

Informal Sector: Survival Strategies of the Returning Thai Diaspora in Thai Society

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Abstract: Nearly all the livelihood strategies available to the Returning Thai Diaspora (RTD) in the areas of research are limited due to Thai legal prohibitions. Hence, ‘informal sector’ employment is the only accessible economy that enables the RTD to survive within Thai society. Meanwhile, ‘risk’ is considered as an important factor for them when choosing their livelihood strategies. They are trapped in an ‘entitlement failure’, bringing about a lack of command over assets and resources. Therefore, they cannot transform their own assets or accessible resources into livelihood capital. Their livelihood strategies limit them to just ‘survive’, being unable to achieve the ultimate goal of ‘sustainability.’ Policy makers should be aware of these problems and accelerate resolutions according to the Nationality Act (the 5th Amendment) B.E. 2555 (2012) which provides opportunities for the RTD to restore their Thai nationality. That will enable the RTD as well as receiving the benefits of Thai citizenship to access more capital such as political capital, etc. in order to sustain their livelihoods. This study aims to explore the livelihood strategies of the RTD in Thai society. Qualitative data were collected via in-depth interviews, observations and small group discussions. Key informants consisted of household heads from within the RTD as well as senior members of the RTD who are familiar with the history of the diasporic movement, the mainstay of the RTD network, household heads of ordinary Thai families who live in the same community and both government and non-government officers involved in the research areas in PrachuapKhiri Khan and Ranong Provinces.

Key words: Thai diaspora, informal sector, sustainable livelihoods, survival strategies, social exclusion

INTRODUCTION

Members of the Thai diaspora in Myanmar (formerly Burma) had lived for a long time in the territories of Dawei (Tavoy), Myeik (Mergui) and Tanintharyi (Tenasserim) in the Southern most part of what is now Myanmar, even before the demarcation made by British Burma and the Kingdom of Siam (former name of Thailand) in 1868. Although, they live on land that is according to modern maps, part of the Myanmar nation-state, they regard themselves as Thai citizens living in what was originally Thai territory. Since the late 1970s, the Myanmar military government had been exerting more control over these Thai communities, resulting in a series of migrations of the Thai diaspora, >40,000 people (both Buddhists and Muslims), from Myanmar to Thailand during the 1980s. Most of them now live in Prachuap Khirikhan, Chumphon and Ranong provinces (Senakham, 2007). The Thai diaspora believed that they lived within the original boundaries of Thailand and that they were Thai citizens. Therefore, they are returnees who are going back ‘home’ (Phongsiri and Thongyou, 2012).

However, they have not been granted Thai citizenship and therefore have not obtained any of the rights associated with their livelihoods. Their status has become that of the ‘Returning Thai Diaspora’ (RTD) who are ‘stateless Thais’ in Thai society. The ‘Thai diaspora’, in Thai official documents are known as ‘displaced persons with Burmese nationality and Thai race.’ Consequently, they lack the rights and power to access livelihood assets. The people of the RTD use a variety of means to establish themselves as subjects and citizens of the Thai state. They identify themselves as Thai who speak and write the Thai language, maintain Thai cultural and traditional practices have photos of the Thai kings and pay respect to them within their households, etc. However, the Thai government treats them as ‘others’ or ‘persons who are not of Thai nationality under the Nationality Act.’ They are defined as ‘aliens who are a minority and have special permission to live in the kingdom’. Thus, they do not have legal rights to assets or the means of basic livelihoods. For example, they have no legal rights to own land, housing, vehicles, etc., they are not allowed to travel beyond provincial boundaries and their children cannot study at

higher educational levels in Thailand (Phongsiri and Thongyou, 2012). The RTD do not have any kind of political rights. Without Thai ID cards, they cannot be hired legally and being illegal workers, they are paid low wages and often are not even paid at all. However, the RTD have created livelihood strategies for surviving in Thai society and have made their voices heard, many times.

Livelihood strategies are defined as 'sets of activities' and 'diverse options or choices' which be combined and used to achieve their ultimate livelihood goal of sustainability. It is the concept applied in the Sustainable Livelihood Framework (SLF), a policy-based framework developed by the Department for International Development (DFID) of the United Kingdom and based on the ideas by Chambers and Conway (1992). SLF can be used in both planning new development activities and assessing the contributions to livelihood sustainability made by existing activities. SLF focuses on five types of capital in formulating livelihood strategies, i.e., human, social, physical, natural and financial capital (DFID, 1999). It connoted that SLF looks not only at ways for people to survive but also at the people's ability to succeed and move forward in a sustainable manner. However, it does not focus on powers and rights as being the people's capital for making a living. In discussing Amartya Sen's concept of 'entitlement', the conversation concentrates on the determination of command over commodities and other kinds of capital including food. He views famine as arising, not from a lack of availability of food but from a lack of command over food. In this sense, people in a vulnerability context who have access to livelihood capital/assets or resources may 'survive' but not have enough to 'sustain' their livelihoods. Sen pointed out that those whom are excluded from social relations are under 'entitlement failure' which leads to deprivations, thereby further limiting their sustainable livelihood opportunities.

As mentioned above, the RTD are part of the stateless people in Thailand and thus far, the Thai state has not yet established a clear policy in dealing with them. The new Nationality Act (the 5th Amendment) B.E. 2555 (2012), added the definition of Thai diaspora as being separate from other aliens or minority groups and therefore, the RTD can be granted Thai nationality by birth but not by naturalization (Phongsiri and Thongyou, 2013). Some problems remain concerning the Interior Ministry's regulations that serve as guidelines for implementation by the relevant governmental organizations. Therefore, the Thai state treats them as 'others'. Until now, their status has remained no different from that of other aliens. Another relevant concept is

Sen (2000)'s 'social exclusion' where by people are excluded from participation, access to opportunity and activities. Hence, the 'informal sector' is a significant choice within their survival strategies formulation which has an important role concerning employment opportunities and the consumption of goods and services in a low income society. The jobs occupied by them are low in skills and low investment is needed, so it is the entry point for all migrants (Chowdhury, 2005).

The informal sector by academic definition is characterized as consisting of units engaged in the production of goods or services with the primary objective of generating employment and incomes to the persons concerned. These units typically operate at a low level of organization with little or no division between labor and capital as factors of production and on a small scale. Labor relations where they exist are based mostly on casual employment, kinship or personal and social relations rather than on contractual arrangements with formal guarantees. Production units of the informal sector have the characteristic features of household enterprises. The owners have to raise the necessary finance at their own risk. Expenditure for production is often indistinguishable from household expenditure. Activities are outside the urban scope and are basically income generating, small enterprises with small numbers of workers/employees, unregulated and unprotected by the state which can be majorly characterized as: ease of entry, reliance on indigenous resources, family ownership of enterprises, small scale of operation, labor-intensive and adapted technology, skills acquired outside the formal school system, unregulated and competitive markets and largely ignored, rarely supported, often regulated and actively discouraged by the government (Anonymous, 1972). Thailand has enjoyed a long period of strong growth but the development pattern has left the economy highly exposed to the outside world and has placed a large proportion of the workforce in the informal sector. A high proportion as much as 23 or 70% of the GDP of the workforce is from within the informal sector but is not recorded. The informal sector is the only choice for the poor or people in a vulnerable context including the RTD to formulate livelihood strategies in order to survive in Thai society.

MATERIALS AND METHODS

Qualitative research was conducted using the case study approach. Qualitative data was collected via in-depth interviews using an interview guideline, participatory and non-participatory observations and

small group discussions. The case studies were 30 households of the RTD and 94 key informants consisting of the following: the Thai diaspora (in Myanmar), the senior RTD who know about the history of the diasporic movement, the mainstay of the RTD network, household heads of ordinary Thai families who live in the same community, the local administrative organization staff and both government and Non-Government (NGO) officers involved in the research areas. Key informant selection was based on the procedures proposed by Robert K. Yin in selecting the cases which incorporate the specific reasons of a particular group of cases (Yin, 2003). Therefore, the case studies were purposely selected to represent various RTD livelihood strategies. The data was collected from April 2011-2013. The majority of RTD who were the target groups of this study, settled down in the provinces close to their former communities in the Tenasserim division and the Thai-Myanmar border. The study covered two diaspora communities in two provinces: Buddhist RTD in Prachuap Khirikhan and Muslim RTD in Ranong. These two communities have been promulgated as National Park are as since 1999, after the communities had already been settled there for longer than 30 years as indicated on the map (Fig. 1).



Fig. 1: Map of research areas

RESULTS

Most members of the RTD in Prachuap Khiri Khan are Buddhists, they live on land near to the Myanmar border and so, their livelihoods depend on capital coming across the border from Myanmar for their continued business and employment. At the border, where both governments operate check points, border trade comprises of an affordable local market available to both Thai and Myanmar locals. The major goods that are in popular demand are gemstones, fresh food, wooden furniture that is made mainly from tree stumps and wild orchids from the Myanmar jungle. Meanwhile the RTD community is within an ‘enclosure’ area consisting of two or more national parks where it is not permitted to collect timber and Non-Timber Forest Products (TFP/NTFP). However, in reality the RTD furtively collect fallen tree sticks for the Myanmar orchid plants, collect bamboo shoots and harvest some wild mushroom for their livelihoods.

Most of members of the RTD in Ranong are muslims, they live by the Andaman sea coast and near to the border that adjoins Kawthaung district (formerly Victoria Point) in Myanmar and so, their livelihoods depend on marine fishery resources. The area slopes down from the mountains to the sea, therefore, the flatlands of the community are located close to the coast. Their main income sources are from fishing and getting hired as laborers. Their main area is similar to the RTD community in Prachuap Khiri Khan in that it is an ‘enclosure’ area with a national park covering all the way to the sea. The national park’s officials permit the RTD to undertake coastal fishery or small scale fishing but they are not allowed to engage in shell fish farming or catch expensive, high-demand marine fish, soft shell crabs, etc.

Because of the legal status of the RTD in Thai society, social exclusion arises in a variety of ways, the language of exclusion is so versatile and adaptable it is able to dress up every deprivation as a case for creation of ‘the other’; illegal immigrants, alien, minority, ethnic group or migrant worker, etc. The ‘structure’ or state powers which are related to the RTD are mostly matters of law that exclude them from the entire society, participation and access to opportunities and activities. Although, the Nationality Act (the 5th Amendment) B.E. 2555 (2012) defined diaspora as being segregated from aliens and minorities or ethnic groups which channel them to nationality restoration but with related laws, every day life as diaspora is complicated by the laws and policies involved. By the laws, Nationality Act B.E. 2508 (1965) and Immigration Act B.E. 2522 (1979), the RTD is defined as being the same as alien. They can work in only two occupations as a laborer or housemaid, so have very

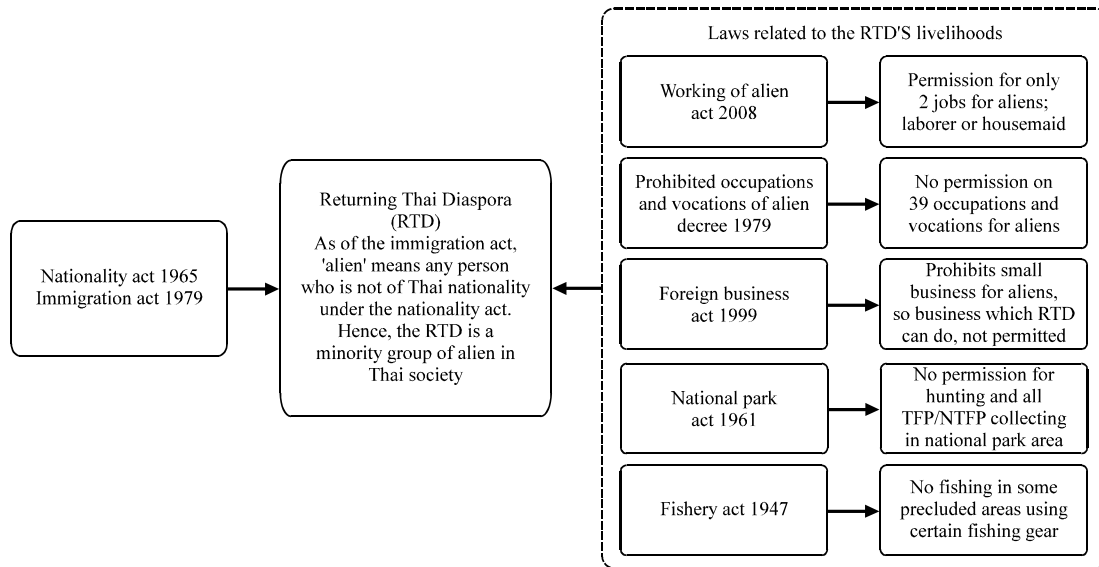


Fig. 2: Related laws affecting the RTD’s legal status and livelihood conditions

limited choices while being self-employed or operating a business are not legally permitted by the Foreign Business Act B.E. 2542 (1999), Working of Alien Act B.E. 2551 (2008), Prohibited Occupations and Vocations of Alien Decree B.E. 2522 (1979), National Park Act B.E. 2504 (1961) and Fishery Act B.E. 2490 (1947), etc. Hence, legislative powers or ‘structure’ have excluded the RTD from employment opportunities, denying access to livelihood capital assets and from being a part of Thai society. These are the almost hopeless circumstances of the RTD in trying to develop sustainable livelihoods as shown in Fig. 2.

The diversity and complex nature of the power ‘structure’ in terms of laws and Thai state policies exclude the RTD from citizenship rights and accessibility to opportunities including livelihood capital in all aspects. The RTD are not allowed to travel beyond the borders of their residential provinces either for work or study. Without Thai ID cards, they can only work in ‘informal sectors.’ They cannot be hired legally and being illegal workers, they are paid low wages and often are not even paid at all. It has them pinned down to the sector’s worst possible situations such as being given lower pay being cheated, etc. Moreover, vocational improvement and advancement of education opportunities are too far away for them to reach, even medical services, beyond their locations are unavailable even when needed. Detrimental to social capital and culture is that their communities are unable to link and add to its value with other communities and networks. Access to natural capital in Thailand is restricted due to their enclosure by national parks and the

rules governing them. Almost all benefits from natural capital for their livelihoods are from across the border in Myanmar. Physical capital, this mostly concerns their half-permanent, half temporary shelters built to be ready to leave behind when the Thai state policy uproots and pushes them away. A lack of ownership regarding assets with title/documents like houses, automobiles, motorcycles, land, etc., deprives them of formal sector financial capital access and means they are unable to transform their assets in to other livelihood capital. They have turned to rely on their own saving group, established to provide mutual monetary assistance.

Being in the trap of entitlement failure, the RTD cannot have ‘commandover’ their own assets and accessible resources. Their livelihood strategies are limited to just survival in the society through the practice of ‘escape’ from the diverse and complex power structures that are pressing on them. Therefore, the informal sector provides a gap, among these powerful structures, through which the RTD can draw choices of survival strategies which include those in Table 1.

For the RTD, the ‘informal sector’ takes action as a survival strategy. They make choices for their everyday life from these sets of activities above with ‘limitations’ rather than ‘opportunities’ to formulate their livelihood strategies. The RTD who moved from Myanmar to Thailand in 1977 said “... we work in all jobs whoever will hire us...” but by the Thai laws, they can do only two jobs as laborers and housemaids. So, all the jobs that the RTD in both research areas, do are as non-contract laborers. They have no permission to participate in any

Table 1: Informal sector and livelihood activities by which the RTD formulate survival strategies

Survival strategies (sets of activities)	Livelihood activities in informal sector
Selling goods and products at border markets	Local food, wild orchids planted on dry brushwood/branches, dry brushwood with wire (for planting orchids), wooden (tree stump) furniture and gemstones or other colorful stones, etc.
Using house as home-business and services	Small grocery shop, online games, PC renting for internet services, printing and photocopying services, etc. Middleman buying marine fishery products, etc.
Self-employment as home workers in family small business	Processing broom material from coconut leaves, wood charcoal making, scavenging solid waste for recycle business, bird cage making and coconut shell handicrafts, etc.
Working with community business/small enterprises	The popular and best business is making wooden furniture from tree stumps using 'transnational' raw material from Myanmar's deforestation for oil palm and rubber plantations by multinational corporates
Working at small community manufacturing (owned by outsiders)	Gemstone (sapphire) cutting, bamboo shoot processing, fish meal manufacturing, etc.
Coastal fishing (self-employed fishing) and local sea food processing	Fishing for selling and consumption in every day life Shrimp paste making, dry fish, dry shrimp, dry squid, salty jellyfish, salty crab, salty shell, etc.
Working as non-contracted laborers	Load and unload tree stump furniture for transporting, construction work, solid waste segregation, weeding, thatch roof material selling, rubber, oil palm, pine apple, coffee and chili farm laborers, shrimp peeling, boat making, employed as deep sea fishing crews, restaurant workers, dancers in local bands, climb coconut trees (collecting coconut), etc.
Make a living by using local knowledge or folk healer's wisdom	Traditional mid-wife, herbal medicine healers/practitioner, folk healers-blowing healer, bone fracture healer, traditional masseur, fortune teller, traditional ceremony performer (animism), etc.
Living with available natural resources	Renting farmland in Thailand for farming purposes, farm in Myanmar, etc. Collecting of TFP/NTFP such as mushroom, bamboo shoot, dry brushwood/branches (for planting wild orchids), etc. Collecting rare items like the agarwood in the deep forests in Myanmar, etc.

kind of small business because the Foreign Business Act requires minimum financial capital of 100 million THB for aliens. Fishing and collecting TFP/NTFP in the national park areas are prohibited but for making a living in everyday life, the RTD must 'escape' by doing just that and some of them 'escape' by traveling beyond their residential province boundaries to find jobs. Using transnational natural capital and transnational livelihoods in Myanmar and also using local knowledge/wisdom for making a living, helps them to reduce the limitations of livelihood capital accessibility in Thai society. All the livelihood activities as mentioned above are part of the 'informal sector' which is ignored by the Thai government. These are part of a large proportion of the workforce that add value to the production process but are not recorded in Thailand's GDP. If the RTD are able to restore their Thai nationality as declared in the new Nationality Act, their workforce and value added production would contribute to the GDP too.

DISCUSSION

The RTD in both the research areas of Prachuap Khiri Khan and Ranong were living in enclosed locations, discriminated against and excluded from resources or capital to make choices for their livelihood strategies. Almost all livelihood activities are prohibited by Thai laws. All income earning activities are squeezed into the informal sector. According to the rule of 'no Thai ID cards no citizenship rights', occupations in the formal sector are not possible in terms of equal access, equal pay and equal treatment by a legal employment contract. The 'informal sector', provides the only accessible gap among common

opportunities but still limits their long term life improvement. 'Risk' taking is an important factor to decide on within their survival strategies. For example, risk from dangerous jobs from being cheated, lower pay and/or being arrested by the police for traveling out of their residential locations, etc. Work in the '3D jobs': Dirty, difficult and dangerous is inescapable but provides a limited lifebuoy while they are trapped in the 'entitlement failure' which blocks them from achieving 'sustainable' livelihoods. Policy makers have to be aware of and accelerate law enactment and policy implementation to stop the social exclusion aimed towards the RTD, reintegrating this group of people into the formal system rather than keeping them as 'the other' to be excluded by nation-state frontiers and laws. The Nationality Act (the 5th Amendment) B.E. 2555 (2012) declared that the RTD could retrieve their nationality and become full Thai citizens. Hence, the government cannot ignore them anymore and their work and value added production should fully contribute to Thailand's GDP. Consequently, the RTD would have opportunities to achieve livelihood outcomes as presented in the SLF. The RTD need 'command over' the capital/assets in their livelihoods in the same way as other Thais, after their long time struggle of being stateless, pressed and violated under the structure of Thai state power.

CONCLUSION

This study is focused on the informal sector as one of the RTD's 'survival' strategies in Thai society. Without citizenship rights, the laws limit their choices regarding livelihood capital/assets and activities in

making a living. Therefore, they cannot achieve the ultimate goal as presented in the SLF. Hence, the livelihood strategies of the RTD are sufficient to maintain a limited level of livelihood but not enough to be 'sustainable'.

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