Living with four polities
States and cross-border flows in the Myanmar-Thailand borderland
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Chapter 1

Introduction

Borderland, States and Cross-border Mobility

This dissertation investigates how state and non-state actors have controlled cross-border mobility along the Myanmar-Thailand borderland over the past five decades. It shows the complexity of the borderland where state actors consolidate their power by controlling resources and communities. Non-state actors are also active participants through multi-layer networks: they negotiate with states and manipulate rules and regulations to realize their objectives (Donnan & Wilson, 2010; Parham, 2016). Meanwhile, border and migrant communities develop strategies to travel through national borders unhindered. Their actions, supported by domestic and transnational networks, often enable them to progress from short-term settlers to a permanent migrant status. Despite positioning this research to avoid a “methodological nationalism” (Wimmer & Glick Schiller, 2002; Glick Schiller & Salazar, 2013), we cannot deny the effects and existence of states that attempt to manage the border. Therefore, in this dissertation I aim to show how state transformation relates to changes in cross-border mobility in the Myanmar-Thailand borderland. I argue that, notwithstanding state attempts to tighten border security to control cross-border flows, non-state actors manage to preserve border porosity over time.

The study of states and cross-border mobility is my contribution to ongoing debates in four main fields: borderland studies; state transformation; cross-border flows, and mobility and migration. The three main research questions are: 1) To what extent have states and non-state actors shaped the mobility of people and commodities in the past five decades?; 2) How do border communities respond to border control and state-imposed rules and regulations under the successive regimes of border control?; 3) Are these dynamics specific to this section of the Myanmar-Thailand borderland or are they of wider significance?

In this chapter, I will provide answers to these questions with the help of case studies organized as follows. Firstly, with an overview of how this dissertation contributes to the four main studies areas mentioned. Secondly, a methodological section will illustrate how I overcame challenges and obstacles, and will detail my adaptive methods to deal and cope with uncertain circumstances, as well as conceptual tools used for the understanding of case studies. Thirdly, I will outline the dissertation’s structure and summarize individual chapters.
Figure 1.1: Myanmar and Upper Thailand, with the research site encircled.
Borderland studies

One of the challenges in the study of borderland issues is to disentangle existing political structures in their varied forms. From my initial involvement in the study of borderlands, I have gained experience and knowledge about the borderscape, which is intricately woven into the multiple facets of states’ efforts to shape and reshape borders. These states are also challenged by non-state networks in redrawing territories, either to submit to or avoid their domination. I argue here, and throughout this research, that the Myanmar-Thailand borderland represents a unique example of political boundaries and nation-state borders in a continuous state of flux. This leads to a twofold intersection in the results of this research: cross-border mobility and border control.

This dissertation follows the growing trend in borderland studies where scholars strive to comprehend political borderscapes by employing a lens that reaches beyond the nationalistic perspective (Dean, 2005; van Schendel, 2005b; Eilenberg, 2012; 2016; Turner, 2013; Ma, 2014; Hoffmann, Vlassenroot & Marchais, 2016). They trace the developmental history to unfold multifaceted networks covering nationality, ethnicity, class, and other identifying categories. The Southern Shan State, situated in Myanmar’s frontiers and bordering Thailand’s northwest, illustrates a complex history where multiple actors exercise power in controlling resources and manpower over different time periods. These power configurations still influence border management and control today.

From January 1948, the date that marks Myanmar’s independence from British colonial rule, to the present day, Myanmar’s frontiers have been characterized by disorder and precariousness (Smith, 2015; Steinberg, 2015a). It could be argued that the Burmese government appears to lack a firm and effective system to maintain its sovereignty and its people. Bertil Lintner (2014) portrays Shan State’s current situation as a “state of anarchy” precisely because it lacks state control to deal with the entanglement of insurgency, narcotics trade, and its recalcitrance toward the central state. During the ethnic conflicts in the late 1960s, Burma’s frontiers became ethnic rebellious zones against the national regime. Despite signing ceasefire agreements with several rebel movements in the last two decades, the government elected in the 2010 polls has faced challenges in peace-building (Smith, 2015). The political climate in southern Shan State, on which this research provides empirical evidence, continues to function as a platform for multiple entities. State actors, state-like actors, and border elites are intent on controlling territory while benefiting from frontier resources and cross-border trade. They have managed to create a “strategic space” (Menzies, 1992) to outwit one another, while sharing economic interests.
In the 1960s, the regime of the day turned Burma into a socialist state, where black market and underground transactions offered opportunities for long-distance traders to participate across the Burma-China and Burma-Thailand borders, including those crossing from China into Thailand and vice versa (Chang, 2011; 2014a; 2014b). The Burmese government was only partially successful in establishing a nationwide economic system to manage cross-border trade, and consequently traders and goods moving from China and Thailand came under the control of armed ethnic groups through informal taxation (Dean, 2005; Chang, 2015; Kyu, 2016; Roi Aung, 2016). Until 1989, the Burmese regime was known to enter into ceasefire agreements with different armed ethnic groups (South, 2008; Keenan, 2013; Than, 2016), by granting them autonomy to exercise control over former rebel areas.\(^1\) These regions could be considered a “state within [a] state” (Than, 2016) that created a “space of exception” (Kyu, 2016), since they were not necessarily developed along national schemes. Rather, Myanmar’s central government allowed the leaders of these areas to authorize development and public projects. However, violent clashes between the Burmese military and former armed ethnic militia were sporadically reported in some areas.\(^2\) Today the Myanmar government does not officially grant autonomy to border elites to govern territories as autonomous zones. However, both sides acknowledge reciprocal spatial dominance, while exercising power in parallel—either situationally outwitting or complementing one another.

In the area covering southernmost parts of Shan State and the northwest of Thailand in Mae Hong Son province (Fig. 1.3), strategic spatial control by several ethnic rebel movements has existed since the 1960s, such as the Kuomintang, the Communist Party of Burma, the Pa-O, the Wa, Kachin, Lahu, Shan and the Mông Tai Army (MTA) led by the internationally notorious drug warlord Chang Chifu or Khun Sa (Chao Tzang Yawnghwe, 1987; Smith, 1999 [2001], pp. 39, 133; Christensen and Kyaw, 2006). Currently Homông functions as a hub of the central state. It is a small myo ne [Burmese: township] under Langkhur bka yae [Burmese: district]. It is de jure administrated under the Burmese state. However, it is de facto ruled by Maha Ja, former leader of the ethnic Wa National Army (WNA), or the so-called ‘White Wa’ in the period following Khun

\(^1\) These autonomous zones are primarily located in proximity to China and in the past were ideologically influenced by the Community Party of Burma (CPB) (Lintner, 1990). Following the fall of the CPB, economic promotions and cooperation with China continued and armed groups such as the United Wa State Army (UWSA), the Kachin Independent Army (KIA), the Shan State Army-North (SSA-N) and the Kokang were able to establish special zones for self-administration.

\(^2\) Battalions of the Burma Army fighting against the Kachin Independent Organization (KIO) were reported from 2012 (Radio Free Asia, 2012) until April 2016 (BNI, 2016)—the latest news able to be included in this research. In early 2016, assaults led by the Burma Army against the Ta’ang National Liberation Army (TNLA) were reported in northern Shan State (Irrawaddy, 2016).
Sa’s surrender to the Burma Army (Tatmadaw) in January 1996. This agreement resulted from Maha Ja’s negotiation with the Burma Army to gain administrative control over the area and permission to conduct business in several sectors (Irrawaddy, 2000; Lern, 2008; S.H.A.N., 2008a; 2008b). The Myanmar government has not granted autonomous statehood to this administrative zone but fails to exert sovereignty over it. Maha Ja delegates power to his son, and therefore I use the term ‘Maha Ja family’ to refer to Maha Ja and his cronies as a state-like entity.

Figure 1.3 shows that, apart from the zone ruled by the Maha Ja family, there is yet another state-like formation in this part of Myanmar. The Shan State Army-South (SSA-S), one branch of the Shan ethnic movements established its headquarters in 1999 after splitting from Khun Sa’s Mōng Tai Army. The SSA-S’s headquarter at Loi Tai Laeng [Shan: Mountain of the Shining Shan] is located on the edge of the Thai border (Jai Hung, 2009). This polity remains active, maintaining the political ideology of independence from the Burmese government, and has its own trained military forces. Additionally, it collects taxes on communities and cross-border trade to fund its insurgency movement (Lintner, 1989, p. 156; Mirante, 1993, pp. 21–23; Jirattikorn, 2011, p. 25). Both the Maha Ja family and the SSA-S could be defined as a “state within [a] state,” “mini state,” or “statelet,” as they consolidate their power through territorialization, setting rules to control their communities, and exercising public authority by means of informal taxation (Lund, 2006a; 2006b, pp. 695–696; Hoffmann et al., 2016).3 As described, four political entities—the Burmese state, the Thai state, the Maha Ja family, and the SSA-S—represent nuances of state formation: from a conventional state to a ‘state within a state,’ ‘state-like,’ and ‘statelet’ of border elites.

3 Within the mountain ranges in Pangmapha district, another polity, the United Wa State Army (UWSA), commonly known as the ‘Red Wa’ set up its base, prolonging the relationship with its faction of the Wa State Army in northern Shan State. It cultivates opium and sends the produce to be refined in Wa State (S.H.A.N., 2008c). During my fieldwork from September 2012–May 2014, this polity did not play a significant role in shaping human mobility and cross-border trade around the Nam Phueng border checkpoint, so I exclude this political unit from my research.
Figure 1.2: Southern Shan State and parts of Mae Hong Son province, Thailand.
Figure 1.3: Four main political powers and their territories.
Nation-state borders contradict political boundaries that people perceive or imagine in their everyday lives (Dean, 2005; Parham, 2016). The political territories in the southernmost Shan State have been rather complicated, echoing what Mary Callahan (2007, p. 2) calls the political complexity in Burma potentially differing from region to region, and liable to change dramatically. Although the Maha Ja family constitutes an administrative power in Homöng, the Burmese government’s presence is exemplified by the establishment of military bases operating with cooperation from the Maha Ja family. The political structure on Myanmar’s side illustrates a contrast with the argument proposed by Thomas Blom Hansen and Finn Stepputat (2005), whereby the power of the state is strongly connected with sovereignty. The Burmese state appears to have failed in its attempt to exert control over the Maha Ja family’s territories within its own national boundaries. The Thai state’s construction of sovereignty within its national territories aligns with Hansen and Stepputat’s suggestion (2005, p. 3), but its control is constructed as “internally fragmented, unevenly distributed, and unpredictable configurations of political authority”. The political landscape, therefore, does not, on the whole, present a static view when we look at maps through the lens of nation-state. We tend to see only Myanmar and Thailand (Fig. 1.2). To create a map with the actual political territories in this research (Fig. 1.3), we need to present four distinct polities, namely the Burmese state, the Thai state, the Maha Ja family and the SSA-S, which are de facto acknowledged by people.

These four polities maintain political boundaries by creating rules, both formal and informal, to control their resources and people within their territories. I describe this as ‘regime of control’ from the period that a regime of control is illustrated as power configuration in order to strengthen its powers by forces of political and economic incentives. This dissertation focuses on the period from the 1970s to the present and show how the regime of control transformed in three phases, as illustrated in Fig. 1.4.
Firstly, I use ‘frontier regime’ to describe the period from the 1970s to the mid-1990s in Burma characterized by political turmoil ensuing from the conflict between different ethnic armed groups and the Burma Army, as well as infighting among the ethnic rebel groups themselves. The Burmese government exercised tight control over its own subjects but could not prevent people from fleeing conflict. Along the frontiers, ethnic armed groups assembled to constitute political boundaries that could alternate and change hands from one group to another. Such fighting also had repercussions on the Thai side of the border, where opaque demarcation influenced events. Therefore, the frontier was porous and allowed the influx of people and commodities to cross the political boundaries and national borders without hindrance.

The second regime I distinguish is the ‘border regime’ that began around the time of the Thai state’s establishment of the national border checkpoint in 1996. I take the definition of ‘border regime’ from Eiki Berg and Piert Ehin (2006)—the border is more open, but continues to control people’s behavior. Resonating with Shahram Khosravi’s suggestion (2007), the border regime creates ethical and aesthetic norms, and those violating them and can be charged with criminality and related legal sanctions. The period from 1996 onwards was characterized by the transition from frontier to border regime on the Thai side, since the Thai state started to implement tighter control over cross-border flows. The bureaucratic system became visibly concrete by the setting up of check posts, by the categorization of border crossers and the imposition of regulations based on ‘formalities’ (red tape) and documentation. Although border control on the Thai side was applied more systematically, control on the Shan State side
remained under the frontier regime, a state of affairs which resulted in political boundaries created by the border elites, locally perceived to have a higher status than nation-state boundaries.

Third is the ‘mobility regime,’ which in the context of this dissertation defines the period when the Thai state largely assumed control of the border. I adopted the framework of ‘mobility regime’ from Mimi Sheller and John Urry’s (2006) “mobilities paradigm.” This new approach is also understood as the “mobility turn” (Faist, 2013b) or the “regime of mobility” (Glick Schiller & Salazar, 2013). One aspect of this analytical scope is that an entity (a mobile individual or an object) is investigated within a “constellation of mobility” (Cresswell, 2010). The core aspect is investigating which factors, and under what conditions, mobility occurs, while asking “When and how does it [mobility of a person or an object] stop?” (Cresswell, 2010, p. 26). Nina Glick Schiller and Noel Salazar (2013) argue that the regime of mobility illustrates the power of the state intruding on individuals, their identities, and belongings, under the state’s surveillance of regulations, leading to a dynamic emergence of successfully mobile individuals and involuntarily immobile individuals. Another core aspect of control under the mobility regime is that a ‘body,’ or a body as a “corporeal tool”, is able to move objects across the border (Holzlehner, 2008). Instances of ‘armpit smuggling’ or ‘ant trading’ are examples of activities that allow people and objects to integrate by means of an individual moving across the border (Abraham & van Schendel, 2005, p. 4). The body can also be a sphere in which a person consumes something which stays with them (Kloppenburg, 2013). The mobility regime includes the study of human identities such as their origins, race and social status—traits that can delay or interrupt human mobility (Jeganathan, 2004; Khosravi, 2007).

The exact time at which the Thai state began regulating cross-border flows under this regime is difficult to pinpoint. However, it is possible to identify it through state orders and state officers’ performance within the framework of surveillance regulations (Glick Schiller & Salazar, 2013) aligned with the modern nation-state’s ideologies. In other words, in this phase, border control is characterized by the combination of border and mobility regimes that I have described earlier. I adopted these three regimes of control—’frontier regime’, ‘border regime,’ and ‘mobility regime’—to investigate complex shifts of state formation and how non-state actors, including border communities, seek strategies for dealing with such regimes of control in different periods.
State transformation

Another aim of this dissertation is to elucidate the nuances of state transformation. It especially looks at the intersection of state territorialization and cross-border mobility, resulting in the state being challenged in its efforts to maintain tight control over, and security of, the border. This validates the notion that states do not constantly constitute their power through nation-state boundary making and do not always strive to maintain their sovereignty through control over their population, and that state territory and sovereignty are significantly challenged by transnational flows where individuals and objects move rapidly and visibly in the globalized world (Appadurai, 1996; Vertovec, 1999; Sharma & Gupta, 2006). In this dissertation, the presence of states and political powers illustrates fluidity, elusiveness, and arbitrariness. As Das and Poole argue, the state at the margin represents “sites of disorder” (2004, p. 6), where nation-states are transformed by people’s responses and movements on the ground.

From Myanmar’s colonial period to the present day, political entities situated in this borderland have consolidated their powers into diverse forms. In pre-colonial times, states were characterized by a ‘galactic polity’—hierarchical politics of stronger states maintaining their powers through tributary treatment (Tambiah, 1976; Winichakul, 1994, pp. 82–83). Under British colonial rule, local chiefdom like princely heirs—saopha [Shan: prince; sawbwa in Burmese], for instance—in Shan States were representatives of each state at a local level. After the Burmese government’s failure in the 1960s to grant autonomy to different ethnic groups, local rulers reassembled as warlords, reflecting the state’s weakness (Reno, 1998) or lack of legitimate governance (Meagher, 2012), resulting in informal institutions characterized by heterogeneous forms of statehood (Renders & Terlinden, 2010; Meagher, 2012). During the ethnic civil war in Burma in the 1970s to early-1990s, the leaders of armed groups who had opposed the Burmese government agreed on ceasefires with, and were then granted autonomy by, the Burmese regime. Besides the state actors, there are state-like actors, such as border elites, who are economically powerful in business and politically influential in state administration (Eilenberg, 2012; 2016).

Aside from studying the state as always in flux, I investigate state authorities on the ground—conveyers of modern nation-state ideology (Marston, 2014). Multiple actors, with shifting political identities and situational practices, are commonplace in borderlands elsewhere.

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4 Example of such institutions are encountered in African countries featuring clan leaders, powerful businessmen, traditional authorities, and militia forces (Renders & Terlinden, 2010; Meagher, 2012).

5 For instance, Kokang Special Region (Kyu, 2016) and Mōng La special economic zone (Than, 2016).
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(Walker, 1999; Dean, 2005; van Schendel, 2005b; Giersch, 2006; McConnell, 2011; Sur, 2012; Harris, 2013; Eilenberg, 2016). Hastings Donnan and Thomas Wilson (1999b), define the borderland as “sites and symbols of power” between communities and nation-states. This leads to the creation of social networks wherein border communities on both sides are encouraged to negotiate with state power (Baud & van Schendel, 1997).

Nam Phueng border checkpoint

The existence of the state is expressed through the “language of state” (Das & Poole 2004, p. 5) especially through state officials’ performance (Marston, 2014), state regulations and informal rules created by border communities. In this borderland, one key element that emphasizes border control by multiple actors is a national border checkpoint. National border checkpoints elsewhere are seen as a state apparatus symbolizing the government functioning to facilitate or impede the passage of people and goods, and to categorize and screen cross-border flows. In contrast, I posit that the national checkpoint located in this research site consolidates the state’s sovereignty because it allows social actors to manipulate and claim benefits and provides them opportunities to turn illegal activities into licit transactions to suit their objectives.

The national border crossing on the Thai side, where I collected most of my data, is officially named Chut Phonpron Phuea Kankha Chaiaen Thai-Phama Chongthang ‘Nam Phueng’ [translated as ‘Crossing Point Allowing Trade between Thailand and Burma Nam Phueng,’ hereafter Nam Phueng channel, checkpoint, or pass]. I learned about this border checkpoint from Shan migrants living in Chiang Mai, northwest Thailand. Several of these migrants mentioned this checkpoint when recalling their first crossing into Thailand from their home towns in Shan State. It is located on a remote 920-meter-high mountain called Tong Mok, and is one of Mae Hong Son’s five official border passes between Thailand and Myanmar. Besides Chiang Mai and Chiang Rai, Mae Hong Son is one of several critical provinces offering numerous gateways for Shan nationals to enter Thailand. 6 I use the term ‘gateway’ to cover a number of channels where people manage to move across two countries—Myanmar and Thailand, in this case—which include official border checkpoints and border passes aiming to promote cross-border trade, 7 as well as numerous walking trails in the jungle areas along the

6 Mae Hong Son Province’s border with Myanmar is 483 km long, of which 326 km are a land-border demarcation and 157 km are a river-border demarcation which runs 127 km along the Salween River and 30 km along the Moei River. Its total area is nearly 13 million square meters, of which 90.5 percent is mountain ranges and forests (Social Research Institute, Chiang Mai University: http://www.sri.cmu.ac.th/~transportation/province.php?id=5).

7 The Thai government categorizes border-crossing channels into three types:
borders. The Nam Phueng checkpoint was established on July 2, 1996 by the Mae Hong Son provincial government following Khun Sa’s surrender to the Burma Army in January of the same year. During the ethnic civil war in Shan State, border control of traders and migrants crossing into Thailand consisted of informal arrangements between state and non-state agencies and with local communities, by employing economic and social incentives to loosen border control and security, especially informal taxation. On the Thai side, both military officers and civilian authorities guarded and patrolled the border while also depending on ‘informal payments’ to allow safe passage into Thailand for Shan traders and migrants.

After the Nam Phueng checkpoint was officially opened, the Thai government began regulating cross-border trade through the ‘Border Command Center,’ or Soon Sangkan Chaidaen, which was formally commanded by the military forces, despite its committees being chaired by the provincial governor. The checkpoint is opened daily for trade between 10 a.m. and 4 p.m.

1. Permanent border checkpoints: This type of checkpoint is established for the traffic of people and goods between two countries, including those from third countries. The opening of this type of checkpoint must be approved by the Ministry of Interior on the government's behalf.

2. Temporary border checkpoint: This type of checkpoint is opened occasionally according to the authority of the Ministry of the Interior and in coordination with other concerned authorities. This type of checkpoint is not for commercial purposes. It is opened when there are no other types of checkpoints or proper checkpoints in designated areas.

3. Jut Phonpron Phuena Kankha Chaidaen, or Border Pass for Trading. The Nam Phueng checkpoint falls under this category. This type of checkpoint is intended to promote small-scale, cross-border trade conducted by locals living close to the border. It can be opened in places close to potential tourist destinations. The Ministry of the Interior is fully authorized to decide on the status of this checkpoint (whether opened or closed). In practice, the provincial governor has full control over the relevant regulations, such as opening times and the type of commodities allowed through the barrier. See more details on the Foreign Affairs Division Office of the Permanent Secretary for the Interior Ministry’s webpage: http://fad.moi.go.th/group3/g3_aca1.htm).

8 Mae Hong Son Provincial Order entitled “The opening of the permitted Thai–Myanmar border trading point at Huay Phueng Village 4, Huai Pha Sub-district, Mueang Mae Hong Son District, Mae Hong Son Province”, dated July 1, 1996. [Kanpoet chutphonpron phuena kankha chaidaen Thai Phama chongthang Ban Nam Phueng mu 4 tambon Huai Pha amphoe Mueang Mae Hong Son Changwat Mae Hong Son].

9 In the Thai provinces bordering Cambodia, Laos, Malaysia and Myanmar, the Thai government sets up special committees named Soon Sang Khan Chai Dan, or Border Command Center. These committees are supervised by the Defense Commander, who controls national security-related policies in line with the National Security Council. The special committees in each border province handle border issues based on provincial orders and announcements, including urgent and confidential messages. The committees are composed of representatives from border-related authorities, such as immigration control, customs office, military, police and provincial administrative agencies. In the event of issues related to border affairs, the committees call a meeting and make a decision based on their concurrence. I gained this data from interviewing the deputy governor of Mae Hong Son Province in January 2013.

10 This contrasts with the provincial order that the checkpoint should be open from 8 a.m. to 6 p.m. (Mae Hong Son Provincial Order entitled “Mae Hong Son Province and Thai–Myanmar Border Command Center for Mae Hong Son Province, announcement specifying standards and procedures for permitted
From Mae Hong Son town, the journey is approximately one hour by car, driving along highway 1095 for around 30 km and then connecting to minor road 1285 for a further 15 km. On the Shan State side, there is no official border checkpoint for immigration control or customs. Upon entering the official territory of Myanmar, people encounter a checkpoint set up by the Maha Ja family in a border village called ‘Monna’ (a pseudonym). This represents the frontier regime on the Shan State side, where border control is disorderly without any state agencies to operate border affairs. On the Thai side, control is exercised by the border regime, which governs state agencies initially dispatched to formally act for the bureaucratic state.

**Bureaucracy and state apparatus**

State officials form a core characteristic of the modern nation-state, as they convey policies and are intended to enforce regulations and laws. Besides policies and human resources that represent the bureaucratic system, physical elements like state buildings, screening systems and documentation allow state authorities to perform their mission as “state activities to perform mundaneness” (Sharma & Gupta, 2006, p. 9). As Akhil Gupta argues (2012, pp. 141–190), the most important daily routine of state officials is documentation wherein writing is the most crucial tool for knowledge construction. Under the frontier regime, state authorities on the Thai side controlled cross-border flows without paperwork, creating an opportunity for benefits to be claimed without documentary evidence. Under the border regime, they fail to adapt the ideal of a bureaucratic state, as paperwork and the act of filling forms are challenged by reciprocity and ‘informal payments’ that have bound them closely with border communities from the time of the frontier regime. State authorities at the Nam Phueng checkpoint were known to claim benefits for performing routinized controls on cross-border flows, not dissimilar from the frontier regime where the bureaucratic system was not officially fully functioning. Furthermore, local authorities were prone to a discretionary interpretation of the central state’s policies in order to suit immediate and unpredictable circumstances they faced. They were also known to manipulate central regulations and to be inconsistent in the application of regulations (Das & Poole, 2004, pp. 3–6; Sharma & Gupta 2006, p. 15; Gupta, 2012, p. 165). This state of affairs supports Christian Lund’s suggestion that the “state is always in the making” (2016, pp. 1199, 2000). An instance occurring in this borderland proves this similarity. ‘Illegal but licit’ flows of Shan migrant labor took place through the interwoven linkages of cross-border trade networks based

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border trading points in Mae Hong Son Province, dated January 2, 2003”, and the amended versions of July 14, 2005, February, 10 2006 and April 27, 2011). See the transliteration of the orders from the Thai language in the reference section.
on kinship and village fellowships that dominated local politics. The local Thai authorities’ functioning at the border expressed their subordinate role to the local communities, as expressed by a civilian officer based at the border village:

We have to take the masses’ [border community] side. They have lived here longer than us. We have to let them [undocumented Shan migrants] enter Thailand and live here. How can we stop them from visiting their relatives? If I don’t compromise with them, I would face difficulties working here.\(^\text{11}\)

State officers at the physical border zones can unintentionally create confusion and disorder by failing to perform in accordance with the modern state’s ideology. From my observation, the Burmese state was not entirely successful in managing the mobility of people and goods, since there were no official or structured Burmese state agencies levying official taxes on traders, only low-ranking police officers and *phytusit* [Burmese: village protection personnel], which Callahan (2007) terms “state-like authorities”. The function of these state-like authorities resonates with Lund’s “twilight institution” (2006a; 2006b)—an institution that is not state authority *de jure* but can nevertheless exercise *de facto* public authority. Yet, in diverse contexts, this kind of institution does not provide a clear separation between state and non-state. *Phytusit* set rules and exercise power over Burmese subjects as *de facto* authorities. They also accrue benefits in the guise of informal taxation, which lines their pockets rather than being shared as state revenue among local or central government offices. This situation represents what Aradhana Sharma and Akhil Gupta (2006, p. 10) argue constitutes a state which is not consistently rigid or static, which differs from what we believe the state should be towards modern state ideologies.

**Cross-border flows**

This dissertation illustrates the interactive relationship between people and commodities crossing the national border that results from the intersection of cross-border flows and control by state. One border control technique is the categorization of border-crossers’ statuses and type and volume of commodities. In several borderland studies it is noted that one dimension that warrants comprehensive investigation is the border crossers’ shifting status from migrant to merchant (Hill, 1998; Berlie, 2000; Chang, 2009; 2013; 2014a). Also, in several border areas that promote tourism as a key economic activity, a border crosser’s status is determined by a certain

\(^{11}\) Conversation with a Thai border official on December 5, 2012.
type and volume of goods (Konstantinov, 1996; Hann & Bellér-Hann, 1998; Donnan & Wilson, 1999a, pp. 117–127; Holzlehner, 2008; Chang, 2013; Harris, 2013). Besides, several studies on migration after the fall of the Berlin Wall and the breakup of the Soviet Union (Konstantinov, 1996; Wallace, 1999; 2002; Alexseev, 2001; Williams & Baláž, 2005; Morokvasic, 2006; Sik, 2012), as well as studies on migration in some African countries (Miles, 2005; Andersson, 2006; Walther, 2011), show that historic events can create new and free migration patterns and networks, including opportunities for cross-border traders in the wake of newly-created national borders. Echoing these studies, Shan migrants impacted by the civil war in the 1970s to 1990s started their journeys from their hometowns intent on seizing new economic opportunities in border outposts. Commodity flows overlapped with Shan traders’ trajectories within the connected frontier and border regimes, allowing them to alternate between trader and migrant status over the decades. While previous studies mainly focused on human mobility and border crossers’ fluctuating status, as described earlier, my investigation on cross-border flows in this dissertation engenders a careful investigation of the interactive relationships between people and commodities in order to fill a void of cross-border studies.

Interactive relationships of human mobility and commodity flows are illustrated through strategies whereby traders and migrants use commodities to facilitate their journeys. For example, cross-border traders journeying through political boundaries and nation-state borders, are likely to be confronted by arbitrary rules and inconsistent state regulations imposed by political powers. Such encounters result in cross-border practices that provide room for interpretations of legality, illegality, licitness and illicitness (Abraham & van Schendel, 2005). While navigating integrates political powers with economic purposes (Baud & van Schendel, 1997, p. 230), people attempt to maximize profits by tactfully dealing with state regulations observing a fluctuating barometer to calibrate towards their trading behavior and commodities. For instance, in small-scale trade, the smuggling of commodities across borders is considered ubiquitous, allowing patterns of small-scale trade and smuggling to overlap (Tagliacozzo, 2005; Wadley & Eilenberg, 2005; Bruns & Miggelbrink, 2012). Both traders and smugglers have presuppositions regarding the boundary marking what is illegal but licit under state laws. As commodities potentially support and restrict the mobility of Shan traders and migrants, their social statuses shift in response to their dynamic migratory trajectories.

Commodities traded or carried by the Shan on their travels, implicitly and explicitly explain why some items can make a crossing trouble-free, while others impede it. Moreover, why are some commodities traded liberally at particular times but not at others? Under different regimes, how does the treatment of traders and migrants vary? In this dissertation I demonstrate
that their mobility forms shift interactively with certain commodities. Both traders and migrants use commodities as means of facilitating passage across political boundaries and national borders.

Commodity exchange and gifting are significant practices in small-scale cross-border trade. Shan traders and migrants engaged in commodity exchange must navigate political boundaries and content with state regulations when crossing national borders. What they gift reflects how the value of commodities differs and how the social life of commodities is created (Appadurai, 1986), and it also reveals how the interaction between givers and recipients creates an obligation on both sides (Mauss, 1967). The exchange of commodities resting on the relationship between the givers and recipients diverts the value of the goods in different contexts (Howes, 1996; Long & Villarreal, 1998; French, 1999; Stone, Haugerud & Little, 2000; Jackson, 2002). Several studies examine how the meaning of commodities changes across different temporalities and terrains—both physical and social spaces such as gender, ethnicity, and religious space (Legêne, 1988; Spyer, 1998; Hoskins, 1998; Walsh, 2004). Shan migrants and traders crossing political boundaries and national borders provide an unusually complex case of the connections between human mobility, commodity flows and gifting.

**Mobility and migration studies**


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12 The broad meanings of commodities are intertwined with objects, products and goods, although their meanings and uses slightly differ in changing contexts (Appadurai, 1986, p. 6; Douglas & Isherwood, 1979, p. 3). Being aware of such distinctions, I use commodities and goods interchangeably in this research.

13 Long and Villarreal (1998) study the value of maize husk and its different meanings in Mexico and America, while French (1999) studies value changes at Angkor Wat across different time periods. Howes (1996), Stone, Haugerud & Little, (2000), and Jackson (2002) evaluate meanings inherent in commodities and changes in the values and meanings of consumption, as they have diversified through the influence of globalization.

14 For instance: sacred objects used in private and public spheres in Hoskins (1998), sapphires in the bazaar by Walsh (2004). Additionally, in Spyer’s edited volume (1998), several objects themselves segregate one object from the other, or are miscategorised when crossing an “unstable space” in different contexts. For instance, in Legêne’s article (1988), a brush-looking material is used in dancing rituals of animist Maroons who were slaves in Suriname and then became a ‘brush’ or ‘broom’ when taken to Holland and placed in a museum.
heartland is where social networks are influenced directly and the intermediate borderland is less directly influenced by the border. David Ludden (2003) argues that elites at the center attempt to control people’s mobility and territory that subsequently affect spheres out of central power. Conversely, Horstmann and Wadley (2006) suggest that the intensification of fluid mobility—wherein people from the borderland move to the central geographic settings of the host country—demonstrates the expansion of power at peripheries spreading to the center. The case of displaced Shan persons expelled from Burma’s interior to the borders, echoes an effect of the border heartland to the intermediate borderland. Shan nationals were pressured domestically by political turmoil and economic hardship, and were supported by transnational networks across the border to continue crossing international borders. Labor migrants, in particular, tend to move farther from the borderland and headed towards the center of the host country in search of better opportunities.

As Nicholas van Hear (2010) points out, in migration studies, mechanisms that sustain or weaken the migration process are rarely studied. Resonating with Thomas Faist (2013a)’s argument, most scholars of migration studies focus on the concept of transnationalism leading to changes and the redrawing of boundaries, rather than uncovering the under-studied mechanisms employed to change social spaces in boundaries, including different forms of exchanges and relationships created by social actors. In this research context, the Shan are both short-term and long-term migrants: migrant-traders traversing daily or occasionally across two countries, and labor migrants living in Thailand nationwide, respectively. These two groups have shifted their status between migrant-trader and labor migrant, while crossing the political boundaries and nation-state borders over time. Aiming to fill the gap in migration studies identified by van Hear (2010) and Faist (2013a), I investigate the successful navigation across national borders by the Shan, and its impact on border making.

Yet, another migration scholar, Stephen Castles (2010), suggests that scholars in this field have not determined what makes certain people mobile while others are not. He encourages scholars to examine the phenomenon by investigating individual abilities to move and migrate (Sheller & Urry, 2006; Cresswell, 2010; Faist, 2013b; Glick Schiller & Salazar, 2013). Shan individuals’ cross-border mobility through the Nam Phueng checkpoint occurs under the “politics of mobility forms” (Cresswell, 2010), which reflects the interaction between border control in different regimes by state and non-state actors, and migrants’ responses to such controls with varying strategies.

Shan mobility through the Nam Phueng checkpoint shows similar networks and routes used in other larger Thai border towns connecting with Myanmar. Human migration occurring
through these border checkpoints suggests that professional brokers may be involved, possibly supported by more highly developed infrastructure. This migration could be included in the definition of a “migration industry” that allows migrant smuggling to thrive (Koser, 2010, p. 188; Farrelly, 2012, p. 134; Balčaitė, 2015, chapter 6). Subsequently, Shan cross-border mobility into Thailand over the past five decades can be described as highly mobile, fluid, but tactical (see van Schendel, 2005, pp. 40–41). The migrants’ networks extend beyond the immediate border terrains, and into the broader national boundaries. After arriving at the border towns, these migrants often plan to move deeper into Thailand, particularly to Bangkok (Farrelly, 2012; Lee, 2011; Rangkla, 2012; Balčaitė, 2015; Rungmanee, 2015). Soe Lin Aung (2014) argues that Burmese migrants create a “migrant space” to avoid state scrutiny. Migration by Shan nationals does not appear to fit the human trafficking pattern, since migrants are primarily deemed to be willing participants through their budgeting for finance and taking risks (Kyle & Koslowski, 2001; Koser, 2010). Although the Thai government has tried to draft an MOU with the Burmese government to legalize irregular migrants (Mon, 2010), it has been argued that this initiative was largely intended to solve issues in the Thai economic sector, particularly the provision of cheap labor, rather than to secure migrants’ protection and social welfare.

The mobility patterns of Shan migrants and migrants from other parts of Myanmar to Thailand are generally similar. Their migration trajectories can be traced through several channels and networks, while their status oscillates from refugee to asylum seeker, displaced person and economic migrant (Koser, 2010). The Thai state’s policy regarding human trafficking and the regulations governing illegal migrants appear to have largely met with failure. The Thai state’s policy-driven research carried out to date does not adequately explain the innovative and strategic nature of these migration flows. Plainly, the state agencies aim to combat human trafficking as a professional criminal organization (van Schendel, 2005a, p. 51; Ford, Lyons & van Schendel, 2012). However, the central Thai state appears to lack an appropriate level of knowledge regarding people’s mobility patterns, focusing, as it does, on one-way flows, even though Shan migrants’ mobility is two-way, circular and repetitive (Vertovec, 2007b).

These highly mobile migrant flows highlight the transnational networks that have developed, comparable to contemporary migration patterns elsewhere (Portes & DeWind, 2007; 15 Lee (2011) studies migratory trajectories of Burmese migrant workers and refugees in Mae Sot, Tak province. Rangkla’s dissertation (2012) concerns the Buddhist Karen settling outside refugee camps in Mae Sot town, many of whom recounted their journeys and working experience in Bangkok. Balčaitė (2015) presents the Phlong Karen’s migration patterns from Hpa-An to Mae Sot and then Bangkok. And Rungmanee (2015) describes ethnic Lao villagers migrating from Laos to Thailand’s border provinces, and then internally to Bangkok.
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Vertovec, 2007a). Shan migration patterns gradually emerged as a form of “social transformation” (Vertovec, 1999; Castles, 2010) or “social change” (Portes, 2010), and as a process of transnational networking. Several previous studies on Shan labor migrants in Thailand16 indicate that Shan migrants cross borders using networks as “social capital” or “resources” (De Haas, 2010) through long-distance trade. These networks strengthen their kinship ties, village fellowship and transnational communities, resulting in even more migration from Shan State to Thailand, re-migration, and circular migration.

Dynamic fieldwork and methodologies

I started my fieldwork in September 2012 and left the field sites in June 2013, adding two more months in 2014 (May and December)— before and after the 2014 military coup in Thailand. During the entire period of my fieldwork, I experienced what Paul Rabinow (1977, p. 38) describes, namely that fieldwork represents a researcher’s dialectical experience of her normal life and immediate actions in the field. Studying people and objects in motion along the borderland was a compelling daily experience. The more I conducted participant observation, the deeper I became involved, and the more I became actively engaged in fieldwork with new things emerging almost daily.

I employed a multi-sited ethnography to suit my dissertation’s multiple fields of borderland studies, state transformation, cross-border flows and mobility and migration studies. This methodology is widely employed in migration studies investigating transnational flows (Marcus, 1995). In practical terms, however, I combined a traditional anthropological method with a mobile participant observation method, opting to stay in a border village on the Thai side in order to establish rapport with border communities, and traveling with traders and migrants across the border between Shan State and Thailand. As Donnan and Wilson (2010, pp. 12–13) argue, researching at the border is challenging when collecting data concerning the sensitivities of at least two different states, in addition to other factors such as languages, communication, transportation, and researcher’s safety. Moreover, the borderland is considered a dangerous site on its own account, representing illegality and illicit activities conducted in a “grey” zone (Nordstrom, 2004, p. 11).

The positionality of a researcher is significant in terms of influencing the success or failure of a study. My social status and people’s perception of my positionality were not static.

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16 For example: Wandee (2002); Ferguson (2008); Jirattikorn (2008); Yasuda (2008); Cadchumsang (2011) and Latt (2011).
over time, but rather developed from a position of vulnerability to a degree that allowed me to collect sufficient data for my academic purposes. In the beginning, my positionality as a Thai citizen seemed to impede, rather than enable my success. It was definitely not easy when I tried to gain the trust of people, on account of their erroneous perception that I might be an informer for the Thai government. Although I introduced myself as a Thai student investigating the interrelationship between Shan mobility and commodity flows, many did not clearly understand this, and rather thought that I was studying border trade as part of the ASEAN Economic Community\textsuperscript{17} due to start in December 2015. After deciding to stay in a border village for a longer period, I realized that my mediocre Shan language skills would be of little help in conducting field research. Listening to people conversing in Shan had its limitations when they engaged in long and extended conversations and my comprehension level could not keep up. So I took private Shan lessons, and then studied on my own, occasionally following local Shan radio broadcasts, listening to villagers’ conversations and speaking with them in Shan. Although Shan migrants in Thailand conversed with me in standard Thai fluently, due to their status as long-term residents, more intriguing stories emerged during their conversations in Shan with other Shan nationals. On numerous occasions, I came across fascinating issues raised in casual conversation, as opposed to their reticence when I asked questions in a more traditional interview style. Therefore, I depended little on interpretation while researching on the Thai side.

Besides observing daily practices of border-crossers on the Thai side, I crossed the border to Shan villages and towns close to the border several times, each trip lasting one or two days. The real difficulty occurred when I intended to go further into Shan State’s interiors, since only Burmese nationals can access these areas. Consequently, I decided to conduct the first research trip in October 2012 by flying into Yangon and thence traveling by bus to Taunggyi, the capital of Shan State.\textsuperscript{18} After this first experience, I realized that investigating cross-border flows in this manner would yield only partial answers to my research questions. No Shan migrant would take a plane directly to Bangkok—the typical route was to make an unofficial crossing over the border by land and then proceed to other parts of Thailand. Therefore, I followed Shan migrants on their trips back home to areas of Shan State that are off-limits to non-Burmese

\textsuperscript{17} ASEAN Economic Community is an economic agreement scheme initiated in 2013 by the 10 member states of the Association of Southeast Asian Nations (ASEAN). The main aim of this plan is to promote the cooperation of the member countries, especially to facilitate the market-driven economy. Furthermore, ASEAN sets a goal to establish a single integrated market which allows more liberal movement of businesspeople, skilled labor, and talent (see more details in the AEC blueprint at: http://www.asean.org/archive/5187-10.pdf).

\textsuperscript{18} More details about my first fieldwork experience in Shan State are described in Lertchavalitsakul (2014a).
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citizens through land border-crossings. My first sojourn in one of these areas was for 16 days between late February and mid-March 2013. A Shan woman named Oong Sa acted as my guide and interpreter, and as a gateway to communicating with Shan communities. In May 2014, I made my second trip, lasting 10 days, to the same places visited a year earlier, in order to confirm and cross-check data gained a year earlier. I returned to the Thai border two days before the May 2014 coup in Thailand, which resulted in the closure of the border. On learning the news, I was immensely relieved, realizing that a slight delay in returning to the Thai border could have detained me in Shan State for some considerable time, a dire situation aggravated by the fact that I had left all my identification documents on the Thai side.

Doing ethnography on the move, following people and objects, entailed considerable efforts. In Shan State areas inaccessible to foreigners, I considered myself a “traveling ethnographer” (Brettell, 1986; Wheeler, 1986; Rubiés, 2007). This combines the characteristics of an anthropologist with those of a traveler, since both share some similarities. I was stimulated by what I saw in my first few experiences traveling inside Shan State. This was where my traveler side was dominant, and the ethnographer receded to the background. Since circumstances did not allow me to talk openly with people, I improved my senses of “good eyes and ears” to observe and listen (van Maanen, 1988, p. 3), and interpret meanings of the “other” culture through the background experiences of the fieldworker (Stoller, 1989, pp. 38–39).

Lastly, I was fortunate enough to meet local officers who provided me some important documents crucial to my research. As Mathew Hull suggests (2012, pp. 12–13), documents might not be considered “field” as the traditional anthropologist may either overestimate or underestimate their importance. Annelise Riles (2006) also suggests that studying documents as an exemplar of modern knowledge can present challenges for ethnographers who try to distance themselves from informants, to be less conspicuous but also concerned about ethical considerations. In this research, I derived considerable benefit from official documents from the Mae Hong Son provincial government. They consisted mainly of provincial orders and summaries from meetings, stamped “confidential” due to their content concerning border affairs but also Thai military’s strategies and intelligence intercepts from the Burma Army. However, as time passed, those very documents became obsolete and were placed in stacks, in complete disarray, in a corner of a governmental office. Surprisingly, I was granted permission to photocopy and photograph all documents. Furthermore, I investigated forms of granting permission to enter and exit from Thailand issued by the Thai state to migrants crossing the Nam Phueng checkpoint. Documents presented in this dissertation include guidelines of border control on vehicles and border crossers posted at the border checkpoint. All in all, studying
documents helped me comprehend more effectively how the state attempted to control the border and manage cross-border flows. However, state authorities, in practice, interpreted the guidelines, policies and regulations situationally and contextually.

**Dissertation layout**

In this introductory chapter, I have provided an overview of how this dissertation is conceptually framed. The following chapters are organized into four main study areas, in accordance with the contributions that this work aims to make to: borderland studies, state transformation, cross-border flows, and mobility and migration studies. Although all chapters are intermingled with the above four areas, each individual chapter highlights the importance of the four areas to a different degree. Chapter 2, consisting of an historical approach, contributes to an area where state transformation intersects with cross-border mobility. Chapters 3 and 4 are best read closely together, since they discuss the transformation from and into different forms of state and non-state actors in controlling political territories on both sides of the border. Chapter 5 focuses on the flow of commodities and small-scale trade whereby state authorities’ performance is central to the study of state transformation. Complementing each other, chapters 6 and 7 illustrate the interplay between the mobility of Shan migrant-traders and labor migrants and their shifting rank over the past five decades. Below are additional details for each chapter.

Chapter 2 traces the configurations of state and non-state actors in controlling their populations and resources in a time-span of a little over a hundred years divided into three different time periods from Myanmar’s perspective: 1) prior to and during British colonial rule; 2) from post-independence to the ethnic civil wars; 3) after the establishment of a border checkpoint on the Thai side in 1996. Particular commodities have played an important role in moving people. I argue that different historical regimes of controlling trade flows have greatly influenced rules and regulations on cross-border trade today.

Chapter 3 illustrates political powers creation of “strategic space” to control cross-border flows through two main strategies: outwitting and arbitrary rules. I examine four main political powers: the Burma Army, the Maha Ja family, the SSA-S, and the Thai state. These four powers have strengthened their political boundaries to outwit one another, while controlling cross-border flows with arbitrary rules. Although cross-border communities have complied with, and responded to, the rules proactively and reactively, they were resourceful enough to outwit political powers. This emphasizes Shan migrants’ achievements in dealing with such political powers—navigating through political boundaries and national borders, resulting in increased human and commodity mobility against structural forces.
Chapter 4 elaborates on the characteristics of the mobility regime by showing the Thai state’s five main mechanisms of border control aligned with modern nation-state ideology. They are: 1) check posts and state officers’ performance; 2) complex procedures and documentation; 3) categorization of border crossers; 4) statistics collection and 5) regulations on vehicles. Even though the Thai state aimed to operate an effective bureaucratic system, in several circumstances it barely resisted the legacy of the frontier regime under which illegal but licit cross-border movements were practiced against lawfully-imposed regulations. Therefore, the state did not achieve these goals, since it created loopholes for border communities to manipulate the management of borders.

Chapter 5 presents merchants on both sides of the border, trading and moving particular commodities across national borders, rendered more complex by Thai state regulations. I argue that everyday cross-border transactions coexist with the interaction between the implementation and performance of state authority and traders’ proactive and reactive responses. This has created a ‘regulatory space.’ As a result, forms of exchange blurred the line between gifting and bribery, which could possibly morph into a negotiable space where illegal actions were accepted as ‘licit.’

Chapter 6 provides evidence on Shan mobility in relation to commodity flows within the three successive regimes of border control: frontier, border and mobility. It illustrates how Shan traders and labor migrants deal with political forces and are then enabled to move across the political boundaries and national borders until they migrate to Thailand. Under the frontier regime, human mobility and commodity flows were mutually bolstered across the chaotic frontiers. Under the border regime, traders and labor migrants benefited from more convenient transport by means of trucks, which increased their mobility and speed. Despite being subjected to regulations screening border crossers and delaying goods transfers, traders managed to steer regulations to suit their aims. Lastly, the mobility regime affected individual mobility adversely by restricting the commodities that border crossers were allowed to carry.

Chapter 7 explains how cross-border human passage was halted or managed as a result of the interactions and negotiations between cross-border traders and labor migrants, and between intermediaries and political elites. I argue that Shan migration was two-way and repetitive on a regular basis. This counters an assumption that migrants faced the Thai state’s border control and that this made it difficult for them to make their journey back home. In fact, many Shan migrants cross the border more than once, shifting their forms of mobility to suit their required migration patterns and livelihoods. On numerous occasions, many take the same routes and at other times change their routes but use similar networks. They manage to shift
their migration patterns from short-term to longer-term. Some shift their forms of migration several times in a long period, from long-term migrants to home returnees and back to long-term migrants.

In the conclusion, the dissertation’s main arguments and suggestions for further research in the areas of borderland studies, state transformation, cross-border flows, and mobility and migration studies are highlighted. This research challenges scholars in social sciences to unfold the complex relationship and interplay of state transformation and the cross-border networks of border communities. I argue that the Myanmar-Thailand borderland illustrates the significance of state transformation that has impacted cross-border mobility in many places over time.