Schooling and Activism in a Zone of Exception: Migrant Learning Centres on the Thai-Burma Border

การศึกษาและการปฏิบัติการการเมืองในพื้นที่พิเศษ: ศูนย์การเรียนในพื้นที่ชายแดนไทย-พม่า[1]

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งานศึกษาหลายชิ้นปัจจุบัน จัดวางแม่สอดในฐานะ “พื้นที่พิเศษ” (Zone of Exception) ซึ่งมีนัยว่าองค์อธิปัตย์ ใช้กฎหมายและกฎระเบียบในมือเพื่อควบคุมและกำกับการปฏิบัติการทางเศรษฐกิจ การเคลื่อนย้ายผู้คนและสินค้าในพื้นที่ได้ไม่เบ็ดเสร็จเด็ดขาด เพราะกลุ่มอำนาจอื่น ๆ ในท้องถิ่นชายแดน สามารถเข้าถึงผลประโยชน์เต็มเม็ดเต็มหน่วยมากกว่าเมื่ออำนาจรัฐได้รับการละเว้นและหรือถูกหยิบใช้อย่างมีเงื่อนไข บทความนี้ ได้ตั้งคำถามกับการประยุกต์ใช้ มโนทัศน์ “Zone of Exception” เพื่อทำความเข้าใจประเด็นการศึกษาของเด็กข้ามชาติในพื้นที่แม่สอด ซึ่งส่วนใหญ่ได้รับการศึกษาจากศูนย์การเรียนที่ไม่มีสถานะทางกฎหมาย เด็กข้ามชาติในศูนย์การเรียน จึงถูกทอนสิทธิการศึกษา ซึ่งรัฐไทยได้ผูกพันมาตั้งแต่ปีพ.ศ. 2548 บทความนำเสนอกระบวนการที่รัฐในพื้นที่ควบคุมและกำกับศูนย์การเรียนซึ่งพบว่ามีทั้งการเบียดขับออกจากพื้นที่ที่มีกฎหมายรองรับ ควบคู่ไปกับการตรึงศูนย์การเรียน

ให้อยู่ในพื้นที่รอยต่อระหว่างมีและไม่ตัวตนทางกฎหมาย รวมทั้งการต่อสู้ดิ้นรนของศูนย์การเรียนเพื่อสถาปนาพื้นที่ปฏิบัติการการศึกษาเพื่อสืบทอดวัฒนธรรมและอุดมการณ์การเมือง ในแง่นี้แสดงว่าพื้นที่พิเศษสามารถเปิดให้การเมืองของคนชายขอบเข้าสู่การเมืองรัฐในชายแดน ซึ่งมิเป็นเช่นนั้นแล้วเด็กข้ามชาติส่วนใหญ่ยังคงถูกทอนสิทธิและโอกาสการศึกษา บทความนี้เป็นส่วนหนึ่งของงานวิจัยที่ผู้เขียนศึกษานโยบายรัฐไทยและการปฏิบัติการเพื่อตอบโต้กับการขยายตัวศูนย์การเรียน โดยจัดเก็บข้อมูลจากศูนย์การเรียนจำนวน 12 ศูนย์ ในพื้นที่แม่สอดและภาคีหุ้นส่วน ระหว่างเดือนสิงหาคมและเดือนธันวาคม พ.ศ. 2554 การจัดเก็บข้อมูลได้ใช้การสัมภาษณ์และสังเกตการณ์แบบไม่มีส่วนร่วม

คำสำคัญ: พื้นที่พิเศษ, พื้นที่ชายแดน, เด็กข้ามชาติ, การศึกษา, สิทธิ

Abstract

Mae Sot has been described as a “zone of exception” in recent studies. In view of protecting state’s key interests, some laws and regulations are not applicable in the regulation of the economy, movements of people and border trade at this zone. This paper seeks to explore the feasibility of employing “zone of exception” as a concept to analyze education for migrant children in Mae Sot. Many children of the migrant communities often receive schooling from illegal learning centres. These children have thus been excluded from enjoying education rights as instituted since 2005. This paper describes the practices of local state agencies in relation to the learning centres. Such practices range from persecution to an implicit provision of a semi-legal position. At the same time, this paper demonstrates the bargaining strategies of the activist leaders from the learning centers. These activists aim to secure a space for the education of migrant children in accordance to their own cultural and political priorities. In this way the “zone of exception” can be conceptualized as a space where some of the marginalized people gain partial inclusion in the state polity. However, some children who fail to obtain adequate schooling remain excluded in important ways. This paper is based on the findings of the author’s research report which investigates the interaction and negotiation between the state policy and practice, and the ‘migrant learning centers’. This report has collected data from 12 learning centres and relevant agencies within the period from September to December 2011. Finally, this report uses interviews and non-participant observation as its main method of data-collection.

Keywords: Zone of exception, Borders, Migrant Children, Education, Rights

Introduction

In the era of globalization the nature of state borders seems to have become more complex, various and dynamic; consequently, much academic attention has been given to theorizing border formations (Diener and Hagen 2009). The town and district of Mae Sot, which is in a part of Thailand adjoining the border with Burma[2] and in which most of the residents do not have Thai citizenship, has often served as a paradigm case. Recent academic writing has observed that the Thai state does not consistently apply national laws and regulations to govern this mass of non-Thai population in Mae Sot, and has begun uncovering some of the ways in which patterns of unofficial governance are developed within this population itself.

The present article contributes to this understanding of governance in Mae Sot through an examination of the education system as it applies to young non-Thais, paying particular attention to the active role of migrant learning centres (MLCs). MLCs are unofficial or semi-official institutions set up within the communities of migrantspeople. They perform the function of schools for many children in this population, because such children often have great difficulty accessing Thai state schools. But the Thai state does not recognize MLCs as schools or officially as any other legal type of learning institution. Thus a complex variety of strategies and negotiations have to be undertaken by members of the migrant population in Mae Sot in order to enable the MLCs to survive and to work effectively. These become part of the broader array of expedients through which this population is partly self-governing. Besides

documenting these practices, the article reflects on the extent to which such expedients reflect agency - a creative and powerful shaping of their own destinies - on the part of the migrant people.

The formation of Mae Sot as a border society and economy

Mae Sot is a district (*amphoe*) and municipality in Tak Province. It commands Thailand's most important border crossing point for road trade with Burma (Tsuneishi 2008, 14, 39). Its special social and political characteristics are greatly influenced by the physical geography of its setting. It commands a key point on the shortest route across the hill ranges which separate the lowlands of Thailand from the lowlands of Burma. It occupies an area of flat fertile territory enclosed by those hill ranges where it is relatively isolated both from lowland Thailand and lowland Burma but at the centre of a considerable arable farming area of its own. Through several centuries this has made it a suitable place of settlement for refugees and other migrants of various ethnicities: Karen, Mon, Shan, Chinese, Muslims from East Bengal, northern Thai and more (Lee Sang Kook 2007, 40-48). Although some of these ethnic communities have greatly diminished (e.g. Mon and Shan), Mae Sot retains a long-established multi-ethnic character.

The Mae Sot area was predominantly occupied by Karen people, and when the district of Mae Sot was created under the Thai state in 1898, a Karen was made its first head (Lee Sang Kook 2007, 51). During the twentieth century, however, administrative links to Bangkok were strengthened, with greater deployment of ethnic Thai officials. After

Burmese independence from colonial rule in 1948, territory on the Burmese side of the border was largely controlled by the Karen National Union (KNU), an armed liberation group. Particularly during the period from 1962 to 1988, when Burma was ruled by a military regime espousing the insular 'Burmese way to socialism', the KNU was able to control black-market cross-border trade. But a new military regime which took power in 1988 was concerned to open the economy to international trade and investment, and redoubled efforts to reduce KNU territory and secure the official trade routes. Thailand, which had previously regarded the KNU as a useful buffer force against communist influences, was now keen to take up the new commercial opportunities in Burma. The KNU's economic base was undermined, and it suffered a series of military defeats and territorial losses (Lee Sang Kook 2007, 54-70). Hundreds of thousands of Karen and other ethnic minority people, beset by the change in their economy and by Burma Government army atrocities, including forced village relocations, decided to go to Thailand, many to the Mae Sot area. They were joined by other Burmese people, including thousands of political activists who fled persecution after the 1988 coup (Nongyao, 2012)

The first of many small 'temporary shelter' settlements of the cross-border displaced people[3] had been established on the Thai side of the border in 1984. At first the 'temporary shelters' were like villages and relatively open; despite some official restrictions it was in practice possible for displaced people to cultivate for themselves, move in an out, and sometimes seek employment. From 1995, however, the shelters

were reduced in number, increased in size, and became subject to tighter control by the Thai authorities: more like camps than villages (Bowles 1998). Movement in and out of the 'temporary shelters' became more difficult, and so the distinction became sharper between the status of 'displaced person' and 'migrant worker'. For many Karen facing discrimination or worse in Burma, and wishing to find a better life in Thailand at least on a temporary basis, it became necessary to choose between these two statuses. The number of displaced people in the 'temporary shelters' along the Thai-Burma border increased from about 10,000 in the first camps in 1984 to about 80,000 in 1994 and about 140,000 in 2004. The figure later rose as high as 160,000, but has fallen back to roughly 140,000 in February 2012.[4]

For Thailand this influx of displaced and other migrant people presented an economic opportunity. Thailand had developed vibrant manufacturing and commercial agricultural sectors, supported by good physical infrastructure and a business-friendly policy environment. But as the benefits of economic growth reached its own citizens, it was losing the global competitive asset of a domestic pool of very low-cost labour. Migrant workers from Burma could restore this advantage in some areas. Consequently, particularly since 1990, factories in sunset industries - particularly for the manufacture of garments - were set up in Mae Sot town, and labour-intensive agribusiness has flourished in the arable region between the hill ranges, which spreads beyond Mae Sot district and the adjacent districts of Mae Ramat and Phop Phra (Kwanchewan, 2011).

These three districts were in 2004 designated as constituting a "border economic zone" (Pongsawat 2007, 282-283; Tsuneishi 2008, 25). Key features of this zone in practice have been: the Thai state's reluctance to grant full citizenship to members of ethnic minority populations or easy legal immigration procedures for migrants; a low level of enforcement of laws for the entry and employment of non-Thais; similarly low-level enforcement of laws and regulations for minimum wages and other labour standards; harassment of individual illegal migrants and workers by security forces, which makes them more dependent on their employers; and relatively well-policed movement restrictions which prevent many of the illegal migrants moving into the rest of Thailand where strategies of more advanced development are being followed (Arnold and Pickles 2011).

Consequently, Burmese migrants comprise the majority of the population in Mae Sot town and district. In the mid-2000s it was estimated that, while the Thai population in Mae Sot district officially stood at 107,000, the number of Burmese migrants living there was in the order of 200,000 (Lee Sang Kook 2008, 191-194). In 2008 it was estimated that there were 80,000-100,000 migrant workers in Mae Sot municipality and district, of whom only about 25,000 were legally registered (Arnold and Pickles 2011, 1611).

This has drastic consequences for children and their education. The only government registration to date that has included migrant children was done in 2004. This recorded 10,017 children of Burmese migrant worker families in Tak Province. The actual number was certainly

much greater. But the number of Burmese children attending Thai schools in 2003 was only 1,661 (Thai Ministries of Labour and Education cited in Supang et al. 2007, 35).

Recent theorizations of governance in Mae Sot

Recent academic writers on Mae Sot are at one in recognizing that the Thai state does not exercise administrative control there in a conventional way. But there are differences in characterizing the alternative form of governance that exists. Lee Sang Kook (2008), laying stress on the numerical majority of non-Thais in the district, uncovers ways in which this group exercises some state-like functions within itself, and ways in which local Thai authorities do not apply laws and regulations from the centre of the Thai state. He sees this as producing a hybrid regime and goes so far as to suggest that it amounts to the existence of a 'state within a state'.

But other authors are less ready to imply that the phenomenon of Mae Sot involves weakness or reduction of sovereignty on the part of the Thai state (Pongsawat 2007; Arnold and Pickles 2011, 1619). Instead they invoke the notion of a 'zone of exception', as applied by Aihwa Ong (2006; 2008) to other spatial areas. Ong herself inherits the concept of states of exception from the writings of Giorgio Agamben (1998; 2005) who has developed it from Carl Schmitt. As Schmitt and Agamben expound it, the creation of an exception - a suspension of normal law and due process - is a characteristic strategy of sovereign power, not a reflection of its lack of influence. Ong goes along with this; but whereas Agamben sees the ‘exception’ in terms of excluding

populations from basic rights, for Ong it is ‘an extraordinary departure in policy that can be deployed to include as well as exclude’ (Ong 2006, 4).

Pitch Pongsawat (2007) develops Ong's conception in the case of Mae Sot through the additional concept of ‘border partial citizenship’ to characterize a sub-regime created by the Thai state in which an array of different limited rights are conferred on people in the area, according to the permutations of the times and the ways in which they or their forebears were supposed to have crossed the border and underwent (or did not undergo) one of several possible kinds of registration. The point is to insist that rather than being in an anomalous limbo between legality and illegality, the statuses of migrant Burmese people in Mae Sot are concretely constructed by the Thai state for its own purposes (pp.142-147). Arnold and Pickles (2011) also show how other non-legal practices and omissions in Mae Sot are functional for the Thai state.

An important dimension in each of these writings is that of the power and agency of the migrant people. In the view of Lee Sang Kook (2008) this is substantial, posing a real challenge to the Thai state, which resorts to sharing governance. Pongsawat (2007) and Arnold and Pickles (2011) on the other hand tend to represent the non-Thais merely as victims of a ‘state project in which migrant workers are racialized and their civic rights are peripheralized through the construction of a distinct bio-political regime of “partial border citizenship”’ (Arnold and Pickles 2011, 1620).

The idea of rule by exception can be applied to the case of education for migrant children in Mae Sot, because it involves non-

application of law and extraordinary departure from policy. But what would exception imply here in terms of a serious challenge to the state's sovereign power, and the degree of power and agency attributable to other actors? These are questions which the present article will seek to answer through a close examination of the case.

Migrant children and the *Education for All* agenda in Thailand

As detailed above, the migrant population in Mae Sot includes many children, a large proportion of whom do not attend school. This reflected a pattern at the national level. An ILO report in 2009 put the number of child migrants and children of migrants under 18 at 377,000 (Huguet et al. 2011, 11-12). The proportion of these children attending school is also hard to estimate. Work by Supang Chantavanich et al (2007, 35) suggests that in 2004 it was in the order of 17 per cent.

Children coming from Burma are likely to have small command of Thai language, making it hard for them to fit into classes in Thai state schools (Bupa, 2011). Schools have sometimes been reluctant to admit migrant children, because of the extra attention that this may demand or the adverse impact on the general standard of academic achievement that it may involve. It is often difficult for migrant children to find a suitable school near to their parents' place of work. Migrant worker families on the whole are very poor and - although state schooling in Thailand is nominally free - they can ill afford the associated costs of things like transportation, extra learning activities and occasional expenses, or to forgo the contribution which children can make to the household economy

either in paid work or looking after the home including the care of younger children. Moreover, since many of the migrants do not hold proper official documents for their residence and/or employment in Thailand, and live in fear of deportation or harassment by security forces, they may be unwilling to expose themselves to the forms of identification required at school enrollment. Even when students have succeeded in gaining enrollment and attending state schools, they have sometimes been denied an official certificate of school education on grounds of their non-Thai status.

Yet the Thai state is under pressure to ensure that all children within its borders receive schooling. This pressure comes both from a domestic civil rights constituency articulated by national non-governmental organizations, and from a broader interest in creating Thailand as a developed country which conforms to international norms based on the Universal Declaration of Human Rights (1948) and the Convention on the Rights of the Child (1989). The latter commits states to making primary education 'compulsory and free to all' (Article 28.1(a)). These motives encouraged Thailand to host the World Conference on Education for All in 1990 (WCEFA 1990), prior to completing the process of ratifying the Convention on the Rights of the Child in 1992. Thailand's 'People's Constitution' of 1997 for the first time enshrined child rights (among other human rights) as an integral commitment of the state. It was followed up in 1999 by the legislation of an Education Act which laid down that 'all individuals shall have equal rights and opportunities to receive 12 years free basic education provided by the State' and that '[s]uch education, provided on a nationwide basis, shall be of quality

and free of charge' (MOE 1999 Section 10). However, the Act did not explicitly state that 'all individuals' included temporary migrants and stateless children, and this ambiguity left room for a lack of commitment in ministry offices and schools. Only later was the matter clarified at the policy level in ministerial regulations approved by the cabinet on 5th July 2005, which declared that education opportunities must be extended to all children irrespective of whether they could produce evidence of Thai nationality or civil registration (OEC 2008, 11-14). The regulations also specified that each child should be enabled to obtain a graduation certificate (ibid.). Furthermore, the movement restrictions normally placed on the families of migrant workers, could be waived for a child in order to find a suitable school (ibid.). This more liberal attitude was probably partly a product of the pro-business perspective of the then Prime Minister, Thaksin Shinawatra, who saw the migrants as presenting an economic opportunity and not only a national security threat.

Research process

Our field research has attempted to learn more about the conditions and processes of shaping the MLCs, particularly how they were affected and adapted themselves in the aftermath of the 2005 regulations. In the first round, in late August and early September 2011, we interviewed previous researchers, leaders and teachers of many of the MLCs. We observed the activities of the centers and attended meetings between their personnel and governmental authorities. We also interviewed government officials and staff of aid agencies which support the MLCs. In a follow-up visit in December 2011 we more systematically interviewed

leaders from a selection of 12 MLCs which belonged to the network of the Burmese Migrant Workers Educational Committee (BMWEC). We also interviewed directors of Thai state schools which had signed memoranda of understanding for co-operation with MLCs.

The formation of MLCs: Immediate imperatives and activist agendas

Our research first sought to understand the factors involved in the creation of the MLCs, building on the earlier work of Sandee Pyne (2007) in this field. What emerges is a coming-together of three different sets of priorities: immediate needs in migrant communities to make young children safe; longer-terms concerns to equip the next generation with resources that will make them individually less vulnerable to exploitation and denial of rights than their parents; and political visions about the future of Burma in which present education might serve the cause of democracy and human rights in the future of that country. Combining and balancing these priorities in different circumstances was a task that required creativity and skill.

Nowadays one can think of the MLCs as comprising a movement; most of them are networked together in some way, and virtually all have some knowledge others. But at the start they were not consciously founded as part of such a movement. Rather each MLC was created in a local community of migrants, largely as a response to particular felt needs in that community, and responding to the particular opportunities and constraints that it experienced.

In this sense, the movement can be traced back to 1995, when the oldest of the currently-existing MLCs was founded. This was what is now known as the Children's Development Centre (CDC), linked to the Mae Tao Clinic. The clinic had been founded in 1989 by Dr Cynthia Maung, a Burmeseperson of Karen ethnicity who had fled from her native country as a result of the persecution of political activists after the new military regime came to power in 1988.

One of the teachers who had been with CDC since the beginning told us that its foundation was a response to the pressing problem of young children who were left alone near the clinic, including children of the clinic's staff. The clinic had already created boarding accommodation for unaccompanied children brought to it from the displaced and migrant community, which included orphans and those who had become separated from their families through trafficking or processes of displacement. It was said that a few children had become orphans as they lost their parent in the course of relocation policy and persistent fighting inside Burma. Some of those had become disabled in the course of the fighting.

CDC began with a day care nursery where the children were led in singing, and taught basic life skills such as how to eat properly and wash themselves. As these children grew, it seemed logical to provide more structured primary education. In 1998, CDC began organizing transport for its students. Before that teachers had to go and take children from their homes as their parent left to work in the early morning. This enabled CDC also to offer places to children who lived further away,

and to grow to an efficient size. Besides providing meals and uniforms for its boarders, it also served lunch free to those of the outside students who came from poorer families.

The head teacher of CDC, who was also a founder, explained the general aims of opening the centre in the beginning. Certainly, an immediate priority was social protection; helping visibly vulnerable children get basic needs like food and shelter, and protection from being arrested by security forces, or abducted by traffickers. But there was also a strong concern to help them overcome their present denial of human and civil rights, particularly the right to a national citizenship, and build a future on firmer ground than was enjoyed by their parents. There was a belief that education in general would help them access this in future, whether they remained in Thailand or returned to Burma. In an intermediate perspective, while in Thailand it was important to understand their environment. Hence from an early stage, CDC decided to provide teaching in very basic functional Thai language, social studies and law. Its emphasis on citizenship skills goes beyond the normal scope of the Thai and Burmese school curricula in order to provide knowledge of pressing practical importance for people without recognized citizenship, whether living in their original country or a country of onward migration.

Another four MLCs in our sample were created before the end of the 1990s: Hsa Thoo Lei, Elpis, Hlee Bee and Pyo Khinn. Interviews showed that the motives for their formation were in many ways a similar mix as for CDC. Featuring highly was an immediate desire to protect young children from the risks of being left alone, when their non-Thai

status meant that they could expect little protection from the state. This was combined with consciousness of education as a good and a right in itself. But their initial support base was significantly different. Whereas CDC grew out of the Mae Tao clinic (which served migrant and displaced people from a wide area of Tak Province), these later MLCs were more rooted in particular circumstances of their nearby communities. The migrant people had tended to form discrete enclaves separated or hidden from areas where Thai citizens lived. And whereas CDC could relatively easy access external charitable funding, because of the prestige of the Mae Tao clinic, later MLCs generally had a harder task, necessitating more modest ambitions.

Often their establishment has depended on a high degree of community participation. According to staff at the Good Morning MLC[5], migrant community leaders and children parents decided to set up the centre, helping to find teachers, paying small stipends to them, building a roof, buying paper and textbook, plus lunch for students who could not afford it. They believed that this was a pattern in many MLCs. It imposes a substantial cost on many of the students' families, but the expected contribution is said often to be reduced or waived in the case of families in especially difficult circumstances. In the case of some Karen migrants communities, the role of Thai relatives has been important, particularly in helping to identify available land or premises for the centres. And local religious institutions, such as - mosques, churches and temples - often also gave key support in this initial phase.

However, although the foundation of MLCs usually depends on the perceived need and commitment within a community of migrant people, it is usually catalyzed by particular individuals within that community, or from outside. In the early years, an important role in planting the ideas for the schools was played by the Federation Trade Union of Burma (FTUB). This is an organization that was formed by the political intellectuals and activists who were forced to leave Burma after the coup of 1988. It provided crucial initial impetus to many of the MLCs by mobilizing leaders in the community and using its network to help them find funding and land on which to establish their centres. Behind this activity was an ideological vision that went further than that of many community members. Indeed, from this perspective the MLCs were created largely as part of a long-term strategy for a democratic Burma. It was intended as a kind of grass-roots conscientization; a contribution to building an *imagined community* (Anderson 1991) for the country in which all ethnicities are respected, and countering the Burman-centred vision projected by the ruling regime. Interviewed by Pyne, U Maung, secretary general of FTUB has explained:

> We have to start educating people. Democracy is not only just changing from the military rulers. We have to change the system. And within the system there has to be free press. People understand a lot about that. Freedom of expression: people understand quite a lot about that. Freedom of activities of political parties: people understand that. But they will not go to the civic institutes, like women's organizations, or youth organizations, or trade unions. They don't see that to be a part of the democratic system or society. So we try to do as much as we can;

> we started with having discussion about trade unionism and where it fits into democratic sphere and how we approach basic democratic rights. We have learned in doing this process that basic education is essential for people. We built up Hsa Thoo Lei and Parami school because we saw that children were not being educated. (quoted in Pyne, 2007: 153)

Although FTUB, after encouraging the creation of schools, did not generally go on formally to administer them, the leaders of most of the new schools - and many of the other teachers - were also from among the numbers of pro-democracy and ethnic rights activists forced to flee from Burma. Elements of the political project were combined in the centres with the immediate needs of the students and their families. For instance, the young children were often taught basic literacy in mother tongue languages, and songs and stories which reflected their own ethnic culture, or a plurality of cultures. These were things that could not have been done in schools in areas controlled by the Burmese government. On the walls posters of the Burmese alphabet hung alongside pictures of Aung San Suu Kyii and students arrested in Burma. At the same time, Thai language was sometimes taught for basic survival skills like being able to identify the names of streets, hospitals and police stations.

Early growth and challenges of MLCs, 1995-2005

In the decade between 1995 and 2005 the number and average size of MLCs in Tak grew gradually. Whereas in the 1998-1999 school year there were three MLCs with 186 students between them, by the 2004-2005 year this had increased to 23 schools and 2,100 students. (See Table 1)

Table 1: Numbers of MLCs and enrolled students Tak 1998-2005

School Year	Number of MLCs	Number of enrolled students			Average number of students per school
		Male	Female	Total	
1998-9	3	89	97	186	62
1999-2000	7	187	196	383	55
2000-01	12	436	455	891	74
2001-02	15	573	566	1,139	76
2002-03	19	821	753	1,574	83
2003-04	21	1,059	1,041	2,100	100
2004-05	23	1,441	1,356	2,797	122

Data source: Tak PESA2 Office

The growth was fostered by the formation in 1999 of the Burmese Migrant Workers Education Committee (BMWEC), providing a forum in which CDC and the other six earliest MLCs could share their expertise with new-founded ones. The element of co-ordination which this promoted also increased the confidence of charitable and aid institutions interested in contributing funding to one or more of the MLCs.

As with CDC, many of the MLCs began by providing non-formal education for young children before establishing a Grade 1 class. They were mainly compelled to use text books which had been brought from Burma and photocopied, but deleting and amending parts in them which belittled the ethnic minorities and project an assimilationist and authoritarian view of society in Burma. The provision of more formal

instruction would typically encourage more parents to send their children to a centre, and its size would grow.

Progress was not easy, however, as the agencies of the Thai state - and some other local people - were initially hostile to the centres. Indeed, as we have seen, the MLCs were first created partly in order to shield migrant children from direct contact with state agencies and others. In legal terms, education in Thailand is only permitted to take place under the auspices of various kinds of regulated institution. These kinds of institution include schools, where status as a school depends on strict adherence to a national curriculum and other conditions of operation. 'Learning centres' are also one of the general categories included in the 1999 Education Act, but learning centres can only be registered under specific types which need their own regulations, and no such regulations have yet been finalized which would cover the MLCs. Consequently, n the 1990s and early 2000s state security forces also apprehended many of the Burmese teachers who worked in the MLCs on the grounds that they lacked work permits (and indeed were ineligible to apply, since only low-skilled occupations are available to migrants from Burma). Some of these teachers were deported, others forced to make unofficial monthly payments to police. Such harassment was a factor leading to the closure of some of the early MLCs, and necessitating practices of discretion among the others. The Ministry of Education - through the local Primary Education Service Area 2 (PESA2) Office responsible for the border districts - also imposed constraints. For instance it refused to allow the MLCs to describe themselves as schools or to issue certificates which could be recognized by Thai schools or colleges or employers. But from

2005 onwards this attitude changed substantially, and a new era opened in the development of MLCs.

The post-2005 arrangement: Overview

Through our research the outline has become clearer of an implicit deal which emerged between the actors in the years after the new Ministry of Education regulations of 2005. These new regulations, as described above, appeared to bow to domestic and international pressures for the implementation of child rights and 'education for all'. They may also have reflected a willingness on the part of the Thai state to subsidize and encourage a continuing supply of cheap labour from migrant families. But to have ensured the schooling of all migrant children through the Thai state system would have been extremely expensive, and this might well have produced protests from some sections of the Thai population in which longstanding attitudes of hostility and contempt toward Burmese and hill tribe people still persisted (Arnold and Pickles, 2011: 1614). Instead, the state in the form of the PESA2 Office showed a new willingness to collaborate with MLCs to increase educational access. MLCs were asked to facilitate the transfer of migrant students into the state schooling system. But in the cases of those students for whom this step was too difficult (within the availed resources), MLCs were encouraged and supported to continue providing schooling; indeed to improve that schooling in terms both of quantity and perceived quality. This general strategy had many ramifications in terms of debates and negotiations over matters like curricula, languages of instruction, and certification of students in order to be able to pass between different

educational institutions, including higher education. It involved complex and implicit negotiation between actors with different priorities, in which each group of actors was able to fulfil some of its interests and had to compromise on others. And this in turn was associated with creativity in finding mutually-acceptable solutions.

The details of this process, as they emerged from our research, are described in the remaining part of the article.

The post-2005 arrangement: Creating spaces and lines of communication

The policy shift reflected in the 2005 regulations suddenly gave MLCs a little more legitimacy, since their aim of providing education for migrant children was now one that was clearly shared by the Thai state. BMWEC was able to establish a stronger secretariat, with public office premises in Mae Sot town. It became a channel of communication and influence in relation to the Thai authorities. At the same time it was able to attract charitable funding from abroad and aid agency collaboration. It became a conduit for resourcing many of the MLCs, channeling teacher salaries, running costs and teaching materials.

BMWEC helped set up regular forum meetings bringing together MLC leaders with representatives of the PESA2 Office. These meetings started taking place in 2006, and by 2009 they had become a regular monthly fixture. They were also attended by members of international agencies concerned with the education of the migrant children. The PESA2 Office then established a Migrant Education Co-ordination Centre

(MECC). At first, PESA2/MECC officials would occasionally intercede with the Thai security services when the latter had problems with the MLCs and their staff. More recently, security service personnel have also been attending the forum themselves, and MLCs and their staff have been experiencing much less harassment in recent years, despite continuing to operate on a basis which appears to be technically illegal. Our interviews with MLC staff showed that membership of BMWEC is a valuable asset for them when they come in contact with state officials. BMWEC provided teachers with an ID card which gave them de facto protection, and was later replaced by a more official card issued by the PESA2 Office. BMWEC can also be called on to vouch for them in contacts with the PESA2 Office and security forces.

Many of the MLCs have leveraged the recognition bestowed on them through their representative networks and participation in forum meetings by boldly displaying their institutional name on signboards outside their premises. This, they believe, advertises their public role, which provides another layer of protection from arbitrary harassment for them, their staff and students.

Illustration 1. An MLC sign-board. MLCs have been quick to advertize their partial recognition by the state.

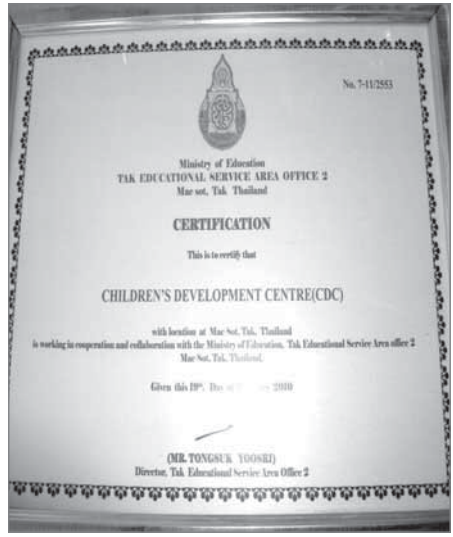

Illustration 2. Certificate displayed inside CDC, showing that it is working in collaboration with the PESA2 Office

At the same time, the MLCs' new respectability in the eyes of the state made it easier for more international agencies to support them. The individual MLCs are now funded by more than 20 donor organizations (Proctor et al. 2009, 8). In addition some operational international agencies, such as World Education (WE), Voluntary Service Overseas (VSO) and the International Organization for Migration (IOM) are helping with technical assistance - such as curriculum development, teacher training, and managerial capacity strengthening - funded by back-donors.

The post-2005 arrangement: Increasing access to Thai state schooling

Using these channels of communication, and growing mutual confidence, MLCs and the PESA2 Office co-operated in the years following 2005, in finding ways to bring about greater access to Thai state education for migrant students.

It is true that greater access was achieved in some degree without the help of MLCs. The 2005 regulations by themselves gave state schools a clearer mandate than before to accept migrant children, to receive funding when they did so, and to supply official certificates of education to them. The stipulation of freedom of movement for migrant children in order to find a suitable school was also converted into a practical scheme of travel permits.

But these measures were not enough to overcome all the obstacles to school attendance by migrant children. They did not address the major problem of the language barrier. The cooperation of MLCs has

therefore been welcomed by the PESA2 Office in schemes which attempt to equip migrant children with the necessary language skills, particularly during the years of Grade 1 to Grade 3, at the same time as the required general learning covered in those years.

A basic measure has been for PESA2 to put pressure on the MLCs to include the teaching of Thai language in their curricula, in a strong and systematic way. However, seeing that many students still have difficulty reaching a sufficient command of the language as a medium of learning, some experimental schemes have been devised to help such students make the transition from MLCs to state schools. One such scheme is called 'School within School'. The student is registered in the MLC, but at least once a week during the term time, she or he is taken to attend classes at a nearby state school. Another scheme involves the placing in a state school of at least one bilingual teacher, who runs special classes for the migrant children, in which the topics are explained in both Thai and the students' home tongue. In this case, the role of the MLC is to arrange transportation and other material support for the children concerned. Both these schemes involve the signing of Memoranda of Understanding (MOUs) between the MLC and the state school. They also have to be supported by the PESA2 Office and World Education or another funding agency. Among the MLC's in our interview sample, CDC made such an MOU with Tha Aad state school, Elpis MLC with Mae Pa school; Hsa Thoo Lei and Ray Kaw Thoo MLCs made MOUs with Hua Fai and Kang Pi Bal state schools.

The changes in the regulations and the supporting activities had a large measure of success in increasing access to state schools. Whereas in 2004 there were 1,661 migrant and stateless children in state schools in Tak Province, in 2011 there were approximately 10,000 such students in four border districts alone. However, in the estimation of the PESA2 Office in Tak (responsible for the border districts of the province), this is still only about 50 per cent of migrant children in the relevant age groups. It appears that among the migrant children those more likely to get into state schools are those whose families have been living in Thailand for a relatively long time, or who have Thai kin. They are likely to begin with greater knowledge of Thai language, and to be known by an official village head-person who can present them to the school for admission.

It has become clear that this range of measures will not by itself solve the problem of schooling provision for the migrants. To have a chance of doing this through the state system, much higher levels of funding would be needed for the purpose for more intensive language instruction and student subsidy.

The post-2005 arrangement: Increasing and improving education in MLCs (certificate)

In the absence of adequate resources and strategies for enabling migrant children to take advantage of the state schooling system, the PESA2 Office has recognized that there is an important ongoing role for the MLCs in supplying education, as a contribution towards the 'education for all' objective. This fact lies behind the increased legitimacy and reduced

harassment of MLCs. In effect, the PESA2 Office has attempted to co-opt the MLCs in the service of its policy goals.

But the MLCs did not simply allow themselves to be used as instruments of the PESA2 Office in exchange for legitimacy. There were discussions in the forum over a long period of time about what curricula in the MLCs could be acceptable on all sides. The view of the PESA2 Office, reflecting high-level Thai policy, was that if the education was taking place under the authority of Thailand, it should be in Thai. But most of the MLCs wanted to keep teaching using Burmese, Karen, or another ethnic mother tongue. This was in keeping with the political aspirations of many of the MLC leaders, who hoped to use the schools for developing future citizens and cadres in Burma. It also reflected the interests of many of the teachers in the MLCs, who were not capable of using Thai to a high standard. The MLCs also reasonably argued that children had rights to education that would equip them for their future lives as well as their present circumstances, and that for their students this would probably involve return to Burma, and perhaps to a Burma in which their mother tongues were given more recognition. Eventually it seems that the deciding consideration was the great practical difficulty and expense that would have involved in bringing up most of the students' Thai language skills quickly enough for them to learn effectively in that language. So a compromise agreement was reached that MLCs should base their teaching in most subjects on the curriculum used in Burma, using Burmese language as a medium.

As mentioned above, most of the MLCs were already using copies of textbooks from Burma from which politically unacceptable parts had been deleted. But the use of these materials had often been a matter of improvisation. Now it was mutually understood that courses must be structured systematically and taught at a good standard. BMWEC took a central role in organizing teacher training courses, in co-ordination with the PESA2 Office, and with the support of international organizations, particularly World Education. World Education also undertook to develop special new curricula and teaching materials in the subjects of maths, science and English, using Burmese as a medium. In these key subjects it was considered important to match the coverage at each stage with that of the Thai national curriculum, in order to ensure a standard of quality and facilitate possible transitions of MLC students into the Thai education system. This went alongside the requirement that Thai should be taught as a subject in the MLCs, as a language for communication.

Such was the basic understanding regarding curricula. In practice it its application is patchy or flexible. Teaching of Karen language is often added by the MLCs, and it appears that Karen is often unofficially used as a medium of teaching. Education in Karen history and culture is also sometimes added on an unofficial basis, partly though extra-curricular activities like traditional dancing. On the other hand, many of the MLCs have had difficulty in supplying classes in Thai language, mainly due to the high cost of employing native Thai teachers compared with illegal Burmese migrant teachers. But CDC, which does employ some Thai teachers, hosts a teaching study group to help others, including through the development of additional teaching aids. Another strategy used by

some of the MLCs is peer-linking, in which students with relatively good Thai language skills are assigned to provide regular help to other students.

The MLC staff that we interviewed explained that BMWEC had for them played an important part in the improvement of educational quality. Besides organizing teacher training courses, it had acted as a counterpart to World Education in the translation of curriculum materials. Beyond that it provided post-training support by setting up regular meetings where teachers from different MLCs could seek help from each other, preventing them from feeling alone and isolated. It also co-ordinated a process for common standards in the recruitments of teachers, securing broad agreement that all teachers in MLCs should at least be high school graduates themselves, and be able to demonstrate certain teaching skills. Largely as a result of such efforts, teacher qualifications have improved markedly over the years. The current levels of qualification among non-Thai teachers in the MLCs in our sample are as shown in the table below.

Table 2: Qualification of MLC teachers who did not have Thai nationality in the study sample (December, 2011)

Educational qualification	Number of teachers
No qualification	3
Middle school	6
High school	54
Diploma	10
BA	67
Above BA	4

The post-2005 arrangement: Further growth of MLCs and the problem of further education

The above-described ways in which the post-2005 arrangement strengthened MLCs - their increased legitimacy in the eyes of the state which enhances their ability to protect migrants; and their better-quality curricula and teaching while retaining the ability to keep students in contact with their own culture - led to them rapidly increasing in number and size, even though many more migrant children were also going into the state school system (see Table 3). It appears that children were more likely to be attracted into the MLCs than before. And fewer students were dropping out in the early grades.

Table 3: Numbers of MLCs and enrolled students Tak 2005-2011

School Year	Number of MLCs	Number of enrolled students			Average number of students per school
		Male	Female	Total	
2005-6	36	1,973	1,936	3,909	109
2006-7	46	2,740	2,594	5,334	116
2007-8	58	4,075	3,659	7,734	133
2008-9	60	4,868	4,430	9,298	155
2009-10	61	5,627	5,334	10,961	180
2010-11	61	6,232	5,848	12,080	198

Data source: Tak PESA2 Office

But the low availability of Burmese teachers capable of teaching at higher grades - and the high price of Thai teachers - is restrictive. Consequently, MLCs through their networks have developed a system

of specialization and coordination. Within the last three years, many MLCs have started producing students who have completed Grade 6: the end of primary education under the Burmese curriculum. To enable them to transfer to one of the fewer MLCs that offers higher-level schooling, a system of mutually-recognised certification has been worked out within the network.

At the same time, three of the MLCs - CDC, Hsa Thoo Lei and the Science and Technology Training Centre (STTC) have started offering classes at Post-Grade-10 (or high school) level. These are institutions that are relatively well funded from charitable and international sources, and which make use of foreign volunteer teachers. Students who get this far are often hoping to go on to higher education, and there is a challenge as to how this can be brought about. As mentioned above, bilateral arrangements have been made between some individual MLCs and vocational colleges, teacher-training colleges, and official nonformal education colleges in Thailand. But progression to Thai universities is much harder. Many universities still only admit Thai nationals, and most require good Thai language credentials. The alternative being pursued is to try to enable students to get university places in third countries. A way of getting acceptable certification for this is through the General Educational Development (GED) tests set by the American Council on Education. By passing this test, a few students from the MLC system in recent years have managed to get places at Universities in India. Another being explored is distance learning with Christian-affiliated universities in New Zealand and Australia. However, the problem of certifying students for higher education may be largely solved in the

coming years for the two largest and strongest MLCs: CDC and Hsa Thoo Lei, which are approaching a point where they can credibly apply to be registered as private international schools.

But while the network of MLCs has now reached the point where it is producing students ready for higher education, it has also been extending to cater for other particular needs. Three of the MLCs in our sample - Sunset (2005), Champion (2009) and Bangladesh (2010) - have been set up to operate the services in the evenings and/or weekends. The head teachers explained us that their mandates were to provide education for children and youth who were doing some kind of work during the day - a category which they estimated to cover roughly one third of migrant children in the Mae Sot district - or to give extra help to children who had managed to get places in Thai state schools. Often these students had difficulty with their school classes because of poor knowledge of Thai language, especially reading and writing. The MLCs could assist them with learning Thai in order to do their school work. They can also supplement school lessons with teaching of the language and culture of Burma or their particular ethnic community. Sometimes it is just a convenient place to do homework or meet other migrants.

According to the head teacher of the Sunset MLC:

> There was no place for working children and they could not afford to leave work, so we offered them a chance to have an evening class by teaching Burmese.... [The aim was to make them] know the language of the original country and participate in the child rights which had opened up in Thailand.

There is thus a great deal of variation between MLCs, in size, range of grades covered, special ethnic and language content and opening times. But at the same time there is also much co-ordination between them, creating a system which has much flexibility and ability to meet niche needs.

Conclusion

The above account of the post-2005 arrangement has shown how the interests and ideologies of several groups have been partly accommodated and partly compromised. A simplified summary is as follows.

The Thai state has gained stronger surveillance and control over the activities of the MLCs. Although this involves an uncomfortable public recognition and toleration of practices which in some cases are not strictly within Thai law and high policy (such as the employment of Burmese as teachers, and use of Burmese language as a medium of teaching), these can be defended as necessary expedients for the humane pursuit of child rights and 'education for all'. Such a compromise helps deflect domestic and international criticism of a regime in which profitable local industry is still able systematically to exploit the labour of migrants in illegal ways. At the same time, many migrant children (and presumably their families) have benefitted in comparison with the situation before 2005, by gaining more educational access. Yet this access is still very costly for most, and impractical for many. The international and national aid and charitable donors and implementing organizations which support the post-2005 arrangement do so largely with a perspective of international

standards of child rights. They have the satisfaction that, apparently largely through their help, those rights are now better realized than they were before 2005. But they must recognize that their aid is subsidizing and therefore partly complicit in an educational regime which still sets aside the rights of many. Most of the leaders and teachers in the schools seem to share or sympathize with this child rights perspective, but they also have distinctive interests of their own, such using MLCs to produce young people with who will be effective in the cause of greater democracy and/or ethnic autonomy in Burma. The post-2005 arrangement promotes this interest by making the MLCs more secure in Thailand, and better-resourced. But it may reduce the scope for ideological work within the MLCs. And it also provides an easier route for many of the more talented and less poor students to move beyond the MLCs into the Thai state schooling system, and potentially away from concern with Burmese activism.[6]

The account has shown how these broad compromises are worked out through a host of practical expedients, technical measures and micro-policies. They involve ingenuity and creativity among many of the actors. Finding and negotiating these ad hoc solutions seems to depend on having room for manoeuvre which is created by the effective suspension of some of the laws and regulations emanating from the centre of the Thai state. This may be considered characteristic of governance in a zone of exception.

The concept of 'zone of exception' helps one to see the phenomenon of MLCs within the context of the broader political economy of Mae Sot, and to see how - despite the importance of struggle and agency among many in the community of migrant people, and despite the non-enforcement of some state powers - the overall process is largely rational and functional from the point of view of the Thai state. It can be seen as circumscribed by the state's sovereignty rather than presenting a radical challenge to it. In it, the very struggle and agency of the MLC leaders, the student's families, and the international agencies, are turned into resources by the state. The creation of a zone of exception can thus be seen as a technique of state governance, in the sphere of education as well as in manufacturing.

Yet, although in this case the power of the state is predominant, it is not omnipotent. The state has accepted outcomes which are not ideal for it, such as the use of Burmese language as a medium of teaching within its territory, and the presence of institutions with political agendas which it cannot wholly manipulate. These observations may suggest a need to moderate slightly the strong view of the zone of exception expressed by Pongsawat (2007) and Arnold and Pickles (Arnold and Pickles, 2011). They are more in line with Ong's view of the zone of exception as something 'that can be deployed to include as well as exclude' (Ong, 2006: 4). Yet, then again, it has to be remembered that - in the present case at least - the inclusion is not uniform. Having set aside laws which officially treat people equitably, the Thai state still leaves many thousands of migrant children in Mae Sot to go without proper schooling.

Endnotes

1 Thanks go to the officers of PESA 2 in Mae Sot for their full cooperation, generous allocations of time, and candid views. Thanks similarly to the heads of the MLCs in these areas. I am also indepted to assistants, Nirunrak Pathan and Panadda Raruen without whose hard work the fieldwork could not have been finished on time. This research project has been funded by the National Research Council of Thailand.

2 Burma is currently known as 'Myanmar' by its ruling regime. This article uses the term 'Burma' as it still tends to be preferred by the migrant people in Thailand, and the agencies working among them. The term 'Burmese' is used here to refer to people who have origins in Burma regardless of ethnicity. But it also refers to the official language of Burma/Myanmar which is the mother tongue of people belonging to the Burman ethnic group.

3 Although Thailand has not signed the 1951 United Nations Convention on the Status of Refugees, it is wary of the international legal implications of 'refugees' and 'refugee camp' status, so avoids using these terms.

4 These figures are as estimated by the Thailand Burma Border Consortium and available on its website at http://tbbc.org.

5 Good Morning was founded a little later - in 2006 - but it can be used to illustrate experiences which also applied to many of the earlier MLCs.

6 World Education's work on the 'school within school' programme, and bilingual classes in state schools was partly a response to a survey which it carried out in 2010, finding that most of the migrant students and their families preferred to get access to Thai schools because it was likely to lead to better employment opportunities in Thailand. Some of our interviewees in the MLCs confirmed that, although they had hoped their graduates would come back to help them in later years, this the proportion doing so is less than five percent.

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