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### Living with four polities

*States and cross-border flows in the Myanmar-Thailand borderland*

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## Chapter 4

### Paradoxes of Border Control Bureaucracy

This chapter explores the Thai state authorities' enforcement of border control measures under the border and mobility regimes, from the establishment of the Nam Phueng checkpoint to the present day. I look at how state officers on the ground perform their duties in shaping cross-border flows. Not only are state officers key actors interacting with international border-crossers, they are also expected to convey the ideologies of the nation-state (Marston, 2014) through their enforcement of rules and regulations seen as the 'language of the state' (Das & Poole, 2004, p. 5). In the borderland, the local presence of the state exists visibly in the forms of checkpoints, official buildings, and systems of screening border-crossers in order to formulate 'state activities as mundaneness' (Sharma & Gupta, 2006, p. 9). Furthermore, state officers perform bureaucratic rituals of documentation, collecting data and statistics on cross-border flows of commodities and humans in the name of controlling the border, including related activities such as photographing border crossers, having them fingerprinted, and checking their belongings.

In this chapter, I will detail Thai state regulations in two intertwined dimensions: the implementation of policy related to border affairs, the performance of local authorities in enforcing policies of the central government. The provincial Mae Hong Son government has imposed regulations via state orders that have later been amended due the dynamic nature of situations at the border. It has created at least five categories of mechanisms to regulate border affairs, namely: 1. Checkpoint/ check posts and state officers' performance; 2. Complicated procedures and documentation; 3. Categorization of border crossers; 4. Statistics collection; and 5. Regulations on vehicles. Another aspect that I will explore in this chapter concerns roads and infrastructure, specifically the political power's use of roads as part of development projects to configure its control of resources and the mobility of humans and goods. Although the Thai state seeks to demonstrate effective bureaucracy in its attempts to control the border, in many circumstances, it hardly challenges the legacy of the frontier regime, under which illegal but licit cross-border movements were allowed despite lawfully imposed regulations. Moreover, the context of the borderland during the border and mobility regimes opened up space for negotiations with local communities of both public and private spheres to influence the performance of tasks by Thai state officials, representing the functioning of the state as a 'twilight institution' (Lund, 2006a; 2006b).

## **Performance of the state**

To consolidate its spatial sovereignty and officially control cross-border affairs, the Thai state inaugurated the Nam Phueng international border checkpoint between Mae Hong Son province and Burma's Shan State in July 1996. Under the border regime, one type of regulations that led to inconvenience in transportation was restrictions placed on economic activities within immediate border areas. The situation contrasted significantly with the borderscape during the Khun Sa-era, in which truck drivers were able to freely operate their vehicles on routes from Homöng to Mae Hong Son town. Impacted by the ban on cross-border truck transport from the Shan side of the border, local villagers subsequently turned to the use of porters to carry goods rather than motorized vehicles. Porters walked from the Nam Phueng checkpoint to Shan State's Monna village, where truck drivers from the Shan State side parked their vehicles. Construction equipment and materials like cement were carried on people's backs or shoulders in either baskets or other types of containers. Benzene in plastic containers was in high demand. Individual porters earned 40 baht for each gallon of benzene they could carry across the border; many could make between 700 to 800 baht a day.<sup>1</sup> The Mae Hong Son government enforced the border ban on transportation for economic purposes until the year 2000, after which provincial orders were amended to allow Burmese citizens to conduct petty trade within a distance of two kilometers from the border checkpoint.<sup>2</sup> However, the regulation has since been revised again. At present, people from Shan State are able to cross the border and stay in Thai territory at a further distance than stated in the first revision of the order.

Today, the Thai state indifferently enforces its regulations related to immigration control on border-crossers, whether villagers from either side of the border or traders from Shan State's interiors. However, these regulations do not appear to work efficiently, as members of both groups are able to travel further than the distance specified as allowable due to a loophole in the law, which I will describe in a following section. This lack of consistency in the enforcement of regulations also appears to result from the legacy of the frontier regime. Although the local Thai state has proclaimed stricter border controls, it fails to rigidly enforce them when they interfere with the border communities' imperative and established activities.

In the mid-1990s, the Thai state reorganized its border control measures into a more official system, but maintained its local check posts to symbolize the existence of its state

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<sup>1</sup> Interview with Lah on September 27, 2012; with Nang Non, in Nam Phueng village, on December 2, 2012; and with Yom, head of Sai Khao hamlet, at the Nam Phueng checkpoint, on December 3, 2012.

<sup>2</sup> For example, provincial orders dated on July 14, 2005; on February 10, 2006; on September 21, 2009; and on April 27, 2011.

agencies and to ensure continuity of benefits in the form of taxes and other fees extracted from border-crossers. Essentially, it reduced the number of military troops stationed at the borders and appointed a greater number of civilian officers to posts in villages. During the period of my fieldwork from 2012 to 2014, by taking the route from the road no. 1285, starting from the Nam Phueng border checkpoint to the end of the road where it intersects with highway no. 1095, one would encounter five posts located in the order illustrated in Fig. 4.1.

The Nam Phueng Military Unit (no. 1 in Fig. 4.1) is the first agency that border-crossers from Shan State encounter after reaching Thai territory. In the early 1980s, this military base, located in the informal settlement known as Rong Haeng, was upgraded from a special military force. At present, soldiers stationed at this unit collect personal information, photograph border-crossers, and screen people's belongings for drugs and other forbidden goods.

The local customs office (no. 2) in Nam Phueng village's hamlet Sai Khao was officially established in 2002. It is the second station where traders from the Burmese side of the border are made to declare the types and amounts of their goods after crossing the border.

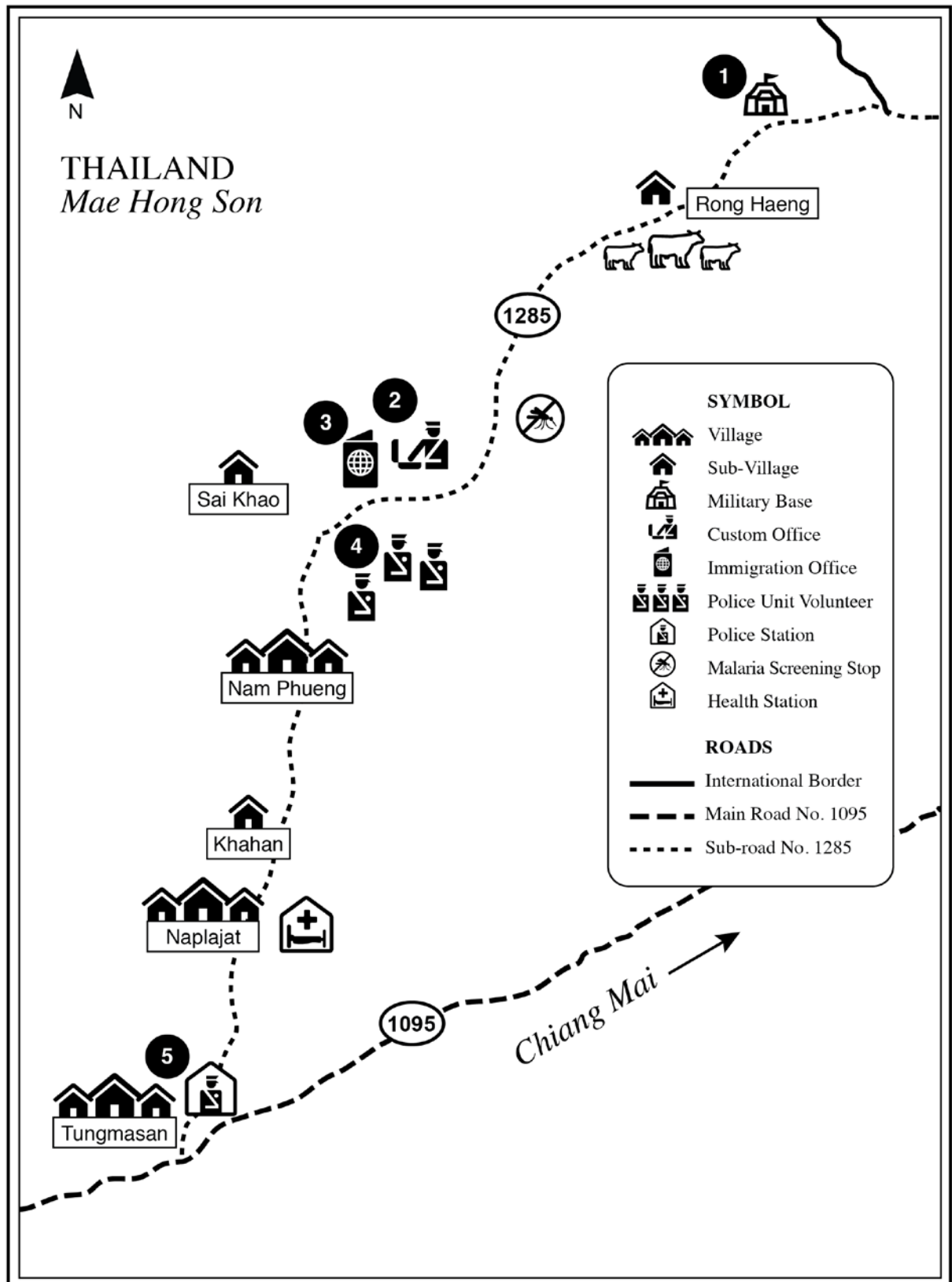
The local immigration office (no. 3), located next to the customs office, is another post where border crossers report themselves to officers. However, only citizens of Myanmar are officially permitted to enter and exit Thailand via this office, and they must present documents issued by the military unit (no. 1) when entering and exiting Thailand.

The Collaborative Functional Unit of the Muang Mae Hong Son district police and volunteer territorial protection office (no. 4), or *Oo So* in Thai, under the Ministry of Interior, stands on the other side of the road, about 200 meters from the immigration office. All border crossers are supposed to stop here to allow the officers to record their names and other information.

The Mae Hong Son Provincial Investigative Police station (no. 5), located just before the termination of road no. 1285, was established in the 1980s. Originally, police officers were not authorized to stop people or vehicles, but only to monitor their movements. In October 2005, official signs were posted and barricades erected to intercept vehicles and collect information on border-crossers.

These five check posts were restructured from the ashes of agencies operating during the Khun Sa-era under the frontier regime, where, in the 1980s, incidents between the Burma Army and ethnic militias occurred on a nearly daily basis. These five posts are therefore symbols of the Thai state's intention to control affairs of the border under the regime that transformed from frontier- to border-based following the Nam Phueng checkpoint's establishment.

**Figure 4.1:** Location of the Nam Phueng checkpoint and other check posts on the Thai side.



Apart from the aforementioned posts where traders and migrants from Myanmar are obliged to report themselves, they are also supposed to be screened for malaria at the Nam Phueng Health Center for Prevention of Disease, which has been operating since 2006 when Thai public health authorities were alerted to an outbreak of malaria spreading widely throughout border provinces.<sup>3</sup> In practice, people entering Thailand from Shan State are stopped only rarely—most of the time, no public health officers are present to perform their duties. Furthermore, the Shan whose aim is to receive medication or treatment in Thailand prefer going to a healthcare station located in Naplajat village, or to Srisangwan Hospital in Mae Hong Son's center. This evidence suggests the lax nature of border control on humans to prevent infectious outbreaks from spreading into Thailand. The failed performance of the public health officers illustrates the paradox of policy designed by the central government that attracts the attention of local officers only temporarily. Once the initial malaria outbreak eased, the officers did not work as actively as before.

The existence of the check posts are reminiscent of Thai state policy during the period of the harshest internal conflict in Shan State, in which members of the Thai military and civilian officers (including volunteer civilian territorial protection officers, border patrol police, and intelligence gatherers) were dispatched to secure the border and to control cross-border flows. At present, some of the posts are no longer necessary, but each check post remains in order to project the image of the Thai state's control over border affairs, as well as to justify continued budget allocations from the central government. This situation resonates with what Andreas (2009) observed at the US-Mexican border: the use of constructed images of US figures projecting their strength in policing the border and enforcing state policies as a means of limiting illegal migration and drug trafficking. The local Thai state functions likewise at the Thai-Burmese border through the use of buildings, materials, and some infrastructure to represent their effectiveness in controlling the border. Local border control agencies not only claim budget allocations from central state agencies, but also share the benefits of fees and bribes gleaned from cross-border communities. Apart from the attempts of certain state agencies to control border affairs, their performance reflects that of the mobility regime, under which individual border-crossers must undergo biometric-like border checks by being photographed and fingerprinted. The malaria prevention scheme was intended to serve as a screener of individuals'

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<sup>3</sup> In 2006, approximately 2,500 patients were reported to have contracted malaria in Mae Hong Son province, which was a 46% increase from the previous year. Thai public health authorities concluded that malaria was being transmitted from border-crossers from Myanmar. In 2007, the public health ministry approved the establishment of 25 community centers to detect malaria and prevent the spread of the disease, in several border communities, including Nam Phueng village (Siamrath Newspaper 2007).

health based on the Thai state's hypothesis that disease was being carried into Thailand via migrants. The goal was to utilize a modern nation-state's bureaucratic system to prevent disease from spreading in the country. However, this scheme hardly achieved the government's goal since the officials lacked sufficient budget and motivation to maintain the operation. This situation emphasizes the flexible mobility of border-crossers, including how many of them manage to enter Thailand without being stopped for any type of medical screening.

### **Documentation and complicated procedures**

While the Thai state has aimed to demonstrate its efficacy through the construction of a 'good image' rather than actually achieving its goals (see Andreas, 2009), one mechanism used to consolidate the Thai state's functions at the border to more closely align with the ideology of a modern nation-state has been reliance on documentation and complicated procedures to manage border affairs. However, this mechanism has failed to produce either effectiveness or efficiency in controlling cross-border flows aligned with idealized state policies. On one hand, it delays the passage of border-crossers and flows of commercial goods. On the other, the complicated process involving an abundance of paperwork creates opportunities for cross-border traders and members of border communities to manipulate such regulations through numerous loopholes.

According to the Mae Hong Son provincial order dated April 27, 2011,<sup>4</sup> border-crossers are classified into three categories and are regulated according to their respective objectives, which are described as: 1. To trade at the Rong Haeng periodic market, which is situated about a kilometer from the Nam Phueng checkpoint; 2. To seek medical treatment at the health station or hospital in town; and 3. To trade in Mae Hong Son's municipal zone. For those seeking the first objective, they are allowed to enter Thailand as part of the border economy promotion scheme.<sup>5</sup> However, because the border market project was not successful in the long-term, very

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<sup>4</sup> 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 border trading points in Mae Hong Son Province], dated April 27, 2011". See the transliteration of the order from the Thai language in the reference section.

<sup>5</sup> This project was enacted under Mae Hong Son governor Direk Kongkleep between October 2005 and September 2007 to boost border trade and investments between Myanmar and Thailand. The market site is located in an area formerly occupied by Lahu people, then by a Thai military base. Once this scheme was implemented, the area underwent landmine clearance, as it was originally planned to be a site for quarantining cattle from Myanmar before they are transported to the city (Manager Online, 2006). Border villagers came to consider this project unsuccessful since only a few traders from Myanmar came to trade at the venue regularly. Nonetheless, successors of Mae Hong Son's governor later made attempts to re-open the border market. For example, Mrs. Narumol Palkawat re-opened the market on October 18, 2012 (Public Relations Department, Mae Hong Son Province, 2012), and Mr. Suraphol Panas-amphol presided over another opening of the market on August 6, 2014 (Public Relations Department, Mae

few border crossers entered Thailand for this specific purpose. For those pursuing the second and third objectives, the military unit (post no. 1 in Fig. 4.1) was prepared to grant them permission in line with documentation and proper bureaucratic procedures. However, Thai soldiers stationed at the border routinely failed to systematically distinguish border-crossers based on the purposes of their travel. The soldiers created their own categories in which to classify those crossing the border, which will be described later in this chapter. The soldiers' unique categorization system is an explicit example of the uncooperative and uncoordinated working relationship of various state agencies, including the immigration office, whose mandate is primarily to control human flows. The nature of this relationship between agencies has led to the soldiers' performance and arbitrary judgments regarding who to allow and who to restrict from crossing the border.

Based on my observations at the border in 2012 and 2013, Thai soldiers regularly perform their duties in checking and screening border-crossers from Shan State as 'state activities as mundaneness' (Sharma & Gupta, 2006, p. 9). One or two army officers (at post no. 1, Fig. 4.1) took photos of border-crossers standing against a wall labeled with height measurements. Then officers would issue travelers with a document called *nangsue phonphan* [Thai] to complete, requesting the Thai authorities' permission for continuing on with specific purposes, either seeking to trade or to access medical services (see Fig. 4.2 and 4.3 and translation of the document in Fig. 4.4 and 4.5). This document consists of two sides—one for entering Thailand, and the reverse for exiting Thailand. The signature of the Burmese nationals seeking entry must be placed in box no. 1 of the front page. Thereafter, the request of the Burmese national to enter Thailand must be processed by four different Thai state authorities, namely: 1. The immigration office at Rong Haeng settlement (box no. 2); 2. The Mae Hong Son Provincial Investigative Police Station (box no. 4) 3. The immigration office in Mae Hong Son town (box no. 5); and 4. Either the Naplajat Health Station (box no. 3) or the Srisangwan Hospital, Mae Hong Son's provincial hospital (box no. 6). For the return trip to Myanmar (the back page of the document), Burmese border-crossers must get approval from four authorities: the provincial hospital (box no. 1), the immigration office in the city center (no. 2), Mae Hong Son Provincial Investigative Police (no. 3), and the immigration office at Sai Khao village (no. 4).

Once approved by all relevant agencies, this document grants a traveler a limited period of stay in Mae Hong Son town: no longer than three days for traders, with an equivalent duration

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Hong Son Province, 2014). Since then, there have been no further activities at the site. Traders are not optimistic about the operation of stalls at the site because Thai goods are regularly transported into Shan State by cross-border traders. Meanwhile, those in Shan State seeking a greater variety of products find it more convenient to visit the central market in Mae Hong Son, where many kinds of goods are on hand in large amounts and varieties.



for those seeking medical services (with possible extension in case of severe illness). Those pursuing medical treatment must first be determined to have a genuine ailment, and are then granted stay in Thailand for a maximum of two days during the initial stage. For border-crossers intending to travel to Mae Hong Son town for trading purposes, the military will first verify whether or not they have previously registered their names with Mae Hong Son's Border Command Center. If so, border-crossers must then present their document approved by the military to the other state agencies, with the exception of the health station and hospital.

**Figure 4.2 & 4.3:** Front and back of the “nangsue phonphan” document, required by border-crossers to request approval from various Thai authorities (see translations of the document into English in Fig. 4.4 and Fig. 4.5).

Figure 4.4: Translation of “nangsue phonphan” document (front).

		The case of <b>ILLNESS</b> Immigration Office, Mae Hong Son
<b>PART 1</b> <b>Document Permitting an Alien Person with Burmese Nationality to ENTER the Thai Kingdom</b>		
<b>1</b>   Alien Person I am....., .... years old....., with Burmese nationality. I have the objective to enter to the Thai kingdom to receive medical treatment.  I request my case to be considered for a grant of permission.  (Signature)...  ..... ..... 26 Nov. 2012	<b>4</b>   Official at the Tungmasan Checkpoint The officers have inspected the vehicle and the alien person with Burmese nationality who is entering the kingdom through the immigration office at Rong Haeng, and have ascertained that the number of entrees equals the number granted permission beforehand.  Signature..... (.....) Position..... Date.....	
<b>2</b>   Immigration Official at Rong Haeng Base Under the authority granted through the Mae Hong Son Provincial Order dated 10 February 2006 to the Border Command Centers in provinces connected to neighboring countries, specifically Myanmar, with the title of rules, regulations, and implementation at border trading points in Mae Hong Son province, the immigration officers have allowed....., age ..... years old, to enter the Thai kingdom through the border post at Nam Phueng village, Huay Pha sub-district, Muang district, Mae Hong Son province, from....25 Nov. 2012 to... 27 Nov. 2012, with a total of 3 days of guaranteed public transport (a yellow truck) with license plate number.....and the name of .....as the truck owner, in order to receive medical treatment at: __Naplajat Health Station __Srisangwan Hospital  Signature..... (.....) Position...Immigration Official, Mae Hong Son Date.....	<b>5</b>   Immigration Official in Muang Mae Hong Son 5.1   The officers have been notified of the alien person who has been granted permission from the no. 2 officers, and have registered the person under their control.  Signature..... (.....) Position...Immigration Official in Muang Mae Hong Son Date.....  5.2   The officers have allowed the person, who has been granted permission from the no. 2 officers, to stay in the kingdom for another three days from..... to.....  Signature..... (.....) Position...Immigration Official in Muang Mae Hong Son Date.....	
<b>3</b>   Official at Naplajat Health Station In the case of the patient who has been granted permission by the no. 2 officers, their condition is more severe than the health station is able to treat, and thus the health station agrees to transfer the case to Srisangwan Hospital.  Signature..... (.....) Position...Official at Naplajat Health Station Date.....	<b>6</b>   Official at Srisangwan Hospital The officers have received the alien person who has been granted permission by the no. 2 officers, and have provided treatment to him/her starting from the date of .....  Signature..... (.....)  Position...Official of Srisangwan Hospital Date.....	

**Figure 4.5:** Translation of “nangsue phonphan” document (back).

<b>PART 2</b>	
<b>Document Permitting an Alien Person with Burmese Nationality to EXIT the Thai Kingdom</b>	
<b>1</b>	<b>Official of Srisangwan Hospital (case of illness)</b>
<p>The hospital officers have treated ...Mr./Mrs./Ms....., aged.....years old, of Burmese nationality. We kindly request that the patient report to the Immigration officers in Muang Mae Hong Son by..... (date).</p> <p>Signature.....                      (.....)                      Position...Official of Srisangwan Hospital                      Date.....</p>	
<b>2</b>	<b>Immigration Official in Muang Mae Hong Son</b>
<p>Mr/Mrs/Ms..... aged.....years old, with Burmese nationality, has reported to the immigration officer in Muang Mae Hong Son in order to exit the kingdom via the vehicle with license plate no....., which is controlled by Mr./Mrs./Ms....., on.....(date)..... at.....(time)..... The officers have already recorded and monitored the departure.</p> <p>Signature.....                      (.....)                      Position...Immigration Official In Muang Mae Hong Son                      Date.....</p>	
<b>3</b>	<b>Official at the Tungmasan Checkpoint</b>
<p>The officers have inspected the vehicle and the alien person with Burmese nationality who is traveling from Mae Hong Son municipality, and has verified that the number of persons matches with the number that has been reported at the office no. 2.</p> <p>Signature.....                      (.....)                      Position...Official at Tungmasan checkpoint                      Date.....</p>	
<b>4</b>	<b>Immigration Official at Rong Haeng Base</b>
<p>The officers have ordered Mr./Mrs./Ms....., age ....., with Burmese nationality, to depart the Thai kingdom through the border post of Nam Phueng village, Huay Pha sub-district, Muang District, Mae Hong Son province, on ....(date)..... at.....(time).....</p> <p>This has been recorded as evidence.</p> <p>Signature.....                      (.....)                      Position...Immigration Official, Mae Hong Son                      Date.....</p>	

The complex procedure described above is not consistently practiced in actual circumstances. As with all bureaucratic mechanisms, loopholes allow exceptions to occur. Even though the Thai state attempts to control the crossing of people at the border, local officers and villagers have managed to create their own modified regulations to ease and expedite the complicated procedure. As Michael Eilenberg (2012) argues, members of border communities tend to adapt themselves to living between the influence of two nation-states while attempting to

follow the state’s changing policies and responding to their own socio-cultural circumstances on both sides of the border. For instance, the Thai soldiers at the Nam Phueng border crossing require a different document (Fig. 4.6 and Fig. 4.7) of public truck drivers providing passenger service between the Nam Phueng border checkpoint and Mae Hong Son town to guarantee the border-crossing passengers’ stay in the Thai kingdom of no longer than three days. The soldiers record drivers and passengers’ names, license plate numbers, and the fingerprints of drivers on the document requesting Thai authorities to monitor the travelers and their vehicles while in Thailand. With this abbreviated process, individual border-crossers from Shan State do not need to request approval from the myriad state agencies required by the *nangsue phonphan* document. In the shortened document, the blank boxes no. 1 to no. 6 are not stamped, while the reverse side has only one stamp in box no. 3.

**Figure 4.6:** Document granting permission from the Thai military to truck drivers bringing Burmese citizens into Thailand (see translation in Fig. 4.7).

ที่ 229/55

คำขอ อนุญาต ข้ามแดนเมือง  
จังหวัดแม่ฮ่องสอน (จุดตรวจทหาร)

วันที่ 28 เดือน พ.ย. พ.ศ. 2555

เรื่อง ให้บุคคลข้ามรั้วมาทำงาน

เรียน เจ้าหน้าที่จุดตรวจ

ด้วย นายนางนางสาว ..... อายุ ..... ปี สัญชาติ หนึ่งพร้อมพวก  
รวม ..... คน ดังนี้

1. .... อายุ 50 ปี	6. .... อายุ ปี
2. .... อายุ ปี	7. .... อายุ ปี
3. 28/11/55 อายุ ปี	8. 28/11/55 อายุ ปี
4. 12/35 อายุ ปี	9. 28/11/55 อายุ ปี
5. .... อายุ ปี	10. .... อายุ ปี

มีความประสงค์ ขอยื่นขออนุญาตในราชอาณาจักรเพื่อ

- กรณีการค้าบริเวณตลาดการค้าของแห้ง
- กรณีเจ็บป่วย คือ การแพทย์
- กรณีขอยื่นขอการกักในเขตเทศบาลเมืองแม่ฮ่องสอน  
(ตามบัญชีที่ขึ้นทะเบียน) โดยมี ..... เป็นผู้ควบคุม  
รถยนต์หมายเลข .....

จึงเรียนมาเพื่อโปรดพิจารณา

ข้าพเจ้า .....  
จะนำบุคคลดังกล่าวกลับเข้า  
จำนวน 1 คน  
คือ ลอคาณัน ใจไว้วาง สักขาน


ขอแสดงความนับถือ  
(ลงชื่อ) .....

ตำแหน่ง .....

จุดตรวจด่าน  
กค.สท.ถว.จ.ม.ส.  
ทะเบียน .....  
เวลาผ่าน .....

จุดตรวจด่าน  
กค.สท.ถว.จ.ม.ส.  
ทะเบียน .....  
เวลาผ่าน .....

**Figure 4.7:** Translation of the document granting permission from the Thai military to truck drivers bringing Burmese citizens into Thailand.



Doc. no. ....

Nam Phueng Border Point  
Huay Pha Sub-district, Muang  
District, Mae Hong Son  
province

Date.....

Title Reporting an alien person  
To Immigration Officer at Rong Haeng Base

Mr./Mrs./Ms....., of Burmese nationality, traveling with ..... companions,  
totaling ..... persons, with the following details:

1.....(name).....age..... years old 6.....(name).....age..... years old  
2.....(name).....age..... years old 7.....(name).....age..... years old  
3.....(name).....age..... years old 8.....(name).....age..... years old  
4.....(name).....age..... years old 9.....(name).....age..... years old  
5.....(name).....age..... years old 10....(name).....age..... years old


Stamp of approval from the Tungmasan check post, dated 29 Nov. 2012

with the objective of entering the Thai kingdom in order...  
.... to trade at the Rong Haeng periodic border market  
.... to seek medical treatment  
.... to trade in Mae Hong Son's municipal zone  
(registered from the record), with the accompaniment of Mr./Mrs./Ms....[yellow-truck driver]...., with the vehicle's license plate no.....

Stamp of approval from the Tungmasan check post, dated 28 Nov. 2012

This is a request for consideration.

[handwritten] With respect,  
I am ....[name of yellow-truc driver].....,  
And will bring this person back,  
totaling 1 person.  
Signature.....  
(.....)

I have been fingerprinted as evidence  
[Signature]  


Head of the Military Division Controlling  
the Nam Phueng Border Point

In addition, the Mae Hong Son provincial order dated July 14, 2005,<sup>6</sup> states that immigration officers must hold the official Burmese identification cards of those requesting a *nangsue phomhpan*. In contrast to regulations stated in the provincial order, local Thai authorities allowed Nam Phueng checkpoint to operate as a passage point for those from Shan State with Burmese passports to enter the country similar to immigration checkpoints at the country's other international borders. Apart from official Burmese passports, other types of documents could be accepted at the discretion of individual army officers. Shan border-crossers were successful in using various types of documents issued by Thai state agencies (including hospital passes and appointment cards issued by clinics or health stations) to access the country. The performance of official duties by Thai border officers, in this example and others, directly contradicts the state's stated goal of strengthening its control of the border. The ability to use a large variety of identification documents, including some issued by Thai officials, to cross the international border without hindrance was a loophole that allowed Shan to cross the border easily, contributing to an increase in human mobility across the border.

Immigration control at the Nam Phueng checkpoint is often tailored to local circumstances. Local government officials regularly sanction exceptions to regulations to allow those crossing the border to Thailand to receive medical treatment, including maternal care, postnatal services, and infant vaccinations at either the nearby health station or a state hospital. The permit allowing a brief period of stay in Thai territory can be extended if the person is required to stay longer at the hospital. These flexible regulations, on one hand, demonstrate the Thai government's generosity and compassion towards those living with sub-standard public health services in their own country. On the other, it creates the opportunity for traders to transport border-crossers into the country whose objectives are other than medical treatment. Frequently, such travelers will stay longer than the three-day allotted period, and travel further than Mae Hong Son's main town. Due to understaffing, it is nearly impossible for the relevant Thai departments to track the trajectories of such border-crossers from the border to other destinations. Moreover, as described, the cross-border mobility of the Shan was allowed to occur initially through the state's overall lax control of the border.

Despite the official ban on Thai citizens crossing the border to Myanmar, villagers on the Thai side manage to do so through personal connections with state authorities, especially on the

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<sup>6</sup> Mae Hong Son Provincial Order entitled "Mae Hong Son Province and Thai-Myanmar Border Command Center for Nam Phueng Village Four, Huai Pha Sub-district, Mueang Mae Hong Son District, Mae Hong Son Province, announcement specifying standards and procedures for permitted border trading points in Mae Hong Son Province dated July 14, 2005". See the transliteration of the order from the Thai language in the reference section.

occasions of Buddhist events, traditional Shan celebrations, and other special purposes deemed acceptable by the Thai authorities as described in Chapter 3. A number of Thai citizens have also managed to procure official Burmese identification cards through kinship ties, village fellowship, and personal connections with authorities in Myanmar to easily traverse the border. Members of border communities here and elsewhere (Muzvidziwa, 2001, pp. 72–74; Shneiderman, 2013) have learnt that dual citizenship and the possession of multiple identities increase the benefits of any cross-border activity, including crossing national borders easily and ability to claim rights for resources on both sides of a border.

Such ground-level practices illustrate the variable protocols and procedures citizens of both countries faced when attempting to cross the border. Disorder and inconsistent bureaucratic systems therefore emerge. On the Shan State side, there is no official immigration control operated by either the Burmese state or Maha Ja family. On the Thai side, the Mae Hong Son government built an official border control station with an aim to upgrade its operations to be more formal and organized. As a result, those crossing the border from Shan State are in an advantageous situation, as they can rely on loopholes and a lack of regulated systems in Myanmar to enter Thailand by taking advantage of the Thai state's goal of boosting local cross-border trade and offering medical services to citizens of Myanmar. Thai citizens, in contrast, are compelled to comply with regulations of the Thai state's bureaucracy, including being officially prohibited from crossing the border to Shan State through this channel. However, as noted, they still find ways to cross the border informally through the cultivation of relationships and familiarity with local authorities. These circumstances reveal how a disregard for adhering to official policy on the part of local officials has led to a situation of sustained loose border control.

### **Categorization of cross-border traders**

Categorizing traders on both sides of the border is another mechanism employed by the Thai state to control human mobility across international borders. In the present day, the Mae Hong Son government categorizes cross-border traders based on nationality, as reflects the traits of a modern nation-state, which the Thai state is attempting to emulate. The local authorities consider a trader's country of origin, rather than their ethnicity or trade network affiliation. Mae Hong Son's Border Command Center conducted its most recent registration in 2006, in which 168 traders from Shan State were registered as 'Burmese-national traders' under the nationality

category.<sup>7</sup> In fact, the majority of them were of Shan ethnicity, which I will categorize into two main groups based on their trade patterns in order to describe the actual activities of the traders rather than their nationality.

The first group were mainly husband-and-wife couples, aged from the mid-20s to 40s. They lived in different townships and owned pick-up trucks used for the collection of products, and for onward sales to their trade partners in Thailand. On the return journey to Shan State, this group would transport Thai consumer products that were in high demand among local shop proprietors in Shan State. Many of the traders in this group were former migrant laborers who had saved money from working in Thailand until deciding to earn a living with cross-border trade. Their purchase of a pick-up truck was often their first step. The second group included elderly female small-scale traders who had been involved in long-distance trade prior to the establishment of the border checkpoint in 1996. The traders in this group travelled to the border via vehicles owned by members of the first group, collecting products from several locations near their respective hometowns in Shan State to sell on the Thai side. On their reverse journey to Shan State, they carried Thai products of similar volumes. At times, they travelled farther than the vicinities of their hometowns to collect goods for sale across the border, especially socio-cultural Shan objects that required more specialized skills or machinery, and were therefore only produced in larger townships. For instance, traditional texts read at funerals were mostly printed in Panglong township. Basic-level Shan language textbooks, books about Shan history, and Shan maps were produced in Taunggyi. Traditional-styled Shan clothes and dresses were handmade at individual households, while embroidery materials and accessories could be acquired from the markets of larger townships, like the one in Langkhur.<sup>8</sup>

All of the older female traders I met were either single or widowed, and thus were different from the earlier generation of female traders, who were mostly younger and working with their husbands. The elderly and widowed female traders had been engaged in cross-border trade activities since the time of the frontier regime, during which walking or riding mules were the primary modes of travel, rather than driving or riding in vehicles. For the most part, these

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<sup>7</sup> I gained this data from a log-book entitled *Bukkon khuen tabien kankha sanchat Bhama* [Burmese nationals registered as traders] from Mae Hong Son's Border Command Center in January 2013.

<sup>8</sup> Langkhur had been the most active market in southern Shan State since the Khun Sa era for long-distance traders from upper Shan State townships. Langkhur was where they collected commodities to sell in Homöng. Nowadays, it is still considered the largest organized market in the region where commodities are bought and transported to Thailand through the Nam Phueng border checkpoint and other channels in Chiang Mai province. For example, one such channel is the Lak Taeng border crossing in Piengluang village, Vieng Haeng district, and another is Giew-pha-wok border pass in Arunothai village, Chiang Dao district. I gained this information via interviews with traders at Langkhur market, Shan State, on March 9, 2013.



elderly female traders did not own their own vehicles. The majority of them had conducted trade in this manner since the period of intense ethnic conflict of the 1970s, walking while carrying *hap* [Thai: shoulder baskets on two ends of a pole], while most of the men during the same period used mules.<sup>9</sup> However, the common denominator between both groups was how they distributed their commodities: selling goods directly to their Shan business partners on the Thai side, or to retailers in Mae Hong Son town, or to those living in other provinces via postal services or by inter-town and provincial buses.<sup>10</sup>

For traders on the Thai side, the local government identified them as Thai cross-border trade operators,<sup>11</sup> and differentiated them, besides nationality, by category of trade—individual traders, companies, limited liability companies, and partnerships. Although recognized by the state as Thai citizens, the majority were actually ethnic Shan. Among them were individuals with northern Thai, Chinese, and Yunnanese Chinese origin. In the Border Command Center's record, approximately 200 traders imported and exported products between the two countries. However, the Thai authority's categorization was a confusing mixture of both companies and individual traders, and the combination of all registered traders throughout the entirety of Mae Hong Son province, not only those operating in the vicinity of the Nam Phueng border channel. Therefore, the data is insufficient to determine the actual number of traders who conducted trade through this channel. Furthermore, it fails to reflect the reality that cross-border trade conducted through the Nam Phueng channel succeeded through the utilization of ethnic networks where traders relied on personal relationships and partnerships to maximize their benefits under the Thai state's regulations.

To more accurately reflect how cross-border trade was conducted on the ground, I classify traders on the Thai side into two categories. Those in the first category are 24 owner/operators of trucks, the majority of whom are ethnic Shan born in Thailand. Their vehicles are registered as 'for public use' by the Mae Hong Son Provincial Office of Land Transport. One regulation of this office is that owners of public trucks in Mae Hong Son province must paint their vehicles yellow to identify the trucks as being operated for public transportation. Subsequently, these trucks are unofficially known as '*rot lueng*' [Thai], meaning 'yellow trucks.' The route the traders owning yellow trucks travel to the Nam Phueng checkpoint

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<sup>9</sup> Most Shan women who started their careers as long-distance traders usually set out on their journeys with male relatives or fellows for security reasons. Men who had more capital and skill would ride mules (Chang, 2014a, Epilogue).

<sup>10</sup> See more details in Lertchavalitsakul (2015).

<sup>11</sup> Known as *puprakopkankha chaidaen* in Thai.

is ‘Mae Hong Son – Nam Phueng – Monna,’ which refers to the route traversing Mae Hong Son town to Nam Phueng, the last village on the Thai side, on to Monna, the first village in Shan State after crossing the border. Therefore, these 24 traders provide regular cross-border transportation for primarily Shan cross-border traders and migrant laborers originating from Shan State.

These yellow-truck drivers might not be considered traders in the sense that they do not produce goods or directly sell products to customers. In the context of this research, yellow-truck drivers act as “middlemen in different degrees” (Harris, 2013, p. 16–17) in transporting and distributing products from producers or traders to retailers and buyers.<sup>12</sup> Yellow-truck drivers are involved in trade activities in tandem with Shan traders who travel to Mae Hong Son to buy Thai consumer products from the town’s market to transport back to the border checkpoint, eventually transferring the items to trucks in Shan State. Moreover, yellow-truck drivers are main facilitators of cross-border trade proceedings in that they are the ones to sign their names and have their thumb-prints taken, enabling border-crossing traders to stay in Mae Hong Son for up to three days, as described earlier and shown in Fig. 4.6 and 4.7.

The second category of traders on the Thai side are those who export particular products in large volume to Shan State. These traders may also be retailers of brand-name Thai products or larger-scale manufacturers of such products as solar panels, benzene, beer and other alcoholic drinks, cooking oil, construction materials, and tools. Some of these traders also overlap with those of the first category, owning yellow pick-up trucks to transport Thai products for small-scale traders and transporting passengers from both sides of the border. Some Thai traders of both categories conduct their economic activities on behalf of traders on the Shan State side who do not meet the requirements to register officially with the Thai authorities. Therefore, Shan traders whose status fails to meet state regulation’s requirement, have successfully procured the status of short-term migrants who might stay briefly in Thailand, from a few days to up to four weeks, for trading purposes. Some of them also hold and use different types of legal-status identification cards to strategically facilitate their cross-border activities in compliance with Thai law. With different statuses granted according to various types of cards granted by the Thai Ministry of Interior, these traders are not considered Burmese-national traders, and so are disqualified from registering in the cross-border trader system. Since they are not registered in the Border Command Center’s system, Thai yellow-truck drivers conduct trading activities on

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<sup>12</sup> The middlemen described in Harris (2013, p. 16–17) diversify their roles, conducting several activities, and at different levels. For instance, Tibetan wool makers produce goods in their village and transport them to sell in the market in Lhasa. In selling their products, they also act as intermediaries to negotiate higher profits.

their behalf. This is another strategy that traders on both sides have employed in order to counter the state's regulations of those holding Burmese passports.

While the local Thai state categorizes cross-border traders based on their nationality in line with a centralized state policy imposed on border provinces, it becomes clear that the modern nation-state ideology underlying the system of categorization is ineffective. Traders on both sides connect, coordinate, and carry out their activities through a network based on shared ethnic affiliation, and disregard regulations imposed by the central Myanmar state. To succeed in doing trade, they have developed relationships with border elites and state officials on the Thai side. Those whose Burmese passports do not allow them to conduct cross-border trade activities ask their trade partners on the Thai side to register with the Thai state on their behalf. Subsequently, their partners' complicity help them avoid regulation. The policies of the Thai state contrasts significantly to those of the Burmese state on the Shan State side. The Burmese state has not yet systematized its border trading to align with modern nation-state ideology, including categorization of cross-border traders, as has the Thai state. Instead, Burmese soldiers, officials, civilians, and personnel of the Maha Ja family all contend to claim the benefits derived from controlling cross-border flows rather than formalizing cross-border trade regulations to support the border economy for the benefit of the central government. The border economy is sustained by a non-official system on the Shan State side, while on the Thai side traders from both sides manipulate and outwit state regulations to suit their business objectives. This resonates with Walker's (1999) argument that borderlanders are active in assuming primary roles in controlling flows in an informal way, while intending to ignore the official rules. For instance, most Shan migrants travel further from the border than the allowed distance, making their mobility across the international border more convenient and profitable. The cooperation of traders on both sides in trading and transferring goods illustrates how they successfully manipulate the Burmese state's lack of regulations, and how they exploit loopholes in the Thai state's weak enforcement of regulations at the border.

### **Overlapping collection of statistics**

Although the Thai state has attempted to strengthen border control under the border and mobility regimes by establishing five different state agency checkpoints along road no. 1285 (as elaborated earlier in this chapter), the overlapping missions of the checkpoints fails to realize the ideology of modern nation-state. Instead, this situation has led to Thai border control being more lax and the border to being even more permeable. As part of their everyday functions, the five state agencies do not only stop and check border-crossers and flows of goods, they also

collect statistics with regard to people and commodities. The collection of statistics symbolizes the attempts of each agency to construct an image of itself as being productive, competent, and successful in its efforts to assist the Thai state with its mission to consolidate its power on the border (see Andreas, 2009).

I became eager to learn how these authorities collect data, how they made use of such data as a mundane activity, and how their collected statistics reflected the situation of cross-border activities. After conducting research to quench my curiosity, I discovered that nearly all of the agencies collected similar types of data (as shown in Table 4.1), and that the respective authorities never compared or exchanged data with one another. For example, the military force at the border crossing collected information about certain goods flows that overlapped with the data-collection conducted by the customs office. They also monitored Thai products transported in large quantities, especially alcohol and benzene moving out of Thailand, and goods strictly regulated with permit documents, such as Buddha images and construction materials. For products from Shan State, soldiers counted daily the number of cattle crossing the border. Most of the time, however, the soldiers accepted the number traders reported to them verbally without verification, while sometimes walking around, observing the transfer of goods between trucks on both sides by porters and traders. In doing repetitive assignments with the immigration and customs offices, one soldier complained about his duties, especially in regards to monitoring people and goods crossing the border:

Actually, we soldiers have two main missions: one is to protect the Thai territory as a matter of national security, and the other is to combat drug trafficking. But we must perform immigration control and act as custom officers, too. Previously, these two offices were stationed at the border checkpoint, but now they moved to Nam Phueng village.<sup>13</sup> They [immigration and customs officers] deserted their stations. Only soldiers are left to do everything here.<sup>14</sup>

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<sup>13</sup> From 2012 to 2013, there was only one custom office located in Nam Phueng village. When I visited the border checkpoint again in May 2014, another small post had been established. One customs officer told me that the ASEAN Economic Community was soon to be initiated, so the Mae Hong Son government had built another post at the border in preparation.

<sup>14</sup> Interview with SMG Polchan on September 25, 2012.

**Table 4.1: Types of border crossers and goods categorized and collected by Thai authorities.\***

Checkpoint	Army Unit (No. 1)	Immigration Office (No. 2)	Customs Office (No. 3)	Collaborative Functional Unit (No. 4)	Provincial Investigative Police (No. 5)
Category					
1	People entering	Traders exiting Thailand	<i>The Customs Office only collected statistics concerning types of import and export products, and the volume of goods. It did not collect data on the number of people entering and exiting Thailand. However, the customs office's statistics overlapped with those collected by the army.</i>	Thai people entering	Holders of Thai citizenship cards entering and exiting
2	People exiting	Traders entering Thailand		Tangdao [Thai: alien or non-Thai] traders entering and exiting	Holders of different status cards entering and exiting
3	Patients entering	Patients exiting Thailand		Tangdao traders entering	Tangdao entering and exiting
4	Patients exiting	Patients entering Thailand		Tangdao exiting	Vehicles entering and exiting
5	Deportation cases			Tangdao entering	
6	Export goods			Tangdao who seek medication entering	
7	Import goods			Deported tangdao	
8	Cattle			Tangdao who seek medication exiting	
9	Benzene			holders of different status non-Thai citizen cards (except Burmese passports)	
10	Alcoholic beverages			Vehicles entering and exiting	
11	Buddha images			total numbers of some categories such as nos. 2-8	

\*(Numbers of check posts are consistent with numbers used in Fig. 4.1).

The immigration office collected statistics on two main types of border-crossers: 1. traders entering and exiting Thailand, and 2. people seeking medical treatment as they enter and exit Thailand (Table 3.1). These statistics were only digitized for the last five years, and did not cover those entering or exiting Thailand with Burmese passports. As described earlier, using a passport to cross the border through this checkpoint was illegal, but licitly allowed with the Thai state's acceptance. However, the central Thai state never acknowledged this publicly, as when officers collected data on the number of border-crossers with Burmese passports. Officers intentionally neglected to collect data on those who had procured various non-Thai status cards issued by Thai authorities and granted to Burmese citizens who appealed for legal residence in Thailand and were allowed to work in the country, or for those in the process of applying for Thai citizenship.<sup>15</sup> The willful neglect is motivated by the officers' reluctance to create evidence that passport-facilitated border-crossing is taking place at Nam Phueng, which is intended only for official international border crossings. Regarding the situation of flexible or arbitrary control at the border towards people with different statuses, and the licit practices conducted by state officers and border communities, one immigration officer expressed the following:

We've faced difficulties in collecting data. When people carrying non-Thai status cards want to go back home to Shan State, they cannot use these cards, as they would be violating the provincial orders. Many times they come to our office to get a permit of *nangsue phonpan* (Figs. 4.2–4.5), and then they leave Thailand to visit their hometowns. When they return to Thailand, they come to the immigration office to bring their *nangsue phonpan* again and get rid of it. Then they carry their ID cards with them further into other parts of Thailand.<sup>16</sup>

At the Collaborative Functional Unit of Mae Hong Son's district police and Volunteer Territory Protection office, data on 11 categories of both persons and vehicles passing through this station were to be collected (post no. 4 in Fig. 4.1). This data was intended to be gathered daily, with the total numbers summarized monthly and reported to the Department of Administration at Mae Hong Son's provincial hall. The Mae Hong Son Provincial Investigative Police (post no. 5) also collected data concerning border-crossers and vehicles passing this checkpoint. There were four categories of information gathered, namely: 1. holders of Thai

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<sup>15</sup> Such cards include the following: individual highlander identification (blue card), Burmese displaced person identification (pink card), and household registration highlander status card (green with red-border card). See the manual of Mae Hong Son Provincial Order and the Border Command Center, dated the 14<sup>th</sup> of July, 2005 For details and discussion on how these cards have become a political tool in appealing for Thai citizenship, see Luangaramsri (2013).

<sup>16</sup> Interview with Nara, an immigration officer in Nam Phueng village, on January 28, 2013.

citizenship cards entering and exiting; 2. holders of different status cards entering and exiting; 3. *tangdao* [Thai: aliens, or specifically non-Thai] entering and exiting; and 4. vehicles entering and exiting. The types of data collected about individuals in each category at this checkpoint were dissimilar. For example, individuals in the first and second groups were required to submit their names, ages, addresses, and the names of the owners of the vehicles with whom these individuals traveled. For members of the third group, additional information was needed, including the number of documents granted by the military stationed at the border channel, time of entry and of exit through the post, and color, make, and license plate number of all vehicles. In addition, individuals in this group were required to be fingerprinted upon entry and exit through this post. The collected information for vehicles (category 4) included make, color, license plate number, time of entry and exit at the post, and final destination. This information was hand-written and recorded by a police officer in a statistic booklet. However, officers at this post had no orders to report these statistics to their superior. The current chief of the provincial Mae Hong Son police reported:

We don't keep statistics. It [data recording] is [only] like a ritualized regulation for us to show the border crossers that we are monitoring their movements. Because these areas are close to the Burmese border, any number of wrongdoings could transpire. When we see some unusual-looking vehicles, we are authorized to stop and investigate them.<sup>17</sup>

However, based on my observations, most local villagers and regular traders, including those commuting by motorcycles, did not stop at this post every time. Many Shan traders who cross back-and-forth regularly rarely stopped. When traveling in the early morning or late evening, they simply drove their vehicles and waved to the police officers, either giving a signal or merely offering a greeting to the officers.

The Thai state agencies' collecting of statistics to monitor cross-border flows have become a mundane activity (Sharma & Gupta, 2006, p. 9) that represents their duties and metaphorically conveys the ideology of the modern nation-state (Marston, 2014). The significance of their posts are represented by physical buildings with wooden bollards to stop vehicles, and to signal border-crossers to proceed along bureaucratic mechanisms to declare personal data to officials. The overlapped missions that these state agencies have attempted to perform are the legacy of their previous units, stationed at the border during the frontier regime. Officials have attempted to maintain their posts and retain their control over cross-border flows, the loss of which would be detrimental to their share of related benefits. The posts illustrate an

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<sup>17</sup> Interview with the chief of Mae Hong Son Provincial Investigative Police on January 31, 2013.

aspect of the frontier regime that still remains despite the Thai state's intention to control cross-border flows under the border and mobility regimes. Some checkpoints have altered their forms of monitoring cross-border movements. For example, there is a military unit whose objectives today are to forge better relations with Burmese soldiers rather than guarding Thailand's territories from the conflicts of previous decades. The performance of the Thai state agencies reveals, therefore, a contradiction of the characteristics of a legitimate nation-state, as the agencies lack a system of governance to effectively control the affairs of the border. The illegal yet licit practices of border officials and communities are core elements that demonstrate the Thai state's bureaucratic system to be lagging behind the standards established by modern-nation state ideology.

### **Regulations on vehicles**

Under the border regime, the regulation of vehicles, especially pick-up trucks operated across the border, has been another mechanism the Thai state has used to restrict the mobility of border-crossers and commodities. Branches of the Thai state located at the Nam Phueng checkpoint simply set their regulations based on nationwide standards established by the central authorities. Basically, those who do not own their own vehicles but desire to travel to the border from Mae Hong Son town have to rely on public transport in the form of pick-up trucks painted yellow whose owners have been granted permission to operate a public transportation service from the provincial land transport office. As described, vehicles from either side of the border are not allowed to pass through this border checkpoint, so the final stop on the Thai side is the Nam Phueng border checkpoint. However, truck drivers refer to Monna village as their final destination, even though it is one kilometer from the border checkpoint. Although there is no official regulation limiting the number of yellow trucks traveling on this route, an informal rule acknowledged among all drivers is that only 24 trucks are allowed to operate between Mae Hong Son town and the border checkpoint. The relatively restricted number of public truck operators follows the realization of the drivers that their transportation services are conducted in 'grey zones' where activities are illegal according to state regulations, but accepted as licit among their own community.

Although the yellow trucks are supposed to run on a regular schedule, the operators do not strictly adhere to the regulations. They flexibly start their services any time, usually depending on the number of passengers they have accumulated. The passengers are predominantly migrants from Shan State, or regular customers using the truck to reach their destinations along the regular route. Therefore, the drivers begin at the border checkpoint, and set-off after waiting for



a sufficient number of customers coming from Shan State. Such circumstance reinforces the fact that Thai state regulations on transportation do not function as they should to achieve the goal of reliable and regular services on a fixed schedule.

Another significant regulation by the Thai state establishes the maximum allowable number of passengers per truck as 12. However, truck drivers typically do not count children traveling along with their parents as passengers because the children are not charged individual fares. Therefore, pick-up truck drivers can regularly transport more than twelve people to Mae Hong Son town from the border. Moreover, the truck drivers realize that they can avoid state regulations by using the sub-road no. 1285, while they must be more cautious when operating their vehicles on the highway. They are aware that a number of state agencies monitor along the highway, some of which they are not familiar with, and thus are unlikely to be able to negotiate with or bribe successfully. The drivers might carry more than 12 passengers, with some to disembark along the sub-road, before reaching the intersection with the main road.

This manipulation of state regulations on yellow-trucks reveals that state regulations are not enforced effectively, and skirted successfully due to tacit agreements among border communities. Such forms of outwitting state regulations enables members of border communities to strategize ways of earning income that are more beneficial for them. From another perspective, truck drivers are able to avoid conforming to state regulations regarding spatial control. Within the immediate border zones and all directions on sub-road no. 1285, they can freely operate their public-license vehicles to suit their preferred business practices. While driving in zones more officially state-regulated, such as on the highway leading to the center of the province, they tend to follow state regulations more closely.

## **Roads and infrastructure**

Roads and basic infrastructure are icons of a state's modernization. This resonates with the local Thai state, which attempts to reify its conception of the ideal modern state through the development of infrastructure, especially road construction to facilitate the transportation of passengers and goods. As described previously, the Thai state, under the frontier regime, failed to absolutely control the country's borders, leading to a general neglect of infrastructure development in the area. Filling the vacuum left by state authorities, border elites, leaders of armed groups in Shan State, and powerful cross-border traders invested in road construction to support the fulfillment of their political and trade goals beginning in the ethnic conflict era of the 1970s. The development of dirt pathways into ones accessible to motorized vehicles, on one hand, represented the political elites' attempts to monopolize transportation and to control

cross-border flows. On the other, it brought modernity and convenience to locals' livelihoods and mobility, including their trading and transporting of goods. In William Miles's study (2005) on the Niger-Nigeria border, two communities along the border did not consider the state-demarcated boundary as the separation of two countries, but rather as a project that brought development to their communities. At my research site, border villagers considered local infrastructure development with a similar logic; they were not concerned about who or which states on either side would benefit most from the infrastructure, as long as they could access it.

State-sponsorship and budget allocation to construct new roads did not arrive until the official opening of the border on the Thai side. At present, Thailand's Department of Highways and the Thai Ministry of Transport sponsor the construction and maintenance of highway no. 1095, whereas local administrative organizations are responsible for minor roads, such as no. 1285. How the roads are managed depends largely on the budget annually allocated to each sub-district. During my fieldwork, minor road no. 1285 had 15 kilometers of paved asphalt, while the rest was made of cement. Several stretches of road had deteriorated over time after scores of four-wheeled, and six-wheeled trucks with full loads traveled them. Meanwhile, the local government budget available to rebuild or repair the road is rather limited for each fiscal year. This results in villagers' growing complaints of the poor condition of the road, which not only negatively effects the transportation of goods, but also causes inconvenience in the condition of patients being transferred to the hospital in town.

On the Shan State side, there were no asphalted roads from the Thai border to the villages, and only limited cement roads within the area of Homöng. The road conditions revealed uneven development of infrastructure between Shan State and Thailand. During my first experience exploring the Nam Phueng checkpoint in September 2012, I wanted to see the border demarcation line. One Thai soldier told me that such line did not exist: "Just continue walking until the end of the cement road, then you're at the beginning of Burma's territory." Apart from this experience, during my travels across the border to and within the Salween River's eastern bank zones, I traveled on poor-quality roads that were markedly less improved than those in Thailand and showed signs of decaying cement. In the Burma-controlled zones, beyond the Salween River's west bank, local people were hired by authorities to build or repair roads by breaking-up rocks from nearby mountainsides with large hammers, while others burned bitumen mixed with rocks to make asphalt. Local people told me that the Burmese government had allocated a budget to build, repair, and improve roads in Shan State and throughout the country. This coincided with a news report in April 2013 (Gecker, 2013) detailing the Burmese government's plans to construct a 320-kilometer road in Shan State's isolated central plateau, an

area that has been plagued by opium production and trafficking and resultant conflict for several decades. Due to inadequate road conditions in this area, drivers could only travel between 30-to-40 kilometers per hour, and encountered many obstructions due to the long-term fighting along the frontiers, leading to an overall lack of development projects initiated in this area by the central government.

Aside from this, the main cause of the lack of infrastructural and economic development along the border is attributable to the ‘divide and rule’ strategy of the British during the colonial era. The British administratively divided Burma into ‘Burma Proper’—the residential lowland area of the ethnic Burman—and the ‘frontiers,’ where the majority of the country’s ethnic groups resided in the highlands and mountain ranges (Smith, 1999 [1991], p. 47; South, 2008, p. 10). The objective of the British was to socially integrate the Burmans in the lowlands with the central power, rather than to connect Burma Proper with the frontiers. The frontiers were subsequently neglected in terms of both development projects and administration (South, 2008, p. 10). Subsequently, southernmost Shan State has remained “frontier” in terms of physical distance from the center, and of being under the frontier regime with the Maha Ja family acting as a border elite, rather than the Myanmar government, which may have done more to develop the area’s infrastructure.

The Maha Ja family has, to date, not introduced any development projects to improve road conditions. Besides, dwellers in Homöng’s administrative zones face a shortage of electricity supply, as the only dam, called Nong Long and situated in Mōng Maü sub-district, is substandard and does not generate sufficient power for the whole area. As a result, the town is often in complete darkness at night. People have little electricity to draw on, and must rely on their own generators for supplemental electricity, with many simply left to light candles. During periods when Homöng hosts a large, traditional Shan ceremony or a Buddhist-related event, the events’ organizers will typically bring in electric generators from Mae Hong Son to supplement the main supply.

In comparison to infrastructure development on the Shan side of the border, the local Thai government takes a more modernized approach. However, conditions in different areas depend on which state agencies have the responsibility for budgeting road construction and maintenance. The objectives of such agencies in allocating their annual budgets often fail to align with the facilitation of cross-border activities. The proper governance of the state as detailed by modern nation-state ideology does not occur under the Thai state at the border. In addition, communication systems along the border, especially on the Thai side, have not been advanced due to poor mobile networks. The conditions have been allowed to stagnate because the Thai

military regarded the border as a sensitive area characterized by long-term violence and drug trafficking. Therefore, the performance of the Thai state does not reach the standards of a modern nation-state because it continues to aim to control information flows across the border, a situation that has not differed since the time of the frontier regime.

The performance of the Thai state from an infrastructure development-perspective again reflects its inconsistency in controlling the border. On one hand, it aims to upgrade the border to the standards of an international border gateway within the framework of regional cooperation and integration at a broader level. On the other, it has continued to perform its functions to manage the border similar to its mission during the frontier regime, during which it considered the border zone unstable and disorderly due to political situations on the Shan State side. Overall, the border security in this borderland reflects the paradox of the Thai state in the style of a modern nation-state while the Shan State side remains under a frontier regime, subsequently requiring border control in the contemporary period to make use of intertwined methods of the frontier, border, and mobility regimes.

## **Conclusion**

In this chapter, I have presented five main mechanisms the Thai state has employed to control cross-border flows, namely: 1. checkpoints and the performance of state officers; 2. complicated procedures and required documentation; 3. categorization of border crossers; 4. statistics collection; and 5. regulations on vehicles. The Thai state's performance explicitly contrasts with the functions of the authorities in Shan State, where the Burmese state and border elites lack state regulations, representing disparity in political and economic development on opposite sides of the border. Nonetheless, the regulations crafted by the Thai state reflect the inconsistency and inefficiency of the state's performance. Checkpoints situated today along the main local road represent the state's power to claim benefits from cross-border activities in a way not significantly different from that during the frontier regime.

Underlain with modern nation-state concepts, the Thai state has proceeded to implement more advanced technology, complicated procedures and documentation requirements, categorization of border-crossers, collection of statistics, and regulation of vehicles. However, it has not achieved these goals in their entirety, since it has also created loopholes that allow border communities to manipulate control and management of cross-border flows. This is another mechanism facilitating cross-border flows to occur in contradiction to stricter regulations. Shan traders successfully conduct their trading activities, while a large number of Shan migrants

manage to traverse the border relatively easily within the politics of citizenship and by maneuvering and strategizing their passages within the established frameworks.

In Chapter 5, in order to shift the perspective from the structure of political elites in controlling the border to the border-crosser's perspective, or an agency approach, I will investigate the conduct of traders in carrying out small-scale, cross-border activities, including the proactive and reactionary means with which they respond to the state's border control efforts within the fluid realms of illegality and licitness. In regards to particular goods, the Thai state also regulates certain commodities through a bureaucratic system based on sophisticated procedures and heavy documentation. This contrasts with attempts to control the trading of commodities on the Shan State side, where arbitrary rules are enforced by the Maha Ja family within its political territory, and where authoritarian rules still remain under the Burmese regime.