becoming increasingly contentious during the time of my field research. The was largely due a reactionary movement within Myanmar led by conservative Buddhist monks who were demanding legislated restrictions on inter-religious marriage. However, for those among the Burman Buddhist majority of Myanmar migrants, this common ethnic, religious and linguistic background facilitated a shared experience of migrant life along the border.
Figure 10. States and Regions of origin of surveyed migrants in Mae Sot (Source: Google Maps)
Chapter 2

Border capitalism, disrupted: The contested politics of migrant mobility

Daw Htay—in her fifties, but still working construction—told me her wages were up due to a recent shortage of workers. She was telling me this in March 2012, shortly after my return to Mae Sot following a six-month absence. Her words seemed in line with what I had observed myself: job advertisements, written in Burmese, hung from shopfronts in the central market and on doors of gated garment factories in greater numbers than before. Yet what had struck me most upon returning a few weeks prior was the mass departure of migrants. As a border-based export processing zone, Mae Sot has long served as a point of entry for Myanmar migrants seeking employment in Thailand. But the district’s role as simply a transit point for these migrants had never been so visible. Queues at the offices of private passport companies now spilled out onto sidewalks and streets out front. Ticket vendors in the main bus station out of town had put up signs in Burmese, catering to their growing clientele of registered migrants “legally” leaving the border area. Transit companies had likewise increased the buses servicing their Mae Sot-Bangkok lines in order to accommodate these newly mobile migrants.

The impact of these changes on Mae Sot’s labour situation was noted at the time in rather alarmist tones in an article published in The Nation newspaper (2012a, 8 May), one of Thailand’s two main English-language dailies. “Employers in five border districts of Tak [Province],” the author warned, “face a shortage of workers as many migrants have ‘escaped’ to work in inner cities.” This flight of labour from the border area is due, we are told, to “gaps in the law” and “the failure of government officers to protect employers and stop migrant workers from travelling to inner provinces.” Apparently,
these migrants had “take[n] advantage” of a legal “loophole” that had opened up with the recently introduced migrant registration scheme, which grants holders of special “temporary” migrant passports freedom of movement in Thailand. As a result, when Myanmar migrants holding these documents have tried to leave the border area, “the police make no attempt to stop their travel.” The problem is compounded for a minority of Mae Sot employers who have advanced the money for their foreign employees to register for these documents. The reason is that, as soon as Mae Sot-based migrants acquire their new passports, they typically quit their jobs and “run off to the cities for higher pay.” But what is to be done? “The state,” lamented local employers, simply “overlooks” their difficulties.

This article from *The Nation* makes explicit what were, at the time of its publication, growing tensions between Bangkok-based policy makers and Mae Sot-based employers over the latest migrant registration scheme, which afforded migrants a hitherto forbidden legal mobility. The granting of freedom of movement to registered migrants was meant to stabilize the supply of cheap labour for employers in central Thailand, who lacked the easy access their border-based counterparts enjoyed to a stable pool of undocumented migrants. As the article makes clear, however, for Mae Sot-based employers the mobility of migrants—specifically their ability to legally leave the border area—was a potentially devastating entitlement. If migrants were free to leave the border for higher paying jobs elsewhere in Thailand, the resulting labour shortage would either drive up wages for those migrants remaining on the border, or force border-based firms to close due to a lack of workers. Seen in this light, migrants, through their mobility, posses a collective power to disrupt the geography of border capitalism. And indeed, through their actual and potential flight from the border, Myanmar migrants, during the time of
my fieldwork, forced Mae Sot-based employers and local Thai government authorities to respond with varying tactics aimed at obstructing this new legal mobility.

The disruptive implications of workers’ outward mobility, as hinted at in The Nation, raises significant questions for analysis of export processing zones (EPZs), like Mae Sot. In the last decades of the 20th century, EPZs emerged as dominant growth strategies for many Asian countries pushing towards export-oriented industrialization. To date, the literature on EPZ development in Asia, both critical and complimentary, has tended to emphasize the central role of state planning in determining the geographic arrangement and regulation of these sites (Arnold 2012; Pongsawat 2007; Ong 2006, 2012). It is from this statist perspective that Aihwa Ong (2006: 7) frames EPZ development in terms of “zoning technologies,” through which states seek to “achieve strategic goals of regulating groups in relation to market forces.”

State-focused analytics, such as that which Ong provides, situate their gaze on the role of government policy in shaping EPZ development, as a spatialized regulatory arrangement serving the interests of capital accumulation. Yet the situation I encountered in Mae Sot in early 2012 suggests a number of limitations to state-centric analyses of EPZ formation. First, while state planners may envision EPZs as the consummation of their ambitious fantasies of development and rule, on the ground such projects are “never wholly realized” (Cross 2010: 358). Second, the statist perspective suggests a singularity of agency and coherence of logic which states inevitably lack (Mitchell 1999). What ends up being missed are the “conflicting claims to the right to rule,” which persistently play out among competing government institutions (Krupa and Nugent 2015: 4), and which inevitably frustrate the unified implementation of any state project. Hence, privileging the determinative role of state and capital in EPZ formation risks obscuring
the power workers may themselves posses to reshape the capitalist landscape. How, then, might we understand EPZ formation, taking into account these multiple concerns? Or, rather, by what practices are EPZs in fact constituted? And through what conflicts is EPZ development disrupted?

As a useful corrective to state-and-capital-centric geographies of labour, Andrew Herod (2001: 15) argues for a mutually constitutive dynamic, where workers, as well, “are active geographical agents whose activities can shape economic landscapes in ways that differ significantly from those of capital.” In pursuit of their interests, workers may engage in a “spatial praxis,” which has the potential to undermine the “spatial fix” that capitalists employ to offset crises of profitability (Herod 2001: 33). Illustrative of this spatial praxis, Herod suggests, are various tactics workers have used to anchor capital investment in given locations. Conceptualizing workers as “active geographical agents” also allows, however, for investigation into how workers’ mobility threatens the spatial organization of capital, and plays out as a form of class struggle in particular instances. This is class struggle, then, in the Lefebvrian (1991: 55) sense of a contestation of social space.

As regulatory enclaves for industrial production, the capitalist geographies of EPZs are a function of their borders. Questions pertaining to EPZ formation thus bring these zones into conversation with the anthropology of borders. Rather than fixed by coherent state policies, borders, in this subfield, have come to be understood as processually constituted through the practices of those residing at, and passing through, these sites, including the often conflicting agents of fragmented states (Donnan and Wilson 2012: 13). Conceptualising borders in this way enables analysis of EPZ formation in which the meanings and effects of their borders—and thus of the capitalist
geographies these borders produce—are contested, transformed and re-established on a
daily basis. Significantly, those engaged in the production of borders—and with them the
landscapes of border capitalism—include the many migrants who regularly cross these
borders, whether “legally” or otherwise. This latter point is crucial for understanding
Mae Sot’s recent transformations, because the viability of Mae Sot as an industrial centre
has for so long depended on restrictions against migrants “legally” leaving the zone for
higher paying work elsewhere in Thailand.

In the increasingly constricted labour market of Thailand’s boom years of 1987-
1996, working class struggles in the Bangkok area drove up production costs through
wage increases, creating crises of profitability for garment factory owners when the 1997
Asian economic crisis struck. To this, factory owners responded with a “spatial fix”
(Harvey 2001), relocating investment to lower waged, less regulated border areas
(Pangsapa 2007: 155). The Thai government supported this movement of capital with tax
holidays aimed at transforming Mae Sot into a significant EPZ, with easy access to large
numbers of undocumented migrant workers (Arnold and Pickles 2011). The site was also
made a priority for development as the primary border trade route between Thailand and
Myanmar, and as a regional trade hub along the transcontinental Asian Highway. As Mae
Sot’s development has depended on its concentration of cheap labour, police checkpoints
on the main highways out of town have worked to stem the flow of migrants from the
border to higher paying provinces in central Thailand (Arnold 2012: 748).

It is within this conjuncture of capital relocation and spatialized labour regulation
that I situate my analysis. Specifically, I focus here on the tensions in Mae Sot’s border
capitalism, within which migrants have struggled and negotiated over their mobility—
disrupting, in the process, the border’s economic landscape. In order to examine the
politics of these mobility struggles, I proceed below with an historical overview of the various migrant registration schemes implemented in Thailand since the mid-1990s. I then turn an ethnographic eye to migrants’ varying engagements with the most recent registration process, and the ways in which Mae Sot-based employers and various state institutions responded.

Figure 11. Myanmar migrants wait for their registration documents outside the office of a Mae Sot-based passport company. (photo: Stephen Campbell)

A brief history of migrant registration schemes in Thailand

It was in the late 1980s that migrants seeking employment began crossing from Myanmar into Thailand in significant numbers. Up until the mid 1990s, however, there were effectively no formal channels through which these individuals could register for legal
residence and work in their host country. Despite this lack of formal registration options, Thai business owners intensified their employment of Myanmar migrants in response to a domestic labour shortage that grew out of the country’s economic boom from 1987 to 1996. Under conditions of expanded migrant employment, existing government restrictions on migrant residence and work prevented the stabilisation of labour supplies for employers in export-oriented industries around Bangkok. The resulting instability in the supply of cheap migrant labour fuelled “tensions between the state and business community” (Pongsawat 2007: 191). Given the insecurity of undocumented migrants, and the difficulty of renewing migrant workforces at enterprises far from the border, business owners in labour intensive sectors began demanding the Thai government institute a system of migrant registration (Brown, Bundit and Hewison 2002: 22).

The first migrant registration policies to be enacted in Thailand were in effect amnesties for existing undocumented migrants already employed in the country. Hence, a Cabinet Resolution issued on 17 March 1992 allowed a one year exemption for undocumented migrants in Thailand to continue working for their current employer. This resolution was issued in response to pressure from the Thai Chamber of Commerce, the Federation of Thai Industries, and the Thai Bankers’ Association, as a means to address the growing labour shortage in export-oriented industries—notably the fisheries sector—and in construction (Pongsawat 2007: 192). However, due the high bond and processing cost, this scheme failed to attract significant interest and in the end only 706 migrants were registered (ILO 2007: 1). As domestic employers maintained pressure on the government for a more effective registration scheme, the Thai cabinet issued a second migrant amnesty in 1996, according to which migrants could be registered with their current employer for a two-year period. This second amnesty resulted in the much larger
number of 372,000 migrants being registered (ILO 2007: 1). Yet, as migrants were bound to their employers under the terms of the 1996 Cabinet Resolution, and not granted a broader freedom of residence, those who registered were effectively confined to their place of work (Pongsawat 2007: 196).

In response to Thailand’s widespread domestic unemployment, which grew out of the 1997 economic crisis, the Thai government announced in February 1998 that it would deport 300,000 migrants within six months in order to open up employment opportunities for Thai nationals (Human Rights Watch 1998: 12). Five months later, according to the Thai Immigration Office, “249,817 registered illegal immigrant workers” had been deported (Pongsawat 2007: 196). As the deported migrants had been largely employed in those occupational sectors which Thais tended to avoid, businesses affected by deportations had difficulty finding domestic workers to fill the vacant jobs. Owners of affected businesses thus argued against nationalist employment advocates, and the government’s domestic labour “replacement policy” (Pongsawat 2007: 198). As Thai capital remained dependant on cheap migrant labour, business owners pressured the Thai Cabinet to issue a new migrant registration policy in 1998, which was then renewed annually over the next decade.

Up until 2001, the Thai government’s policies on migrant registration were restricted in their coverage to certain “border provinces” and certain occupational sectors, such as fisheries and construction (Pongsawat 2007: 192-200). In 2001, however, under the direction of the pro-business Prime Minister Thaksin Shinawatra, the Thai government removed earlier geographic and occupational sector restrictions on the registration of migrant workers, but maintained restrictions on migrants’ legal mobility outside the workplace. While migrants could be legally employed in more occupational
sectors and more geographically dispersed provinces than before, those who sought to work in central Thailand still depended on “human smuggling” in order to get from the border to their workplace. Only after starting work at their place of employment could they apply for legal documentation.

A significant change in the issue of migrant mobility occurred in September 2008, when the Thai cabinet announced a new “National Verification” scheme, according to which registered migrants would be legally entitled to travel throughout Thailand (Mekong Migration Network 2008). Under the terms of the new policy, all undocumented migrants in Thailand were to register with the Department of Employment by 28 February 2009, after which time undocumented migrants would be deported. The initial cost of this registration process was approximately 9,000 baht, which covered the migrant passport, visa, work permit, health insurance, processing charges, and travel between Mae Sot and the Myanmar immigration office in Myawaddy.

Due to the high costs involved, the insufficient capacity and geographic reach of processing facilities, limited awareness of the process among migrants, the non-regulation of registration brokers, and “widespread rumours” that officials in Myanmar were using the personal details of registered migrants in order to tax their families back home, the initial uptake of the National Verification scheme was limited (Asian Human Rights Commission 2010). Since so few migrants registered under the National Verification process during the initial registration period, the Thai government extended the registration deadline to 28 February 2010. Once again, the Thai government stated that those migrants who failed to register within the new time frame would be deported (Human Rights Watch 2010: 4). Yet still, only a minority of migrants actually registered, despite the extension granted. The deadline was therefore extended again, and repeatedly
thereafter over the next four years, each time with renewed threats of mass deportations. When migrants employed at the KBC garment factory found themselves hiding in a sugar cane field to avoid a police raid, as recounted in the Introduction of this dissertation, the temporal context was one of these many postponed registration deadlines. Following that occasion, when the registration deadline was extended from 14 December 2012 to 16 March 2013, the Thai and Myanmar governments reduced their respective charges for this documentation, bringing the total cost down to just under 5,000 baht, as a means of further encouraging migrants to apply.

The officially stated costs for registration do not, however, accurately reflect the actual amounts paid by the vast majority of migrants. Due to the complex registration procedure, and persistent processing delays within the Department of Employment, there has effectively been a farming out of the application intake stage to a plethora of private passport companies, which typically charge fifty to one hundred per cent more than the officially stated registration cost. Among those who have established passport companies in Mae Sot are local police officers, who thereby position themselves to profit from the very registration process they are tasked with enforcing. In addition, independent brokers, who seek to profit by inserting themselves between migrants and passport companies, act as a further gritty layer in the registration process, driving up registration costs with arbitrary brokerage fees. The operations of private passport companies and independent brokers, and the dependency of the Thai Department of Employment on these agencies, have led to persistent complaints of corruption and fraud in the registration process. As one Reuters journalist summed up the National Verification scheme: “over the years, the convoluted paperwork required spawned an exploitative industry of middlemen who cut through the red tape - at an exorbitant cost” (Reuters
The difference for migrants travelling to central Thailand from the border under the National Verification scheme versus the prior arrangement was made clear to me by one registered Bangkok-based migrant with whom I spoke, who described it thus:

At that time [before the National Verification scheme], you just paid once [to human smugglers] and that was it. Now the government is always demanding money and you need to get all these forms processed. Previously you couldn’t travel freely, but you could save more money. Now you have to pay lots to the Thai government.

Figure 12. The overland route for migrants from Mae Sot (A) to Bangkok (B). (source: Google Maps)

Human Rights Watch (2010) has argued that restrictions imposed by the Thai government on the National Verification scheme, such as the requirement that migrants...
must register under the name of an existing employer, have been motivated by “national security” concerns, and have created barriers—financial and otherwise—to registration. The result has been a widespread lack documentation among migrants—a situation from which, argues Human Rights Watch (2010: 6), “[n]either employers nor their migrant workers benefit.” It is important to note, however, that migrants’ lack of documentation can indeed benefit employers, who leverage the “illegal” status of their employees to maintain wages below the legal minimum. It is also more difficult for undocumented migrants to quit poorly paid work in order to seek higher paying jobs elsewhere, as these individuals are in constant danger of detention, extortion and deportation by the police while travelling outside their workplace (see Chapter 3). Employers thus make use of state enforcement of migrant registration in order to keep down labour costs at the same time as they circumvent this enforcement when hiring undocumented workers.

The National Verification scheme has aimed to achieve the registration of undocumented migrants already living and working in Thailand. Concurrently, the Thai and Myanmar governments have introduced a separate bilateral “Memorandum of Understanding” (MoU) scheme, covering formal labour recruitment for Thailand-based firms from within Myanmar. Under the terms of the MoU agreement, individuals within Myanmar may obtain legal documentation for residence and work in Thailand and be connected with Thailand-based employers via labour recruitment agencies operating within Myanmar. In contrast to the National Verification scheme, those registered under the MoU process would have no right to independently change employers in Thailand. Migrants wishing to change employers are required to inform the labour recruitment agency in Myanmar under whom they were registered, then return to the office of this agency (in Myanmar) and from there wait to be dispatched to a new employer in
Thailand. These recruitment agencies, as private labour market intermediaries, are thus enlisted into the state project of regulating migrant labour and restricting migrant mobility. The effect of this restriction on registered migrants independently changing employers in Thailand is to create a legislated dependency of migrants on labour recruitment agencies. This situation is by no means unique to Myanmar migrants in Thailand. There has, since the latter decades of the 20\textsuperscript{th} century, been a significant increase globally in the proportion of workers (migrant and otherwise) employed through labour market intermediaries—the conditions of their employment often entailing new forms of bonded and unfree labour (Fudge and Strauss 2013; De Neve 2009).

At the time of my fieldwork, the number of migrants registered under the MoU scheme remained far lower than the number of those registered under the National Verification scheme. In Mae Sot, for example, of the 23,156 migrants registered by October 2013 with employers based in the five border districts of Tak Province, only 2,362 (or 10\%) were registered under the MoU scheme.

Like the National Verification process, the MoU process has been similarly marred with charges of fraud and corruption. In May 2013, for example, the Myanmar Ministry of Labour suspended 12 of the country’s largest labour recruitment agencies on the basis of “alleged corruption and exploitation of migrant workers” (Myanmar Times 2013, 10 May). In June 2013, a group of 200 individuals who had applied for work in Thailand under the MoU scheme staged what was dubbed “the first worker protest” ever held in Myawaddy, demonstrating against a local labour recruitment agency, to which they had paid money and been made to wait seven months with no offer of employment in Thailand (The Irrawaddy 2013, 29 June).

What complicates the dynamics—as well as the analysis—of these registration
programs is the unstable mix of collusion and conflict between state and capital which these programs entail. Myanmar-based private labour recruitment agencies, for example, are tasked with regulating migrant mobility in Thailand, while private passport companies in Thailand are tasked with the processing of migrant registration applications. State actors—notably the police—have become involved in the registration process as owners of private passport companies, thereby profiting in their “private” capacity from the migrant registration process that they are tasked with enforcing in their capacity as “public” officials. At the same time, the police also profit from migrants’ non-registration, through both ad hoc and systematic extortion of undocumented migrants (see Chapter 3). Influential capitalist organisations—the Thai Chamber of Commerce, the Federation of Thai Industries, and the Thai Bankers’ Association—shape national-level migrant policy, while Mae Sot-based employers lobby district and provincial authorities to re-shape or subvert this policy locally. Likewise, as I examine below, private passport companies engaged in the migrant registration process are themselves actively involved in negotiating migrant policy with various levels of the Thai government, and in negotiating the implementation of this policy with the Thai police.

Amid these conflicts, the law is de-stabilised—and the state thereby rendered “illegible” (Das 2004). While serving as the dominant discourse framing the regulation of migrant labour, the law is never stable enough for migrants themselves to be able to employ it with certainty. Official migrant policies, for example, have been repeatedly scrapped, amended, or ignored, leaving migrants often in utter confusion as to where they stand in relation to the law. The Mae Sot police have invoked as law documents that have been officially rendered defunct, and have rejected other documents that are deemed valid according to official regulatory changes. Yet despite the significant problems
involved in the National Verification and MoU schemes, these registration channels have still enabled many migrants to bypass the poor wages and working conditions of Mae Sot, in order to secure higher paid employment in central Thailand. It is under the conditions of these most recent schemes, and particularly the National Verification process, that the following accounts of migrants’ engagement with registration and mobility are situated.

Bolstering the economic dam

“Johnny’s office,” as it was locally known, is the Mae Sot franchise of a much larger Thai “manpower” company. Under the management of Ko Johnny, a charismatic Myanmar Muslim man in his early thirties, and a female Thai business partner, this office had become one of the most successful passport companies in the Mae Sot area. In part, this success was due to the office’s prime location immediately opposite the Mae Sot branch of the Thai Department of Employment, where all migrant registration forms had to be submitted. Ko Johnny also attributed the popularity of his business among migrants to the fact that he “doesn’t defraud” (m’lain-sa-bu) applicants, as do other passport companies. When Ko Johnny established this central office in mid-2011, only 30 migrants applied for registration during his first month of operations. By early 2013, however, Ko Johnny had expanded his franchise to include three offices in Mae Sot, with another six branch offices in Mae Sot’s neighbouring districts, employing a total staff of 54 clerks who processed between 3,000 to 4,000 migrant registration applications per month.

When Johnny’s office opened in 2011, there were few other passport companies in Mae Sot. Shortly thereafter, however, the number of passport companies exploded. By
the time of my fieldwork there were upwards of a hundred such companies operating in the district. The primary function of these offices was to process applications for migrant passports and work permits under the terms of the National Verification scheme. Officially, employers could submit migrant registration applications directly via the Department of Employment. Due to the complicated and time consuming application process, however, local employers wishing to register their workers typically applied through private passport companies, like Ko Johnny’s. Migrants wanting to register, who either lacked employers, or whose employers were unwilling to arrange registration, could apply through these companies on their own. Such applicants would, for the purpose of registration, be provided with the name of an employer for whom they would never actually work. According to an assistant manager at Johnny’s office, passport companies could “rent” from legal employers the use of an employer’s name at a cost of 3,000 baht (for Mae Sot employers) or 4,000 baht (for Bangkok employers) per applicant.

This arrangement meant that, beginning in late-2011, Mae Sot-based migrants began applying in large numbers for migrant passports and work permits. In a minority of cases, Mae Sot employers arranged this registration for their employees, with the cost to be subsequently reclaimed through monthly wage deductions. More commonly, however, migrants made arrangements with employers in central Thailand, who would advance the cost of registration in exchange for the migrant’s commitment to work until this cost was repaid. In a different context, Jan Breman (2010: 48) has labelled this form of indentured servitude “neo-bondage,” noting that it tends to be “less personalized, of shorter duration, more contractual, and monetized,” as compared with pre-capitalist forms of labour bondage. As an alternative to such debt-based labour contracts, Myanmar migrants on the border may independently borrow the money needed for
registration, acquire passports and work permits registered with the “rented” name of an employer, and then make the trip to Bangkok hoping to secure employment upon arrival. Hence, in the majority of cases, these newly documented migrants soon left the border with hopes of future employment elsewhere.

The overwhelmingly reason migrants sought to work in central Thailand, rather than Mae Sot, was the significant disparity in wages. Officially, up until 2013, minimum wage rates were variably set at a provincial level, with the rate for Tak Province (where Mae Sot is located) being among the lowest in the country. In 2012, the minimum wage in Tak was 226 baht/day, while in Bangkok it was 300 baht/day. Official rates, however, are deceptive. The vast majority of migrants in the Mae Sot area are paid less than the legal minimum (Democratic Voice of Burma 2011, 25 April). Hence, despite a new wage policy that set the minimum pay rate for all provinces at 300 baht/day starting January 2013, the actual wages in Mae Sot have remained substantially lower than those in central Thailand. Indeed, most of the migrants I knew in Mae Sot during the time of my fieldwork were paid between one quarter to one half the legal minimum. There was thus a strong economic pull on migrants to leave the border in order to work in central Thailand, where wages were at, or at least closer to, the legal minimum.

Up until 2011, migrants’ means of relocation from the border to central Thailand were effectively limited to human smuggling operations. This was both insecure and costly. Beginning in late-2011, however, the proliferation of passport companies in Mae Sot suddenly made relocation from the border to central Thailand significantly easier and more secure. It was the resulting large scale departure of migrants from Mae Sot between late-2011 and mid-2012 that was, according to The Nation article cited earlier, creating a local labour shortage.

105
Within Thailand, border industrial zones like Mae Sot have been domestically promoted as “economic dams” by which to prevent the “contamination” of migrants into the country’s central provinces, while maximizing the economic benefit of this important supply of cheap labour (Arnold and Pickles 2011: 1609). To these ends, there are two significant borders in operation around Mae Sot. First, there is the international demarcation between Thailand and Myanmar which serves not to restrict migrants’ entry into Thailand, but only to establish these individuals as low-waged, precarious workers, stripped of claims to rights as citizens. Second, there is the internal border around Mae Sot created by police checkpoints, which serves to obstruct migrants’ travel to central Thailand, while ensuring a local concentration of cheap labour. This regulation of migrant mobility parallels practices Brenda Chalfin (2010: 58) observed in Ghana, where “the expression of state authority at the border zone in neoliberal times is evermore geared to the management of mobility rather than outright exclusion or enclosure.”

Drawing on cases such as Mae Sot, Sandro Mezzadra and Brett Neilson (2013) argue that such internal borders serve the primary purpose of segmenting labour markets —establishing, that is, distinct populations with different conditions of exploitation. Hence, by relocating out of Mae Sot en masse, registered migrants were, in effect, taking advantage of the demand for labour in central Thailand to circumvent this internal border, thereby contesting Mae Sot’s role as a low-waged “economic dam.” In response, Mae Sot employers, as The Nation informed us, began criticizing the Thai government’s lack of intervention in curbing the outward flow of migrants.

It was at Johnny’s office where I first learned how Thai government authorities were going to respond to the request for intervention by Mae Sot employers. On the morning of 24 June 2012, I sat on a wooden bench at the open air front of this office,
conversing with a group of rather frustrated migrants. These half dozen men and women were clients of Ko Johnny’s, but their plans to obtain higher paid work in central Thailand had suddenly been derailed. The previous night, the police operating the checkpoint just outside Mae Sot had stopped them on their way to Bangkok. Despite possessing valid migrant passports, the police had prohibited these migrants from continuing their bus ride, and forced them instead to hire motorcycle taxis to drive them back to Mae Sot. This sudden restriction on travel was catastrophic. Most of these migrants had borrowed money to cover the high cost of registration, intending to repay their debt with the higher wages they expected from future employment in central Thailand. They made clear their indignation at this unexpected travel restriction by interjecting comments, like the following, as we spoke:

I’ve been turned back twice already. What’s the value of this passport if we can’t go to Bangkok? If we can’t go to Bangkok, then they’ve got to give us the Bangkok wage here. Now in Mae Sot the wage is 70, 80 baht. How can I feed my children on 70, 80 baht a day? The situation with the passports is worse than before, when there were no passports. Because now you have to spend more money, and you can’t even go to Bangkok.

If we can’t go to Bangkok, then this passport is worthless.

These passports were introduced in order to stop human smuggling. But if migrant workers can’t get to Bangkok with this passport, then they’ll go by smuggling.

Since none of these migrants spoke Thai, they did not understand the explanations given to them by the police operating the Huay Hin Fon checkpoint, at which they had been stopped. They therefore asked Ko Johnny, who does speak Thai, to visit the checkpoint and enquire about the situation with the police stationed there. By this point in our conversation, Ko Johnny himself had arrived and joined our discussion, wearing his signature gold necklace, as thick as my thumb, embossed with full-colour Thai and
Myanmar flags. He confirmed the migrants’ account of the recent events. He explained to me that, having gone as requested to the checkpoint, the police had candidly told him that Mae Sot business owners had asked the government of Tak Province to prohibit documented migrants from going on Bangkok. In response, the Deputy Governor of Tak had personally issued these new restrictions on migrant travel. The reason for the request and the Deputy Governor’s subsequent directive, according to the police, was that local business owners were facing a shortage of workers. In effect, the new restriction on migrant travel was a means of shoring up the economic dam—containing the outward flow of migrants, which otherwise threatened the economic viability of Mae Sot as a low-wage-dependent industrial centre.

What is analytically crucial here is that these restrictions were implemented in response to the efforts of Myanmar migrants to quit the border. They were not preemptive measures. Recognizing this allows us to see the primacy of migrants’ mobility struggles in catalysing transformations in the regulatory geography of border capitalism. In order to achieve their aims, the migrants who engaged in these mobility struggles had, until the imposition of the travel restrictions, been exploiting the conflicting objectives of different state institutions (Bangkok policy makers promoting national development versus provincial authorities promoting local accumulation), and the competing interests of geographically separated capitalists (employers in central Thailand seeking legally-mobile migrant labour versus employers in Mae Sot relying on legally-immobile migrant labour). The imposition of the new travel restrictions was thus a response to migrant mobility by Tak provincial authorities and Mae Sot employers amid these broader intra-state, intra-capitalist conflicts.
Tactics of a spatial praxis

As Ko Johnny was telling me about the new travel restrictions, I heard in his voice the ring of indignation that I had so far been hearing from the migrants. “We need to do something for our Myanmar nationals,” he urged. His suggestion was that we organise a protest of migrants in front the Mae Sot police station during the coming week. Now putting aside for the moment Ko Johnny’s expressed concern for “our Myanmar nationals,” he had, of course, his own material motivations for challenging the new restrictions. After all, the vast majority of migrants applying through his office for legal registration aimed to relocate to Bangkok using their newly acquired residency documents. If this was no longer possible, Ko Johnny’s customer base would evaporate. The migrants I was speaking with, however, seemed keen on the idea of a protest. I therefore offered to help however I could, and promised to seek support from MRPWG members at our monthly meeting the following day.

The outcome of the next day’s MRPWG meeting was an agreement by those in attendance to draft and submit a joint letter to relevant Thai authorities condemning, and calling for a repeal of, the travel restrictions, and to file a grievance over the issue with Thailand’s National Human Rights Commission. This meeting was followed, on 28 June, with an excursion by MRPWG members (including me) and a video journalist from the Democratic Voice of Burma to Tak City, where we visited the head of the Tak Department of Employment, and submitted the MRPWG letter calling for the restrictions to be repealed. Speaking in Thai (and translated into Burmese by a bilingual MRPWG member), this official explained that a representative from the Federation of Thai Industries (FTI) had said to the head of the Mae Sot Department of Employment, “You say you want Mae Sot to develop. Well it won’t develop if all the workers leave.” He
then told us we were free to submit a grievance to the National Human Rights Commission, if we so desired, but the restrictions would remain in force. We therefore returned to Mae Sot, with the travel restrictions still in place. As we had little to show for our visit to the Tak government office, an IRC staff member who had accompanied us promised that IRC would indeed submit a claim through the Human Rights Commission over the issue of the new restrictions. But “a protest,” she told me, “won’t be necessary.” In any case, the floated idea of a protest never did come to fruition.

On the same day that the MRPWG contingent made its trip to Tak City, the MAP Foundation (2012), itself an MRPWG member, issued an open statement on the migrant travel restrictions, of which the following is an excerpt:

Employers in Tak have managed to persuade the authorities to slap travel restrictions on all migrants registered to work in five border [districts]... the Federation of Thai Industries (Tak Chapter) reported that there is a shortage of workers because migrants are escaping to other areas of Thailand. What they did not say was that the conditions and pay in the Tak border areas are so bad that migrants leave to find better working conditions elsewhere... Migrants have invested time, energy and money to navigate the various procedures and steps to change their status to a legal status holding a passport, visa and work permit. They are surely asking themselves why they bothered? What do they have to show for their investment? They are still paid much less than the legal minimum wage, they are still working in sub-standard conditions, they are still not allowed to travel freely... The real cause of the problem of the shortage of workers in Mae Sot is the appalling working conditions. The solution is simple, the Department of Employment and the Federation of Thai Industries instead of making recommendations to immigration and exerting authority beyond their mandate, should instead instruct all employers in the five border districts of Tak to clean up their act and follow the law: pay minimum wages, improve working and safety conditions and show a little respect for the workers who have made them so comfortable for so long.

Despite these efforts—the submission of a letter to the Tak government, the release of the MAP Foundation’s open statement, and the filing of a claim with the National Human Rights Commission—the travel restrictions remained in force. Indeed,
months later when I asked the IRC staff member what had come of the Human Rights Commission submission, she informed me that there had been no indication that the claim, although submitted, had even been processed.

The prohibition on migrants’ travel out of Mae Sot was, however, not absolute. After all, the travel restriction that Mae Sot business owners had achieved was in conflict with the labour needs of employers in central Thailand. And it had been in support Thai employers located far from the border that national-level government policy makers had originally introduced the migrant passport program. Under the terms of the National Verification scheme, migrants had to be registered under the name of a legal employer in order to acquire a passport and work permit. If registered migrants wished to change their employer, they had 15 days to do so upon quitting work, after which time their visa for Thailand would expire. According to the recently introduced travel restrictions, migrants whose work permits were registered with employers elsewhere in Thailand were free to leave Mae Sot. However, migrant passport holders registered with employers in Mae Sot, or not yet registered with any employer could not leave the border area without a “work transfer document,” issued by the Department of Employment upon receipt of an employer’s signed application form. This condition, in effect, required that new migrants arriving in Mae Sot had to first legally work with a Mae Sot employer before relocating for higher paid work in central Thailand. In addition, those legally registered with Mae Sot employers were dependant on their employer’s goodwill in order to get the requisite form signed so as to obtain the needed “work transfer document,” which would allow them to pass Huay Hin Fon, and the two subsequent checkpoints, on the road to Bangkok.

So, facing an imminent labour shortage, and under the conditions of the National Verification scheme, Mae Sot business owners employed a variety of tactics to achieve a
stable supply of cheap migrant workers without having to increase wages. First, the majority of Mae Sot employers were reluctant to arrange registration for the migrants in their employ. Second, employers lobbied the government of Tak Province to curb the outward flow of migrants, leading to the travel restrictions introduced in June 2012. Third, employers withheld the documentation of legally registered workers, a practice which made registered workers effectively undocumented, and at risk of detention and extortion by the police should they travel outside their workplace. Fourth, when registered workers quit, their employers often refused to return their passports and work permits, or to sign the forms required by the Department of Employment in order to issue “work transfer documents.”

This is, of course, not the end of the story. Migrants seeking to leave the border for employment in central Thailand developed their own tactics, both legal and extra-legal, to get by the three checkpoints outside Mae Sot. These are the tactics that I am suggesting comprise migrants’ spatial praxis, as they challenged the efforts of Mae Sot employers and local government officials to contain migrant labour at the border. These are also the types of tactics that Mezzadra and Neilson (2013) refer to as “border struggles,” by which migrants individually transgress, but collectively undermine, the borders constitutive of labour market segmentation. In the case of Mae Sot, such tactics included the following. First, migrants registered in Mae Sot who wanted to leave for Bangkok would quit work and demanded that their employers arrange their “work transfer” documents. Typically, employers were unwilling to comply. There were thus a series of cases I followed where migrants sought assistance from Yaung Chi Oo to obtain these forms, despite their employers’ intransigence. For example, in July 2012, shortly after the travel restrictions were introduced, I met a group of 23 registered migrant
workers who had quit from the Platinum Co. Ltd garment factory. Their former employer at Platinum was unwilling to provide them with the signed documentation needed to obtain work transfer documents. They had therefore contacted Yaung Chi Oo looking for assistance. A Yaung Chi Oo member accompanied them to the Labour Protection Office and submitted their case on the grounds that their employer was not complying with Thai labour regulations, which stipulated that employers were required to sign the requisite forms needed for the work transfer documents. An LPO official therefore provided a written guarantee, which these migrants took to the Department of Employment and used, in lieu of the requisite form signed by their employer, to obtain their work transfer documents, valid for 15 days. The relative efficacy of this circuitous tactic was made clear at an MRPWG meeting on 27 February 2013 attended by the head of Mae Sot’s Department of Employment, who informed those of us present that the local Federation of Thai Industries’ office had repeatedly complained to him over having granted so many work transfer documents to migrants, despite lacking their employer’s authorisation form.

As a second tactic for getting past the checkpoints, those holding passports with work permits registered with Mae Sot employers, or passports without work permits, soon realised that they could bribe the police operating these checkpoints. The amount required for such bribes was typically 500 baht at each of the three checkpoints, although individual police occasionally demanded as much as 1,000 baht (Democratic Voice of Burma 2013b, 12 June). I offer the following case to illustrate how bribing the police at these checkpoints developed into an established practice to get out of Mae Sot.

Ma Oo and her husband Ko James had worked for over five years at various garment factories in Mae Sot District. They finally decided to relocate to Bangkok for work in April 2013, almost a year after the travel restrictions were introduced. According
to Ma Oo, significant inflation in the local price of basic commodities, without a corresponding increase in wage rates, had motivated the couple to consider the move to Bangkok, despite the comfort of familiarity which Mae Sot offered. Ma Oo possessed a migrant passport, but her visa had long since expired because she had not kept up the confirmation of her residency, which required visiting the Mae Sot immigration office every 90 days. She had also never obtained a work permit. Ko James had no documentation whatsoever. When I spoke with Ko James shortly before the two of them were planning to leave the border, he outlined their plan as follows. Ma Oo would first travel in advance by bus to Bangkok. Since she had no work permit and her visa had expired, she would give a bribe of 500 baht to the police at each of the three checkpoints outside Mae Sot, for a total of 1,500 baht, in order to be allowed through. Ko James explained that Ma Oo would place a folded 500 baht bill in the pages of her passport prior to arriving at each of the checkpoints. “The police,” assured Ko James, “will understand.” Since Ko James had no documentation whatsoever, he would go separately with a human smuggling agent, who charged 11,000 baht, to be reclaimed out of future wages. This arrangement worked because the employer would pay the requisite amount to the smuggling agent, and would then take future deductions from Ko James’s wages in order to recover this cost.

As the case of Ma Oo and Ko James makes clear, human smuggling was a third tactic that migrants employed to get past the checkpoints outside Mae Sot. Such operations remained viable throughout the period of my fieldwork, despite the formal existence of legal alternatives. Although viable, human smuggling remained an insecure option, and migrants were regularly arrested travelling in this way. On 13 May 2013, for example, Radio Free Asia reported that 81 Myanmar migrants had been arrested the
previous day at the north end of Mae Sot District as they were being smuggled to
Bangkok for employment as factory workers, construction workers, and domestic
servants. Aside from the June 2012 travel restrictions, reasons migrants provided to me
as to why human smuggling remained viable, despite the existence of legal alternatives,
were as follows: many migrants were uninformed about the registration process or had
been deceived by smuggling agents; migrants were able to get the cost of smuggling
advanced in whole or in part by their future employers; or migrants found the wait time
for the registration process too long, and could, if they so desired, register later after
being smuggled to central Thailand.

A fourth tactic to get past the checkpoints was to apply in Mae Sot for registration
with a Bangkok employer, rather than a Mae Sot employer, thereby meeting the
conditions stipulated in the travel restrictions. This tactic was relatively effective
following the introduction of the travel restrictions and many migrants were able to get to
Bangkok in this way. In the first half of 2013, however, local government officials
captured on to this tactic, and intervened to bring it to an end. To illustrate how migrants,
passport companies, local government authorities, and the Mae Sot police adapted to, and
negotiated over, this issue within the migrant registration process, I offer the following
case of Ko Sein.¹

Negotiating mobility

A young, ethnic Pa’O man from rural Karen State, Ko Sein stands out from among others
I have known from Myanmar due to his tall stature. After a brief, unsuccessful attempt
trying to earn a living from kick-boxing prize fights, he resigned himself in early 2013 to

¹ The following account of Ko Sein’s experiences in the migrant registration process was partially
related in an op/ed I wrote at the time, published in Mizzima News on 23 May 2013 (Campbell 2013a).
seeking more stable employment in Thailand. In part, this career shift had been motivated by the pleas of his mother, who could not bear the thought of her son in bare-knuckled matches, and who did not share his confidence in this sport as a viable income earning strategy. Ko Sein’s younger sister Ma Chit was already working at this time selling clothing at a large fashion mall in Bangkok, where she earned 300 baht per day. Ma Chit had originally gone to Bangkok through the human smuggling route in 2009, but had since registered with her current employer and obtained a valid passport and work permit. Through her contacts at the mall where she worked, Ma Chit had arranged employment for her brother as a manual labourer unloading shipments of clothing, also for a daily wage of 300 baht.

At the end of February 2013, Ko Sein moved into the home of my neighbour Daw Nyo—his aunt—with the plan of applying for a passport and work permit, and then relocating to Bangkok. It was Ma Chit who had sent Ko Sein the money needed to pay for these documents. When I later spoke with Ko Sein’s cousin about this financial assistance, she told me that she “felt sorry” for Ma Chit, who had been working hard in Bangkok for years to support her parents, and now had to provide this large sum to her brother, who had until then avoided migrant work in Thailand.

Over the course of the registration process, which dragged on for more than three months, Ko Sein remained undocumented, unemployed and rather bored, lying around his aunt’s furniture-less, cement-built home waiting for some resolution to his bureaucratic limbo. To pass the time, he frequently came over to my home to hang out, and to get away from his aunt, who soon began nagging him for not contributing to the household income. I therefore got to know Ko Sein fairly well. We often discussed the shortcomings of the registration process, and on numerous occasions I accompanied him
to Johnny’s office, where he had applied for his passport and work permit.

Although the official cost of registration had by early 2013 been reduced to less than 5,000 baht, Ko Sein was unable to meet the requirements needed to get this low price; he did not yet have an employer, and thus could not apply directly through the Department of Employment. Instead, he applied through Johnny’s office, where the cost of registration was at that time 11,000 baht for work permits registered with Bangkok employers. Ko Sein’s aunt, Daw Nyo, had also applied for registration through Johnny’s office. She, however, had only been charged 10,000 baht, since—as she was planning to stay in Mae Sot—the cost of “renting” the name of a Mae Sot employer was 1,000 baht less than it was for a Bangkok employer. Although Daw Nyo was employed waiting tables at a roadside noodle stall, her employer was unwilling to arrange registration. She was thus forced to register—fraudulently, and at extra charge—with the “rented” name of some unknown Mae Sot business owner.

Ko Sein, however, wanted to work in Bangkok. He therefore paid—with his sister’s money—the 11,000 baht required to register with a Bangkok employer in order to bypass the police checkpoints outside Mae Sot. This amount was more than twice the official cost, but still not as much as what less scrupulous brokers were charging, which could be as high as 15,000 to 20,000 baht per person.

Ko Sein submitted his application to Johnny’s office at the end of February. The clerk who took his application informed him that his documents would be ready for pick-up in just over a month, prior to the Buddhist New Year in mid-April. As it turned out, this estimate was inaccurate. Starting in early April and continuing to early May, staff at Johnny’s office repeatedly told Ko Sein that the processing of Bangkok-registered work permits and passports was delayed due to a high volume of applicants. Indeed, we were
told on one visit to Johnny’s office that some 1,500 to 2,000 migrants who had similarly applied at this office for Bangkok registration were facing the same delay.

As we learned at the start of May, however, it was not in fact a simple “delay” due to high volume. Visiting Johnny’s office with Ko Sein at the time, an office clerk informed us that the Tak provincial government had recently changed its “rules” (si-kan) on migrant registration. Previously, she explained, migrants registering to work in Bangkok had been able to collect their passports and work permits in Mae Sot, and then travel to Bangkok using their newly acquired documents. Now, however, Tak authorities were no longer allowing the distribution within Mae Sot of passports and work permits registered with employers in other parts of the country. When these documents were eventually ready for collection, we were told, they would have to be picked up elsewhere in Thailand—most likely at the immigration office in Chiang Mai or Bangkok. For that reason, Johnny’s office was now requiring that affected migrants pay an additional 1,000 baht to cover transportation to and from the passport pickup location, along with a 500 baht “police fee” (palait kyay), since these applicants would be technically “illegal” during the trip to get their documents.

This seemed odd to the both of us. After all, if Ko Sein had applied through the legal registration process, why did he need to be illegally smuggled to collect documentation for legal residence and work in Thailand? In any case, Ko Sein paid the extra money and gathered his belongings together so as to leave that evening. We said our good-byes and I left Johnny’s office, from where Ko Sein would soon leave, I assumed, for Bangkok. Things did not work out quite so smoothly, however.

A few days later, I found myself sitting on the floor of my home, with the front door wide open, hoping to catch a slight breeze that might cut through the late afternoon
swelter of Thailand’s hot season. Quite unexpectedly, Ko Sein walked into view past my open front door. By that time he should have been in Bangkok, passport in hand. I immediately jumped up to greet him, and to enquire about what had taken place.

On the evening of his scheduled departure, he went on to explain, staff from Johnny’s office had driven him and a hundred or so other migrants in a convoy of overloaded minivans to a village outside Mae Sot. The migrants were put in an empty house and told to wait, as it was not yet conducive to travel. After waiting two days, they were loaded back onto the minivans, driven down a back road, stopped by police and ordered to return to town. According to Ko Sein—who did not speak Thai, but had been told by someone who did—the police had informed the minivan drivers, “If you try this again, you’ll be charged with trafficking.” Apparently the “police fee” had been insufficient. So now Ko Sein was back in Mae Sot, still without his documentation.

A week later, Johnny’s office tried again to take the migrants out of Mae Sot. This time, while the migrants waited at the same house as before, one of the office staff accompanying them suddenly announced, “Quick, go hide! The police have been informed about this.” Upon hearing these words, Ko Sein and the other migrants fled into a nearby agricultural field to wait out the impending raid. When things settled, they all returned to Mae Sot. Thoroughly frustrated by now at the barriers that kept emerging in his efforts to reach Bangkok, Ko Sein described to me his situation as follows: “We [the affect migrants] have already waited a long time and have spent lots of money. We applied through the legal route, but this [situation] is like the illegal route.”

When their last attempt to get out of Mae Sot had failed, the staff at Johnny’s office had told Ko Sein that they would try, yet again, at a later date. Over a week later, Ko Sein had still had not heard back about this next attempt. I therefore took Ko Sein on
my motorcycle back Johnny’s office to personally enquire about the situation.

When we pulled up to Johnny’s office, we saw the place packed full of migrants. All the benches were taken up, many people were standing, and the small restaurant next door had become an ad hoc waiting room. Seeing that many of these migrants were newly applying for registration, I asked a young clerk stationed at the front desk whether Johnny’s office was still accepting applications for Bangkok-registered documents. No, she informed me, their office had stopped accepting such applications a few days prior, as they could no longer guarantee that individuals so applying would be able to get out of Mae Sot. “If migrants want to register for work in Bangkok,” she explained, “then they’ve got to go to Bangkok to apply.” But, of course, migrants could not legally go to Bangkok until after they had obtained these documents.

We had come to the passport office that morning with the hope of speaking to Ko Johnny himself. Ko Johnny, however, was not there, and the office staff did not know when he would arrive. When we met instead with an assistant manager, he told us, “According to the government in Bangkok, we’re going through the legal channel, but the Mae Sot police won’t accept this.” He assured us that Ko Johnny had already negotiated with Bangkok government officials about this issue. Although staff at Johnny’s office had previously told us the problem lay with Tak authorities, the assistant manager was now suggesting the problem was that Mae Sot government authorities would not allow the distribution in Mae Sot of work permits registered with employers elsewhere in the country. Indeed, he stated quite bluntly, “It’s the Mae Sot government which is at fault.” The staff at Johnny’s office were therefore waiting, he went on to explain, for a decision from the Mae Sot government about whether the passports with Bangkok-registered work permits would, eventually, be available for distribution within
Mae Sot. “However,” he added, “this government isn’t easy” (di asoya m’lway-bu).

Among those waiting at Johnny’s office that day, Ko Sein recognised a young woman with whom he had stayed at the house outside of Mae Sot on their last attempt to leave the border. We discussed with her the difficulties of the current situation, regarding which she reiterated a refrain I had heard from migrants on multiple occasions: “If they aren’t going to let us to go Bangkok, then they should pay us [the minimum wage of] 300 baht [per day] here.” In the end, she gave Ko Sein her phone number and asked him to call her if he learned of any changes to the situation.

As we continued to wait for Ko Johnny’s arrival, we had the opportunity to discuss the situation with another group of affected migrants who had been sleeping the past few nights in a small room adjacent to the passport office. They explained that they were now effectively out of money, and Ko Johnny had let them stay in this side room at no cost. Since they had expected to be already working in Bangkok by this time, they had not budgeted for ongoing food and living costs. “I’m in trouble” (doukha yaut-nay-byi), one of them told me, “I borrowed this money on credit. If this takes a long time, then [the situation] will be worse.” He explained that he had borrowed 400,000 kyat (approximately US $400) in Myanmar at 20,000 kyat (5%) monthly interest. He was of the impression that most of the other migrants who were trying to obtain Bangkok-registered work permits and passports had similarly borrowed the cost of these documents on credit.

As we were discussing the problems of the registration process, another young man waiting nearby joined our conversation. After listening to various migrants relate the difficult situation they were in, he told us that his passport and work permit were already available for pick up that day. The reason, we soon realised, was that his
documents were registered with a Mae Sot employer, and he had thus only needed to pay 10,000 baht. Curious as to why he was registering in this way, I asked him whether he actually intended to stay and work in Mae Sot. His reply was this: He had no intention of working in Mae Sot. Rather, Johnny’s office had arranged to shortly thereafter provide him with a work “leave form” (twet-sa) from his Mae Sot “employer” with which he would be able to obtain a work transfer form from the Department of Employment that he could then use to get past the checkpoints outside Mae Sot. His plan was to go to Bangkok and look for work, as he did not yet have a job lined up. As though suddenly regretting the choice of seeking registration directly with a Bangkok employer, another migrant in our group nodded and said, “Yeah, that [tactic] is better.”

As the day dragged on, I intermittently left and returned to the passport office, while Ko Sein waited with the other migrants for Ko Johnny’s arrival. The office staff remained unwilling to provide definitive answers to our questions regarding future travel arrangements, the acquisition of the registration documents, or a potential refund. The migrants waiting there grew increasingly impatient, and by seven o’clock that night Ko Johnny had still not arrived. The sun had gone down, the street was dark, and the staff had gated off the open front of the passport office. I remained with Ko Sein and a dozen or so other migrants, including some who had been sleeping for days now in the adjacent side room, trying to get a final answer from the office staff. Not only were the staff unable to answer questions about the passports, but for the entire day they had not been able to definitively state where Ko Johnny actually was, or when he might return. Suddenly the atmosphere turned confrontational, and one of the staff asserted, “Ko Johnny has not defrauded you!” (lain-sa-da m’hote’bu). One of the migrants responded, “We didn’t say Ko Johnny had defrauded us. The problem is that nobody here [among the
staff] is speaking precisely,” (hti-kyā-day-saka m’pyaw’bu). A senior staff member then appealed to the migrants, “Just wait two or three more days. I can’t say whether we’ll be able to do the work permits for Bangkok.” At this reply the conversation ended, and Ko Sein and I returned home.

By 25 May, a few days after our last visit to Johnny’s office, Ko Sein had moved into the room adjacent to the passport company along with some twenty plus other migrants in the same situation. Relations between Ko Sein and his aunt had become increasingly frayed, as he still had no income and had been living and eating at her home for three months now. Ko Sein’s younger sister had transferred another 2,000 baht to her brother, through my bank account, which I withdraw and took over to him at Johnny’s office. When I arrived he showed me to the back of the office and into the cramped room where he and the other migrants in limbo had been living, some for well over a week. Many of these individuals, Ko Sein informed me, were completely out of money. They had been phoning friends and relatives to lend or send them money to feed themselves while they waited for their passports and work permits.

Although we had not seen Ko Johnny himself in weeks, his staff had told the waiting migrants that arrangements had been made to take 28 of them by minivan the next day to the immigration office in Chiang Mai, where they would collect their passports and work permits, and from there take the overnight bus to Bangkok. Apparently there was a limit to the number of those who could make the trip each time. While 28 would go the following day, then next 30 or so migrants would have to wait two or three more days, and then go on a separate trip. So, leaving Ko Sein at Johnny’s office that day, I said goodbye and wished good luck to him and some of the other migrants I had come to know. Ko Sein promised to call the next day to let me know whether the
attempt to get to Chiang Mai had been successful.

As I was leaving, I ran into the assistant manager pulling up by motorcycle in front of the office. He told me he estimated that over 10,000 Mae Sot based-migrants who had applied for work permits registered for work elsewhere in Thailand had been similarly stuck in Mae Sot. Although those who had applied through Ko Johnny’s office would be able to reach Chiang Mai to get their documents, he was unsure about those who had applied through other passport companies. The issue had thus not been definitely resolved. “The Mae Sot government,” he explained, “is fighting with us [the passport companies].” If that was the case, I asked, how would Johnny’s office be able to get the 28 migrants leaving tomorrow past the police checkpoints. “We’ve got an agreement,” he reassured me, “with the senior [police] road authority” (lan lu-gyi).

I heard back from Ko Sein the next day. He confirmed that he had obtained his passport and was now safely in Bangkok, ready for his new job. I therefore assumed that the second group of migrants at Johnny’s office would similarly be able to get past the checkpoints. A little over two weeks later, however, I came across a Burmese-language news article detailing a protest of 45 migrants, recently staged in front of Ko Johnny’s office (Democratic Voice of Burma 2013a, 10 June). These migrants had been arrested on their way to Chiang Mai to pick up their passports and work permits. The police had subsequently sent them back to Mae Sot where they had spent three nights in detention before being released. They had staged a protest in front of Johnny’s office because, they said, Ko Johnny had been unwilling to fully refund the money they had paid for registration, claiming that a portion of it had already been submitted to the Myanmar embassy in Bangkok, and thus could not be reclaimed.

The experiences of this last group of migrants marked the closure of yet another
tactic for escaping the border area. Ko Sein had been among the last of the migrants to be able to get out of Mae Sot by obtaining documents registered with employers elsewhere in the country. Working around this barrier, however, migrants continued after this time to register with Mae Sot employers, after which they would obtain work transfer documents and relocate to central Thailand. The struggle over migrants’ mobility and the efforts of migrants to flee the border area therefore persisted, despite the obstructionist efforts of Mae Sot business owners and local government authorities.

While many migrants desired to leave the border area in order to take on higher paid employment elsewhere in the country, it is important to note that some migrants chose to remain in Mae Sot for reasons other than the high cost of registration and the travel restrictions enforced at the checkpoints. Such reasons include: the existence of a large Myanmar community in Mae Sot; the proximity to family, especially children and parents, based in Mae Sot; the relative ease of making return visits to Myanmar from Mae Sot; a comfortable familiarity with Mae Sot; a lack of contacts to arrange work in Bangkok; and the lower cost of living in Mae Sot.

Given that wages continued to be kept far below the legal minimum, for those migrants wishing to remain in the Mae Sot area there were few advantages to legal registration. Not only was registration expensive, but it did not inevitably lead to increased pay, and did not even guarantee an end to police extortion. Thus, despite repeated extensions in the registration deadline, only a small minority of Mae Sot-based migrants ever applied for the passports up to the end of my fieldwork period. Remaining in Mae Sot undocumented required, however, that such individuals regularly navigate the ad hoc checkpoints within Mae Sot, at which police regularly extort migrants (see Chapter 3). Ko Aung, for example, a migrant I knew who worked a power loom at the
large Royal Knitting garment factory, told me that he had decided not to register, despite his intention to remain in Mae Sot and his employer’s offer to advance the registration cost. Instead, he planned to just pay off the police if and when they stopped him, since this amount would, he figured, be less than the cost of registration.

What, then, were the effects on Mae Sot’s capitalist landscape of this flight of migrants from the border area? In many cases, Mae Sot-based factories saw a significant decline in their workforce numbers. In some instances, this decline forced factories to close, as they could no longer complete their orders. During the time of my fieldwork there were at least eight factories, that I am aware of, which closed. Among these was a branch of the “SR” factory (this was its colloquial name), which closed in February 2012 because, as migrants who lived near this factory informed me, the owner could no longer complete production orders due to an insufficient number of workers. At its height in 2011, this “SR” branch factory had employed around 200 migrants, but by February 2012 this number had declined about 60 people, with the others having mostly left for Bangkok. When the factory closed, the remaining workers were similarly planning to relocate to Bangkok, but they were in a dispute with their former employer who was unwilling to provide them with the forms needed to obtain work transfer documents. Similarly, the M-Apparel Co. Ltd factory, which went on strike in May-June 2012 (see Campbell 2013b) closed production in April 2013. According to a former employee of this factory, one of the main reasons for this closure was a decline in workers, as many had left for Bangkok. At the time of the strike in May 2012, there had been about 400 migrants employed at the M-Apparel factory. But by the start of 2013 the workforce was down to just over 100 people. Likewise, the Platinum Co. Ltd factory closed production in May 2013. The previous year there had been almost 200 migrants employed at this
site, but by the time it closed in 2013, this figure was down to just over 40. At those factories whose owners sought to persist in Mae Sot, the flight of workers from the border would have presumably strengthened the bargaining position of their remaining workers, better enabling them to push for wage increases, however slight these might be.

**Conclusion**

I have described here the dynamics of an ongoing struggle over the mobility of Myanmar migrants—specifically over their ability to leave Thailand’s border area. In order to relocate to higher-paying areas of central Thailand, Myanmar migrants made use of a range of tactics, including human smuggling, bribery, and legal registration, which were made possible by the conflicting interests of fragmented state actors and institutions, and the competing labour needs of geographically separated capitalist enterprises. Insofar as these migrants were successful in leaving the border area, their departure challenged the efforts of local employers to fully reap the financial benefits of Mae Sot’s position at the heavily trafficked entry-point for migration into Thailand. The departure of these migrants from the border also challenged the efforts of national and regional-level government authorities to develop Mae Sot as a significant export processing zone reliant on a ready supply of cheap migrant labour.

The politics of migrant mobility that I have described here entailed an everyday co-production of the meaning and effects of the internal border around the Mae Sot EPZ. As an enclave of industrial production, the capitalist geography of this zone—its factories, demographics and economic transactions—is a function of its borders. The struggle over migrants’ mobility in this case was thus part of a broader struggle over the geography of border capitalism. Recognising migrants’ collective mobility as a form of
class struggle allows for insight into the nature of such struggle as a spatial praxis, with the potential to disrupt the capitalist landscape. Analysis of regional development planning, including that of the “zoning technologies” of Asian export processing zones, thus requires a more thorough incorporation of workers’ mobility, and the struggle over its control, than has yet been the case.
Chapter 3

Migrant formations under coercive policing

“Myanmar workers are like ATMs for the police.”
- Mae Sot-based migrant, June 2013

It is not yet midday and I pull up on my motorcycle to a block of shop-front homes in a rather isolated part of Mae Tao Mai quarter, just west of Mae Sot town. All those renting rooms in this complex are Myanmar migrants; the only Thais I see are some motorcycle taxi drivers lounging in the shade of a nearby bamboo gazebo. I have come here today with my colleague Ko Htun, to visit his friend Ko Kyaw, a Myanmar migrant who earns a living selling prepaid phone cards to other migrants in the area, most of whom live and work at the nearby A-1 garment factory.

Ko Kyaw is asleep when we arrive, lying on a mat behind his vending counter. The sound of us calling his name wakes him up and he immediately offers us instant coffee, which we politely decline. Bringing out glasses of water instead, Ko Kyaw proceeds to inform us that a group of Thai police officers came by this block of shop-front homes earlier in the day. A police detention truck, he explains, unexpectedly pulled up and six cops jumped out, making their way to the various units of the complex. One of the officers came to Ko Kyaw’s shop-front home and demanded that he present his licence to sell phone cards. Ko Kyaw had no such licence, nor any idea how one might be obtained. This cop therefore demanded that Ko Kyaw pay a 1,000 baht “fine” (dan-nngwei) in order to avoid being taken away to the police detention centre. When Ko Kyaw went to retrieve this money from the back of his shop-front home, the cop followed. Unfortunately for Ko Kyaw, when he opened the drawer containing his money, the cop spotted 3,000 baht inside and immediately raised his demand to 2,500 baht (about $80),
leaving Ko Kyaw with a single 500 baht bill.

Next door, the exchange was not so simple. In this unit, a Myanmar woman was running a vocational sewing class for newly arrived (and wholly undocumented) migrants, most of whom hoped to gain employment at the nearby garment factory. When the police arrived, they detained all 17 of the mostly female migrants who were attending the sewing class, along with the woman who ran the class, who also worked out of her home as an independent seamstress. The police loaded these 18 individuals into the caged detention truck and drove off. Once the police departed, a resident of the block who remained behind telephoned U Thein San, head of the somewhat shady “People’s Volunteer Association” (more on this organisation below) to help arrange the release of those taken into custody. Negotiating through U Thein San, the detained migrants were able to secure their release from the police at a charge of 820 baht (plus a 50 baht “car fee”) for each of the vocational trainees, and 3,500 baht for the woman who ran the class.

The case of police extortion presented here illustrates an everyday concern for migrants in Mae Sot. Indeed, there is nothing exceptional about this case, and similar situations are regularly faced by Myanmar migrants in the area. The scale of this extortion is such that Myanmar’s Minister of Labour told a journalist in Thailand towards the end of my fieldwork that relations between the two countries were at risk of strain due to the fact that “migrant workers, including those with legal documentation, are routinely arrested and forced to pay between 500 and 1,000 baht” (Bangkok Post 2013c, 10 June). Similarly, Andy Hall, a migrant rights researcher at Thailand’s Mahidol University, has reported that “extortion and abuse of migrant workers by law enforcement officials and people claiming to be law enforcement officials is systematic and prevalent” (Reuters 2013a, 4 March).
Given the pervasiveness of police harassment and extortion of migrants in Mae Sot, such practices have had a determining role in shaping migrant life, the shared experience of migration, and the overall arrangement of migrant labour on the border. Persistent concerns about potential arrest, detention, extortion and deportation have constrained migrants’ capacities to quit work and seek better employment elsewhere, to access labour organisations like Yaung Chi Oo, to travel to the Labour Protection Office to file labour rights claims, or even to buy groceries or seek medical treatment. Such concerns have also served as points of leverage for employers’ threatening migrants against collective action. For this reason, the threat of police encounters outside the workplace has been a significant part of a collective identification as “migrant worker” among those from Myanmar living along the border. At the same time, the possibility of avoiding arrest and deportation by paying off the police has allowed the majority of Mae Sot-based migrants to remain living and working along the border without the need to pay larger sums for official documentation, thereby contributing to the area’s low registration rate. This widespread lack of documentation has, in turn, strengthened the power of employers to enforce low wages and labour discipline.

The dynamics of migrant-police relations outlined here are historically particular phenomena. In Thailand, the process of labour flexibilisation that began at the turn of the 1990s, and intensified following the 1997 Asian economic crisis, involved a shift towards increased employment of migrant workers and, in the case of the garment industry, a relocation of capital to the border area where cheap migrant labour is more readily accessible. In Chapter 2, I situated this shift analytically and historically in a capitalist response to prior manifestations of working class organisation and struggle that developed in central Thailand. The current dynamics of migrant-police interaction in
Mae Sot should therefore be understood as a relationship of subordination that has emerged out of this particular history—this search for new sources of cheap, unorganized labour. In other words, turn-of-the-21st century transformations in capitalist production within Thailand, while being themselves responses to the earlier struggles of Thai workers, have, in turn, made possible new class dynamics—dynamics which introduce particular forms of conflict and struggle into the developing arrangement of border capitalism.

In light of the significant role of coercive policing in shaping formations of migrant labour in Mae Sot, my two-fold argument for this chapter is as follows. First, class dynamics at the point of production in Mae Sot cannot be understood in isolation of the structured relations of power migrants confront outside the workplace, particularly those involving the police. Second, the arrangement of migrant labour in Mae Sot has developed through a mutually constitutive relationship between police and migrants. As such, coercive policing and the everyday responses of migrants are patterned practices which shape and (re)produce the local arrangement of migrant labour in ways that go beyond Thailand’s official migrant policy. In order to examine the character of police-migrant interactions and the effects this relationship has had on the local arrangement of migrant labour, I divide this chapter into two parts. In the first section, I present a theoretical lens for understanding the relationship between 1) the subordination of migrants as migrants under violent and otherwise coercive relations of power beyond the point of production, and 2) the subordination and exploitation of migrants as workers within the workplace. I then examine ethnographic accounts of migrants’ experiences with the police in Mae Sot, and analyse how these experiences have shaped everyday practices, shared dispositions and collective identifications among these migrants, while
also affecting class dynamics at the point of production.

**From social subordination to exploitation in production**

Within recent literature on flexibilisation and precarious work, one prominent line of analysis has framed class fragmentation as a product of contemporary changes in employment and production arrangements. In this vein, Guy Standing (2011) argues that globalised market competition has both pushed and enabled employers to introduce “splintered labour arrangements” (27), resulting in precarious workers who “lack a work-based identity... [and do] not feel part of a solidaristic labour community” (12; emphasis in original). Working class fragmentation is thus reasoned out changing production arrangements, which involve such things as increased competition (under piece work, for example), the break up and dispersal of large workforces (through sub-contracting or “putting-out” production to home-based workers), or (mostly in Euro-American cases) deindustrialisation. By expanding and intensifying such “splintered labour arrangements,” labour flexibilisation under capitalist globalisation has, the argument goes, reduced opportunities for workforce socialisation and subjective class formation.

My contention here is that such reasoning, while relevant, is insufficient for understanding contemporary class transformations in Mae Sot, or indeed most anywhere. This is so for two significant reasons. First, analysis of precarious labour in Euro-American countries, which theorises class fragmentation arising out of deindustrialisation, is not wholly transferable to Asia’s export processing zones. Rather than deindustrialisation, these sites are seeing a rapid expansion of large-scale industry, with a resulting concentration of factory labour. For this reason, labour-intensive industrial production remains a significant factor contributing to working class
socialisation in many parts of Asia—a point I will return to in Chapter 4. A second reason why analysis linking labour flexibilisation to working class fragmentation remains insufficient, is the failure of such analysis to account for social dynamics outside the workplace, which influence class relations at the point of production.

Analysis of class dynamics is made problematic by the fact that the concept of class is commonly understood in two quite different ways (see Krupa 2012). On the one hand, the concept of class is commonly used (often by those drawing on Weber) in reference to historically particular, socially stratified populations. The concept is also used (by those drawing on Marx) to reference a relationship of exploitation embedded in production. What I am attempting to theorise here is a relationship between these two forms of class—between the social subordination of migrants as migrants (irrespective of their employment status at a given moment) and the exploitation of migrants as workers at the point of production. Developing out of this relationship between these two forms of class is, I propose, a process of dual, but overlapping, social formation among the Myanmar population in Mae Sot: both as migrants, and as workers.

In order to theorise class dynamics beyond production relations, I draw on the work of Pierre Bourdieu. Bourdieu’s analysis of class formation is particularly useful here because of his attention to class as a relational effect among individuals situated in hierarchically structured social orders—orders which are not limited to “relations of economic production” (Bourdieu 1985: 736). In this way, Bourdieu’s analytical tilt, as it were, is weighed on the side of Weber, as against Marx. As such, his focus is on a general “opposition between the dominant and dominated” (Bourdieu 2010: 471), which may manifest outside of particular production relations. In confronting such opposition, individuals engage in practices that turn everyday experiences, thoughts and emotions...
into enduring social orders and subjective “clumps of dispositions” (Wacquant 2013: 281). This is a process that is “performed incessantly, at every moment of ordinary existence, in the struggles in which agents clash over the meaning of the social world and of their position within it” (Bourdieu 1985: 729). Locating class formation (understood as social stratification) in the quotidian encounters of the “dominant and dominated” allows for a recognition of everyday migrant-police confrontations as constitutive processes in the dynamics of class. As constitutive processes, the effects of such confrontations endure in the form of everyday practices, dispositions and values—that is to say, the class habitus which individuals bring “into each and every situation and interaction” (Swartz 1997: 145). The effect is akin to what Raymond Williams (1977: 132) referred to as “structures of feeling”—the patterns of affect and practical consciousness that are shaped by agents’ everyday social experiences.

The discussion so far suggests a clear distinction between class dynamics based on immediate relations of production and those apparently outside such relations—located instead in the social subordination of particular populations. It is not necessary, however, nor particularly fruitful, to decouple the dynamics of subordination outside the workplace from class relations at the point of production. An explicit theoretical connection between these two spheres of life was drawn by Italian autonomist Marxists in the mid-1970s using the concept of the “social factory.” This concept was developed to account for the “subsumption of all social relations to capital,” as was then occurring in the industrial centres of northern Italy (Wright 2002: 38; see also Negri 1991: 114). In the “social factory,” as Mario Tronti described it, “the whole of society becomes an articulation of production” (quoted in Wright 2002: 38). This is so because the “maintenance of circulation on a broad scale... [necessitates] the maintenance of capitalist
relations as a whole across society” (Thoburn 2003: 78; emphasis in original). The idea of the social factory thus calls attention to the ways political and social relations outside the workplace serve to reinforce capitalist class relations and to bolster capitalist production and capital accumulation. As such, there is an intimate relationship between class dynamics within and without the factory. For this reason, the autonomist Romano Alquati (quoted in Wright 2002: 80) described the “factory-city” of 1970s Turin in the following way:

There are no simple clearcut distinctions, then, between the plants where surplus value is created, the residential zones where labour-power reproduces itself, and the centres of administration of the movements of variable capital, of commodities, products and semi-worked primary and auxiliary materials.

Hence, to return to the case of Mae Sot, everyday confrontations between migrants and the police serve to reproduce the border’s hierarchically structured social order. The tendency is for these confrontations to fuel migrants’ antagonistic dispositions towards the police, while reproducing their subordinate social, political and economic position, such as by perpetuating the border’s low registration rate. This everyday re-subordination of migrants strengthens, in turn, employers’ capacities to enforce egregiously low wages and poor working conditions, thereby facilitating low-wage-dependent border industrialisation.

**Everyday extortion and its implications**

It is late afternoon in March 2013 and May notices that the door of our neighbour, Daw Nyo, is locked, indicating that no one is home. “Hey, Ko Sein isn’t here yet,” she calls out to me, adding only half in jest, “Has he been arrested?”

An hour later May’s phone rings. It is Ko Sein. He is in the police detention
centre, having been arrested for lack of documentation. Annoyed both at Ko Sein, for getting arrested, and at the police, for arresting him, May hangs up the phone. Of course we need to get him out. So we get on our motorcycle and depart for the detention centre.

The Mae Sot detention centre is located behind the main police station in the centre of Mae Sot town, not far from our home. The complex is comprised of a two-storied cement building, adjacent to which is a single large cell that could hold, I estimate, some hundred and fifty people, if necessary. Two gender-specific cells inside the cement building house those charged with violent and other substantial criminal offences, whereas the large external cell houses mostly migrants detained for lack of documentation. On the west end of this external cell the adjacent police building provides a solid concrete wall, whereas the cell’s other three sides are just metal bars, open to the elements. Passers-by who happen to look through the front gate of the detention centre will often see large groups of mostly Myanmar migrants sitting or lying on plastic mats rolled out on the ground, waiting for release, deportation or (rarely) prosecution.

When the two of us arrive at the detention centre, we park our motorcycle out front and walk in through the gate. I spot Ko Sein and a friend of his with whom he had been arrested. They are sitting on the ground of the cell near the front bars, looking out towards the gate as though waiting for our arrival. A single male police officer is reclining in a chair at an outdoor desk a few meters from the cell. It is currently visiting hours and the police officer ignores us as we enter. Approaching the cell, I ask Ko Sein through the bars what happened, and if the police who detained him are still around. At that very moment, two cops on a motorcycle drive in through the gate. Ko Sein points to one of them, saying, “That’s the guy.”
Working with the IRC’s legal aid project, May is aware that as part of the Thai government’s current migrant registration extension, there is an official amnesty from arrest for undocumented migrants, in effect until mid-April 2013. Furthermore, for those who have applied for registration, like Ko Sein, their registration receipt is supposed to serve as valid evidence of registration until they obtain their actual passports and work permits.

We approach the two cops as they dismount their motorcycle. May, who speaks fluent Thai, proceeds to tell them that Ko Sein and his friend had passport application receipts and therefore should not have been arrested. Rather than address May’s claim, the cop responds by asking, “Where are their TL38s [tor-lor-sam-bpat]?” The TL38 is a particular identification document issued by the municipal government, which had previously served as a residence permit for migrants in Mae Sot. May explains that according to the current registration policy, migrants no longer need these (now defunct) residence permits, as they can now apply directly for passports and work permits without these documents.

The government’s shift away from the TL38 is an example of the ever-changing character of regulatory requirements for migrants in Thailand. At the same time, the demand by these police officers that Ko Sein and his friend produce their TL38s illustrates the arbitrary and inconsistent application by local police of national-level migrant regulations. Furthermore, the fact that the TL38 was suddenly made unnecessary, and the fact that these officers nonetheless demanded this otherwise obsolete document, illustrate how even those migrants who seek to meet formal registration requirements are persistently thrown into uncertainty about their actual legal status in Thailand.
Before we are able to resolve this issue of the legal status of Ko Sein and his friend, the two cops get back on their motorcycle and drive away, leaving May and I standing there, with Ko Sein and his friend still behind the cell bars. I suggest that we contact Ko Johnny, at whose passport company Ko Sein had applied for registration. After failing to reach Ko Johnny by phone, I head off by motorcycle to his office, located only a few minutes away, while May remains at the detention centre.

At the passport office I find Ko Johnny and explain the situation, asking for his intervention to secure Ko Sein’s release. “Yes,” he responds, “I know that under the current policy, the police don’t have the right to arrest migrants who have applied for registration.” However, he elaborates, in order to get a registered migrant out of detention under the terms of the registration policy, the migrant’s employer must personally visit the detention centre to sign for their employee’s release. The problem is that Ko Sein’s work permit application was filed with the “rented” name of a Bangkok-based employer, who is unable (or unwilling) to travel to Mae Sot to resolve this issue. And so, regrets Ko Johnny, “I think you’re going to have to pay money to get him out.”

After this fruitless excursion to Johnny’s office, I return to the detention centre by motorcycle. When I arrive, I tell May of Ko Johnny’s response, to which she replies, “I don’t want to give even one baht to these beggars [th’daung’sa; meaning the police].” Instead, she wants to try to secure Ko Sein’s release under the terms of the current migrant registration policy. The two of us therefore visit a photocopy shop to print out the Thai-language government document detailing the current policy on migrant registration. Armed with these few sheets of paper we return to the detention centre.

Once back at the detention centre, May approaches the police officer stationed at the outdoor desk and tries to negotiate Ko Sein’s release, citing as justification the policy
document in her hand. Not being able to contribute much to these negotiations in Thai, I walk over to join Ko Sein and his friend at the cell. They are still sitting on the ground behind the bars, but have been joined by a group of other migrants, themselves detained in separate incidents. As we talk, one of these other migrants explains to me, “The police are checking [migrants], demanding money, and making more arrests because thingyan [the Buddhist New Year’s festival, called songkran in Thai] is approaching. So they want to collect money.” The reasoning here is that the police have intensified their extortion of migrants in order to amass money to pay for their own New Year’s celebrations.

As I squat here next to the cell bars, with May persisting in her negotiations, a pickup truck enters through the front gate of the detention centre. Out of this vehicle a middle-aged Thai woman and younger Thai man descend and approach the cop with whom May has been talking. The Thai women walks up, confidently holding her purse, and announces, “those two,” as she points to a couple of Myanmar men in the cell. The men to whom she pointed had already approached the bars when they noticed her arrival. I presume that this women is the employer of these two migrants, with the younger Thai man a manager or assistant of some sort. This younger Thai man approaches the cell bars and, speaking Thai, converses briefly with the two migrants as follows:

Thai man: “How long have you been here?”
migrant: “Since yesterday.”
Thai man: “Then why didn’t you call yesterday?”
migrant: “I didn’t have money in my phone.”

The Thai woman provides some details to the police officer on duty, who writes it down in a book and then unlocks the cell to release the two identified migrants. These two migrants, the Thai woman, and the younger Thai man then get into the pickup truck and drive off.
What just took place here was the release of two documented migrants upon their employer’s proven confirmation of their legal employment under her. As this event demonstrates, even documented migrants are persistently at risk of arrest and detention despite their legal status. A major reason for this is that the majority of Mae Sot employers with registered migrant employees withhold their migrant employees’ documentation so that these individuals cannot easily switch jobs or relocate to central Thailand in search of better-paying work. In some cases, migrant employees are given photocopies of their passports and work permits. The Thai police, however, typically do not accept these photocopies as valid documents. What commonly occurs, therefore, is that registered migrants are forced to pay bribes or, if they are unwilling or unable to do so, they are put in detention, as occurred with the two individuals I just saw released. One effect of this practice is to strengthen the dependency of registered migrants on their employers, and to bind them to jobs they may otherwise wish to leave, but which they cannot leave without risking the loss of their (withheld) registration documents.

Shortly after the Thai employer and her two migrant employees left the detention centre, the cop on duty informed May that she would have to wait to speak with the arresting officers regarding Ko Sein’s release. We did not know how long the wait would be, so I briefly returned home, while May waited for the return of the cops. While I was gone, the two arresting officers did come back. As May later described to me, she proceeded to ask the police officers to read the migrant policy document that she had printed out. The cops, however, were unwilling to do so. She asked to see a senior police official, but those with whom she was talking would not accommodate her request. She decided to let Ko Sein spend the night in detention and to return the next day with an IRC lawyer. The cops, however, were urging her to resolve the issue there and then. Instead,
they said, “Just give 400 baht [about $13] for a bottle of lao [alcohol] and we’ll let them out and it’ll all be over.” This amount is notably lower than the 1,000-2,000 baht typically demanded for the release of detained migrants. My reading of this is that May’s negotiating skills, Thai language ability, association with a registered INGO, and knowledgeable appeal to current migrant policy, were all factors contributing to a reduction in the amount demanded. In the end, May handed over the money and the police released Ko Sein and his friend. The three of them started walking back to our home, and I met them along the way as I was returning to the detention centre.

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The dynamics of police-migrant relations in Mae Sot, such as those I have recounted in the arrest and release of Ko Sein, have developed under the changing conditions of the border since the start of large-scale migration into the area around the turn of the 1990s. Daw Hla, a 54-year-old ethnic Pa’O woman from Karen State, with whom I spoke in March 2013, first came to Mae Sot in 1989 at the age of 29. Soon after arriving, she took on day-wage employment as an agricultural worker. When we spoke in 2013, Daw Hla described what she felt to be a relative decrease over the years in the direct violence by police against migrants along the border. Whereas now, she felt, the Mae Sot police have gotten “polite” (yein-kyay-day), in the early 1990s the local police were “rude” (yaing-day). Back then, she explained,

They [the police] would hit, hit and hit. If they caught [migrants], then they’d beat [the migrants]. But if [the migrants] fled into the mud, the police wouldn’t follow. They were scared of the mud and they wouldn’t follow. They’d get angry. Sometimes they’d wait and come back the next day and catch [the migrants]... every three of four days they’d come to
catch migrants. When someone would say [that the police were coming], I’d flee. I’d hide in a creak. [Someone would say] ‘‘Hey, the police are coming!’’ And the news would go from person to person ‘‘The police are coming, the police are coming... the police are coming to make arrests...’’ I’d hear the news [of the police arrival], so I’d flee in advance. I’d only return home after night had fallen. The police would come during the day, after we’d eaten. And I wouldn’t return home until after night had fallen. [We’d ask] ‘‘Have the police gone back? Have they left?’’ [And someone would reply] ‘‘They’ve already gone back.’’ There’s a creek over behind Muti’s house. We’d hide in that creek in big groups. There were children and adults.

A similar view of changing migrant-police relations on the border was provided by Ma Khaing, who first arrived in Mae Sot as a migrant worker in 1997. According to her, alongside a decrease in the most egregious forms of police violence (including sexual violence) against migrants, and a reduction of extremely high, ad hoc extortion demands, there have developed more regular, but smaller demands for money by the police, backed by threats of detention and deportation rather than direct violence.

The shift in police practice suggested here should not be overstated. During the course of my fieldwork, raids continued, though perhaps less frequently than in the past. My own home was raided in August 2011 when my (undocumented) in-laws from Myanmar were visiting. (The cops put two of them in detention and we had to pay 3,000 baht to get them released.) In addition, direct forms of violence also persisted. My friend Ko Sat, for example, was knocked down by a cop who booted him in the chest while he was visiting a migrant friend at the detention centre in October 2012. And in 2010, Thai government authorities charged a police sergeant in Phop Phra District, north of Mae Sot town, with orchestrating the murder of nine Karen migrants who lacked the money to pay 1,000 baht per person, as the sergeant had demanded (The Irrawaddy 2010, 2 February).¹

The shift in police practice that I am suggesting here has, therefore, been a relative one.

¹ For more cases of police violence against migrants in Mae Sot see Human Rights Watch (2010).
That being said, this relative shift in police behaviour from “rude” to “polite,” as Daw Hla worded it, can be situated historically alongside other changes to the border area described in chapters 1 and 2. In the early 1990s, there were no factories along the border, no formal channels for migrant registration, no incorporation of migrants into the bureaucratic channels of the Thai government, no migrant-focused NGOs, a much smaller migrant population, and (at least according to Daw Hla and Ma Khaing) more incidents of direct violence by the police against migrants. By the time of my fieldwork, much of this had changed. The migrant population on the border had expanded, and had become increasingly incorporated into networks of governmental relations (of the Thai government and locally-based NGOs). At the same time, police extortion had become increasingly expansive and systematic, but less directly violent and generally less costly per person.

During the course of my fieldwork, police extortion of migrants in Mae Sot involved, among other things, monthly fees (typically 150 baht) deducted from the wages of each undocumented migrant employed at a given factory in order to prevent a raid; monthly payments by migrants engaged in commercial ventures, including shop keepers, road-side snack vendors, and pedal rickshaw drivers, in order to prevent arrest; and daily roaming checkpoints at which vehicles would be stopped and petty amounts (typically 100-200 baht) demanded of all undocumented migrant passengers. This arrangement has meant that, while the vast majority of Mae Sot’s migrant population remains undocumented and at constant risk of petty extortion, relatively few of these migrants are ever actually deported. Hypothetically, if all of Mae Sot’s undocumented migrants were suddenly deported, not only would the border economy grind to a halt, but the police would lose a significant and dependable source of revenue.
Among the outcomes of this systematisation of police extortion has been the development of patterns that soon become apparent to any migrant who has spent much time on the border. For example, during the period of my fieldwork, the times and locations of roaming police checkpoints were fairly regular (afternoon along the highway between Mae Sot town and the Moei River border crossing being the most common). The amounts demanded in different contexts were fairly consistent (at roadside checkpoints, for example, police typically demanded 100-200 baht per person, but if migrants were taken to the detention centre the amount required to get out would usually jump to 1,000-2000 baht). Certain categories of migrants (such as elderly women, the infirm, and garbage pickers) were for the most part left alone by the police. The police regularly stopped and checked migrants travelling along roads, but did not bother those inside shops. And outside of particular days (such as registration deadlines or visits by high-profile politicians) there were few raids and large-scale arrests.

Police extortion in Mae Sot has largely followed the logic that it is a payment against arrest and deportation for a migrant’s “illegal” status in the country. As such, the introduction of the current migrant scheme in 2008, allowing as it does a legal freedom of movement for migrants, presents, in principle at least, a challenge to the existing rationale of police extortion. After all, if police extortion depends on migrants’ illegal status, then legal registration would presumably put an end to the practice. There are two reasons why the new registration scheme did not, at least in its first few years, lead to any significant reduction in police extortion. First, as I have previously discussed, only a minority of Mae Sot-based migrants actually acquired these registration documents. Second, following the introduction of the new registration scheme, police began drawing on other reasons to demand money when they encountered a migrant holding a passport.
For example, in the case of Ko Sein described above, the police asked to see his “TL38” (tor-lor-sam-bpat) residence permit. This residence permit is a relic of prior registration schemes and became redundant under an updated registration policy issued in January 2013. Hence, migrants registered (or registering) with passports and work permits no longer needed (officially at least) to acquire these residence permits. In other cases, police would “fine” migrants for having failed to update the 90-day residence confirmation stamp in their “temporary” passports. The 90-day residence confirmation stamp, however, concerns the Thai immigration department, which will itself fine the infracting migrant on his or her next visit to the immigration office. The police have no jurisdiction to make such immigration fines. Hence, formal migrant registration policies are regularly cited by the police in their engagement with migrants. However, the enforcement of these policies is rarely consistent with official regulations. The police simply present their (corrupt) enforcement of (often arbitrarily determined) law as the basis for demanding money. As a result, migrants frequently become cynical of the police and of Thai law. Yet, the law is rarely rejected wholesale, and migrants continue to grasp at the law—through legal registration, for example—despite its inconsistent application and persistent failure to ensure them the rights to which they are legally entitled. In the end, even legally registered migrants in Mae Sot continue to face extortion by the police despite their otherwise legal status in the country.

To illustrate the persistence of police extortion of legally registered migrants, I present here a case involving my friend U Moe Kyo, who runs the Joint Action Committee for Burmese Affairs (JACBA), a small Mae-Sot based migrant rights organisation. I received a call from U Moe Kyo while I was at home one afternoon in March 2013. His anger was readily apparent from the tone and speed of his voice. He
explained that he had just been stopped by the police, who had demanded money from him despite his possession of a valid migrant passport and work permit. In the end, he had secured his release with the intervention of a Thai official posted to the Mae Sot Labour Protection Office. Nonetheless, U Moe Kyo was indignant. He wanted to tell all the organisations involved in migrant issues in Mae Sot of his experience. His English is quite limited and he thus requested that I write up a statement about this incident for distribution across the MRPWG email list. So, after hanging up the phone, U Moe Kyo drove over to my home on his motorcycle. Once he arrived, he dictated the following account to me in Burmese, which I translated into English and typed up on the spot. When the statement was completed, U Moe Kyo immediately emailed it to all MRPWG members and posted it on the JACBA blog. The “senior staff member” of JACBA referred to in the statement is, of course, U Moe Kyo himself. The case of the S.D. Fashion workers mentioned in the statement is recounted in Chapter 5 of this dissertation. U Moe Kyo’s statement went as follows:

Today, at around 2:00 pm, Friday 1 March 2013, a senior staff member of the Joint Action Committee for Burmese Affairs (JACBA), which is a member of the Migrant Rights [Promotion] Working Group (MRPWG), along with an accompanying migrant factory worker, was stopped by 6 Thai police on the main road at Mae Tao Type Quarter, Mae Sot. Among these 6 police were one junior officer and 5 regular police.

The police officer asked for the JACBA staff members’ documents and then rummaged through the JACBA staff members’ bag, which contained books on Thai law. The officer then took away the JACBA staff members’ bag, took out a camera from inside and looked through the photos stored on the camera. This JACBA staff member had on him his valid passport, valid work permit, drivers’ licence and Labour Law Clinic network member card. The police officer confiscated the bag and documents.

Travelling with this JACBA staff member was 1 factory worker who was travelling to the OSSC [One Stop Service Centre] office to submit an application for passports for 521 workers from the SD Fashion

2 This text can be read on the JACBA blog (1 March 2013) at: http://jacbaburma.blogspot.ca/2013/03/please-distribute-widely-where-is.html
Co. Ltd. factory. This worker not only had the passport applications on him, but also his valid factory ID card. JABCA is aware that according to current Thai policy, migrants in the process of applying for passports are not to be arrested by the Thai police.

After checking the JACBA staff member and the accompanying factory worker, the police officer made these two individuals stand on the side of the road in the hot sun. The police officer explicitly asked in Burmese for the JACBA staff member and the accompanying factory worker for 200 baht in order to be let go. Since they did not pay, the police made these two individuals wait on the side of the road. While they waited, the JACBA staff member and the factory worker observed these 6 police stop approximately 20 other factory workers passing on bicycles and motorcycles. When these migrants were checked, all of them showed valid passport application documents. However, the police did not accept these documents and demanded 200 baht from each individual in order to be let go. Some of the migrants were able to be let go paying 100 baht.

After waiting by the side of the road for approximately 45 minutes, the JACBA staff member called the Thai Labour Protection Office [LPO] for assistance. The LPO official then spoke on the phone to the police officer and was able to get the JACBA staff member and accompanying factory worker released. Although the JACBA staff member was able to get assistance from the LPO in this case, the regular migrant workers could not get such assistance.

The MRPWG has had repeated meetings with Thai authorities in Mae Sot including the head of the Mae Sot police department. We are regularly told by these authorities that the Thai police are not allowed to demand bribes from migrants and furthermore that passports are supposed to protect migrants from police harassment. Yet these abuses continue! What is the value of these meetings if the Thai authorities are unwilling or unable to guarantee an end to this harassment and extortion? What happened today to the JACBA staff member is not an exception. This is the standard practice of the police in Mae Sot. Therefore, what JACBA wants to know is what has happened to the Thai law according to which migrants with passports or with passport application documentations shall not be arrested?

U Moe Kyo’s anger at this incident reflects a more general animosity among Myanmar migrants in Mae Sot towards the police. In the framework Bourdieu provides us with, migrants’ antagonistic dispositions towards the police express their particular class habitus, which has developed over time through routine confrontations with police coercion and extortion. This antagonistic disposition is further demonstrated in the
disparaging comments concerning the police that Myanmar migrants routinely share among themselves. Terms I have heard migrants use in reference to the police in Mae Sot include “uniformed bandits” (uniform d’mya) and “great beggars” (th’daung’sa-gyi). Indeed, “beggar” was a term that May used for the police at the time of Ko Sein’s arrest, as related above. On another occasion, when my friend Ko Htun and I observed two police officers stop and check a Myanmar migrant who happened to be walking down the road near the Yaung Gyi Oo office one day, Ko Htun, in disgust at the police, turned his head away and told me, “I can’t even look at them” (gyi-loh m’ya’bu). On another occasion, I spoke with a migrant who had been detained in a police cell outside Mae Sot where undocumented migrants caught being smuggled to Bangkok were routinely held. The walls of the cell, this migrant explained, were covered with Burmese language graffiti—much of it denouncing the police. One such passage read: “If a Thai cop ever goes to Myanmar, he’d better bring along an extra head.” The implication was that Myanmar people would decapitate the cop in reprisal for the ill-treatment Myanmar migrants had received at the hands of the police in Thailand.

The antagonistic dispositions migrants hold towards the police also get expressed in censures of “disloyalty” (thit-sa pauk) made against other migrants. In one case, a migrant I knew fairly well took a job as a Thai-Burmese interpreter at the Mae Sot detention centre. Among my migrant friends who knew him, some began referring to him disparagingly as a “police dog” (palait-kwei) for his role in aiding the police in the oppression of migrants.

Along with antagonism, routine police harassment can also fuel a disposition of fear among migrants. This produces tangible effects in shaping migrant behaviour, as individuals are reluctant to travel outside their homes and workplaces, or to seek police
assistance when they suffer from violence, fraud or other crimes. This was demonstrated to me by the case of Ma Thin, a young ethnic Khami woman from Rakhine State whom I met in August 2012. Ma Thin was among a group of migrants who had been defrauded by a passport broker who had taken their money yet had never provided them with the requisite documents. With the help of the Pan Kan Gaw Workers Association and the Thai Labour Law Clinic (LLC), Ma Thin and some of the other affected migrants sought to pursue criminal charges against the broker who had defrauded them. At the time of this case, passport applications still required TL38 residence permits issued by the Mae Sot municipal (amphoe) government office—a requirement nullified at the start of 2013.

When Ma Thin, along with another of the defrauded migrants, and a staff member from the LLC visited the Mae Sot police station, the police instructed Ma Thin to show them her TL38 residence permit. In a tragic irony, not only had Ma Thin and her migrant colleagues been defrauded by the passport company, but the low level bureaucrat who had issued Ma Thin’s residence permit at the municipal government office had reprinted a residence permit previously issued to another migrant, but with Ma Thin’s photo on it.

By providing Ma Thin with a duplicate of a previously issued TL38 residence permit, the bureaucrat was able to pocket without record the 6,000 baht fee he charged Ma Thin for this document. Since Ma Thin could not read Thai, she had not noticed that the name and other personal details printed on her residence permit were not her own. When she presented this document to the police, the police accused her of possessing a fraudulent residence permit. They immediately locked up her and her migrant colleague (whose permit was similarly inaccurate) in the detention centre and told them that they would be shortly deported. According to Ma Thin, she spent the whole night crying on the floor of the detention cell. The next day, the police took her and the other migrant in
a police truck to the border and deported them by boat across the river. Shortly after being deported, these two migrants unofficially crossed back into Thailand by boat, which is where I later spoke with them. Although Ma Thin still wanted to pursue charges against the broker who had defrauded her, due to her experience of being locked up and deported she told me, “I’ll never go back to the police.”

Migrants’ understandable fear and distrust of the Thai police are thus significant factors constraining their ability to pursue justice through the Thai legal system. As such, it was disingenuous when a senior police officer attending an MRPWG meeting at Mae Sot’s Centara Hotel in September 2012 told those of us in attendance, “I don’t know why, but migrant workers are usually scared of the police.” The meeting had been organised by the IRC to promote migrants’ access to justice through the Thai legal system. As a final observation of the everyday seepage of this fear of the Thai police into the lives of migrants, I have seen on multiple occasions migrant parents disciplining their children by saying, “If you don’t stop crying, the police will come and arrest you!”

Given the pervasive threat for migrants of arrest, detention, extortion and deportation at the hands of the police, migrants in Mae Sot have employed a variety of tactics to manage police encounters or to evade such encounters altogether (see Aung 2014). Often, these acts take the discrete form of what James Scott (1985) has termed “everyday resistance.” As an example, one day following Ko Sein’s detention (as described above), he was returning to Mae Sot from a visit to his home in Myanmar. Rather than risk extortion or arrest (again) by running the gauntlet along the main highway from the border to Mae Sot town, along which there was a good chance he would encounter a police checkpoint, Ko Sein forwent taking the 20-baht “line car” and instead walked three hours from the border to his aunt’s home down a dirt path behind the
Mae Sot airport—“through the mud and the rain,” he told me. Similarly, while I was
driving my friend Ko James from his home outside Mae Sot to the town centre, he
directed me to take a particular back road with which I was unfamiliar. The reason, he
explained, was that, “it’s always clear of the police,” and thus, “it’s the road we always
take to go to the market.”

In some cases, the efficacy of a migrant’s chosen evasion strategy is less evident
—at least to me. This would include, for example, the case of a young man I met who
pulled a lemon from his pocket while we were speaking about the dangers of the police.
The lemon, he explained, served as a form of *yadaya kyay*, a ritualistic practice in
Myanmar whereby individuals avoid or neutralise potential misfortune by performing
certain prescriptive acts. Keeping a lemon with him at all times would, he explained,
serve to ward off the police because of the lemon’s medicinal properties, unlike, say, a
tomato, which lacks such properties, and would thus not be very useful for this purpose.

In spite of such evasion tactics, most migrants I knew who had spent much time
on the border had had some experience of run-ins with the police. There were thus
various other strategies (aside from avoidance) with which migrants sought to negotiate
with the police to reduce or avoid monetary demands. In the statement by U Moe Kyo
reproduced above, he described seeing the police demand 200 baht from each person, but
some individuals, he said, were able to get released paying only 100 baht. Hence,
claiming to have less money that one actually does may (on occasion) work to reduce the
amount one has to pay. One migrant I met told me that she hid her money in her shoe as
a means of avoiding large payments to the police. In addition, migrants who have more
experience on the border, are familiar with current migrant registration policy, and can
speak some Thai, are generally more capable and confident to negotiate their way out of
police extortion. This was the case with Ko Htut, a migrant I knew who worked as a salesperson at an electrical appliance store in Mae Sot. Although Ko Htut was registered with a “temporary” migrant passport and work permit, his employer retained these documents and only allowed him to keep photocopies (so that he would not quit with his documents and depart for better-paying work elsewhere). He told me that he was occasionally stopped by the police, who would not accept as valid the photocopies he held of his passport and work permit, demanding instead that he pay them a petty bribe of 100-200 baht. Ko Htut was a near fluent Thai speaker and had lived in Mae Sot for many years. He told me that he would tell the police in Thai that he would not pay them anything and that they could take him to the detention centre if so wished, but that he would simply call his employer to come get him out. This (in combination with his passport photocopy) was typically sufficient, he explained, and the police would let him go without having to pay any money. This case of Ko Htut also demonstrates the tangible value of Thai speaking ability as a form of cultural capital, with which migrants in otherwise quite similar positions realise quite different outcomes in their engagements with the police.

In their everyday interactions, Myanmar migrants regularly discuss with each other about police checks and ways these can be avoided, or otherwise dealt with. This was pointed out to me as I was riding a motor rickshaw through town one day, when the Myanmar driver engaged me on the issue of police harassment and extortion. He explained that he was frequently stopped by the police while transporting migrants in and around Mae Sot. Often, he observed, the police would demand more money from migrants holding passports without work permits than from migrants with no documentation at all. Presumably, documented migrants had more money, and more to
lose. The rickshaw driver therefore regularly enquired with his passengers about the
documentation they possessed and, if they had passports without work permits, he would
advise them not to even show their passports and to pretend instead to be wholly
undocumented, as this would reduce the amount of money the police would demand. In
yet another case, while I was visiting some migrants in a unit of row housing with my
friend Ko James, I observed Ko James advise a young migrant woman (who lacked
documentation) to be mindful of the time of day she went out travelling. The reason, Ko
James explained, was that the operation of police checkpoints was patterned. Since, Ko
James told her, the police typically operate their checkpoints around 8:00 to 9:00 am,
12:00 to 1:00 pm, and 4:00 to 6:00 pm, avoiding travel at these times would significantly
reduce the likelihood of her being stopped and extorted. In addition, Ko James
suggested, “wear tattered clothes and you’ll be less likely to get stopped by the police.”

Bourdieu suggests that it is through such everyday engagements, and through the
acts of categorical distinctions that individuals make in these engagements, that agents
come to embody particular class positions within hierarchically structured social orders
and to see themselves within such class positions. As such, expressing statements of
animosity about the police or sharing tactics of “everyday resistance” among migrants
serve to strengthen migrant social networks and their collective identification as
migrants. There is thus some collective identification as migrants across different work
sites and different forms of work, and including non-employed migrants, and also
migrant children attending school.

The overwhelming majority of Myanmar migrants in the Mae Sot area are,
however, employed in waged labour. There is a much smaller number of self-employed
migrants who drive rickshaws; sell home grown vegetables or home cooked food at
markets, outside factories and along roadsides; or who manage more permanent tea shops. While not all migrants are employed in wage-labour, migrants generally refer to themselves collectively as workers rather than as migrants. In everyday conversation the most common referent Myanmar migrants employ for themselves and their fellow migrants is “worker” (alote-thema), as in “we Myanmar workers.” In U Moe Kyo’s account of being detained on the roadside, as reproduced earlier in this chapter, his chosen label to refer to the various bicycle-riding migrants he observed stopped and extorted by the police was “factory worker” (set-yon alote-thema), not “migrant.” Rarely do Myanmar migrants in Mae Sot refer to themselves as “migrant” (shwe-pyaung-nay-taing-thu) or even “migrant worker” (shwe-pyaung alote-thema). These latter terms are generally restricted in their use to news articles and NGO reports about migrants. When migrants complain about the difficult situation they face with the Thai police, they commonly refer to the collective difficulties faced by “us Myanmar workers,” even if they are describing concerns not directly related to employment.

In the context of Mae Sot, practices of distinction marking a separate Myanmar migrant worker identity are reinforced by linguistic barriers, as the majority of Myanmar migrants along the border speak little or no Thai. Myanmar migrants thus often engage other migrants at random for advice or assistance, whereas most migrants would rarely engage a Thai national in this way.

As alternative means of managing police harassment and extortion, there have developed over the years various local protection arrangements negotiated between migrants and local power holders. These arrangements serve as means of avoiding arrest, or at least reducing its likelihood. They are also significantly cheaper than official registration. In some ways, the systematic forms of police extortion described above can
be understood as alternative, informal migrant registration schemes, granting paid-up migrants limited freedom of residence and work within Mae Sot. This practice functions to keep down the rate of formal registration, as migrants are able to continue living and working along the border without official registration documents.

There are, in addition, other types of arrangements for unofficial migrant registration along the border, which might be situated in their level of formality somewhere between the official “temporary” migrant passports and work permits, on the one hand, and the ad hoc instances of police extortion, on the other. Two notable forms of such registration are village head-issued residence permits and migrant protection cards issued by the People’s Volunteer Association (PVA). These two forms of registration were in operation before the 2008 introduction of “temporary” migrant passports under the National Verification scheme, and they continued to be used by migrants after the introduction of these passports. Indeed, they remained in common use throughout the duration of my fieldwork.

Village head residence permits are issued and signed by the “village head” (ywa-thu-gyi in Burmese, pu-yai-ban in Thai) of a given village or quarter. The village head-issued residence permits that I have seen consist of an A4-sized sheet of white paper with the name and personal details of the relevant migrant, and the details of the arrangement typed up in Thai, and signed at the bottom by the issuing village head. These documents do not actually guarantee freedom from arrest or harassment by the police. What they do provide is protection from harassment by the local village militia (chor ror bor). The chor ror bor are a network of poorly trained, armed volunteer milias, tasked with providing security for their home village (International Crisis Group 2007: 15). The network was formed in 1985 out of earlier anti-communist militias, which the United
States Central Intelligence Agency had helped establish in the 1950s and 60s. *Chor ror bor* members are formally employed under Thailand’s Interior Ministry, with command over them nominally given to the Thai Army’s Internal Security Operations Command. “In practice,” however, “there is little oversight of any kind,” and the militias wind up serving as de facto personal security for village heads (International Crisis Group 2007: 15). While the village head-issued residence permits do not guarantee protection from police harassment and arrest, there appears to be some form of arrangement between village heads and the police, to the effect that police will generally not bother migrants residing in certain villages or quarters. In one case, at the time of a large fire that burnt down a residential block housing some 700 migrants in a village on the outskirts of Mae Sot (no one died), I discussed this issue with some of the affected residents. They explained that the residential block had been owned by the local village head who ensured that the migrant residents (almost all of whom lacked “official” documentation) would not be bothered by the police so long as they remained in the area of the village.

At the time of my fieldwork these village head-issued residence documents typically cost 300 baht each, and were valid for one year. The documents thus served as an means of generating income for the village head, and as a way for the village head to maintain some control over, and knowledge of, the migrants in a given village or quarter. These documents continued to be issued after the 2008 introduction of the National Verification scheme for migrant registration. Often village heads would demand that all migrants residing in the village or quarter under their authority apply for such documents, irrespective of a migrant’s status under the National Verification scheme. As an illustration of these arrangements, the following text is a translation of a notice I came across posted in a neighbourhood southwest of Mae Sot. The notice was a photocopy of
a Burmese-language, hand-written note, which was pasted onto the external cement wall of a small “home factory.” The notice read:

Myanmar workers, [you] are reminded that when the validity of [your] permit expires, come to the home of the elder [village head] to make a new permit from the 29th [of April 2013] until the 15th [of May 2013].

[You] are reminded a final time to do [this] from 29.4.2013 until 15.5.2013. The permit costs 300 baht.

- Elder [village head] of Bon quarter

As this notice indicates, village head residence permits were not considered optional. All migrants residing in a given village or quarter where such permits were issued were expected to acquire these documents. I was able to observe the enforcement of this requirement in July 2012, when I stood next to an ad hoc chor ror bor checkpoint at the main intersection in Hua Fai village just west of Mae Sot town. There I watched a group of 10 chor ror bor militia members, including seven men and three women, as they stopped every migrants who went past. The village militia personnel asked each migrant to show his or her village residence permit. Those who either had none, or whose permit had expired, were fined 100 baht on the spot, their details were written down, and they were told to promptly go see the village head to acquire their permit at a cost of 300 baht. Some of the migrants who were stopped pulled out a folded A4 paper from their pocket with their photo on it and were allowed to go on their way without being fined. Some of the village militia conducting this inspection were visibly intoxicated and I saw opened bottles of beer and Thai whiskey kept on the bench of a teak gazebo behind the checkpoint, where some of the militia personnel were reclining.

A second alternative form of migrant registration in Mae Sot is the People’s Volunteer Association (PVA) card. The PVA is the most recent incarnation of an
organisation established by U Thein San, which has been in existence under various names since 2004. U Thein San is a former commander in the All Burma Students’ Democratic Front (ABSDF), an armed opposition group in Myanmar established by students who fled the military crackdown on the country’s 1988 popular uprising (see Chapter 1). I had the opportunity to interview U Thein San in January 2013, when he explained to me the following.

U Thein San first got involved in migrant protection work in 2004, when he was approached by a migrant woman seeking assistance for her husband who had been assaulted and kidnapped by some local Thai police. These men had demanded a ransom of 30,000 baht for her husband’s release. U Thein San was able to negotiate with some more senior police officials concerning this case and to secure the migrant’s release without payment of the ransom money. Subsequently, U Thein San became more involved in negotiating with the Thai police and in intervening in cases brought to him for assistance.

This led to the 2004 establishment of the PVA, in its earliest incarnations as the “Burmese Volunteer Group.” When I spoke with U Thein San in 2013, the organisation included three judicial boards along with its own enforcement mechanisms. Individual migrants brought cases, such those involving theft or domestic violence, to the PVA for resolution. According to U Thein San, migrants seek assistance from PVA when they cannot, or do not want to, formally open a case with the Thai police. In this way, PVA provides its own brand of protection for those who cannot go to the police. As a result of its close relations with the Thai police and the (at times) violent enforcement of its rulings, the organisation is somewhat controversial among local Myanmar CBOs. U Thein San openly admitted to me that his organisation used violence to enforce its
rulings, such as by beating up husbands who failed to stop their abusive treatment of their wives following a PVA ruling on their case. As U Thein San explained: “Some women’s organisations are against domestic violence, but they’re against it only on paper. That’s not so effective. On paper is not enough. So, sometimes the PVA staff use violence to stop this. We have this right.” On what grounds this right was based, U Thein San did not specify. PVA also differs from most local CBOs by financing itself in large measure through independent donations from U Thein San’s former subordinates in the ABSDF, many of whom have resettled as refugees to the United States.

As PVA became more involved in negotiating with the police, the organisation established a semi-formal arrangement with the local police department in 2009 for securing migrant residence and travel within Mae Sot using “travelling documents” issued by PVA. These documents consist of a laminated card displaying the relevant migrant’s photo, name, and age, and the logo of the PVA, along with an un-laminated card stapled to it, which states the card’s current validity and includes U Thein San’s signature. This document costs the bearer 250 baht per month, and must be updated monthly. Each month, PVA gives a list of all migrants holding these cards, along with copies of their photos, to the police. As U Thein San explained regarding this arrangement, “It’s under the table. It’s not legal.” Out of the 250 baht per month that PVA charges for the cards, U Thein San explained that 200 baht goes to the police, 20 baht goes to the “royal police,” and 30 baht is kept by PVA.

As we conducted our interview at the PVA office, we were repeatedly interrupted by migrants and PVA members seeking PVA cards and U Thein San’s signature. Each time, U Thein San would pull out a printed pack of blank PVA cards and fill one out. I asked one lady who came into the PVA office to acquire such a card during our interview.
why she chose to get this card. She explained that she wanted the card because she could not afford the migrant passport and could not get a Thai citizenship ID card.

The various systems of protection, extortion and registration that I have outlined in this chapter— involving police, village heads, chor ror bor, and PVA—can been understood as overlapping regulatory regimes that serve to order and restrict migrant activity on the border. In various ways, these regimes seem in conflict with the formal state regulation of migrant labour (as, for example, when local police officers stubbornly disregard current migrant policy). At the same time, however, these various regimes of regulation are deeply entangled with, and serve to reproduce, local capillaries of state power. This is one reason why borders, as margins, are such fruitful sites for the study of state formation. For, as Veena Das and Deborah Poole have argued, “What the consideration of margins enables us to see is how economic citizenship, rent extraction, and multiple regulatory regimes are necessary parts of the functioning of the state, much as exception is necessary for the understanding of law” (Das and Poole 2004: 21).

Among the effects of these multiple regulatory regimes is that they provided migrants staying on the border with alternative forms of protection significantly cheaper than migrant passports and work permits, which typically cost between 10,000 and 15,000 baht through private passport companies. For this reason, I repeatedly encountered migrants who told me that they made use of these alternative protection services in lieu of formal passports and work permits, due to the much higher cost of these latter documents. This was the case with my friend Ko Aung, who worked a power loom at the Royal Knitting garment factory. The employer at Royal Knitting had offered to arrange passports and work permits for the migrants employed at the factory, advancing the money which would then be deducted monthly from migrants’ wages until
the amount was fully repaid. Ko Aung was among a group of 30 migrants who opted not to apply for this registration, because they did not feel the benefit was worth the cost. However, following the 2013 Buddhist New Year, the monthly “police fee” deducted from Ko Aung’s wages was doubled from 150 to 300 baht.

Conclusion

“Social classes,” explains David Swartz (1997: 147), summarising Bourdieu’s position, “are not simply given in reality but are contested identities that are constructed through struggles over what is the legitimate vision of the social world and its divisions.” The dynamics of migrant-police relations outlined in this chapter have highlighted the extent to which local contestation and negotiations between variously situated actors—including employers, government officials, passport brokers, migrants and the police—serve to shape migrants’ self-identifications as well as their place within the border’s hierarchically structured social order. These everyday symbolic struggles include, for example, migrants’ refusals to accept continued subordination and the logic of police extortion, visible as it is in the disparaging remarks migrants make about the police, and in their efforts to evade or reduce extortion payments. Understanding this symbolic struggle allows us to more fully appreciate the efforts of migrants and their allies in pushing for greater recognition of migrants as rights’ bearing agents in Thailand.

In addition to this symbolic struggle, the contestation and negotiation that occurs daily between migrants, the police, and other local actors outside the workplace serve to (re)shape the local labour arrangement, with tangible effects for migrants’ status and points of leverage inside the workplace. The everyday dynamics of power relations along the border have, for instance, facilitated the continued presence of a large migrant
population that remains outside of official registration. These everyday dynamics include: corruption and bureaucratic barriers in the formal migrant registration process; the incomplete enforcement of deportation for “illegal” status; the willingness of employers to engage in monthly police fees for undocumented migrant employees; systematic extortion by the police; possibilities for migrants to evade the police; the availability of alternative, informal registration (or protection) options; and the active choices made by border-based migrants in their negotiations with various local power holders. These dynamics allow for a contested and negotiated arrangement of migrant labour on the border that goes beyond the framework of Thailand’s official migrant labour policy, enabling, for example, the border’s low rate of official migrant registration. This widespread non-registration, which effectively reproduces the overwhelmingly “illegal” status of border-based migrants, strengthens, in turn, the power of local employers to enforce low wages and labour discipline on the migrants in their employ.
Chapter 4
Everyday Recomposition:
Quotidian movements against workforce fragmentation

“The monk,” this young man tells me, “was surprised” when hundreds of Myanmar migrants, having just walked off their job, suddenly showed up at the grounds of the Buddhist forest monastery where he was residing. Still, he offered his support to the striking workers and told them they could stay as needed at the monastery. This was the monastery where we were now speaking, this migrant and I, in a shaded grove of teak and bamboo trees behind a large gilded pagoda. It was the previous day when migrants from the nearby M-Apparel garment factory streamed into the monastery grounds following their mass walk-out from their workplace. And it was the workers’ walk-out which brought me here to the monastery today, along with colleagues from Yaung Chi Oo and the MAP Foundation, to provide legal information and other assistance to the striking workers.

Curious about this monk who lent his support to the strike, I ask the group of migrants with whom I am speaking to introduce me. They eagerly lead me over to a solitary monastic residence (known as a kuti in Thai), and we enter through the open door and seat ourselves on the ground. One of the young men walks to the back to seek out the monk, who emerges wearing Thai-style robes of saffron colour, rather than of maroon, as is standard in Myanmar. With a large smile he introduces himself in Burmese as Ashin Vinaya and sits down on the floor to join us.

Putting our hands together and prostrating three times, we greet Ashin Vinaya and I ask him to tell me about himself. He previously resided, he says, at another monastery, elsewhere along the border. However, about three months ago some Myanmar migrants
who lived and worked in the area of the M-Apparel factory invited him to come to the current monastery, as there were no Myanmar monks in this area to serve the local migrant community. Since taking up residence here, migrant workers from the nearby factories, including M-Apparel, have provided Ashin Vinaya with alms, have visited him on their days off, and have invited him to conduct ceremonies and give sermons for them on Buddhist holidays. In this way, Ashin Vinaya has come to know many of the migrants in this area and is familiar with their many work-related grievances.

Figure 13. Striking migrants gather at a Buddhist monastery in Mae Sot district after walking off work in May 2012. (photo: Stephen Campbell)

Ashin Vinaya goes on to tell me that the previous day workers from the M-Apparel garment factory arrived at this monastery and told him of their walk-out
following a series of delays in getting paid their wages (see Campbell 2013b). Ashin Vinaya says that he “felt bad” about the situation these migrants faced, which “shouldn’t be like this.” “If the workers hadn’t done this [gone on strike],” he explains, “the bad situation would have just continued.” Explaining his motives further, Ashin Vinaya tells me, “I want to help the workers. I have always had the desire to help. I don’t like oppression [hpi-hneit-hmu] and injustice [ma-taya].”

During the workers’ subsequent week-long strike, Ashin Vinaya arranged with the local Thai abbot for the migrants to be allowed to rest, cook and eat at the monastery. This was especially important when the M-Apparel manager ordered the factory kitchen closed. Ashin Vinaya even went out one day to purchase bulk supplies of instant noodles and tinned fish for the striking workers. When the strike concluded, some of the workers involved invited me to attend a communal meal, which they offered to Ashin Vinaya and the Thai monks at the monastery, as an act of gratitude for their support during the strike. For this meal dozens of migrants took part in preparing a large quantity of mohinga (Burmese fish and noodle soup) for the monks, which they shared among themselves after the monks had eaten.

Among the M-Apparel factory workers with whom I became close at this time was Ko James, one of the lead organisers in the strike. His Christian name had come to him from his ethnic Kachin mother, but Ko James had converted to Buddhism, the religion of his ethnic Burman father, during his late teens. Almost a year after his involvement in the strike, Ko James, who had since left M-Apparel, invited me to attend a taya-bwe (Buddhist ceremony) for the Myanmar holiday of thingyan (equivalent to Thailand’s songkran festival), which marks the Buddhist New Year, to be held in a migrant neighbourhood near his former workplace.
When I arrived at the event around seven in the evening it was not quite dusk, but already dozens of migrants were there: early arrivals and local residents who were helping to set up. The ceremony was to be held on a dead-end road, walled on one side with a concrete block of migrant-occupied row housing, and on the other with sheets of corrugated iron that hid the relatively large “home factory” situated behind (see Fig. 14). Plastic mats for the devotees were laid out on the surface of the road; a small, make-shift stage had been set up at one end, with a single fluorescent light hanging above illuminating the flowers, Buddha statue and assorted offerings below; Myanmar migrants sitting on the ground before the stage were gradually filling up the seating area provided;
a dozen woman closest to the stage dressed as yogis (spiritual practioners) with their conventional brown tamein (long Burmese skirts), white blouses and brown scarves, chanted lines in Pali, which they read from little recital booklets they held in their hands; volunteers walked around handing out plastic cups of instant coffee and biscuits to those in attendance; and newly arriving guests put donation money into a collection bowl set out near the front of the stage. There were, perhaps, 150 migrants who showed up for this ceremony, most of whom, I was told, were employed at the four nearby garment factories. Among those attending, my hosts informed me, were ethnic Burman, Karen, Mon, Rakhine and Palaung migrants, as well as Ko James, who was half-Kachin. As people arrived on foot, a middle-aged Myanmar woman helping to host the event introduced me, saying of the new arrivals, “He works at Fancy Garment,” or “She works at the nearby home factory.”

Ashin Vinaya was scheduled to speak and would be joining the devotees shortly. While those seated on the mats continued their chanting, I sought out the monk with whom I had not spoken in almost a year. I found him with Ko James seated on the floor of a migrant residence in the nearby block of row housing. Ko James had spent the past week with Ashin Vinaya as a kapiya (lay helper) assisting with visits to various factories in Mae Sot, where the monk had been conducting ceremonies for thingyan similar to the event I was attending that evening. As the three of us spoke, Ashin Vinaya joked with Ko James about how busy they were. The event I was attending was Ashin Vinaya’s third that day, and he had two more scheduled for the day following. The two of them had been riding around in a hired pickup truck since morning. Telling me about his involvement in these ceremonies, Ko James explained that he had been able to speak with many migrants at the various factories they had visited. While setting up for the
ceremonies, Ko James had discussed with these migrants their work situation, had given them information about Thai labour law and the Labour Protection Office, and had told them about his own experience in the M-Apparel strike the previous year. These discussions, Ko James felt, had been positive side-benefits of his involvement as a kapiya for the thingyan ceremonies.

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Illustrated in the moments of migrant life I have presented here are processes of socialisation among Myanmar workers in Mae Sot. Shared religious practice, similar work situations and proximate living conditions in dormitories and migrant neighbourhoods brought these individuals together, while their limited Thai language ability, largely undocumented status, and the often discriminating attitudes of Thais towards migrants (Arnold and Pickles 2011: 16-17) kept their activities separate from the local Thai community. Such events demonstrate how labour arrangements and migrants’ cultural-religious activities can come together in processes of worker socialisation involving everyday forms of cooperation and mutual aid. The social formations that are being produced here cannot be reduced to class—as a particular relationship dependent on the capitalist production process. After all, these socialisation processes are heavily shaped by the shared experience of these individuals as undocumented foreign migrants, who come from the same country, and often the same state or region, with common linguistic, religious and cultural connections that are not dependent on capitalist production, and are often not occurring at the point-of-production. Yet, these shared aspects of migrant life also inform workplace relations, and shape processes of
socialisation taking place among migrants at their workplace. There is thus a mutually constitutive relationship between processes of socialisation as migrants and as workers. Given contemporary claims of working class fragmentation under flexibilisation, these everyday processes of labour socialisation suggest the persistence of counter tendencies—tendencies which enable and fuel working class (re)composition and thus strengthen the social cohesion needed for collective workplace struggle. In this way, even non-confrontational working class activities, such as the communal religious practices presented above, can take on a class struggle character through their socially constitutive effects.

In Chapter 3, I highlighted the arguments of labour analysts like Guy Standing, who have written that flexible labour arrangements have led to working class fragmentation—as, for example, where the introduction and expansion of “splintered labour arrangements” in production processes have undermined possibilities for “a work-based identity” (Standing 2011: 29, 12). Such arguments usefully call attention to the fragmentary effects on workers’ social cohesion of part-time, fixed-term, piece-rate and sub-contracted work arrangements, and the break-up and/or sub-contracting of larger enterprises. I argued in Chapter 3, however, that such analysis is nonetheless insufficient for understanding contemporary class transformations in Mae Sot, as it does not account for confrontational dynamics between migrants and the police taking place beyond the point of production, which have socially-constitutive effects on workers that carry over into their place of work. In the present chapter, I interrogate the thesis of class fragmentation from another perspective: through an examination of intra-workforce socialisation. I do not argue that tendencies towards fragmentation are absent, but rather that changing labour arrangements have also entailed tendencies towards class
recomposition. By calling attention to the contradictory processes at work—entailing fragmentation and recomposition—my argument echoes Ronald Munck’s (2013: 754) recent critique of Standing’s analysis: “It is important to remember that every ‘unmaking’ of the working class (for example through precarisation) always inevitably leads to its remaking.”

The situation of Myanmar garment factory workers in Mae Sot illustrates how labour flexibilisation, within a broader process of neoliberal restructuring, can produce certain unintended, socially constitutive effects. The very practices by which Thai garment firms have sought to achieve low-waged, flexible workforces have themselves produced the conditions of possibility for new forms of relationality and socialisation among workers—in a word, recomposition. I draw here on the autonomist Marxist notion of class recomposition in order to highlight the persistent processes of proletarian social (re)formation that develop out of capitalism’s contradictions, and which serve to increase workers’ cohesion and collective strength.

In Thailand’s garment industry, firms once based in the country’s central provinces, which relied for production on domestic Thai workers until the mid-1990s, have since relocated to border industrial zones like Mae Sot, and have turned for cheaper sources of labour to undocumented migrants. We can understand this ‘spatial fix’ as capital flight from higher-waged, more formally organised Thai garment workers in and around Bangkok. In order to effectively maintain their border-based migrant labour forces, garment firms have had to bring these workers together in factory dormitories as means of protection and control. This spatial concentration of workers has, in turn, facilitated their recomposition, as factory and dormitory settings have allowed for intimate forms of relationality based around a shared experience of precarity. Hence,
along with the unmaking/decomposition of one historically specific working class (Thai garment factory workers in central Thailand in the 1980s-90s) their has been a subsequent making/recomposition of a new working class (border-based Myanmar migrant garment factory workers since the late 1990s) (cf. Silver 2014). This recomposition, however, has been spatially uneven—shaped, that is, by the geography of border capitalism. While nodes of dense social relations have developed at factory dormitories, other migrants tied to factory production through informal putting-out systems remain dispersed at migrant neighbourhoods beyond factories walls, more connected to their migrant neighbors than to those employed in-house by the same firm.

In investigating these patterns of proletarian social formation, as they emerge under conditions of flexible labour, I see this chapter as in conversation with recent anthropological work attentive to new forms of subjectivity, affect and sociality that have developed among workers in late capitalism (Millar 2014, 2008; Muehlebach 2011; Muehlebach and Shoshan 2012; Molé 2010). My aim with this chapter is therefore to draw out the socially constitutive implications of everyday cooperation and mutual aid among workers, which lay the social basis for more confrontational forms of collective struggle. I further aim to show that certain possibilities for working class recomposition are, in fact, effects of the very conditions of flexible labour that otherwise threaten to undermine working class power.

To these ends, I sketch below some theoretical lines that draw out the socially constitutive aspects of everyday labour socialisation, as positive moments of working class struggle. I next illustrate, drawing on ethnographic and interview data, how everyday working class recomposition has played out under the conditions of flexible labour that characterise the garment industry in Mae Sot
Conceptualising everyday recomposition

Situated within a broader project of neoliberal restructuring, David Harvey (2005:76) argues that flexibilisation was meant from the start to strengthen management control over workers and ensure high rates of labour exploitation. From this perspective, working class fragmentation serves management as a means to assert greater control over the workforce. Piya Pangsapa (2007) has taken up this argument in her analysis of changing production arrangements in Thailand’s garment industry, specifically under a shift from day-rate to piece-rate payment systems. Observing such changes in Bangkok-based garment factories coming out of the 1997 crisis, Pangsapa (2007:157-158) argues that worker solidarity and possibilities for resistance were thus effectively hindered as women were forced to compete with one another and to protect their livelihood by acting as “watchdogs” to prevent anyone from trying to disrupt production. Moreover, because women were working excessive hours each day, they no longer had the time to socialize with their friends at work.

While of definite analytic relevance, this focus on the domination of capital over labour risks obscuring those conditions for labour socialisation that persist, or newly emerge, within flexible production arrangements. Transformations towards flexible labour regimes, which increase management’s freedom to set the terms of work, do entail certain pressures towards workforce fragmentation—the shift to piece-rate pay being one example. At the same time, the dynamics of flexible production also create conditions for labour socialisation—that is, working class recomposition. Consider the following observations on piece-rate pay by Ko Saing, a migrant worker involved in a strike at the Royal Tex garment factory in Mae Sot during May 2012:

Previously, there was no solidarity. By no solidarity what I mean is that there was competition between people. [A worker would think,] “She
completes 50 units per day. So I’m going to push to complete 60 units in order to get more than her.” It’s like that. And the workers don’t rest. So, there’s competition because of the piece-rate system. And the solidarity between people is shattered [pyet-pyay-nay-da]. And when there’s no solidarity among the workers, the employer can do whatever he wants.

Despite the “shattering” of workers’ solidarity that Ko Saing refers to, he and some 125 fellow workers at Royal Tex, of whom almost 70 percent were women, nonetheless went on strike together to demand a pay increase, as well as a shift from piece-rate to day-rate. In other words, the piece-rate payment system, which served in some ways to divide the workers, also brought them together as a common grievance around which to coalesce in collective struggle. Nor is Royal Tex the only Mae Sot-based factory whose workers have struggled against the piece-rate system. Indeed, at factories throughout Mae Sot piece-rate pay remains incompletely imposed—that is, day rates remain widespread. As a strategy of flexible production, therefore, the piece-rate payment system has emerged as a salient issue of collective mobilisation.

In terms of labour socialisation, the experience of Ko Saing and his coworkers hints at the presence of counter-tendencies, centripetal in force, within workers’ social relations under flexible production regimes. The social effects of flexible labour arrangements can thus not be reduced to unidirectional movements towards working class fragmentation. Rather, contradictory forces persist, pushing forwards a double movement of both fragmentation and recomposition. In order to better grasp theoretically this double movement, what is needed is a framework that incorporates both tendencies.

Ethnographic studies of class recomposition, understood in terms of solidarity formation, have highlighted the fundamental catalysing role of workers’ direct, collective participation in workplace struggles. Drawing on case studies of labour strikes in the United States, Rick Fantasia (1988), for example, argues that “cultures of solidarity”
among workers emerge endogenous to incidents of collective action. As such, workers’ solidarity and their potential for collective action cannot be relevantly evaluated under “everyday” conditions (see also Glaberman 2002: 126-130). My own research among Myanmar migrants in Thailand largely supports this view (see Campbell 2012b, 2013b). However, it is the perspective of numerous labour organisers with whom I have spoken in the Mae Sot migrant community that the possibility of collective action is strengthened when there is some pre-existing basis of friendship and social cohesion amongst a given workforce. Stan Weir (2004: 28) raised a similar point when he spoke of “informal work groups,” which develop among workers through everyday social relations and form the kernel of future rank-and-file collective action. There is thus an important connection between workers’ everyday social relations and their capacity for collective struggle. This is not to argue that workers’ everyday social relations are themselves commensurate with solidarity—understood as a willingness and capacity to act collectively to press demands. However, these everyday relations do establish a social basis for workers’ solidarity, which then has the potential to emerge in situations of collective workplace struggle.

Insofar as certain quotidian practices among workers establish their social cohesion (thus strengthening their collective power), and certain quotidian practices by management serve to fragment workers’ social cohesion (thus weakening workers’ collective power), these dynamics entail forms of everyday class struggle. In theorizing everyday class struggle, I take as a point of departure James Scott’s (1989: 34) seminal work on everyday resistance, which he outlines as follows:

[The] forms of resistance I have in mind are an integral part of the small arsenal of relatively powerless groups. They include such acts as foot-dragging, dissimulations, false compliance, feigned ignorance, desertion,
pilfering, smuggling, poaching, arson, slander, sabotage, surreptitious assault and murder, anonymous threats, and so on. These techniques, for the most part quite prosaic, are the ordinary means of class struggle. They are the techniques of ‘first resort’ in those common historical circumstances in which open defiance is impossible or entails mortal danger.

Scott’s framing of everyday resistance usefully calls attention to the persistence of such practices, even when open, collective defiance is absent. However, by equating class struggle with resistance, and hinging “open defiance” on “historical circumstances,” Scott’s framing falls short in several regards. While resistance is, to be sure, a fundamental aspect of class struggle, it is only the negative moment of this class relation. As such, to limit our focus to resistance occludes the positive—that is, socially constitutive—moment of class struggle. As Harry Cleaver (1992:1) explains, while the negative moment of working class autonomy entails workers’ resistance to exploitation, the positive moment entails “the self-construction of alternative ways of being.” In more detail, Cleaver (1992:7) elaborates as follows:

While it can be said that capital seeks a “class composition,” i.e., a particular distribution of inter- and intra-class power which gives it sufficient control over the working class to guarantee accumulation, it is also true that workers’ struggles repeatedly undermine such control and thus rupture the efficacy (from capital’s point of view) of such a class composition. Such a rupture occurs only to the degree that workers are able to recompose the structures and distribution of power among themselves in such a way as to achieve a change in their collective relations of power to their class enemy. Thus the struggles which achieve such changes bring about a “political recomposition” of the class relations—“recomposition” of the intra-class structures of power and “political” because that in turn changes the inter-class relations.

Cleaver’s work draws heavily on Italian autonomist Marxists, and in particular the concepts of class recomposition and self-valorisation, which Antonio Negri (1991) deploys in his reading of Marx’s Grundrisse. Negri applies these terms to call attention to the ways working class social formations, which increase workers’ cohesion and
collective strength, productively emerge within collective struggles, such as those over wage rates. Writing at an earlier moment, Mario Tronti (1964), himself a central figure in the autonomist tradition, employed the notion of class recomposition not only to flag a process of proletarian social formation, but also to index the primacy of workers’ struggles in catalyzing capitalist development. Capitalist systems of production and control must continuously transform, that is, in response to working class organisation and struggle. But such capital transformations inevitably create new conditions of possibility for working class recomposition. Thus, for example, capital relocation and labour flexibilisation in Thailand’s garment industry following the 1997 crisis can be read as reactions to the organisational achievements of Thai garment workers at factories in and around Bangkok during the pre-crisis period. This relocation of capital and flexibilisation of labour has created, in turn, new conditions of possibility for working class recomposition among Myanmar migrants employed at Mae Sot-based garment factories.

Now, without seeking to downplay the importance of open, collective struggles in effecting working class social formations, what I wish to call attention to here are processes of everyday recomposition. By this I mean the (intra-class) socially constitutive processes that develop outside of open, collective defiance. Focusing on everyday recomposition allows us to see how acts of mutual aid and cooperation, which often draw on cultural repertoires that precede current work relations, contribute to workers’ social cohesion and the future possibility of solidarity-based collective action, even when these acts do not in themselves entail resistance. In addition, when acts of everyday cooperation do involve resistance (as when coworkers assist each other to
discretely break factory rules), they entail, in Cleaver’s terms, both positive and negative moments of class struggle.

Everyday class struggle thus entails not only everyday (inter-class) resistance, as Scott highlights, but also everyday (intra-class) recomposition. By establishing a social basis for workers’ solidarity, this everyday recomposition transforms the conditions of possibility for open, collective defiance, even when broader “historical circumstances” remain effectively unchanged. It is from this theoretical perspective that I examine below how everyday labour socialisation has effected class recomposition among Myanmar migrants in Mae Sot.

**Situating recomposition within flexibilisation**

Sitting on low plastic stools at a small table in one of two factory shops, Ko Soe laid a plate out in front of me. “Have some, please,” he offered, “My girlfriend made them for today’s festival. They’re traditional Myanmar snacks.” Along with Ko Soe and myself, two other Myanmar migrants from the factory’s weaving department were seated around the table. We were drinking instant coffee out of plastic cups and discussing life at the factory. Those I was sitting with had been explaining to me the workers’ grievances. Mostly these pertained to low pay (far below the legal minimum), the inability of workers to earn enough to save money and send remittances back home, and the employer’s unwillingness to arrange legal documentation for those employed at the factory.

For the moment, however, the 130 or so Myanmar migrants employed at the KBC garment factory, along with about a dozen of their children, appeared preoccupied with other matters: a group of young women sitting by the shop door were chatting contentedly; some young men gathered on bunks in the nearby dormitory were singing
and playing a guitar; a larger group of women and men at the covered area in front of the
dormitory rooms were together preparing an assortment of curries for a communal meal;
a young girl, perhaps eight years old, ran around smiling in a little white skirt with pink
flowers; another collection of individuals were laying down mats, tying up balloons and
preparing a low stage for the Buddhist monks who were due to arrive shortly.

It was the full moon day in the Myanmar month of waso (2 August 2012) and the
employer had shut the factory, allowing the workers a rare day off to celebrate the start of
Buddhist Lent. Ko Soe—whom I had met by chance at a local teashop a few months
prior—had invited me to come to the factory where he was employed to join him and his
coworkers for their celebration. The ceremony was going to be held under the roof
outside the dormitory next to the little shop in which we were sitting.

Although migrants in the Mae Sot industrial zone, where KBC is located, get but
few holidays off work, even when legally mandated, the event I was attending was not so
unusual. I had, in fact, received separate invitations to attend similar ceremonies that day
from workers at two other Mae Sot factories.

As the event at the KBC factory proceeded, the visiting monks arrived and I
joined the workers on the mats laid out, where individuals already sitting down were
chanting in unison. Our temporarily discarded sandals, lined up with all the others,
formed a neat cordon around the perimeter of the mats—the largest of which being
simply an unfurled plastic tarpaulin. When the chanting concluded, those in attendance
offered food and monastic requisites to the monks and then shared in the communal meal
provided for everyone present. The atmosphere was positive, despite the drizzling rain,
and those in attendance seemed happy to have the time off to celebrate this festival
together.
Figure 15. (above) Migrants at the KBC factory together prepare a communal meal.
Figure 16. (below) Migrants at the KBC factory pay their respects to visiting monks for the annual waso celebrations. (photos: Stephen Campbell)
Among those attending the waso ceremony at KBC was U Myint, a Myanmar man in his late 40s who got paid a daily wage of 95 baht (about $3) for an 8:00 am to 9:00 pm shift doing general maintenance and cleaning duties at the factory. By the date we met, U Myint had already worked at KBC for almost two-and-a-half years. The wages at KBC were low, he said, and he could not save any money, but still he had called his spouse and son from Myanmar to join him to live and work at the factory—he had missed them too much, he told me. As we spoke, U Myint called over his son Ko Kyaw, a young man in his early 20s whom U Myint introduced proudly.

Displays of friendship and intimacy, such as those between U Myint and his son, were plentiful among the KBC factory’s migrant workforce. Another married couple I met, both of whom worked on the production floor, ran the small goods shop near the factory dormitory during their off hours, wherein they sold assorted cooking supplies, like instant noodles, soy sauce and onions, along with three-in-one instant coffee sachets and various dried snacks that hung from the ceiling joists. This was the shop where I had joined Ko Soe for coffee prior to the commencement of the day’s waso ceremony. The husband of this couple, Ko San, told me he mostly sold to his coworkers on credit without charging any interest—the informal agreement being that this credit would be repaid in a month when the factory wages were next disbursed. However, in some cases, he said, he had to just let it go when customers were unable to fully repay their purchases due to drops in production orders or a particularly low piece-rate. “What can I do?” he asked me, with a shrug. After all, both vendor and customer in such cases were production workers, employed at the same factory and living together in the same dormitory. And so, in these various ways, this workforce was dense with social relations.
This density of social relations was, however, concentrated among the 130 or so migrants employed within the KBC factory who resided together, along with their children, in the factory dormitory. In addition to those employed and living on site, there were another 15 to 30 migrants who lived in the migrant neighbourhoods outside the factory, whom the manager hired on an ad hoc basis to do putting-out work trimming excess threads from the garments produced at KBC. The number of migrants who did this finishing work was not stable. When orders were large, the manager would hire 30 or so outside workers to do this trimming work, but when orders were smaller the manager would hire as few as 15 people for this work. And if there was only a very small quantity of garments needing trimming, such work would be done by the “QC” (quality control) employed inside the factory. The informal and ad hoc employment arrangements in use here gave the employer flexibility to raise or lower workforce numbers in response to changing production orders, which were always unstable. There was no commitment to long-term employment for these putting-out workers—but then, neither was there, in practice, any such commitment for those employed in-house. The latter group did have a legal right (under Section 118 of the 1998 Labor Protection Act) to severance in cases of dismissal, but this was only infrequently obtained by Mae Sot-based migrants—typically with legal aid from migrant support organisations.

The putting-out arrangement at KBC was clarified for me by Ko Soe, who had occasionally accompanied the factory manager to distribute unfinished garments to these apyin (outside) workers. The factory manager, Ko Soe informed me, would take the unfinished garments by truck to the nearby migrant neighbourhoods where Ko Soe would unload a given number at the residence of each home-based worker hired for that particular batch of garments. These relations of production were established informally,
with migrants who had previously done this work recommending to the manager their friends and family members who were interested in acquiring such employment. The “outside” workers for the KBC factory got paid, according to Ko Soe, 30 baht per 100 units of completed garments, with payments made immediately upon collection of the finished garments the next day. Since these outside workers usually completed 200 to 300 units per day, they could expect, depending on their speed and the amount of time spent trimming, between 60 to 90 baht (about $2-3) per day. In 2012, this amount was about 60 to 70 percent below the provincial daily minimum wage.

Daw Suu, a 47-year-old Myanmar woman who did this trimming work for another Mae Sot factory, told me she was able to earn 40 to 70 baht working four to five hours per day. She supplemented this income with domestic work cleaning, washing clothes and ironing. She had no contact with the migrants employed inside the factory. All of her work was coordinated through the manager who delivered the garments to her home. Daw Suu complained to me that when paying her for this work, the manager who made the deliveries would deduct, and keep for himself, a portion of the amount the employer had allotted as payment. I asked her whether she might complain to the factory owner about this wage theft, but she responded that she would not even be able to enter the factory if she tried: “If I went to the factory to see the boss [lu-gyi], how could I see him, the factory is all closed up.” While Daw Suu had little contact with those employed within the factory, she knew many of the migrants who, like her, were doing this home-based putting-out work. Although she told me she would have preferred higher paid employment within the factory, her age made it unlikely that she could get hired for such work. By contrast, she said, other migrants who did this putting-out work preferred it to
employment inside the factory because working at home allowed them to care for their young children who were not yet old enough to attend school.

This putting-out arrangement is common at Mae Sot-based garment factories. Moreover, it is a practice that has expanded within many Asian countries under the neoliberal restructuring of employment relations. In comparative analysis, the expansion of putting-out work has overwhelmingly employed women in home-based production as part of labour market flexibilisation, whereby “fringe benefits formerly enjoyed by fixed-wage workers are taken away” (Custers 2012:196). As in Daw Suu’s case, putting-out work has also inhibited socialisation between home-based workers and those employed on site. Yet, this fragmentation has occurred alongside conditions for recomposition among workers employed in-house and domiciled within factory dormitories.

In their internal organisation, factory dormitories in Mae Sot typically include separate sleeping areas for single men, single women and married couples (who may or may not have children living with them), along with common toilet and bathing facilities. In some of the larger factory dormitories these areas are separated by a durable wall, whereas in small enterprises sheets of cloth may be strung up to delimit the residential space of married couples, or of single women as a whole. There is also typically a common cooking area, a common eating area, and one or more privately operated factory shops (often run by migrants who rent the space from factory owners) selling groceries and other basic goods.
The widespread use and particular function of factory dormitories in Mae Sot is itself a product of Thailand’s shift to more flexible labour regimes. The flexibilisation of labour in Thailand, particularly following the 1997 crisis, has entailed an increased reliance on undocumented migrant workers. The predominantly undocumented status of these migrants has enabled employers to keep wages well below the legal minimum, enforce overtime work, and arbitrarily dismiss employees without paying legally required severance. As Mae Sot-based migrants have remained largely undocumented, employers have had to provide on-site residence as a form of immigration protection. This provision of dormitory residence has been doubly necessary due to (along with immigration concerns) the insufficiency of affordable housing for migrants outside of factory grounds.
The circumstances of living in factory dormitories has intensified opportunities for, and pressures towards, workforce socialisation, as migrants spend nearly all of their time together in close quarters and spend relatively little time outside their place of employment, due to the risk of arrest, extortion and deportation by the police.

The situation of dormitory-style housing for migrant factory workers in Mae Sot differs from other regional industrial labour contexts where factory workers reside at their own residences off-site, among family and neighbors who are not their coworkers. Such is the case, for example, at the Hlaing Thar Yar industrial zone on the outskirts of Yangon, where some of the migrants I spoke with had previously been employed. Consider, for example, the following journalist’s account of the labour arrangement in Hlaing Thar Yar, which highlights the different social dynamics between on-site dormitory residence and off-site housing:

Fahim [a factory owner] also spends tens of thousands per year bussing in villagers to a government-designated industrial zone—a move that, he said, is cheaper than building on site dorms and dealing with the inherent tumult in running a small commune at the factory site. “Ten workers, to me, that’s 10 headaches,” he said. [Winn 2013]

The dormitory living arrangement for migrants employed at Mae Sot factories can be traced back to an earlier situation at Bangkok-based garment factories employing internal migrants from Thailand’s northeast at the turn of the 1990s (Mills 1999:120). Whatever the extent of their earlier use, by the time of the 1997 Asian economic crisis the provision of dormitory residence for garment factory workers in Bangkok was no longer standard, and where available was often limited to a small portion of a firm’s employees (Pangsapa 2007: 49-50). Instead of dormitory residence, most Thai garment factory workers at this time resided at “small rented rooms in ‘shop houses’ scattered throughout Bangkok” (Pangsapa 2007: 47). With the relocation of garment factories to the border
area following the 1997 crisis, and the shift in employment towards undocumented migrants, residence at factory dormitories again became the norm. In addition, dormitories housing migrants at border-based factories took on the additional function of immigration protection due to the largely undocumented status of these migrants. The standard arrangement at the time of my fieldwork was for factory managers to pay 150 baht/month per undocumented worker—taken from the wages of each undocumented migrant they employed—to local police to prevent a raid. So long as migrants remained on factory grounds they need not worry (too much) about police harassment on the basis of their immigration status. This expansion of dormitory provisions at border-based garment factories, relative to Bangkok-based firms by the time of the 1997 crisis, and the new function these barracks serve for immigration protection, can thus be tied to Thailand’s flexibilisation shift.

In their effects, factory dormitories serve to both control and protect migrants, and to enable increased profits by reducing the wages necessary to reproduce labour power (Harvey 1982:232). Yet, dormitories in Mae Sot have also effected a spatial concentration of workers, stemming from the “centralization of the means of production,” which Marx (1982:929) saw as pivotal to the socialisation of labour. Hence, due in part to the concentration of migrants under labour intensive industrialisation and close living and working conditions in factory dormitories, labour socialisation—as a process of working class recomposition—has developed among Mae Sot-based migrants through formations of friendship, acts of mutual aid, and certain cooperative forms of everyday resistance. It is to such practices that I now turn.

As at the KBC factory, the dormitory setting provides regular opportunities for workers to make new friends, discuss shared experiences, and complain about poor
wages and working conditions. In fact, dilapidated and unhygienic dormitory conditions can themselves serve as unifying nodes of solidarity and collective action. This occurred during my fieldwork at the S.D. Fashion factory, whose workforce submitted a collective demand to the Thai government’s Labour Protection Office that their employer be made to improve the supply of water for bathing and to replace broken-off doors on the dormitory’s toilets. This on-site residence facilitates intimate relations among workers, despite excessive working hours and limited free time. In the singles’ sections of most dormitory sleeping quarters, metal frame bunk beds, fitted with platforms of plywood, are pushed together to create a single sleeping space on which plastic mats are laid out—everyone, in effect, is sleeping together (see Fig. 17).

A rather positive outlook on the intimate arrangements of factory living was provided to me by Ko Myo, who lived and worked at the S.D. Fashion factory: “In the factory we’re like siblings. It’s like a family.” In the case of Ko Myo, this description was quite literal. Not only was his wife (whom he had met and married at the factory) working and living with him at the same workplace, but so too were a large contingent of his in-laws—their familial relations having inclined them to seek employment together. Indeed, beyond friendships, more intimate relations, such as marriages, are relatively frequent among Myanmar migrants employed at Mae Sot-based factories. As these mostly single workers in their late teens and early twenties live together in cramped factory dormitories, there are regular opportunities to meet new partners and develop romantic relationships. In the S.D. Fashion factory, where Ko Myo worked, there were an average of three to five marriages celebrated in the factory compound each year among the 500 plus Myanmar migrants employed there. Such marriages have also
crossed (what are often blurred) ethnic lines. Ko Myo, for example, was ethnic Chin, his wife Burman.

Weddings between factory workers are typically celebrated inside the factory compound, with all employees invited to attend. In June 2013, I had the opportunity to attended one such wedding at the Hyatt Co. Ltd. factory. A make-shift pavilion decorated with coloured streamers had been set up in the middle of the factory cafeteria. Above the pavilion’s entrance a purple cardboard sign decorated with heart-shaped stickers and a painted bouquet of red and yellow flowers displayed the newlyweds’ names. The bride and groom themselves were dressed in conventional Myanmar wedding attire: the bride in a gold-trimmed yellow *tamein* and blouse, with a transparent yellow shawl over her shoulders and her black hair pulled back; the groom in an orange *longyi* (sarong) and white *taik-bon-ain-gyi* (Myanmar-style jacket) with a plastic yellow flower pinned to his lapel. Production at the factory did not actually stop for the wedding, but the manager permitted those who so desired to take a break to attend the wedding ceremony before returning to their machines (being paid a piece rate, time off work was their own financial loss). By eleven o’clock in morning, the wedding had wrapped up and the marriage pavilion was being taken down by a group of volunteers. Most of the guests had returned to work on the production floor and rice for their noon meal was being portioned out on a long table in the cafeteria. The bride in this instance had been employed at the Hyatt factory for about four years. Her parents, who ran the cafeteria’s rice distribution, had worked there even longer, as had her older sister and brother, who, like her, were employed on the production floor.

On the basis of the dense social relations that develop at these factories, and given their precarious financial situations, individuals frequently turn to their coworkers for
assistance in the face of unexpected difficulties. Such mutual aid among Myanmar migrants in the factory setting often involves supporting emergency health care or providing small, no interest loans. Regarding this issue, my friend Ko Soe from the KBC factory related the following incident involving a young women who fainted on the production floor due to overwork:

[After the worker fainted] I personally phoned a doctor that I know. I went to borrow money from the personnel manager for the young woman. I asked to get an advance on my wages. But he wouldn’t give it to me. So, among us workers we collected money and were able to send this young woman to the hospital. The workers help each other out in ways like this.

In some cases, migrants working along the border have established more durable mutual aid organisations (known in Burmese as *tha-yee-na-yee-aphwe*; literally, “an association for occasions of joy or grief”) to manage the financial costs of such things as emergency health care, funerals and weddings. These associations—funded by members’ monthly contributions—are especially relevant given the financial insecurity of so many migrants in the area. Migrants employed at the S.D. Fashion factory (when it was under a previous owner and a different name) maintained such a mutual aid association from 2000 to early 2009, at which time a lack of orders following the 2008 global economic crisis led to the closure of the factory, a dispersal of the workers, and the break-up of the association.

As illustrated at the KBC factory, cultural and religious events celebrated at factory dormitories can bring workers together in cooperative, socially bonding activities. Common events amongst the predominantly Buddhist factory workers in Mae Sot include the Buddhist New Year (*thingyan*) in mid-April, the start of Buddhist Lent (*waso*) in July or August, and the monastic donation ceremony (*kathein*) after the close of Buddhist Lent.
In October or November. In factories throughout Mae Sot, workers commonly pool their money, resources and time in order to make these activities collective, rather than individual, undertakings. Ko Saing, whose experience in the May 2012 Royal Tex factory strike I cited above, explained the communal character of these events as follows:

In the factory there are religious and cultural festivals. For example, we’re Buddhists, so thadin-kyot and the full moon of waso are religious days. On those religious days we hold a donation ceremony and all the workers listen to a sermon together and make a donation. When making that donation the items to be donated are not purchased ready-made. If ready-made items are bought, then the workers don’t need to prepare them together. If ready-made items are bought, then there’s no friendliness [ni-set-hmu]. So, we ourselves cook the food that is to be served. The workers all cooperate, saying, “I’ll do this. You do that.” When the workers do it themselves they become closer. They cook and eat together. And they get a better understanding amongst each other.

As this quote and the account of migrants’ participation in the waso ceremony at the KBC factory illustrate, working class recomposition may develop through discourses of religious (but also ethnic, national and kinship) ties. Such communal framings do not necessarily undermine their power to coalesce workers in moments of collective struggle, and can serve as important vehicles for more durable working class organisation (Sargeson 2001; Hadiz 2001; Pinches 2001). In cases I have observed in Mae Sot, processes of class recomposition have often explicitly drawn on discourses of national affiliation. Ma Htay, for instance, a young women who took a leading role in organizing her department during a series of strikes at the S.D. Fashion factory in 2013, explained to me that her motive for taking on this leadership role was that, “I wanted to help our Myanmar people.”

Flexibilisation in Thailand, entailing a shift towards the increased employment of migrants, has, to be sure, made possible new intra-class cleavages, as Thai and Myanmar workers experience nationality-based divisions (Arnold and Pickles 2011:18). One
outcome of this is that, among Thai workers, Myanmar migrants are often seen as criminals, or even ghosts (Johnson 2013; Ferguson 2014: 55), rather than class comrades. Yet, this very cleavage has also contributed to class recomposition among Myanmar migrants of various ethnicities working at particular firms. This enterprise-level class recomposition, at times framed in terms of shared nationality, has in turn countered, to a certain extent, the fragmentary tendencies of flexible labour regimes.

The examples of workers’ cooperation provided thus far do not in themselves contest inter-class relations of production. However, in certain cases cooperative practices among workers have also played out in discrete forms of everyday resistance to management. While employers seek to maximise the amount of labour extracted from workers in a given period of paid work, workers have repeatedly sought to reduce their expenditure of labour power. In order to prevent such self-reductions in productivity Mae Sot factory managers have implemented various workplace rules, including restrictions on the length of time allowed for bathroom breaks, fines for lateness, and prohibitions on the use of cell phones, or eating and smoking during work hours. Against such managerial assertions of control, workers in Mae Sot have regularly sought to discretely circumvent these rules, thereby asserting their own control over the expenditure of their labour power. Such discreet practices, which seek to thwart factory rules, fit James Scott’s notion of everyday resistance. So long as they go unnoticed by coworkers, such acts remain solely in the register of resistance—that is to say, in Cleaver’s lexicon, negative class struggle. However, when such acts of everyday resistance become in any way cooperative, they bring into play additional, socially constitutive processes of everyday recomposition—that is, positive class struggle.
Cooperative forms of everyday resistance among migrant factory workers in Mae Sot include: consciously disregarding coworkers seen breaking workplace rules (i.e. “looking the other way”); encouraging workers to break workplace rules or advising them on how to do so; keeping a lookout for managers and giving a warning signal when managers return; and lying to managers to cover up for rule-breaking coworkers. Migrant factory workers with whom I have spoken thus explain that they “have an understanding [na-lay-hmu]” amongst themselves, according to which they know to ignore, rather than report, coworkers seen breaking factory rules. Due to this “understanding,” workers will not inform management about, say, coworkers seen taking too long at the toilet, or sneaking a smoke while the manager is out. Beyond “looking the other way,” individuals may actively encourage or offer advice to their fellow workers on how to break factory rules, or they may keep a lookout for a patrolling manager.

Regarding such practices, Ko Soe recounted the following:

When a worker is really hungry, if the manager isn’t around, then the worker will sneak away quickly to get a bite to eat. The other workers [will say] “Go over there to eat.” And there are workers who will keep a lookout. The workers must get up early in the morning and get to work by eight o’clock. Some workers arrive in a rush just at 8:00 and they’re really hungry. But they need to stamp their time card. They stamp their time card so that they won’t be late. They watch the manager and if the manager steps out, they sneak a bite to eat. And the other workers keep a lookout. If the manager’s coming, then they’ll call out to inform the worker [who is eating].

In many cases, the ability of rank-and-file production workers in Mae Sot to break factory rules has depended on the assistance of line supervisors, despite the latter’s often ambiguous class allegiance. When line supervisors are sympathetic to workers’ concerns, they may assist workers in breaking factory rules, or may cover up for workers who have already broken such rules. Daw Lay, who had worked as a line supervisor at the S.D.
Fashion factory, told me she strongly sided with workers against management. She had also taken part in multiple strikes at this factory. While employed there as a line supervisor, she helped production workers break rules in various ways, including punching time cards for late workers and filling in for those who missed work without management approval. More commonly, however, Daw Lay lied to managers to cover up for workers who were temporary absent from their production stations, either due to taking too long at the toilet, having stepped out to eat or smoke, or having gone back to get something from the factory dormitory—a practice she recounted thus:

If a worker was absent, the supervisor would call me over and ask “Has the worker gone to the toilet? Has the worker returned to the dormitory?” If the worker hadn’t yet returned, I’d say that the worker had gone to the toilet and had only been gone for two minutes. Or I’d say that the worker had gone to get a spindle of thread. I’ve given many kinds of excuses. If I didn’t say that the worker had gone to the toilet, then I’d say she’d gone to get thread, or that she’d gone to deliver some garment. But, if the supervisor came around a second time and didn’t see the worker again, there would be a problem and I wouldn’t be able to resolve it. So, if the supervisor was going to come around again, I’d pretend to be fixing the sewing machine, as though it had broken down. The workers were grateful for this. And there were many workers who were fond of me and trusted me. And so when there was a strike the workers were always organised. If a worker was going to take the lead and say “okay we’re going to do this,” then all the workers would say “okay” and do it together.

As Daw Lay indicates, cooperation among workers—as practices of everyday class recomposition—helps build the social cohesion needed for collective action. This social cohesion forms, in turn, the basis of workers’ solidarity when strikes are carried out. Everyday mutual aid, cooperation and understanding among workers thus strengthen their collective power vis-à-vis management and serve as counterweights to processes of class fragmentation.
Conclusion

The social dynamics presented in this chapter illustrate both everyday class fragmentation and everyday class recomposition among Myanmar migrants employed in Mae Sot’s garment industry. The fact that class recomposition continues under local “flexible” labour regimes challenges recent analyses that see in flexibilisation solely a process of class fragmentation. Contemporary regimes of flexible labour, such as those at Mae Sot-based factories, do entail pressures leading to the break-up of workers’ social cohesion. At the same time, conditions for labour socialisation continue to facilitate class recomposition, at least at the scale of the individual firm. Moreover, certain possibilities for working class recomposition are, in fact, effects of the very conditions of flexible labour.

Insofar as labour flexibilisation and everyday management practices undermine workers’ social cohesion, they strengthen management control over workers and the ability of managers to dictate the terms of work. By contrast, where everyday acts of mutual aid and cooperation among workers help build social cohesion—and thus workers’ capacities for collective action—they strengthen workers’ collective power vis-à-vis management. These competing tendencies play out at the workplace in the form of everyday class struggle. Everyday class struggle therefore entails both workers’ (inter-class) resistance to exploitation, as well as workers’ (intra-class) recomposition. It is thus insufficient to suggest, as has James Scott, that everyday class struggle can be encapsulated by discrete, everyday forms of resistance—resistance which will remain discreet and fragmentary so long as “historical circumstances” prevent open, collective defiance. While historical circumstances may indeed limit certain forms of collective revolt, such reasoning misses the fact that everyday class recomposition can itself alter
the very conditions of possibility for struggle, thereby enabling the emergence of open, collective insubordination, even when broader “historical circumstances” remain effectively unchanged.
It has become rather commonplace to point out the limits and defeats of organised labour under the neoliberal downturn of the past 30-plus years—the global decline of trade union density being an often-privileged gauge of working class ill-health. And, indeed, such has been the trend within analyses of Asian labour movements. In the context of Thailand’s garment industry, Piya Pangsapa (2007: 163) has, for instance, suggested that a Fordist/post-Fordist shift following the 1997 Asian economic crisis, involving a relocation of capital from relatively unionised areas around Bangkok to non-unionised (and more precarious) factories in the country’s outlying provinces, means that “strikes and work stoppages are becoming a thing of the past.” Similarly, conflating labour solidarity with formal unionisation, Dae-Oup Chang (2009: 175) writes that migrant workers in Thailand are “excluded almost completely from solidarity protection.”

Where rank-and-file industrial actions have erupted outside of formal trade unions, these events are often viewed with a mix of sympathy (at their ambitions) and pity (at their apparent futility). Hence, regarding such autonomous industrial actions, Frederic Deyo (2006: 291) writes that these “protests have rarely brought enduring gains for workers... The difficulties of organising such a workforce into effective unions, along with the associated difficulty of mounting well-organised pressure on employers, continue to undercut labour movements among workers in the large export-manufacturing sectors of South-East Asia.”

That such union-centric analyses blind us to the variety of alternative forms of labour struggle that have developed within Asia has already been thoroughly critiqued
(see Brown and Hutchison 2001). Amongst other shortcomings, union-centric approaches to evaluating Asian labour movements often take a normative view of labour politics drawn from a mid-20th century Euro-American model (Brown 2004: 1-3).

It is, of course, important simply to recognise the persistence of collective revolts by precarious workers employed outside of formal unions. Doing so challenges structurally determinist dismissals of workers’ capacities for militant self-organisation under precarious conditions. To stop at recognition, however, is insufficient. As such, my purpose in this chapter is not simply to point out the persistence of autonomous workers’ struggles in yet another Asian labour context. Rather, my aim is to analyse how the forms and dynamics of these struggles are shaped by their particular conditions—the laws, policies and regulation of labour; geographic concentrations of capital; flexible labour regimes; forms of governmental interventions; and a certain constellation of class forces—which are themselves functions of earlier class struggle.

Central to my analysis of contemporary labour struggles in Mae Sot is the understanding that politically marginal and subordinated populations are not limited to resistance in their engagement with the state (Das and Poole 2004; Forsyth 2009; Ortner 2006). Rather, such groups may also seek benefit through constructive engagement with state actors and institutions, even if the hoped for benefits of such engagement prove fleeting in the end. Partha Chatterjee (2004) identifies such forms of engagement as a “politics of the governed,” whereby subordinate populations actively organise to make claims on the state. Organised and engaging with the state in this way, such populations constitute, Chatterjee argues, a form of “political society.” In Chatterjee’s analysis, the expansion of such forms of popular politics is intimately bound up with the increasing governmentalisation of the modern liberal state.
In much the same way, as the capillaries of governmental intervention have extended into the Mae Sot migrant community, such forms of politics have become increasingly common. The “politics of the governed” among migrants in Mae Sot has involved engagements with local and international NGOs, and with particular Thai ministries and agencies, such as the Mae Sot branch of the Labour Protection Office (LPO). This engagement—with the LPO in particular—has been a cautious, contentious and often frustrating endeavour, the merits or futility of which have been frequently debated by the migrants involved. As the case I narrate in this chapter demonstrates, there is a persistent uncertainty among migrants in Mae Sot as to the stability of law, the ground under which seems to repeatedly fall away. The law, in my experience, has never been wholly and finally rejected by Mae Sot-based migrants as a space for engagement and a point of leverage in the aspirational claims they make on the state. Yet, there always remains a potential for those frustrated with the inadequacy of the law and the formal conduits of legal redress, to take direct action outside of official channels of governmental intervention.

A further aim of this chapter is to tease out from a particular case study some of the new, unexpected opportunities that have emerged from the contemporary conditions of flexible labour in Mae Sot. It is in this spirit that James Ferguson (2009) encourages us to consider “the uses of neoliberalism”—that is, the new opportunities for progressive social change that have been unintentionally opened up within the radical reconfiguration of state, capital and labour that neoliberalisation has wrought.

My argument, therefore, is that flexibilisation (in Thailand and elsewhere) has been part of a mutually-constitutive transformation in capital-labour relations, which while at once undermining prior forms of working class organisation and struggle, has
simultaneously shaped and made possible new forms and patterns of workers’ collective action. In this way, flexibilisation can be understood in a manner akin to what David Harvey (2007) has referred to as neoliberalism’s “creative destruction.” In Harvey’s (2007: 32) framing, this destruction has entailed an “assault upon institutions, such as trade unions and welfare rights organizations, that sought to protect and further working-class interests.” This destruction has been *creative* insofar as it has “either restored class position to ruling elites... or created conditions for capitalist class formation” (Harvey 2007: 34).

My own emphasis on what constitutes the creative outcomes of this process differs from that of Harvey. Neoliberalisation has been creative, I argue, not most significantly by creating new conditions for capitalist class formation, but by shaping and making possible new forms of working class organisation and struggle. This is not to say that these resulting forms are necessarily “better” or more effective at delivering tangible results than formal trade unions. I claim neither that conventional trade unions in Thailand are effectively dead, nor that they are necessarily an outmoded strategy. Nonetheless, attention to the details of autonomous industrial actions that occur outside of formal unions allows us to consider what opportunities for workers’ struggles might be available within contemporary conditions of flexible and precarious labour regimes, in Thailand and elsewhere.

Very generally, then, I wish to call attention to the ways in which transformations in capitalist production have undermined earlier forms of hierarchical working class organisation, thereby opening space for a variety of decentralised and autonomous workers’ struggles. To that end, this chapter is structured as follows. First, in the following section I lay out my understanding of how flexibilisation has transformed
labour struggles in Thailand. I then present an extended case study of workplace struggle at one Mae Sot-based garment factory. This account is based on ethnographic data I collected while accompanying the workers involved (as a partisan) from May 2012 to June 2013, with supporting details taken from interviews and informal discussions we had along the way. The purpose of this case study is to highlight how the dynamics of workers’ organisation and struggle in Mae Sot are both conjuncturally particular and a product of the country’s flexibilisation shift. To this I offer an analytical reading that aims to draw out certain opportunities within an otherwise highly constrained episode of workers’ struggle. Finally, in the conclusion to this chapter, I summarise the main arguments made thus far.

The transformation of struggle

Even at their strongest moments, formal trade unions in Thailand have never had the stable, institutionalised position enjoyed by their Euro-American counterparts at the height of the mid-20th century Fordist-Keynesian era. While Thailand’s 1956 Labour Law legalised union formation, Field Marshal Sarit Thanarat, leader of the country’s 1957 military coup, subsequently abrogated this law in 1958, little more than a year after its promulgation. After that, it was only in 1975, following widespread industrial unrest, that workers in Thailand were again legally entitled to establish unions, and this under the restrictive terms of the new Labour Relations Act (LRA).

Prior to the 1975 legalisation of unions, workers in Thailand had the habit of organising strikes at the point of production—submitting their demands only after having stopped work. This was a strategy that subsequent labour law, beginning with the 1965

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1 Part of this case study was previously published in *Mizzima News* (Campbell 2012a).
Settlement of Labour Disputes Act, and continuing with the 1975 LRA, “was clearly designed to stop” (Brown 2004: 77). Hence, while the 1975 LRA provided legal space in which unions could operate, the law also served to inhibit disruptive industrial actions (which privileged workers), diverting workers’ energies instead into non-disruptive, easily controllable bureaucratic procedures (which privileged employers). Among the outcomes of the legislated constraints on unions was that by the 1980s various district-based labour organisations opted not to register as formal unions due to “the general ineffectiveness of the officially sanctioned and legally registered labour movement” (Brown 2004: 125).

However constrained such unions may have been, their position was further undermined through the flexibilisation shift that began in Thailand around the turn of the 1990s and which intensified following the 1997 economic crisis. As Hewison and Tularak (2013: 462) argue in the case of Thailand, “flexible employment involving contract and agency workers is not just a strategy to reduce costs, but a powerful means to limit the capacity of workers to collectively organize to improve their conditions.” Alongside contract and agency work, a central component of Thailand’s flexibilisation shift has been the increased employment of migrants—migrants who lack the legal right to establish unions whether they are documented or not. Among the effects of Thailand’s flexibilisation shift has thus been a sharp decline in union density, with a 7 percent drop during the early 1990s, down to a current rate of less than 4 percent of the country’s total workforce (Deyo 2012: 143).

What, then, are the effects of a decline in union density, if formal unionisation had previously been a means to contain industrial action? The torching of the Saha Farms chicken processing plant is but one of the more dramatic illustrations. More common
have been rank-and-file work stoppages initiated at the point of production. As such industrial actions developed in the Mae Sot area during the late 1990s and early 2000s, state agencies—in part pushed to act by labour rights organisations—sought to contain these labour struggles using those clauses of 1975 LRA that cover non-unionised workers. Employers, for their part, have engaged with the Thai government’s Labour Protection Office and made use of legal restrictions on industrial actions, but have also relied on police backing and migrants’ fears of arrest and deportation. The dynamics of workers’ struggles in Mae Sot at the time of my fieldwork thus developed out of a dialectic between autonomous industrial actions and employers’ efforts at containment—whether through workplace harassment and the victimisation of labour organisers, engagement with state industrial relations mechanisms, or police repression.

The case of S.D. Fashion Co. Ltd.

Located a five-minute walk from Mae Sot’s central market, the S.D. Fashion factory is better known in the local migrant community by the name “Champion,” the company under which it was formerly registered. At its peak in 2007, the Champion factory employed over 4,000 workers, almost all from Myanmar. Following the 2008 global economic crisis, the owner declared bankruptcy, shut the factory, and laid off the entire workforce. When the factory reopened in June 2010, less than 2,000 workers were hired on. Over the next two years this figure declined, as much of the workforce acquired migrant passports and relocated to Bangkok and other higher-paying provinces. By April 2012, the workforce was down to approximately 530 people. The largest departments at this time were sewing, with around 140 workers on piece rate, and weaving, with around 100 workers on day rate. According to a survey I conducted among migrant employees at
this factory (see the “Statistical Interlude” section earlier in this dissertation), about 80% of the workers were female and about 15% had some form of documentation.

Previous investigations into the Champion factory conducted by Arnold and Hewison (2005: 334-335) found that garments were being produced there under the Tommy Hilfiger label—the work being sub-contracted through the Hong Kong-based South Ocean Group. By the time of my fieldwork, the factory was jointly owned by three Sino-Thai men (one based in Mae Sot, the other two in Bangkok) and was primarily manufacturing garments under the Muji brand, a product line of the Japanese corporation Ryohin Keikaku Co. Ltd. According to the company’s website, Ryohin Keikaku (2013) is a signatory to the United Nations Global Compact, according to which it commits to be “not complicit in human rights abuses” and to “uphold the freedom of association and the effective recognition of the right to collective bargaining.”

As of April 2012, the majority of day-rate workers at the S.D. Fashion factory were earning 75 baht (about US $2.34) for an 8:00 am to 9:00 pm shift, with one hour off for lunch and another off for dinner. From 9:00 pm onwards these workers received overtime pay at a rate of 7.5 baht (about US $0.23) an hour, with overtime usually going until 11:00 pm. As the 1998 Labour Protection Act (Section 23) delimits any work beyond an 8-hour workday as overtime, the three hours from 6:00 to 9:00 pm were for the S.D. Fashion workers effectively unpaid labour, as well as being forced overtime (in violation of Section 24 of this Act). Furthermore, the 75 baht daily pay rate was approximately 67 per cent below Tak Provinces’s recently increased minimum wage of 226 baht. Those paid a piece rate were at this time earning 165 baht per dozen units, which for most workers was taking about one-and-a-half to two days to complete—that is, about 82 to 110 baht (US $2.56 to $3.44) per day. By comparison, in 1990 Mary Beth
Mills (1999: 119) documented that most Thai workers employed at registered garment factories in Bangkok received the legal minimum wage of 97 baht per day, at least following an initial probationary period, with dormitory residence and rice provided without deductions. Hence, 22 years later, the daily wage being paid to workers at S.D. Fashion (and many other Mae Sot-based garment factories) had actually decreased in absolute terms from the 1990 rate. Beyond the problems of wages and work time, the workers I spoke with complained of grossly unhygienic sanitation facilities, a lack of water for bathing, and the fact that doors on many of the toilets were broken, or had fallen off.

Dissatisfied with this situation and under pressure from inflation in the cost of basic goods, groups of workers regularly discussed common grievances together at night in the factory dormitory, the socially-constitutive significance of which I discussed in Chapter 4. None of these workers, however, were willing to commit to collective action. Some later told me that the main reasons for this unwillingness were the lack of a successful precedent and a concern among the workers that they could be fired for taking part in workplace organising. Workers did occasionally ask their supervisors to enquire with management about the possibility of a wage increase. Most recently this was tried by a handful of workers on 8 April 2012. The Mae Sot-based owner, however, asserted that he could not afford any pay raise.

As their request continued unmet, some of the S.D. Fashion workers attended a local May Day rally organised by a migrant worker support organisation. At the event, these workers ran into colleagues from Royal Knitting, another Mae Sot-based garment factory. The Royal Knitting workers told them how a couple weeks prior they had won a wage increase to 155 baht per day through a collective demand at their factory. The
Royal and S.D. Fashion workers discussed common grievances and exchanged ideas about workplace organising.

Stimulated by the May Day rally and the discussion with the Royal Knitting employees, the S.D. Fashion workers returned to the factory dormitory that evening and called their coworkers together to discuss the possibility of making collective demands. The workers debated the issue and, given the successful precedent at Royal Knitting, agreed to go out on strike the next day if, as expected, their prior request for a wage increase remained unmet. They decided at this time on their collective demands and selected 12 delegates (kosaleh) to negotiate with the manager.

By 11:30 the next morning (2 May), word reached workers throughout the factory that the employer was not going to make concessions. Thus, as planned, the strike began with workers in the weaving department shutting off their lights and walking out. As workers in the other departments saw the signal, they too shut off their lights and walked out. At this point the workers’ chosen delegates approached the manager to issue the following demands, as had been decided upon the previous day:

1. An increase in the daily wage to at least 155 baht per day
2. A piece rate increase of 30%
3. A fixed work time of 8:00 am to 5:00 pm for the daily wage
4. Provision of water and an improvement in sanitation facilities
5. An overtime wage rate of 30 baht per hour
6. A daily 20 baht payment for the morning time card check

Rejecting these demands, the manager instead offered the workers a 15 baht per day raise and told them, “If you want to work at this rate, work. If not, get out.” As the workers were not satisfied with this amount, they contacted the Mae Sot branch of the LPO, which promised to send an official the following day to meet with the factory manager. Some workers also separately contacted Yaung Chi Oo and JACBA. The
following day, as the strike continued, an LPO official arrived at the factory, met with the employer and told the workers to send a maximum of seven delegates\(^2\) (as per Section 13 of the 1975 LRA) to negotiate at the LPO the next day. That night the workers decided they would return to work the following day (4 May) to avoid dismissal, but if the employer did not agree to pay 155 baht for an 8:00 am to 5:00 pm shift, they would initiate a legal strike registered with the LPO and demand the 226 baht per day minimum wage.

The distinction here is key. As with registered unions, non-unionised workers may only hold “legal” strikes (according to Section 34 of the 1975 LRA) at least 24 hours after “giving notice” of an intent to strike to the employer and to a government conciliation officer following a failed negotiation process. This clause effectively prohibits spontaneous (or “wildcat” when under union contract) strikes initiated by workers at the point of production. However, under the terms of the 1998 Labour Protection Act (Section 119) employers are obliged to pay financial severance to fired workers, except in cases where, \textit{inter alia}, a worker “[n]eglect[s]... his duties for a period of three consecutive work days without reasonable cause.” In effect, this means that workers may strike outside the terms of the LRA, with a certain amount of legal protection from dismissal (as employers would be legally required to compensate fired workers), but only for a period of less than three days. Hence, the workers at S.D. Fashion had just conducted a two-day “illegal” strike, initially seeking to get their demands met outside the bureaucratic procedures stipulated in the 1975 LRA. A third

\(^2\) The official English language edition of the 1975 LRA translates the Thai word \textit{phu-taen} as “representative”, although the word is also translatable as “delegate”. I have chosen instead to use the word delegate to better convey the sense understood by the migrants involved in this case—that is, that those selected for this role are not mandated to “represent” their fellow workers to the employer with significant discretionary powers, but are instead mandated only to convey demands previously decided on collectively by all the workers. (See SolFed 2012 for a discussion of the distinction between representatives and delegates in the context of labour organising.)
day on this “illegal” strike would have risked dismissal without legal entitlement to severance. The workers therefore returned to work and took their struggle to the LPO.

The next morning (4 May), I accompanied a Yaung Chi Oo staff member to the LPO where we met with 14 S.D. Fashion workers and U Moe Kyo from JACBA. The workers had with them their list of demands signed by all 528 of the factory’s production workers and line supervisors. The inclusion of both production workers and line supervisors on this list established an implicit demand for wage equalisation among these two tiers of employees. As we waited at the outdoor seating area the workers discussed the recent events and went over plans for the negotiation session. The Yaung Chi Oo and JACBA staff offered the workers encouragement, information and suggestions. U Moe Kyo, for example, advising against some common Myanmar habits, stated, “When you’re in the negotiating room, if there aren’t enough chairs, don’t crouch down on your haunches. It’s better to stand. Don’t put yourself at a lower level than the employers. You need to show that you are their equals. And make sure to spit out your betel nut before you go inside.”

Shortly before 10:00 am we saw the owner, the manager and an assistant manager enter the LPO building. The LPO interpreter then came out to invite the seven worker delegates inside. The negotiating meeting lasted close to three hours. At one point, the Yaung Chi Oo and JACBA staff and I were invited inside by the LPO official when negotiations got stuck over the amount of increase for the piece rate. The workers had demanded a 30% raise and the employer had responded with an offer of 17.5%. The worker delegates were mostly on daily wages and therefore phoned to consult some of their piece-rate coworkers about the offer. The employer and LPO official, however, were pressing the delegates to hurry up. At this point, the Thai factory manager, who did
not appear very content with the situation, turned to me and said in English, “I want to cut this short. These workers have been off work for two days already and I’ve lost 200,000 baht.” The delegates nonetheless took their time in order to ensure that the concerns of their colleagues were fully included in any final agreement. The worker who made this call later explained to me why he did so: “We needed to know if the other workers would accept the offer. I wouldn’t have dared to go back to the factory to face the others if we had signed a contract that they weren’t satisfied with.”

**Figure 18.** Inside the LPO during negotiations between the S.D. Fashion employer and workers, with the LPO official to the left making notes. (photo: Stephen Campbell)
When negotiations finished around 1:00 pm, both sides signed an agreement written in Thai, according to which:

1. The base daily wage would be increased to 155 baht, with a four-month 120 baht per day probation period for new workers
2. The piece rate would be increased by 20%
3. The standard shift for the daily wage would be shortened to 8:00 am - 5:00 pm
4. Management would address workers’ concerns about the lack of water and poor sanitation facilities
5. No workers would be fired for taking part in this action

The workers did not get the daily time card payment they had requested, and the overtime rate was deferred to a future negotiating session scheduled for 1 June.

There should not, of course, have been any need for a new employment contract concerning these issues, as the workers had demanded nothing over that to which they were already legally entitled (an 8-hour workday, for example). In fact, the daily wage the workers had demanded was about 31 per cent lower than the legal minimum. Given this discrepancy, it is worth questioning why LPO officials would endorse a contract that fails to meet the minimum wage requirements.

This gap between the actual wage and the legal minimum was reconciled in the contract by identifying this difference as the amount deducted for room and board. This calculation, however, was made after the fact. Rather than starting with the legal minimum wage (at that time, 226 baht/day) and deducting a given amount equal to the actual cost of room and board, a sub-minimum wage rate was instead negotiated (155 baht/day) and then the cost of room and board was determined, willy-nilly, as the difference (71 baht/day per person). By comparison, at the Bangkok-based garment factories where Mary Beth Mills (1999: 119) conducted research in the late 1980s and early 1990s, room and board was provided on top of the minimum wage, rather than deducted from it. Furthermore, the S.D. Fashion employer never specified in advance
any figure for the cost of providing room and board, and the employees I spoke with were of the opinion that the actual cost was significantly less than 71 baht/day per person.

Although the new pay rate remained below the current legal minimum (and even below the pre-April 2012 minimum) the workers involved in this action told me they were satisfied with the outcome. The workers’ view of this increase as (at least temporarily) satisfactory, despite falling short of the legal minimum, can be attributed to the fact that it was a near doubling of their former wage and a relatively high rate as compared with other factories in the area.

At a meeting following the negotiating session, the workers were exuberant about their victory, having achieved their demands in the face of management intransigence. I asked Ko Lat, a worker who had taken a leading role in organising, what he thought were the workers’ key strengths. He replied: “Our solidarity [si-lon-nyi-nyunt-hmu], of course!” He also pointed to the fact that his previous experience of collective action at a different factory in Mae Sot had given him knowledge and confidence with which to engage in this recent strike. He also acknowledged his appreciation for the help of migrant support organisations, especially regarding information on Thai labour law. At that moment we were all perhaps a bit too sanguine about the outcome. Everything seemed settled except for the task of translating the contract from Thai into Burmese.

Two weeks later, however, I got a call from U Moe Kyo telling me to come to the LPO. When I arrived, he introduced me to Mr. Lee, a 37-year-old Chinese national who had been working as supervisor of the S.D. Fashion weaving department for the past seven months. Having lived in Mae Sot for ten years, Mr. Lee could speak Burmese and was close to the workers in his department. The previous day, the manager had fired Mr. Lee on the grounds that he had not kept his department sufficiently clean. The workers in
this department believed the charges were spurious—the real reason being that Mr. Lee had sided with them during the recent strike, despite his position within the management hierarchy. The 100 or so weaving workers therefore stopped working and surrounded the manager to demand (unsuccessfully) that he reinstate Mr. Lee. When Mr. Lee was fired, the manager made him sign what turned out to be a “voluntary leave form,” which would nullify his legal entitlement to severance. As this document was written in Thai and English, Mr. Lee could not read it. The reason for us being at the LPO was therefore to get this form invalidated and severance paid.

Shortly after Mr. Lee entered the LPO building, the S.D. Fashion manager arrived by car and took a seat next to me at the outside waiting area. He told me in English that he was from Bangkok and had only been working at this factory for a few months. He went on to comment, regarding the persistent disputes at the factory, “I worked in Bangladesh before and I never had a problem like this.” Following our brief exchange the manager went inside. After about an hour the LPO interpreter came out and asked U Moe Kyo and myself to join the discussion inside to make sure Mr. Lee (who spoke only a little Thai) fully understood the final agreement. In the end, Mr. Lee was awarded 33,167 baht (a little over $1,000) from the employer, covering unpaid wages, a half month’s salary as severance, and return air fare to China, which would be (and was) paid to him in cash at the factory.

As we stepped outside, Mr. Lee got a call from one of the workers at the factory who informed him that the entire weaving department had just walked off work, again. We therefore headed to a Buddhist monastery near the factory to meet some of these workers. When we arrived the workers explained that that morning they had asked the manager to clarify the current piece rate. The manager refused, so all the workers in the
department just sat idle. The manager, joined shortly by the owner, told the workers again, “If you want to work, work. If you don’t, get out.” The workers neither moved nor spoke. The manager then turned to three of the nearest workers, tore the employee identification tags from their shirts and wrote down their employee numbers in a notebook he was holding. He also took photos of the idle workers. With no resolution to the situation, the sewing workers gradually got up and returned to the dormitory. Shortly thereafter, two police officers arrived at the factory and met in the office with the owner and manager. Upon leaving the office, the police officers walked to a raised section of the factory compound where they stood and watched the workers for about thirty minutes before leaving. The workers interpreted this event, they told me, as an attempt at intimidation by the employer. For the workers, then, this spectacle of police intimidation established the state and the law as allies of the employer. And yet, the workers responded to this event by reaching out again to the state and the law (albeit embodied in a different institution). They called the LPO and expressed their concern that the employer might not honour the recently signed contract. The LPO official told the workers in response to return to work and to come to the LPO office the following Tuesday (22 May) to discuss the matter with the employer.

After this call the workers returned to the sewing department for the 1:00 pm shift. Upon sitting down at their machines, the assistant manager told them that the current piece rate would be 165 baht per dozen units (i.e. the old rate). Dissatisfied with this amount, the workers sat idle. Eventually some drifted back to the dormitory while others, such as those I was talking with, left the factory compound.

The next day (19 May), I met with these same workers at a teashop near the factory. They informed me that the manager was now claiming that since the current order
used old material, it counted as an old order at the old piece rate. So, as we spoke, they remained uncertain what piece rate they would actually get in the end. They also said the other workers were dissatisfied that since signing the 4 May contract the manager had stopped calling for overtime, yet had increased the daily quota for day-rate workers. Some workers had also been forced to take rotating unpaid “rest” days. Nonetheless, they planned to continue working until the LPO meeting on 22 May.

When I met with some of the workers at the LPO on 22 May prior to the piece-rate (re)negotiations, they told me that the 140 or so sewing department workers had stopped working again that morning. As one of them explained, “All the [sewing] workers are in agreement not to work today because they’re not satisfied with the current piece rate.” The workers had come to this agreement the previous night during a group discussion in the factory dormitory. They told me that given the ongoing conflict with the manager, “It was easy to get all of the sewing workers to agree to not work today.”

Among the seven worker delegates at the LPO that day, all but one were different from the 4 May meeting. They explained that this was intentionally done to reduce the employer’s ability to isolate and penalise individual labour leaders. These workers soon went inside while I waited outside with another worker acting as liaison with those back at the factory. When the worker delegates came back out after an hour and a half they informed me they had a new contract specifying the increased piece rate, as they had wanted. This rate would apply to current and future orders. “We’re satisfied with the rate agreed on today,” one of them told me, “but we don’t know for sure whether we’ll get it. Last time we signed a contract but the employer was dirty [nyit-pat-day] and didn’t follow it.” These workers also told me that they had tried to raise a grievance about the manager’s harsh treatment of them the previous week. However, the LPO interpreter told
them that the issue was not covered under the LPO mandate and so could not be discussed.

After leaving the LPO office, I went to visit some S.D. Fashion workers at the factory gates. When I arrived I met with about ten of the workers I had come to know. We discussed the ongoing conflict and made arrangements to have the new contract translated into Burmese. As we spoke, the assistant manager drove by on a motorcycle. Some of the workers in our group looked over and tensed up with apparent apprehension, seemingly because we were talking openly in front of the factory about the conflict. To alleviate the sudden disease, Ko Lat declared, “It’s nothing. He [the assistant manager] can’t do anything.” Shortly thereafter I left the factory with plans to meet these workers again in the coming days.

Talking with Ko Lat a few days later, he explained to me, “The younger workers don’t know the law, so they’re scared. And there are lots of workers at the factory who don’t understand about the work situation. They just focus on working, eating and sleeping. But some of the other workers have been listening to us [organisers] and they’ve come to understand.” He also complained that the employer privileged with higher wages certain Myanmar workers, like the translator, who then “join the employer’s side.” Instead, he said, there should be “equality” (dan-doo) among the workers.

On the afternoon of 1 June, I was unable to be at the LPO for the final S.D. Fashion negotiations, as I was with striking workers from the M-Apparel Co. Ltd. factory (see Campbell 2013b). However, I received a call from one of the S.D. Fashion delegates when their negotiations finished. He told me that the workers had gotten an overtime wage increase to 20 baht per hour and a clause written into the new contract stipulating that the employer must abide by Thai labour law—a clause which should not, of course,
have been necessary. He therefore invited me to join the workers that evening to celebrate. When we later sat together, the workers chatted contentedly about their victory and, what was for many of them, a newly realised capacity for self-organisation and collective action, which some told me they hoped to apply again in the event of future workplace conflicts. And, indeed, such future conflicts were in the cards.

Let us skip ahead now by seven months. On 1 January 2013, the official minimum wage for Tak Province was increased to 300 baht per day, as the fulfilment of a pledge made by Thailand’s soon-to-be Prime Minister Yingluck Shinawatra in the run up to the July 2011 elections. The new minimum wage policy also equalised, for the first time ever, all of Thailand’s provincial minimum wage rates. The actual wages being paid out at S.D. Fashion, however, as at most other Mae Sot-based factories, did not change.

The S.D. Fashion workers knew of this increase to the official minimum wage. They were thus keenly aware that their own wages fell well short of what they were legally due. After waiting almost two months with no indication that any wage increase was coming, the S.D. Fashion workers issued to their employer a new demand for a pay raise. I learned of this demand on 22 February, when Ko Lat called to inform me about it. As Ko Lat further explained, he and his coworkers had learned that workers at the nearby Royal Knitting factory had recently won a wage increase to 185 baht/day, along with a daily bonus paid into the workers’ mutual aid fund, which raised the wage, they calculated, to a value of about 200 baht/day.

Given the new precedent at Royal Knitting, the S.D. Fashion workers demanded what they felt was a realistic increase to 225 baht/day, with 40 baht/hour for overtime—both of these being still below the legal minimum. As the May 2012 contract had specified the cost of room and board at 71 baht/day per person, adding this “cost” to the
workers’ 225 baht/day demand would have still totalled less than the new minimum wage rate. When the S.D. Fashion workers submitted their demand to the factory manager, however, the manager claimed that the owner could not afford to pay a 225 baht/day wage and instead offered a rate of 185 baht/day. The workers said they would not accept that amount, but they would lower their earlier demand to 200 baht/day, with a 30 baht/hour overtime wage. When the manager reiterated the offer of 185 baht/day, the workers decided to take the case to the LPO; negotiations were scheduled for 26 February.

Prior to the LPO negotiations on 26 February, I met with a half dozen S.D. Fashion workers and U Moe Kyo at the residence of Ma Nway, located at the end of the road leading to the S.D. Fashion factory. Ma Nway was employed at S.D. Fashion. Her husband Ko Kyaw had previously worked at S.D. Fashion but had since relocated to work (for higher wages) in Bangkok. At the time of the events described here, Ko Kyaw had temporarily returned to Mae Sot, hoping to convince Ma Nway to join him in Bangkok. Since their home was close to the factory, but off factory grounds, it became a regular organising venue for the S.D. Fashion workers, and a safe place for them to meet with outside labour activists like U Moe Kyo.

Sitting together at Ma Nway’s residence, we discussed plans for the negotiation session scheduled for later that day. Ko Ohn, another lead organiser at S.D. Fashion, informed me that the manager had asked the delegates not to go to the LPO, but to instead negotiate at the factory. The delegates had refused this request, because, as Ko Ohn informed me, “We tried to negotiate at the factory but we couldn’t get anything.”
Following this pre-negotiation meeting, we all headed over to the LPO. We arrived shortly past 10:30 am, and I entered the LPO office along with Ko Lat, Ko Ohn and the other delegates. The S.D. Fashion owner and manager were already there talking with the LPO official, a Thai woman in her 40s named Khun Mai. Ko Lat and Ko Ohn proceeded to inform the LPO translator of their demands. We were then told by the translator that the employer had offered the workers the choice of 185 baht/day plus room and board (with 25 baht/hour overtime), or 300 baht/day with the workers living outside the factory complex. The LPO official further told the delegates (in Thai, but translated into Burmese), “If the employer pays the workers 300 baht per day according to the law, then the employer is not obliged to provide room and board.” This posed a dilemma for
the workers. The delegates therefore replied that, although the workers would be happy to accept 300 baht per day, they did not want to live outside the factory because, amongst other concerns, there was insufficient housing nearby. At the same time, they did not want to accept the low offer of 185 baht/day.

As this discussion proceeded, I sat with U Moe Kyo on a bench inside the LPO building near the front entrance, watching and listening to the unfolding events. Hearing the employers’ two offers, U Moe Kyo whispered in my ear that getting the workers to live outside the factory at full minimum wage had for a number of years been a recurring strategy that employers used to divide workers who were making collective demands. The line of cleavage would fall between those (typically the more militant workers) who took the option of living outside the factory with the minimum wage, and those who remained inside the dormitory with the lower pay rate. In previous cases, employers gradually got rid of all “outside” workers, or got them to forsake the full minimum wage and return to the dormitory with reduced pay. This was a strategy I had seen myself, following the relatively successful M-Apparel strike in May-June 2013 (Campbell 2013b). Although the majority of workers in that case had taken the minimum wage and moved out of the factory dormitory, within three months all of these workers had either quit, been fired, or chosen to return to the dormitory at reduced wages in order to put an end to employer harassment and/or to regain immigration protection. For the S.D. Fashion workers, then, this offer was not encouraging.

Regarding the employer’s offer, Ko Lat informed the LPO official that he was worried about the security of the S.D. Fashion workers—especially the women—if they were forced to live outside the factory. Aside from the fact that most were undocumented, Ko Lat explained, there were also “street thugs” (lan tha-yay) in the area,
and there had been cases of rapes and stabbings near the factory. For these reasons, the 
delegates asked that the employer commit to arranging passports for all undocumented 
employees, which the LPO official agreed to include in the written contract, with the 
stipulation that the workers would pay the money for these documents. In any case, the 
delegates were unable to decide on the spot about the offer, as these two options had yet 
to be posed to the workforce as a whole. The LPO official therefore scheduled a further 
negotiation session for the next day. The owner and manager then departed, followed by 
the workers, U Moe Kyo and myself.

That night the delegates called an assembly of workers in the factory dormitory to 
discuss and decide on the recent offer. In this assembly, they collectively decided to 
accept the offer of 300 baht/day, and for the delegates to sign an agreement to this effect 
at the LPO. This decision was made by the workers on the basis of a belief (the origin of 
which I am unclear) that they would be able to rent the factory dormitory and thus not 
need to worry about arranging external housing.

At the LPO negotiations the following day (27 February), the seven worker 
delegates sat before the LPO official, Khun Mai, behind whom stood two staff 
translators, with the S.D. Fashion owner and manager sitting to one side. U Moe Kyo 
and myself sat back from this group on the bench by the building’s front entrance. As the 
negotiations got underway, the delegates stated their willingness to accept the 300 
baht/day offer, and requested to rent the factory dormitory. To this employer responded, 
“I’ll pay 300 baht per day starting March first, but the workers can’t rent the dormitory 
inside the factory compound.” He did agree, however, to arrange the passports and work 
permits immediately. Hearing that the dormitory rental was no longer on the cards, Ko 
Zan, one of the delegates, walked back to U Moe Kyo and myself to tell us, “The
situation isn’t good.” The owner, however, was pressing the delegates to agree. Rattling his car keys and showing a sour countenance, the owner demanded that the workers decide immediately about the offer, which would require the workers to all move out of the factory dormitory by 1 April. Even if the employer applied immediately for the workers’ passports, these documents would likely not be ready until after the workers had evacuated the dormitory.

At this point, the delegates just sat there dejected, unwilling to sign the contract. The owner and manager therefore stormed out of the office with no agreement reached. After this departure, the delegates explained to the LPO official that they did not think it was possible for all the passports and external accommodations to be arranged for the factory’s 500 plus workers within one month. Hearing the delegates’ concerns, the LPO official called U Moe Kyo and myself up to her table. She made a point of telling us that the employer was only obliged to pay the 300 baht minimum wage in the form of “base pay + costs” (she wrote these terms in English on the white board next to her desk). Therefore, she assured us, 185 baht/day plus room and board was not a violation of the law. I asked her if the workers, despite being offered 300 baht, could still strike to also get their demand of dormitory residence. Her reply was that no, the workers did not have the legal right to strike if they had already been offered the 300 baht minimum wage. In effect, she was telling us that Thai labour law did not allow these workers to strike for anything over the legal minimum in pay and working conditions. So, with the negotiations still not concluded, we left the LPO with the plan to return, yet again, the next day.

At the dormitory assembly that night, the workers overwhelmingly decided to reject the offer of 300 baht/day because they were worried about having to live outside
the factory. The delegates were instead instructed to seek the earlier offer of 185 baht/day plus dormitory residence, and with the employer arranging passports and work permits, but without signing a contract. The reason for not wanting to sign a contract was that the workers hoped to retain their right to strike, so that they could subsequently strike for 300 baht/day once they had their passports in hand.

When we arrived at the LPO the next day (28 February), Ko Ohn, still serving as a delegate, asked my advice about the arrangement on offer. I told him I thought the most important thing was for the workers to get their passports and work permits, as this would put them in a stronger position to bargain in the future. With the plan of seeking 185 baht/day without signing a contract, the delegates entered to LPO. When they discussed their concerns with the LPO official, however, she informed them that the employer had already signed the contract that morning and had returned to the factory. The delegates were therefore under pressure to sign as well. In regards to the workers’ concerns about living outside the factory, the LPO official, Khun Mai, said she was aware that there were many women workers at S.D. Fashion and that it would be dangerous for them to be forced out of the factory without documentation and living arrangements. Khun Mai therefore offered to extend the date by which the workers would have to leave the factory from the end of March to the end of April, thus providing more time to arrange accommodations and to acquire their passports.

This moment was to become a central event of contention in the S.D. Fashion case. The LPO official proceeded at this time to adjust the contract, which the employer had already signed, by writing over the text in pen so as to add one month to the time allowed for the workers to remain in the dormitory. With this additional month, the workers now had two months in which to secure their passports, work permits and
external housing. On this condition, and under perceived pressure to accept, the delegates signed the agreement, despite their earlier plans to avoid committing to a contract.

With the contract signed, we all left the LPO and returned to Ma Nway’s home at the end of the S.D. Fashion road. When we arrived we were met by other workers not serving as delegates. Discussing the new arrangement, the workers (both delegates and non-delegates) said they were satisfied with the agreement. Ko Lat told me that he was “relieved” (seit aye-thwa-day) as a result of having concluded the negotiations. Some of the workers suggested that we were now celebrating a “victory party” (aung-myin-bwe), in commemoration of which we took a celebratory photo on the road outside.

![Image of S.D. Fashion workers posing for a photo after signing a new LPO contract](image)

**Figure: 20.** S.D. Fashion workers pose with the author and U Moe Kyo for a photo after having signed a new LPO contract in February 2013. (photo: an S.D. Fashion worker)
The workers’ main concern now was arranging their passports and work permits. Discussing the issue of the passports, U Moe Kyo informed us that the previous day he had called U Kyaw Kyaw Lwin, labour attaché for the Myanmar Embassy in Bangkok, to discuss the S.D. Fashion case. Telling us this, U Moe Kyo dialled up U Kyaw Kyaw Lwin and handed the phone to Ko Lat, who gave a brief account the workers’ present situation. When the call was concluded, Ko Lat explained that U Kyaw Kyaw Lwin had told him the employer was legally required to advance the cost of the passports, which could then be reclaimed out of future wage payments. Hearing this the workers became especially happy as they would no longer have to scramble to find the money for their passports. Many of the workers were now smiling at the seemingly positive turn in their situation. I asked some of them if getting 300 baht a day with passports but having to live outside the dorm was better than their original demand of 200 baht with no stipulation about the passports and having to remain living in the factory dormitory. They nodded in response and assured me that, indeed, it was much better. Despite this seemingly improved situation, Ko Lat proceeded to tell me, “I’m only going to work here for two more years, then I’m going back home [to Myanmar] for good. I’ve been here almost ten years.”

Unfortunately, this positive turn was not to be. When the delegates and I travelled to the One Stop Service Centre (OSSC), where passport applications were processed, the OSSC staff told them the S.D. Fashion employer had not advanced the money for their passport applications. This OSSC staff suggested that the delegates sort this issue out with their employer. The delegates were suddenly thrown into doubt. Was the employer not, in fact, going to arrange their passport fees? Was the claim of a “legal requirement”
made by the Myanmar embassy’s labour attaché just empty words?

From this point onwards, the situation for these workers proceeded to get worse. On 8 March the delegates were called back to the LPO because, as they subsequently learned, the owner had since rejected the validity of the 28 February contract, on the grounds that the LPO official, Khun Mai, had adjusted the details (adding an extra month for dormitory stay) after the employer had already signed. The non-validity of the LPO contract was confirmed by a different LPO official, Khun Somchai. When the delegates exited the LPO and spoke with me about this issue, many of them were visibly distraught. One of them stated, “I don’t have patience and my flesh is shaking (atha don-nay-day).” Another elaborated: “The employer isn’t saying anything. He’s just sitting there while Pi Somchai is saying everything. This old grandfather [Khun Somchai] isn’t like the old grandmother [Khun Mai].” Another delegate interjected, “The LPO isn’t on the workers’ side.” As we were speaking, the other delegates came out of the LPO building. The employer then exited, got into his car, and drove off. Holding the contract in his hand, Ko Lat came outside and told us, “He says the contract isn’t valid. Now we only have one month. We’re not going to get our passports in one month. The [unpaid] applications are still in the [OSSC] office.” The delegates were also unclear as to which employment agreement they were currently under. Although the employer had claimed the 28 February contract was invalid, the delegates were of the belief that they were still going to be evicted from the dormitory in month’s time with a wage of 300 baht/day, as stipulated in the 28 February contract prior to its alteration.

The situation then deteriorated even further. On the morning of 18 March, I got a call from Ko Lat. “I’ve been fired,” he told me, “Come here so we can talk.” I met with Ko Lat and a dozen other S.D. Fashion workers at Ma Nway’s home. They told me that
after Ko Lat had been fired that morning, the workers all got angry and stopped working. They had demanded that the employer reinstate Ko Lat, but the owner had refused. The manager had told Ko Lat that Ko Lat’s immediate supervisor had complained about the quality of his work. So long as Ko Lat was not reinstated, the workers would not return to work. As we spoke, some of those in the room were putting their demand for Ko Lat’s reinstatement into writing to be more formally submitted to the employer. Taking this document in hand, a few of them went off to submit it to the employer. Some of the workers were visibly distraught over the issue of Ko Lat’s dismissal. One of them asserted, “We’ll strike, shut down the factory and go back [to Myanmar]!” They told me that the workers planned to not return to work that day or the next, so long as Ko Lat was not reinstated.

On the issue of Ko Lat’s dismissal, I accompanied Ko Lat to the LPO later that day, along with U Moe Kyo. Inside, the three of us met with a different, younger LPO official, neither Khun Mai nor Khun Somchai, and the S.D. Fashion owner. The employer told the LPO official that he would pay Ko Lat 35,700 baht in severance, being the amount legally due (under Section 118 of the 1998 LPA) according to Ko Lat’s former salary. However, Ko Lat stated that he knew severance must be paid according to the current legal minimum wage of 300 baht/day, which would bring the amount due up to 63,000 baht. Seeking to reach a compromise, the LPO official asked Ko Lat if he would be willing to accept 40,000 baht severance instead. The LPO official explained that Ko Lat and the employer could either negotiate a severance amount less than the legal minimum or, if they could not reach an agreement, Ko Lat could take the case to court to seek the full amount. Considering the offer, Ko Lat asked for an increase to 42,000 baht—an amount the employer agreed to. As Ko Lat later explained to me, he
agreed to a severance amount less than he was legally due because he knew from previous cases that the court process would take excessively long, with no guarantee of obtaining full severance in the end. He added that he wanted to secure a migrant passport as soon as possible, for which this amount would be more than sufficient.

Upon agreeing to the severance amount, the employer handed the money to the LPO official, who then handed it to Ko Lat. Both parties signed an LPO agreement concerning the severance money, thereby foreswearing any future legal action by Ko Lat to claim the full amount. With Ko Lat now 42,000 baht richer, we all returned to Ma Nway’s home to meet with the other workers.

I arrived before Ko Lat and U Moe Koe, who were coming together on a separate motorcycle. Upon seeing me on the road Ko Zan approached and asked, “So, did he sign?” “Yes,” I replied. To this Ko Zan responded, “Well, I guess that’s his choice. But the workers are going to be upset. We went around collecting signatures [for the demand to reinstate Ko Lat] and now this effort is messed up [shote-day].”

U Moe Kyo then pulled up on his motorcycle, with Ko Lat straddling behind. The three of us went inside Ma Nway’s home where about a dozen other S.D. Fashion workers were waiting. They all looked despondent. Seeing the workers’ expressions, U Moe Kyo asserted, “Hey, this isn’t a loss. It’s a victory! He got severance pay. There’s nothing else that could have been done.” Despite this, the other workers remained quiet and visibly upset. One of them added, “What I don’t like is that these Thai employers have money and they can just fire whomever they want and pay them [off] with severance.” To this, U Moe Kyo replied, “This contest [bwe] isn’t over yet. We’re in a football contest and this is just one round. We’re going to get the passports!” But to this, another worker explained, “What I’m worried about is how we’re going to go forward.
The remaining workers don’t know about the law [as Ko Lat did].” Regarding Ko Lat’s severance pay, a different worker commented, “In three years I haven’t been able to save that much money.” Taking an angrier tone, another worker stated, “We went on strike for him [Ko Lat]! A chain is broken if one link breaks, and he [Ko Lat] is the broken link.”

Trying to find a more positive interpretation of the recent events, another worker interjected, “One thing is that the employer knows that if he fires a labour leader, the workers will strike. If he does this again, we can strike.” Under this despondent mood, the conversation gradually petered out. The workers returned to the factory, and I returned home.

The firing of Ko Lat, the most confident, knowledgeable and experienced organiser at S.D. Fashion, paved the way for further attacks on the workers’ earlier gains. The next morning (19 March), I got a call from Ko Ohn. “A problem has come up in the weaving department,” he informed me, “Can you come and talk?” I arrived at Ma Nway’s home in less than 15 minutes. A group of workers arrived shortly afterwards. They informed me that everyone in the factory had gone on strike, yet again, that morning.

The events that had precipitated this most recent work stoppage were as follows. Some workers had arrived at the production floor shortly before the 8:00 am shift and clocked in. The employer had then called a meeting and said that the weaving department workers on day rate would now be put onto piece rate. The weaving workers had immediately said that they would not accept this change. In response, the employer would not let the remaining workers clock in. As we were discussing the morning’s events, the workers I was speaking with broke into a heated discussion, of which the following are but some of the comments made:
The employer said he couldn’t afford to pay 300 baht per day and so he was changing the day-rate weaving workers to piece-rate. The workers can’t accept this.

This employer is dirty in so many ways.

We all want to leave this factory.

Not everyone can just leave. They need the money.

The boss is trying to divide the departments. We can’t let the workers split up.

The day-rate workers, piece-rate workers, and monthly salary workers are already divided.

I don’t want to go to the LPO. The LPO is on the employer’s side and the workers can’t rely on the LPO.

I told you that this would happen as soon as the boss got rid of Ko Lat. And it’s just like I said.

In the hope of rectifying the situation, the workers I was speaking with called the LPO and explained the issue, and asked the LPO official to come to the factory. The workers said that they wanted to negotiate over this issue in the factory because they no longer had any confidence in the LPO as a place for negotiating.

As this heated discussion continued, one of the calmer workers, Ko Ohn, leaned over to mean and quietly explained that the issue of Ko Lat accepting the severance pay had caused frustration among the workers, who saw it as an act of betrayal. The workers had organised and signed a demand for Ko Lat’s reinstatement, he explained, but then Ko Lat had taken the severance pay without informing the other workers. “It has caused doubt and division among the workers,” he added. This sense of betrayal and the various other affective responses among the remaining workers can be understood in the context of the intimate social relations that develop among Mae Sot’s migrant factory workers, as I discussed in Chapter 4.
In this emotionally charged discussion, like so many other meetings of these workers I had attended, there were many men talking loudly over each other, while a handful of young women sat quietly in a corner. The dynamics of the room were such that these young women were not invited to contribute their thoughts on the situation. The gendered dynamics at play here indexed a persistent hierarchy amidst an otherwise “structureless” (formally at least) organisation of workers—a point I will return to below. When the conversation died down, the workers I was speaking with returned to the dormitory with the plan to make sure everyone was on board for the coming meeting with the LPO official in the factory.

At this point during the events that were taking place there was great uncertainty among the workers. No one was really sure what pay rate they were on, or which (if any) contract was still valid. In addition, the workers had struck work for two consecutive days. A third day on strike would put them at risk of dismissal without legal claim to severance pay. This was to become a crucial factor in how this struggle played out.

The next day (20 March), I got an afternoon call from a rather concerned Ko Ohn. He told me that the workers had all gone to work that morning, had clocked in, and had worked until about 10:00 am. However, since the employer would not negotiate about the shift from day-rate to piece-rate, the workers were dissatisfied and stopped working. The workers were thus now, Ko Ohn informed me, on another sit-down strike. As the workers waited idle in front of their machines on the production floor, the employer was threatening to fire anyone who did not start working. Ko Ohn therefore asked me for clarification about the LPA clause concerning the employer’s right to fire without paying severance those who stopped work for three days. I told him that, yes, according to Section 119 of the 1998 LPA, the employer can legally fire, without paying severance,
any workers who missed three consecutive days “without reason.” With this clarification, Ko Ohn said that he would tell the workers to return to work and to wait to speak with the LPO official, who was due to arrive at the factory that afternoon.

In order to find out what later took place, I went to Ma Nway’s home at 5:00, to meet with some workers following their afternoon shift. Those with whom I spoke informed me that LPO official Khun Somchai had that day come to the factory, but instead of meeting with the workers (who had requested he come to discuss the shift to piece-rate), he had instead gone directly to talk with the employer. While the LPO official spoke with the employer, the LPO translator met with the workers and told them that if they did not work that day, they could be fired. Both the LPO official and the translator then left the factory, with the official never meeting with the workers.

Feeling aggrieved that LPO official Khun Somchai spoke only with the employer and not with the workers, one of the workers sitting with me at Ma Nway’s home stated, “I don’t respect the LPO. I don’t want to negotiate at the LPO because we won’t get an agreement that we can accept. What can we do without going to the LPO?” Another added, “There’s already division in the workers’ solidarity due to frustration. Some of the uneducated workers are expressing doubts about the worker leaders.” And another: “I don’t want to negotiate at the LPO because the employer will just offer whatever he wants and we can’t do anything.” We ended our meeting no more certain of the workers’ current situation.

Still unresolved, the conflict at the factory spilled over into the next day. On 21 March, I meet with a large group of S.D. Fashion weaving workers at the nearby office of the Burma Labour Solidarity Organisation. They explained to me that although they had gone to the production floor that morning, the employer would not let them commence
work until they had signed an agreement to accept being moved to a piece rate. As the weaving workers would not accept this, and would not sign the agreement, they were just waiting at their machines on the production floor without being able to work. This was, in effect, more of a lockout than a strike. The workers said that they did not know what to do because they could not accept being put on piece rate, but since the employer would not allow them to work until they signed the piece-rate agreement, they were worried about being fired for missing three consecutive work days. This seemed to the workers involved to be in violation of their previous LPO agreement. But since so many of them had lost confidence in the LPO, they felt that the LPO would not offer them any support in this matter. They therefore decided it would be better to sign the document, so as not to risk dismissal. One of the workers suggested that after returning to work for a few days, they could initiate a series of intermittent strikes, with one day working followed by two days striking, and then repeat this pattern until their demands were met. Doing this, he reasoned, the workers would not forsake their claims to severance, and they would not need to negotiate through the LPO, which in the eyes of many of these workers had by now been thoroughly discredited. In any case, with an apparent consensus to sign the employer’s piece-rate agreement, our meeting ended and everyone dispersed.

Unfortunately, the workers plan to retain their jobs proved unsuccessful. The next morning (22 March), I met with some of these same individuals, who told me that the employer had just announced that all 87 workers employed in the weaving department were fired. The reason, they had been told, was that they had missed three consecutive days of work. They would therefore not, the employer informed them, be paid any severance. Despite the employer’s claim that those dismissed would get no severance pay, the fired weaving workers made an appointment with the (previously discredited)
LPO to file for severance. Their reasoning was that 1) the employer’s demand that the weaving workers agree to piece-rate pay was a violation of their existing LPO contract stipulating a daily wage rate, 2) the workers had actually worked almost half the day on two of the three alleged strike days, and 3) part of the time spent not working had, in fact, been for a lockout rather than a strike. Some of the workers felt that the employer had just created this situation as a means of getting rid of the more organised and militant weaving department workers. According to one of these individuals, the employer was eager to nullify the 28 February 2013 LPO agreement, not because of the extra month granted to stay in the dormitory, but because “he [the employer] is scared of this contract, since he’d have had to arrange passports and work permits for the workers, and he doesn’t want to do that.” The employer’s readiness to dismiss en masse such a large group of workers suggests that either there were no orders in need of immediate completion, or that the employer expected to be able to replace the fired workers quickly enough to not disrupt existing orders.

Contra the claims made by the weaving workers, Khun Somchai accepted the employer’s assertion that these workers had, in fact, missed three days of work. Seeing a conspiratorial agenda at play, one of the affected workers argued that, “The LPO official and the employer must have negotiated together beforehand.” Regardless of whether such negotiations had taken place, the LPO official informed the workers that they had to get out of the factory complex on 25 March after getting their final wages. Some of the men among the workers told me—as they had told the LPO official—that the women in the factory were scared of being evicted from the dormitory because they had no money and no passports. In spite of this fact, the LPO official told the workers that if they did not leave the factory after getting their wages, then the employer would be entitled to call
in the police to evict them. With the 25 March deadline not far away, some of the weaving department workers asked me to arrange for them to stay at the Yaung Chi Oo shelter while they looked for other work.

In the end, the 87 fired weaving workers left the factory on 25 March, along with 73 workers who simultaneously quit from the sewing department, and a handful of workers who quit from various other departments. Of this group, 27 moved into the Yaung Chi Oo shelter. About 45 of the weaving department workers returned home to Myanmar without filing any claims through the LPO. “They were stressed out,” one of the workers explained to me, “and just wanted to go home.” Other ex-S.D. Fashion workers relocated to work at factories in the Bangkok area, or temporarily moved in with friends in Mae Sot.

The money the workers got for their final wage payment was meagre, even by local standards. Aside from the days on strike, there had also been numerous days in February without production orders. For those days without orders, the employer only paid 40 baht/day, rather than the legally required 225 baht/day (75% of the legal minimum wage of 300 baht/day). In addition, the employer calculated their February pay on a piece-rate (contra both the February 2013 and May 2012 LPO agreements). This came out to an average of under 90 baht/day—more than 40% less than the 155 baht/day wage they had previously been getting. At this piece rate, the final wages paid to the 87 fired weaving workers ranged from 600 to 800 baht (about US $20 to $25) for the entire month. Most of these migrants had no other savings with which to support themselves while out of work. For the 73 sewing department workers who quit, the employer made arbitrary deductions of 2,875 baht (almost US $93) per person. According to one of these workers, this deduction was a “fine” (dan-ngwe) for their having gone on strike in
February.

Once these workers left the factory they met with a Yaung Chi Oo staff member to discuss the possibility of making a claim for severance. The Yaung Chi Oo staff member suggested that this strategy would be difficult, since the LPO had already apparently accepted the employer’s claim that the workers had wilfully missed three days of work. Instead, he suggested, the workers could file for back pay, which would cover the difference between actual pay and the legal minimum wage rate for the entire duration of a given worker’s employment at S.D. Fashion. The amount claimed would be potentially larger than the lost severance pay.

Those workers from S.D. Fashion who remained in Mae Sot began the process of completing back pay claim forms and submitting them through the LPO, with the support of Yaung Chi Oo. Most of them also began planning their next moves and looking for new employment opportunities. Within a week, however, some of them had already been turned down at a few of the larger Mae Sot factories. Apparently, as they told me, their photos had been distributed by the S.D. Fashion owner to other Mae Sot employers. In effect, they had been blacklisted.

Although these workers were now almost penniless and without jobs, many of them seemed noticeably less stressed than only a week prior during the height of their conflict at the factory. Ko Zan explained to me this apparent change in comportment, saying, “We’re still stressed. But at least now we don’t have to endure the employer’s oppression [pi-ah-pay] in the factory.” Ko Ohn’s reasoning was similar: “I feel peace of mind [seit chan-tha-day] having left the factory. Not being in the factory, I’m able to enjoy being in Mae Sot. In the factory I was stressed [seit nyit-day].”

Later in April, some of the migrants still working at the S.D. Fashion factory
informed me that the employer was now hiring new workers, mostly for the weaving and
sewing departments. For the sewing department, however, the employer was now only
accepting women applicants. New workers (mostly undocumented, recent arrivals to
Thailand) were being made to pay an “entrance fee” (win-kyay) of 1,000 baht in order to
get jobs at the factory. In addition, the new day-rate workers would be paid only 120
baht/day, with a possible raise to 155 baht/day after three months’ probation, and with the
weaving department workers now on piece rate. The employer was also offering to re-
employ the workers who had been fired or who had quit, excluding those who had taken
prominent roles in the recent organising efforts. However, those re-hired on day-rates
would start at 120 baht/day—that is, 35 baht/day less than they had been earning at the
start of 2013. Observing the reduced pay rate, and reflecting on Mae Sot’s low pay in
general, Ko Zan, one of the former workers, told me, “In a few years, there won’t be any
workers left here [in Mae Sot] because the wages are so low.” Regarding the employer’s
earlier commitment to arrange passports and work permits for the workers, Ma Htay, who
was still working as a line supervisor in the factory, told me, “The employer hasn’t said
anything about the passports and the workers haven’t asked anything.” As far as I am
aware, these passports were never arranged by the employer.

In July 2013, the Mae Sot LPO ruled that S.D. Fashion Co Ltd. owed at total of
1,565,608 baht (over US $50,000) in back pay to the 57 workers who had filed back pay
claims. The S.D. Fashion owner, however, asserted that he could not afford to pay this
amount. The S.D. Fashion workers therefore sought assistance from the MAP
Foundation to open a legal case against the employer to retrieve their money. Given the
precedent set by previous cases in Mae Sot, however, such legal proceedings can drag on
for years, with no guarantee of success, and during which time many of the workers
making claims are likely to disperse back to Myanmar or to other provinces in Thailand.

Some time after I had completed fieldwork for this dissertation, and returned to Canada, I was contacted by colleagues at Yaung Chi Oo, who updated me on developments in the S.D. Fashion workers’ back-pay case. According to my colleagues, on 22 July 2014—over a year and four months after being fired—16 of the S.D. Fashion workers who had filed back pay claims accepted a reduced payout of 5,000 baht each, which the employer handed over at the LPO. Subsequently, on 16 October 2014, 12 more of the fired workers accepted a reduced sum as compensation at the LPO, totalling 104,344 baht—almost 8,700 baht each. Then, at the LPO on 21 November 2014, a further 12 of the worker were paid out by the employer a total of 100,000 baht—or, just over 8,300 baht each. For all of these individuals, the amount received was significantly less than the sum of their original claims, which averaged almost 27,500 baht each. At the time of writing, the remaining claimants from S.D. Fashion had still not been paid their compensation.

**Organisational opportunities under flexibilisation**

The S.D. Fashion case illustrates the dynamics of workplace struggle among precarious migrants at one Mae Sot factory. These dynamics were shaped and made possible by a conjuncturally particular labour arrangement whose features (flexible employment regimes, undocumented migrant workers, a border-based concentration of capital, legal barriers to unionisation, the involvement of labour-rights NGOs, and certain forms of governmental intervention) emerged from an historical transformation in Thailand’s capital-labour relations. Historicising the S.D. Fashion case in this way allows for useful comparison with organising conditions at earlier moments in Thailand’s labour history.
Rather than focusing on new limitations to labour organising in this context, which are indeed significant, I aim to use this comparison to highlight emergent opportunities for the struggles of precarious workers in Thailand, of which I address here four.

The first of these emergent opportunities involves the use of labour strikes. In 1975, the newly introduced LRA provided legal space for trade union activity, but the Act was also drafted with the intent to contain industrial action (Brown 2004: 77). The LRA requires, for example, that strikes be approved by a formal secret ballot vote of over 50% of the entire union, and that an intent to strike be submitted to the employer and to a government conciliation officer at least 24 hours prior to any work stoppage, but only after a failed negotiation process. Among the effects of these restrictions is that union leaders in Thailand have been fined for extra-legal strike and picket action carried out by their members (see ITUC 2012). This risk of incurring fines or other penalties puts pressure on union leaders to prevent production stoppages initiated by workers outside of legally sanctioned channels (for a similar argument in the US context, see Glaberman 2002).

Among migrants employed at S.D. Fashion, there were no formal unions and thus no union leaders who could be sued for wildcat strikes carried out by the rank-and-file. Rather, S.D. Fashion workers repeatedly carried out extra-legal work stoppages to press their claims, and they typically stopped work prior to submitting their demands—a pattern of practice similarly documented at other Mae Sot-based factories (Campbell 2012b, 2013b). It was only in the last instance—when the S.D. Fashion employer (falsely) charged the workers with having carried out an illegal three-day strike—that the 87 weaving department workers were fired. Hence, by shifting employment towards migrant workers who are effectively barred from unionisation, flexibilisation in Thailand
(at least in the garment sector) has removed certain prior constraints on extra-legal strike action.

The second emergent opportunity for labour organising that I wish to call attention to here concerns organisational independence. Following the 1975 legalisation of trade unions in Thailand, and in particular during the 1980s burgeoning of unions and union membership, unions in the country were frequently controlled and even established by political, military and bureaucratic elites as means to advance their political ambitions, and to prevent the rise of an independent labour movement (Brown 2004: 104 – 105; Phongpaichit and Baker 1998: 138). The close, collaborative relations that were fostered at this time between the leaders of union federations, government agencies and political parties subsequently “blunted and diverted” the responses of Thai unions to the country’s market reforms (Deyo 2012: 147). It may seem a moot point to highlight the political independence of non-unionised migrant workers, given their otherwise precarious conditions and the debatable success of this particular case. Nonetheless, the subservience of organised labour to the aims and interests of political parties has been highlighted as a fundamental weakness of trade unions globally, which has hindered the growth of independent, democratic and militant labour movements (Solfed 2012). The political independence of workers’ struggles, such as at S.D. Fashion, thus present important precedents and points of departure for re-building broader, politically independent labour movements.

A third evident opportunity in the case presented above concerns organisational form. Discussing the involvement of women garment workers in Thailand’s union federations at the turn of the 1990s, Mary Beth Mills (2005: 126) writes of “the top-down and patriarchal dynamics of national labor politics.” Mills (2005: 126) further cites a
Thai NGO advisor, who described the situation thus:

The national labor congresses [saphaa raengngan] don’t work well with the lower levels of the labor movement. They are top-down, and most leaders are caught up in issues of face and status, building their careers and establishing their own names and influence in wider political circles. Also they concentrate primarily on economic issues, such as raising the minimum wage. [National leaders] call unions together to campaign for these single, economic issues, but then when they achieve that particular goal [they stop and] all the organization, the cooperation dissolves.

Being outside of formal union structures, the S.D. Fashion workers were able to operate autonomously of such institutionalised hierarchies. Not only were the S.D. Fashion workers able to organise autonomously of broader hierarchical structures at the level of a national union or union federation, but they were also free from the control of any formal executive internal to their own organising. Delegates from the S.D. Fashion workforce negotiating at the LPO were, for example, rotated so as to reduce the likelihood that prominent organisers could be targeted and punished. This tactic expanded the number of those involved in informal leadership roles. In addition, delegates negotiating at the LPO made a point of checking back with their co-workers about offers made during negotiations, rather than making executive decisions on the spot. In some instances, these delegates refrained from signing agreements at the LPO until they had returned to discuss new offers at a workers’ assembly in the factory dormitory.

Despite this lack of formal hierarchy, workers in the S.D. Fashion case were unable to overcome certain internal patriarchal tendencies. Although men comprised only 20 per cent of the workforce at S.D. Fashion, they made up eight of the ten lead organisers in the 2013 action. In addition, organising meetings that I observed in this case were typically dominated by men, who tended to speak louder and more assertively
than their women co-workers. Ma Htay, one of the few women workers at S.D. Fashion who did take on a lead organising role in this case had, in fact, been asked to do so by Ko Lat. This situation, however, is not ubiquitous in Mae Sot. I have also followed local workers’ actions that have had greater gender balance amongst their lead organisers and LPO delegates, as well as cases that were dominated by very strong women organisers. Nonetheless, the persistence of these gender hierarchies highlights what Jo Freeman (1972) identified as the “tyranny of structurelessness.” By this she meant the ways that an (often intentional) absence of formal structures within organisations does not guarantee egalitarian decision-making, but often masks and enables informal structures of privilege, such as those based on gender hierarchies.

A fourth and final opportunity to emerge under the precarious working conditions in Mae Sot concerns the issue of workers’ consent. As Gramsci (1971: 279-318) argued, the relatively high wages and stability of employment offered under Fordist labour regimes were aimed at securing workers’ consent to an intensified and regimented industrial production process, notably in the form of Taylorist work procedures and the assembly line. Insofar as these relatively high wages and stability of employment have been withdrawn in post-Fordist labour regimes, this transformation has undermined the prior basis for claims to workers’ consent. Thus, in the context of Thailand and other East Asia countries, Frederic Deyo (2012: 131) has argued that labour deregulation has shifted employment arrangements in light manufacturing away from (using Michael Burawoy’s terms) “hegemonic regimes” towards “market despotism.” Under the former, employers rely primarily on worker consent and cooperation to ensure production, whereas under the latter employers utilise coercion and “the economic whip of the market” (Burawoy 1985: 122). The oppressive conditions of despotic regimes tend,
however, to heighten labour-management tensions and increase workplace conflict. In this sense, flexibilisation not only weakens grounds for workers’ consent, but also incites shared workplace grievances around which collective action can be organised.

Conclusion
Looking back on the S.D. Fashion case, the workers’ struggle achieved a relative, partial and, in the end, temporary success. For almost a year, from May 2012 to February 2013, the workers at S.D. Fashion were among the highest paid factory workers in Mae Sot, even though their wage of 155 baht per day remained well below the legal minimum.

One implication of this case—involving, as it does, workers in highly precarious conditions—is that we should not let presumptions about workers’ precarity blind us to the continued relevance of strikes and rank-and-file organising. It is in this sense that Kevin Doogan (2009: 11) warns against “an exaggerated sense of precariousness and powerlessness,” within recent analyses of labour regime transformations. Despite the very real insecurity of many contemporary employments arrangements, “the basic proposition that capital needs labour,” argues Doogan (2009: 206; emphasis in original), means that workers qua workers retain points of leverage in the strategic withdrawal of their labour. This may not be very reassuring when large sections of a workforce can been quickly replaced—as in the case examined here. The point does, however, demand an openness to the continued possibility of strikes as means of advancing workers’ interests.

Flexibilisation has, to be sure, entailed heightened insecurity of employment and livelihood for many workers. Yet despite the highly constrained conditions under which the workers in this case sought to organise, the dynamics of struggle at the S.D. Fashion
factory also illustrate certain organisational opportunities that have emerged out of
Thailand’s flexibilisation shift. For that reason, paying attention to the details of such
struggles, and appreciating of the forms of workers’ self-organisation to which they have
given birth, brings to light important points of departure for developing and advancing
workers’ struggles under precarious and flexible labour conditions, in Thailand and
elsewhere.
Conclusion

On the fragility, contingency and contestation of border capitalism

Reflecting on conditions of work and the presence of migrants along the border, Ko Zan, one of those involved in the struggle at the S.D. Fashion factory, remarked, “In a few years there won’t be any workers left here because the wages are so low.” Although I am sceptical of the time frame Ko Zan offers, his sentiment resonates with my own observations of migrants’ efforts to leave the border area for central Thailand, as related in Chapter 3. In addition, during the course of my fieldwork there seemed (to me, at least, and many of my migrant friends) a relatively higher proportion of migrants returning home to Myanmar with the intention of staying, as compared with the situation I observed during my first years in Mae Sot starting in 2004. Although new migrants continued to regularly cross the border from Myanmar into Thailand as I was conducting field research from 2011 to 2013, many migrants residing in Mae Sot with whom I spoke believed that the number of such new arrivals was less than in previous years, and that this was further offset by the higher numbers of those returning home for good.

This sense of change during my fieldwork was reinforced by articles in Thai newspapers at the time, which commented on an expected loss of migrants who were predicted to soon depart en masse for their country of origin. The reasons usually cited for this expected exodus were the rapid political changes occurring in Myanmar at the time. The *Bangkok Post* (2013b, 30 January), for example, cited the “concerns of some business operators that migrant workers will become scarce now that Myanmar is slowly opening its economy.”

Since around 2011, Myanmar has indeed been undergoing a very visible period of
political reform, in response to which international trade sanctions have been largely removed and international investors have become especially eager to establish their businesses in the country. Forbes magazine, for instance, in a November 2012 article entitled “Myanmar, The Last Frontier?” (Kent 2012), argued that “the country seems ripe for investment.” Indeed, foreign investors have plunged so quickly into Myanmar’s garment sector that factory owners have been unable to hire enough workers to meet demand and have complained of the labour shortage they are facing (Myanmar Times 2014, 2 February). More systematic research on the prospect of a mass return of Myanmar migrants was presented by the International Organisation of Migration (IOM) at Bangkok’s Chulalongkorn University in December 2013. According to a survey conducted by the IOM earlier that year, the organisation reported that, “[m]ost Myanmar migrant workers in Thailand would like to return home, and the country could face a shortage of over five million workers as a result by 2025” (Bangkok Post 2013b, 30 January). The plausibility of this prediction is strengthened by the Myanmar government’s current development strategy of establishing Special Economic Zones within the country that would (it is hoped) attract capital investment, provide new jobs in export-oriented industrial production, and thereby “woo back some of the country’s nearly 10 million migrant workers from neighboring countries” (Radio Free Asia 2014, 15 September).

The anecdotal accounts of Mae Sot-based migrants, along with the various news reports and the IOM survey I have cited, do not in themselves ensure any immediate or complete abandonment of Mae Sot by Myanmar migrants, at least not in the next few years. What is clear from these sources, however, and from my own research, is that the dynamics of continued economic transformation and migrant mobility underscore the
fragility and contingent character of Mae Sot as a migrant labour-dependent industrial centre. Whatever the regional planning and development targets of the Thai government towards creating an export processing zone in Mae Sot, such projects will always entail a level of uncertainty. On the ground, furthermore, these plans will, at most, only ever be realised imperfectly (Cross 2010: 358). There are simply too many factors impinging on the development of export processing zones, and too many actors with varied, often competing interests, whose quotidian struggles persistently reshape local arrangements of regulation and control.

It is with this understanding of the fragile, contingent and contested character of spatially planned economic development that I have worked through this dissertation. Analysis that takes for granted the effective implementation by state planners of neoliberal “zoning technologies” risks overstating the state’s “strengthened political sovereignty” (Ong 2012: 24), which Asia’s many export processing zones apparently demonstrate (at least from afar). Rather, I see little evidence for any perfect correlation between the ambitious neoliberal fantasies of state planners and the on-the-ground control of labour as practiced in such export processing zones. I have thus argued that the everyday regulation of labouring populations at industrial centres like Mae Sot may very well fail to achieve, move beyond, or even conflict with official state policy. Furthermore, this everyday regulation of labouring populations is persistently contested and reshaped by various actors, both within and without the state—actors who pursue diverse, often competing agendas, and who include, of course, the very workers on whom such sites depend. This understanding allows us to see export processing zones, not as sites of exception closed off by the state, but as fluid arrangements that remain open to contestation and change from within. It has been towards elaborating the dynamics of
In the dissertation’s Introduction, I drew on the work of Henri Lefebvre (1991) to frame the quotidian political life in Mae Sot in terms of a contestation over social space. The Mae Sot export processing zone is, to be sure, a spatial phenomenon indexical of Thailand’s turn-of-the-21st-century flexibilisation shift (whether dated to the 1997 Asian economic crisis or to the years leading up to it). At the same time, however, the particular arrangement of precarious labour in Mae Sot—that is, the configuration of state and capitalist regulation and control over workers in the area—and the ways that migrants engage with this regulatory arrangement, also play out through their own internal dynamics—dynamics which serve to (re)shape this arrangement in a persistent feedback loop. I referred in the Introduction to these dynamics as a politics of precarity. By this I meant, first, the everyday ways through which differently-situated actors contest, negotiate and compromise, and undermine, transform or reinscribe particular arrangements of precarious labour. And second, the ways through which a particular web of social, economic and political relations within and beyond the workplace shapes and makes possible certain forms of struggles, critiques and moral claims amongst precarious workers themselves.

Through the five substantive chapters of this dissertation, I explored the quotidian politics of Myanmar migrants in Mae Sot from varying angles. In the first chapter, I traced the contemporary arrangement of migrant labour in Mae Sot back historically. Rather than the unfolding of any singular logic of neoliberal rule, I drew on Foucault’s use of genealogy to argue that Mae Sot’s contemporary labour arrangement has emerged out of complex, unpredictable and chance developments—developments which are contingent on often mundane accidents and everyday struggles. In particular, I called
attention to the increased incorporation of Mae Sot-based migrants into networks of governmental rule, as enacted by Thai government agencies and various locally-based NGOs who seek to channel migrants’ concerns into bureaucratic state mechanisms. I argued that this increased incorporation of migrants into such governmental networks has shaped and made possible certain forms of struggle, including, for example, the strategic use of migrant registration schemes and the judicial mechanisms of the Thai government’s Labour Protection Office. At the same time, migrants’ engagement with such governmental channels has frequently led to their frustration with, ambivalence towards, and even outright rejection of, the sphere of law—the rule-bound character of which seems to persistently fall away, but then to perennially return to entice migrants away from extra-legal tactics of struggle.

In Chapter 2, I further developed the argument that migrants’ increased incorporation into the capillaries of governmental power has shaped and made possible certain forms of struggle. Specifically, I examined the ways Mae Sot-based migrants have strategically made use of the ever-changing registration process to leave the border in search of higher paid work in central Thailand. I argued, in line with other work on the anthropology of the state (Das and Poole 2004), for the centrality of state practice at the margins in constituting regimes of regulation. In other words, the regulation of labour in Mae Sot cannot be reduced to a singular state-centric logic, but is rather constituted through the iterative practices of state actors at the margins—here the border—of the state. I thus highlighted the tensions between Bangkok-based policy makers seeking to stabilise supplies of cheap labour for firms in central Thailand, and Mae Sot-based employers—along with complicit provincial and municipal authorities, and sections of the police—who sought to ensure that cheap labour remained on the border. I
furthermore called attention in this chapter to the disruptive implications of migrants’ outwards mobility. Not only did the labour shortage resulting from this exodus strengthen the bargaining position of those migrants remaining on the border, but it also contributed to the closure of at least a handful of local garment factories that could no longer complete their orders.

In Chapter 3, I further developed my analysis of class dynamics in Mae Sot. I framed my analysis as a challenge to recent arguments that see class fragmentation as an inevitable effect of labour flexibilisation (e.g. Standing 2011: 12, 27). I argued that class dynamics among migrants in Mae Sot at the point-of-production cannot be understood in isolation of the structured relations of power that migrants confront outside the workplace, particularly those involving the police. Insofar as flexibilisation in Thailand has involved an increased employment of migrants, these particular patterns of police-migrant relations are tied to the country’s flexibilisation shift. The arrangement of migrant labour in Mae Sot has, furthermore, developed through a mutually constitutive relationship between the police and migrants. For these reasons, coercive policing in Mae Sot and the everyday responses of migrants to the police have become patterned practices which shape and (re)produce the local arrangement of migrant labour in ways that go beyond Thailand’s official migrant policies.

In Chapter 4, I questioned the thesis of working class fragmentation under labour flexibilisation from another angle: the dynamics of intra-workforce socialisation. I argued that, while tendencies towards class fragmentation may emerge under flexibilisation, so too have emerged counter tendencies towards working class recomposition. In particular, I highlighted how flexibilisation in Thailand, involving capital relocation to low-waged, non-unionised border provinces and the increased
employment of migrant workers, has brought a return of dormitories to house garment factory employees. The dynamics of communal residence at such factories has, through common experiences and shared practices, been a significant factor strengthening the social bonds of migrants residing therein, as a social base enabling the solidarity needed for subsequent workplace struggle.

In Chapter 5, I presented an extended case study of workplace struggle involving over 500 migrants employed at the S.D. Fashion garment factory. I argued that, rather than putting an end to workers’ collective action, flexibilisation in Thailand has fostered a shift in the form and dynamics such actions have taken. I built upon David Harvey’s analysis of neoliberalism as creative destruction to argue that flexibilisation in Thailand has opened space for alternative forms of working class organisation and struggle. By undermining existing unions in the country, and increasing the employment of migrants who are legally barred from establishing new unions, flexibilisation has moved such struggles away from union-mediated to non-mediated processes. This shift has, I argued, opened up certain opportunities for collective workplace struggles, despite the otherwise highly precarious and constricting employment conditions in which migrants find themselves.

Overall, then, I have sought to challenge with this dissertation the sombre sentiment of so many contemporary commentators that the shift to flexible labour regimes has entailed the death of working class struggle and has enabled the incontestable domination of capital over labour. Things are never so certain. As much as neoliberal restructuring—in all its global diversity—has undermined earlier forms of working class organisation and struggle, it has also stimulated and opened up new dynamics of struggle and quotidian political life. For the moment, an anthropological
agenda that seeks out the emerging opportunities within these dynamics is needed more
than either continued pessimism about new forms of working class subjugation, or
nostalgia for a Fordist-Keyensian “golden age”—a return to which is, for one, no longer
possible, and which was, in any case, never so golden.
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