

Learning to be alive: The education of migrant worker children on the Thai-Burma border

**by Nongyao Nawarat
(Faculty of Education, Chiang Mai University, Thailand)**

(A paper for presentation at the second annual Asian Conference on Education 2010.
Version dated 15th October 2010)

Introduction

Thailand has taken great economic strides under globalisation. From the mid-1980s to the mid-1990s, its economic growth was among the fastest in the world. Despite a dip after the Asian economic crisis of 1997, and a series of political crises in recent years, the economy continues to progress. This process is assisted in some ways by repression, conflict and poverty in neighbouring Burma/Myanmar. Much of the cheap labour required in Thailand's factories, households and agricultural enterprises is supplied by migrant Burmese¹ workers, both legal or illegal.² Economic growth has enabled and encouraged Thai children and young adults to obtain higher levels of formal education.³ But the schooling of Burmese child migrants in Thailand depends to a great extent on charities. Often the facilities provided are not accessible or beneficial enough to make it worth the while of the children to attend, or their carers to send them there. Instead, many of these children are occupied in intensive labour: indeed, they are often subject to what are defined, under the terms of International Labour Organization (ILO) Convention No. 182 (ILO 1999), as the worst forms of child labour (WFCL).

Thailand has signed treaties in international law avowing that children must receive primary education and be protected from heavy and hazardous labour.⁴ It has done much to incorporate these principles into Thai law.⁵ But at present many of the of the child migrants get little benefit because of the weakness of implementing the law and regulations. Indeed, the expense to employers and government of making this kind of

¹ The term 'Burmese' is used in this paper to signify people with family origins in the territory of Burma/Myanmar, who have not obtained citizenship of a different state. It does not necessarily mean they come from the Bamar ethnic group.

² In 2006-7, there were about half a million Myanmarese registered as migrant workers by the Thai Ministry of Labour, and it may be estimated that there are two or three times that number who are unregistered (Tsuneishi 2008 pp. 6, 37; IOM and others 2008 p. 70), although some have put the number as high as six million (Bryant Yuan Fu Yang 2009 Section II).

³ Gross secondary school enrolment of Thai children has risen from less than one third to more than 80 per cent in this period (UNICEF 1992 p. 79; 2010 p. 25). Secondary school graduates seem reluctant to accept hard manual jobs.

⁴ In particular, ILO Convention No. 138 deprecates substantial labour being given to children under the age of 15 (ILO 1999). Section 32 of the United Nations' Convention on the Rights of the Child specifies that a child under 18 years of age shall be 'protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development' (United Nations 1989).

⁵ Labour Protection Act B.E. 2541 (Thailand 1998) and Ministerial Regulation BE 2547 (2004).

provision for welfare and human rights is probably a major reason why so many migrant workers remain unregistered and unofficial.

For activists and policymakers in the field of education this poses a complex set of problems. The problem is clearly a lot to do with politics, and so any action of educationalists will be promoting – or at least colluding with – one political approach or another. The present paper demonstrates this by exploring the particular case of migrant children in the agricultural areas of Mae Sot and Phob Phra Districts, on the western border of Thailand. It is largely based on a survey and qualitative study conducted by the present author together with Sopida Werakultawan and Sarintip Mansap in late 2005 and early 2006. This was set out in a lengthy report for the ILO (Nongyao Nawarat and others 2008). The present paper summarises and focuses the key findings more concisely, bringing updated information and further analysis into play.

The paper begins by introducing the geographical setting, and its importance in the globalizing economy of Thailand, showing how this is premised largely on the availability of cheap migrant labour. It goes on to explain who the migrant child workers are, and to describe the general conditions under which they work and live. Then it turns particularly to the question of their education, examining both their attitudes to schooling, and the kind of facilities to which they have access. Given that the main reason for non-participation in schooling is a need to earn money, the question is then raised as to whether this problem can be solved through an approach based on the implementation of international laws and norms. Serious drawbacks are found in such an approach. The paper ends by attempting to indicate some alternatives.

The setting: Mae Sot and Phob Phra

The city of Mae Sot stands on the Thai side of a border crossing for Burma/Myanmar. It is the designated point of entry for the East-West Economic Corridor: a project based on a fast road link from the Indian Ocean to the South China Sea supported by the Asian Development Bank, with the aim of boosting economic linkages between Burma/Myanmar, Thailand, Laos, and Vietnam (ADB 2005). The Thai Government recognising the special economic potential of the Mae Sot area in 1993 designated it as the most favoured of three Special Investment Promotion Zones into which new enterprises were attracted with tax breaks and other privileges. (Arnold 2005 p. 291). The Cabinet decided to invest further in the area in 2004, by providing funds for extensive improvements of infrastructure (Tsuneishi 2008 pp. 25-26).

Agriculture is high among the sectoral priorities for the region. Thai government policy has been to promote large-scale agricultural production in the districts of Mae Sot and Phob Phra, as well as downstream activities such as canning and food processing. These two districts contain over one thousand square kilometres of cultivated land, largely in the form of big plantations of cash crops along the major roads. The main cash crops are corn, soya, mung beans, vegetables, fruit and flowers (Nongyao Nawarat and others 2008 p. 24). Agribusiness takes advantage of large flat areas of rich soil, easy availability of water for irrigation, and – crucially – a supply of cheap manual labour.

According to governmental agencies, in 2005 there were 55,600 registered alien workers in the two provinces, including 3,500 under the age of 19. But the number of

unregistered foreign workers was much higher. The Mae Tao Clinic (a charitable health project assisting migrants) estimated that there were 75-100,000 migrant workers in the area, of which 15-20 per cent (10-20,000 individuals) were children (Mae Tao Clinic 2006). The number of migrants is of the same order of magnitude as the Thai national population in Mae Sot district (Pyne 2007 p. 133). A further indication of this is given by the fact that in 2005 there were 980 live births to migrants at Mae Sot Hospital, representing 43 per cent of all live births there. In the same year, 1,440 births were delivered by the Mae Tao Clinic.

The childrens' background

The nearly 600 migrant child agricultural workers that we interviewed in late 2005 and early 2006 were identified through a snowball technique, in which subjects and other informants provided information which directly or indirectly helped us find additional subjects and further informants. This technique involved biases that mean our group was probably not *exactly* representative of all migrant child agricultural workers in the area. It was inevitably hard to contact people who were loners in one way or another. But from the qualitative picture that we built up through interviews and other research, we believe our group to have been *moderately* representative (Nongyao Nawarat and others 2008 pp. 11-16). In any case, these children and their families can be seen as marking an important and coherent social group.

The profile of the typical migrant child agricultural worker in this area that we built up was as follows. The child was equally likely to be male or female. Mostly they came from Bilin township in Mon State and Pa-an township in Karen State. But their ethnicity was likely to be from the national majority Bamar ethnic group, although members of minority peoples such as Karen and Mon were also present. This may partly reflect a tendency of Bamar people to be more responsive to wage labour opportunities in the modern capitalist sector, rather than sticking to more traditional ways of life. Most of the children had grown up in households headed by wage-labourers, although a substantial minority came from peasant households, and a few from families whose main livelihood was derived from another activity, such as small-scale trading.

Most of the children were living in Thailand in a nuclear family unit with both their parents. But some were with only a single parent, or in the care of a more distant relative. We found very few agricultural child workers who had no carer at all. And few of the children had come to Thailand more than once from Burma/Myanmar; indeed, many had been born in Thailand and never lived in Burma/Myanmar. Thus, for these agricultural workers, it seems that being a migrant is not a seasonal activity, but a long-term condition of life.

Conditions of life and work

Almost all the migrant child agricultural workers lived in communities of migrant workers. These range in size from about ten to about one thousand people. There are two main types: settlements on land provided by the farming enterprise for its workers, and settlements of freelance workers. The first type can be subdivided between settlements sited close to the regular place of work, and settlements which are not

particularly near to any one place of work. The latter were for workers who could be switched between activities in different locations by the agribusiness or gang-master who employed them.

Migrant workers were used most intensively in rose farms, fruit orchards, and plantations of vegetables such as potatoes and white cabbage. The jobs which were most commonly given to the children were ones which exploited their physical characteristics as children, such as tasks close to the ground like planting seedlings, and applying fertilizer in such a way that it nourished the roots of each plant without touching the exposed part. They were paid the same as an adult would be who did these jobs, and were expected to be as productive as an adult would be. Like the adults, they normally had to work more than eight hours a day, seven days a week, without any paid holidays, and for less than half the statutory minimum wage. The labour conditions were exploitative of the adults, but for the children they also violated their needs and rights for rest and leisure, schooling and protection from hazards.

A particular threat to the children's health comes in the use of chemical fertilizers, and pesticides. Paraquat is commonly used, a pesticide widely considered potentially dangerous to human health. Authorisation to use it has been withdrawn in the European Union in 2007 (European Court of First Instance 2007). Other chemicals are used in combinations whose safety has not been well tested. The children who have to work with these chemicals are hardly ever given protective equipment, and many of them experience symptoms such as headache, fever and coughing, besides the back-ache and muscle-ache that come from long hours of physically-demanding labour. The majority have to work long hours without a break in intense heat. Significant minorities regularly have to lift objects heavier than 25 kilogrammes, or work at night, or climb high above the ground. Few of the children had been helped by their employer to get medical treatment, or been given paid remission of work when they were ill.

The demand and supply of schooling

Only a minority – perhaps as little as one fifth – of the Burmese migrant children in Mae Sot and Phob Phra Districts regularly attend school (Nongyao Nawarat and others 2008 p. 22). Of the working children surveyed, many (between 20 and 25 per cent) had never experienced any schooling. Only about 25 per cent had stayed in school beyond the four years of junior primary (pp. 54-56).

The main schooling option for the migrant worker children in Tak Province takes the form of about 50 semi-official schools in a network co-ordinated by a non-governmental organisation called BMWEC or the Burmese Migrant Workers Education Committee (Nongyao Nawarat and others 2008 pp. 22, 79; Pyne 2007 p. 132; BMWEC 2010). Within this, there is variety in terms of quality and approaches, but most are very hard-pressed for resources. Some of these schools are administered fairly directly by BMWEC, and some are run by other NGOs or religious organisations, with various sources of charitable support. At a general level, BMWEC liaises with the Thai Ministry of Education in order to reach a mutually acceptable way of working for these institutions. (The Ministry insists that they should be called 'learning centres' rather than 'schools' as they do not conform to all the same rules applying to mainstream schools in Thailand.)

Most of the learning centres have been working mainly in Burmese language using a curriculum based on the one in Burma/Myanmar, though often modified to reflect more democratic values and a more pluralistic vision of Burma/Myanmar than the one that is projected by the state education system internally (Pyne 2007 pp. 162-174; Lee Sang Kook 2008 p. 200). They may thus give the students the possibility of transferring for further education in Burma/Myanmar in the short- or long-term future, depending on their economic and political situation. Many want a similar possibility in relation to the Thai system, but it is difficult to be compatible with both systems at the same time.

The Thai government has agreed in principle (by cabinet decision in July 2005) that all migrant children should be included in schooling (IOM and others 2008 p. 94). The Thai authorities have indicated that, so long as legal migrant children can reach an adequate standard in Thai language, they can join state schools, and they are also willing to embark on a programme of integrating the learning centres into the Thai school system (Pyne 2007 pp. 156,158, 166-7). But in practice, the problem of transnational compatibility is a sticking-point. Few individual migrant pupils have so far joined Thai schools (IOM and others 2008 p. 94). And the staff of the learning centres have understandable concerns about their integration into the Thai system (Pyne 2007). They are fearful that the process will lead to loss of ability to make the teaching appropriate to the particular needs of Burmese students (p. 166-167). There is also a problem of their own qualifications and employability as teachers (p. 158-159).

But in any case, fewer than 20 per cent of the migrant child workers in our survey cited a lack of available schools as a major reason for leaving formal education (Nongyao Nawarat and others 2008 pp. 54-55). Rather, the motive for most of them for entering into full-time work at an early age was economic: contributing money to their family, and earning money for themselves.

The education policy dilemma

The educational situation of child workers is clearly very unsatisfactory from a humane point of view. At first sight, it might seem clear what the rights and wrongs of it are. But on close examination it presents a hard problem of education policy. To explore this, the paper now sets out a scenario which might be called 'the international law approach', and then discusses its drawbacks.

In 'the international law approach' the Thai government agencies effectively enforce the main applicable international norms and laws. This would mean making sure that migrant workers are registered legally, by means including the active identification and vigorous prosecution of the employers of unregistered migrants. The government would also fulfil its undertaking to apply Thai labour protection measures to the migrants, including the minimum wage, and provision of free and compulsory primary education for migrant children.

The attempt to impose a ban on virtually all child labour under the age of 15 has been criticized by some as making unjustified Western-style assumptions about children (Bourdillon 2006). It reflects an ideology which 'sees childhood as a time to be cared for by others, free for learning and leisure' rather than a period 'continuous with the

adult world' in which work is normal to the developmental process (p. 1202). Children can be harmed developmentally by being prevented from working, as well as because of possible needs to get income for their personal and family needs. Of course this argument, also, could be carried too far and used to support mere exploitation. But it helps make an important case for flexibility in approaches to the needs of children in difficult circumstances.

The application of labour protection measures to migrant worker families – if it were done properly – would probably counter-balance the household financial effects of lost income from children who go to school instead of working. But this does not necessarily mean that it would be in the best interests of the children and their families for the children to stop work, even then.

One must also bear in mind the effects that 'the international law approach' would have on the numbers of migrants employed. Since the costs of employing them would rise greatly, the amount of employment would probably fall considerably. There is a temptation to dismiss the importance of this by saying that it only means going back to the normal condition of having people stay in their own country. But this would not be a state of normality from the point of view of many of the people concerned, for whom their residence in Thailand is a way of life; or, at least, for whom the condition of having some family members in Burma/Myanmar and some in Thailand is part of a longstanding survival strategy.

For many it may be more than a privileged choice. Migration from Burma to Thailand is not only about the lure of cash jobs on the eastern side of the border than the actions of an undemocratic and discriminatory regime on the western side (Grundy-Warr 2004; The Federation of Trade Unions – Burma 2006 pp. 26-27). Many of the migrant workers are undeclared refugees. Thailand has not ratified the United Nations Refugee Convention of 1951 or its 1967 Protocol, and hence it does not recognize refugees within its boundaries (Baek and Subramaniam 2008). It allows the UN to administer 'temporary camps' where designated 'displaced persons' can stay without being immediately returned where they came from. But, besides understandable reluctance to face the restrictions and hard conditions of these camps, it can be risky for migrants to present themselves for the procedure to determine displacement status, since an unfavourable decision may mean immediate deportation (ibid. p. 22). The market in registered and unregistered labour hence takes some of the strain off the refugee problem. Conversely, if the unregistered labour market were eliminated, the refugee problem would become more acute. Hence, an 'international law approach' to the question of migrant children and their education would have to be extended to application of international law and norms on refugees as well.

This scenario looks increasingly far-fetched, the closer one examines it. Strong forces oppose it. Employers will resist the costs of higher wages and improved facilities. The Thai government faces pressure from the employer businesses, besides additional costs of providing schools and other services, and wider harm to its pragmatic relations with the Burma/Myanmar government. All this is not to say that the scenario cannot serve as an ideal around which to organize long-term campaigning. But it means that activism and policy-making must also work at another – more immediate – level for the sake of the welfare of these many thousands of migrant worker children.

Ways forward

Some lessons can be learned from the approach of the BMWEC. Its approach demonstrates a kind of pragmatic flexibility. A keynote statement currently featured on the major pages of its website is particularly revealing.

BMWEC is conducting a pilot project with the Thai Ministry of Education for the proper recognition of Migrant Education. This project involves providing accreditation to migrant schools by the government. We have come far, but the process is very long. We are still only half way and need much more international support to succeed. Advocacy and awareness is a necessity for the schools, which are still illegal, to be able to run. (BMWEC 2010)

BMWEC is engaged in ongoing dialogue and partnership with a ministry of the Thai government, yet it is capable of acknowledging openly that its schools are illegal. Within a Western-style legalistic paradigm this might seem an untenable contradiction, yet it appears to represent a reasonably stable and constructive process. It involves a patient mobilisation of resources and supporters. Such an approach, in which contradictions are managed so that they do not become major confrontations, has produced the major achievement of allowing these schools to exist, and contribute in a modest though valuable way to the development of thousands of children. More than that: the schools have become important centres for protection and identity of children who might otherwise be de-humanized in the eyes of Thai institutions (Pyne 2007 pp. 174-177).

But this primarily helps the children who can afford not to work. Does a pragmatic and flexible approach have anything to offer to others? Various writers have collected examples from other countries of ways in which the calendars and timetables of schooling have been made to complement those of work, so that children have a chance to engage in both (Admassie 2003; Bourdillon 2006 p. 1218). But these examples often refer to family subsistence labour, or in local economies dominated by seasonal work patterns. The kind of industrial efficiency with which the migrant labour force is managed in Mae Sot and Phob Phra may not even leave enough space for this. Almost all the child labourers in our study were working at least eight hours a day, and usually seven days a week.

It may be that voluntary agencies concerned with working children would have to replicate BMWEC's approach of negotiation and compromise, but with the employers rather than the government, opening up possibilities for children to be given the option of taking days and hours off in order to pursue education. This would have to go hand in hand with innovative models of education provision: models involving mobile teachers, and curricula which provided clear benefits to the children. Such curricula might include teaching about the health risks to the children in their work, and ways of protecting themselves against them. It might also include education designed to help children organize themselves, make active life-choices, and pursue human rights.

The idea of such an approach clearly raises many questions. Would employers find it too threatening to enter into such dialogue? On the other hand, might it run the risk of subsidising an exploitative economic production process? Would it complement or undermine the pressure created by simultaneous pursuit of 'the international law

approach'? Would it be possible to find the resources necessary to support mobile teachers? The obstacles are formidable, but the challenge – for both academic researchers and practical activists – is pressing.

References

- ADB. 2005. 'East-West Economic Corridor: Summary'. 26th June. Mandaluyong City: Asian Development Bank. <http://www.adb.org/GMS/Projects/1-flagship-summary-east-west.pdf> accessed 14th October 2010
- Admassie, A. 2003. 'Child labour and schooling in the context of a subsistence rural economy: can they be compatible?' *International Journal of Educational Development* 23: 167-185
- Arnold, Dennis. 2005. 'The situation of Burmese migrant workers in Mae Sot, Thailand'. In *Asian transnational corporation outlook 2004: Asian TNCs, workers and the movement of capital*, edited by Chang Dae-oup and E. Shepherd, 287-330. Hong Kong: Asia Monitor Research Centre. <http://amrc.org.hk/system/files/ATNC+2004.pdf> accessed 19th July 2010
- Baek, Buhm Suk, and Gauri Subramaniam. 2008. 'Myanmarese refugees in Thailand: The need for effective protection'. *Cornell Law Student Papers*. http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1000&context=ds_p_papers accessed 21st September 2010
- BMWEC. 2010. '[BMWEC website]'. <http://www.bmwec.org> accessed 14th October 2010
- Bourdillon, Michael. 2006. 'Children and work: A review of current literature and debates'. *Development and Change* 36 (1): 1201-1226
- Bryant Yuan Fu Yang. 2009. 'Life and death away from the Golden Land: The plight of Burmese migrant workers in Thailand'. *Thailand Law Journal* 12 (1), Spring. <http://www.thailawforum.com/articles/Burmese-Migrants-in-Thailand.html> accessed 27th September 2010
- European Court of First Instance. 2007. 'The Court of First Instance annuls the directive authorising paraquat as an active plan protection substance'. Luxembourg: European Court of First Instance. <http://curia.europa.eu/jcms/upload/docs/application/pdf/2009-02/cp070045en.pdf> accessed 5th October 2010
- Grundy-Warr, Carl. 2004. 'The silence and violence of forced migration: The Myanmar-Thailand border'. In *International migration in Southeast Asia*, edited by A. Ananta and E. N. Arifin, 228-272. Singapore: Institute of Southeast Asian Studies
- ILO. 1999. 'Convention 182: Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour'. Geneva: International Labour Organization. <http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm> accessed 27th September 2010
- IOM, and others. 2008. 'Situation report on international migration in East and South-East Asia'. Bangkok: Regional thematic working group on international migration including human trafficking, International Organization for Migration. <http://www.iom-seasia.org/resource/pdf/iomsituationreport.pdf> accessed 28th September 2010

- Lee Sang Kook. 2008. 'State in a state: Administration and governance in a Thailand-Burma border town'. *Asian Journal of Social Science* 36 (2): 187-233(47)
- Mae Tao Clinic. 2006. 'School Health Programme'. Mae Tao Clinic and Child Health Care Department
- Nongyao Nawarat, Sopida Werakultawan, and Sarintip Mansap. 2008. 'Migrant child workers on the Thai-Burma border'. January. Chiang Mai: Faculty of Education, Chiang Mai University
- Pyne, Sandee. 2007. 'Migrating knowledge: Schooling, statelessness and safety at the Thailand-Burma border', International Education Policy, University of Maryland, College Park
- Thailand, Government of. 1998. 'Labour Protection Act, B.E. 2541 (1998)'. thailaws.com/law/t_laws/tlaw0132a.pdf accessed 27th September 2010
- The Federation of Trade Unions – Burma, ed. 2006. *Working day and night: The plight of migrant child workers in Mae Sot, Thailand*. Edited by P. J. e. Robertson. Bangkok: International Labour Office
- Tsuneishi, Takao. 2008. 'Development of border economic zones in Thailand: Expansion of border trade and formation of border economic zones'. IDE Discussion Paper 151. Chiba: Institute of Developing Economies. <http://www.ide-jetro.jp/English/Publish/Download/Dp/pdf/153.pdf> accessed 21st September 2010
- UNICEF. 1992. 'The state of the world's children 1992'. <http://www.unicef.org/sowc/archive/ENGLISH/The%20State%20of%20the%20World%27s%20Children%201992.pdf> accessed 5th October 2010
- . 2010. 'State of the world's children 2010'. New York: UNICEF. http://www.unicef.org/rightsite/sowc/pdfs/statistics/SOWC_Spec_Ed_CRC_TABLE%205.%20EDUCATION_EN_111309.pdf accessed 5th October 2010
- United Nations. 1989. 'Convention on the rights of the child'. New York: United Nations. <http://www2.ohchr.org/english/law/crc.htm> accessed 5th October 2010