

Chapter 3

Pwe-sar or The Middlemen of Myanmar

3.1 Understanding Pwe-sar

The word Pwe-sar (ပွဲစား) is a familiar word for all walks of life in Myanmar. Although its characters vary depending on the type of job they broker, they are all under one umbrella. Pwe-sar is a broker who works as a buyer or seller or both to help exchange goods and services. He/she is well known by the applicant, in both geographical and social terms. Pwe-sars¹ are found in almost every sector of economy and even in social lives. The most common types of brokers that exist in Myanmar are real estate brokers (Eain/Chan/Myay Pwe-sars အိမ်ခြံမြေပွဲစား), automobile brokers (Car Pwe-sars ကားပွဲစား), insurance brokers (Ar-ma-khan Pwe-sars အာမခံပွဲစား), business brokers (A-lote Pwe-sars အလုပ်ပွဲစား), and service brokers (Wun-saung-hmu Pwe-sars ဝန်ဆောင်မှုပွဲစား). Brokers for domestic laborers brokers, unofficial money transfer, and trafficking are usually known as just Pwe-sars or agents (အေးဂျင့်) and Pwe-sars from this category are the main focus in this study.

In Myanmar, not only do Pwe-sars exist as individual brokers, they also work in groups and networks. The formation and functions of migrant networks operated by Pwe-sars, their impact on irregular migration flows are yet to be explored. As this thesis attempts to answer if Pwe-sars are to be issued permits and will they offer an alternative to help mitigate some of the risks associated with irregular migration. It is necessary to study the pattern of migration chosen by Mon migrant workers and to identify Pwe-sars' network ties and their functions in order to answer these questions. Pwe-sars, according to the interviewees, have a unique relationship with

¹ 'Pwe-sars'- plural form of Pwe-sar

migrants and their families than licensed labor migration agencies do. Due to their indistinguishable status, they could traffick many potential migrants out of Myanmar as well as bring them back into the country. It is their illegal status that jeopardizes the border security's job and exposes these migrant workers to series of risks and vulnerability.

3.1.1 Pwe-sar in Ancient Myanmar

The earliest records found in Myanmar history about Pwe-sars dated back to the 15th Century. It is believed that the word Pwe-sar derived from ‘pwe-sar-htar-thu ပွဲစားထားသူ’ in Myanmar language that translates as ‘someone who gets a commission’ in its literal meaning (Kyaw Win,2007). It is assumed that all Pwe-sars were male as no records of female Pwe-sars were found. The records show that during Taungoo Dynasty (1486-1599)², domestic and international trade began to gain momentum and Pwe-sars played a significant role as trade commissioners directly appointed by the King. All goods were sold through their permission and all sellers were required to pay 7 per 100 items of goods they wanted to sell. This is known as ‘pwe-kha (ပွဲခ)

’ or commission fees. If individuals were found selling without Pwe-sars’ permission, they were fined 2% of their sale as pwe-kha.

All ships sailed to Myanmar had to land at Bago, Taninthayi, Mottama, or Thanlwin ports and traded goods at these ports. From Myanmar, they bought gems and jewelries, particularly rubies to sell in Africa and other Asian nations. All these transactions had to be approved by Pwe-sars. For imported goods, 22-23% of tax known, as port-tax, (ဆိပ်ကမ်းခွန်) was charged. It is also important to note that Pwe-sars also collected other forms of tax on behalf of the King and his government. Tax records found in Nyaung yan and Konbaung dynasties showed that there

² Second Taungoo Dynasty (1597-1752) is known as Nyaungyan Dynasty.

were separate taxation for sellers and traders that sold commodities near rivers, streams and even ponds. They were known as ‘yay-pwe-khun (ရေပွဲခွန်)’ . Similar taxes were collected from people who traded along the river route, on the boats, at river dock markets and occasional festivals held in the markets. Apart from these taxes, Pwe-sars also taxed loans and borrowings of money, jewelries, kitchen wares, houses, mortgage, etc. Gifts were also taxed (Ma Kyan, 2009; Maung Maung Tin, 1931).

Since Pwe-sars controlled and managed all ports and markets, they were quite powerful and were given their own armed guards. Although they had high social status, they were never regarded as Lords. However, some were known as Nobles for their loyal service to the King and his interests. They received privileges and tax exemptions, and honored with betrothals to wealthy aristocrat women. Many Pwe-sars came to be known as Land lords and aristocrats themselves upon marriage and inheritance. Later in the 17th Century, they were known as royal brokers or country’s regents who are authorized by the King to determine the price of rubies in particular to sell nationals and foreigners (Dijk, 2006).³ There was a lot of gem smuggling as well and the monopoly of the ruby market by some royals were closely related to the King through Pwe-sars.

³ Myanmar’s greatest riches were the country’s fabled rubies. Rubies are said to have been mined in the Mogok Valley that appears to be the bed of an ancient lake since A.D. 500. Precious stones of all conceivable color are (and were) found there. (See details in Dijk, 2006). According to Edwin Streeter, the London jeweler and author (1887) who was involved in the early history of the Burma Ruby Mines, Limited, “pigeon blood rubies” from Mogok are considered as the world’s finest and most expensive rubies that can easily cost a million dollar. Every 300~500 rubies found, there was one sapphire. It is said that 7,500 acres of mine produced 12,500~ 15,000 carats of rubies per day. The largest cut ruby with excellent quality weighs 1184 carats.

3.1.2 Pwe-sar in Colonial Myanmar

Pwe-sars continued to play significant roles as traders and as former royal brokers throughout British rule in Myanmar. British rule in Burma lasted from 1824 to 1948 from the Anglo-Burmese Wars through the creation of *Burma* as a province of British India to the establishment of an independently administered colony, and finally independence. Various portions of Burmese territories, including Arakan (Rakhine), Tenasserim (Taninthayi) were annexed by the British after their victory in the First Anglo-Burmese War and Lower Burma was annexed in 1852 after the Second Anglo-Burmese War. The annexed territories were designated the *minor* province (a Chief Commissionership), *British Burma*, of British India in 1862. After the Third Anglo-Burmese War in 1885, Upper Burma was annexed, and the following year, the province of *Burma* in British India was created, becoming a *major* province (a Lieutenant-Governorship) in 1897 (Imperial Gazetteer of India, 1908).⁴

The dominance of Pwe-sars in trade and market continue to perturb sellers and traders in the market. Although the colonial government exempted tax on the tea (လက်ဖက်) trade, sellers were unfairly demanded to pay tax by Pwe-sars and Lords. Tea traders from Shan state had to camp at Pwe-sars' initiated Municipal compound (မြို့နယ်စတိတ်), Thibaw compound (သီပေါစတိတ်), Private traders and brokers' compounds (ပုဂ္ဂလိကကုန်သည်ပွဲစားစတိတ်) to sell tea. They were again unfairly taxed and overly charged on their salt consumption on their way back to Shan. Later on, Pwe-sars were hired by the British colonial government to collect commission fees from foreign traders for valuable goods such as gemstones and gold.

⁴ This arrangement lasted until 1937, when Burma began to be administered separately by the Burma Office and the Secretary of State for India and Burma. Burma achieved independence from British rule on 4 January 1948. See details in Imperial Gazetteer of India vol. IV (1908).

Similarly, Steel Brothers Ltd. and Bombay Brothers Corporation recruited Pwe-sars as agents to boost sale and for faster trading. They used Pwe-sars to retail cotton and teak business among local traders while using their network to expand their markets in various part of the country. This was followed by rice export to construction of mills. These Pwe-sars, unlike those royal brokers, were not considered as nobles or received privileges. However, these recruited Pwe-sars were educated and also known for their intellectual skills apart from their ability to communicate well and settle disputes in the markets. And therefore, a different type of Pwe-sar was born during colonial regime and this style of brokerage is believed to be handed over by generations to the Pwe-sars these days.

Many of the former royal brokers were esteemed as Pwe-sar Gyi⁵ (ပွဲစားကြီး) or the noble brokers by the community and still their names are frequently found on donors' lists at religious monuments and temples. Even though the term Pwe-sar bears controversial image and in many cases, completely different representation, for Myanmar people, they are agents who make their living through commission fees. Historical records have proved that the existence of Pwe-sars have benefited the King's revenue while maintaining balance in trade by creating markets as necessary. Because of their keen social and economic skills, not only royals but also ordinary people become reliant on them and approached them to settle all kinds of business deals.

⁵ Although 'Pwe-sar Gyi' was never an official title given by the State, people regarded this as a styling for King's tax officials and traders who were related to royal families.

3.1.3 The Binary Paradigm

After Myanmar gained independence in 1948, Pwe-sars hired by British and Indian companies disappeared from the market. It is understood that some went on to pursue further studies abroad while many became civil servants. There was one kind of brokerage that was acutely rising in Mon state since the 1920s; brokerage of domestic laborers for government officials, particularly British senior officers. Although there were no details about such brokerage, Pwe-sar families who had members working for those officials have proved its existence. It is said that brokers who could recruit good cooks and trustworthy housekeepers earned a good commission fees that could support a family of six for the whole year.

In the 1970s, this kind of brokerage became the black market business where people with connections in the cities began trafficking women, especially young women to work as cooks, housekeepers, nannies and gardeners. At the beginning, most women from villages found jobs in the city through Pwe-sars and reports on smuggling and human trafficking were never heard in the villages. Later in the 1980s, especially after 1988, thousands of people fled the country from political, social and economic instabilities, and this is when people started realizing the dual image that Pwe-sars have.

Pwe-sars are entrepreneurs of social network business in Myanmar. Pwe-sars' networks in the villages were always based on personal friendships and somewhat community-base. Everyone knew who was taking regular contacts with the city and saw the progress this person has brought to the lives of the family members in that village. As this network expanded, it became difficult for most villagers to keep track of Pwe-sar's connections. Gradually they came to realize that the extent of risk they are exposed to is higher with Pwe-sars from outside than

Pwe-sars in their own circle. It is now becoming obvious that there is only a very thin line between illicit human traffickers and illegal Pwe-sars.

Throughout the years, Pwe-sars have built a good reputation as service providers for house and factory owners who were looking for domestic workers and laborers, and for villagers who were looking for jobs in the cities. With the impact of globalization finally reaching developing world in the late 20th Century, one saw tremendous increase in rural-to-urban migration. And with poverty and huge income inequality in the cities, many began to select cross-border migration as feasible option. Yet, with very little information and knowledge about foreign work, many villagers easily fell into human traffickers' trap. Pwe-sars that once carried the image of service providers for safe migration started facing challenges in their own networks and alike.

Migration has never been legalized in Myanmar and moving to another country comes at each individual's expense where State usually denies its responsibility to protect and guide over migrants' decisions. However, over the years, Myanmar government has initiated efforts to protect its citizens working in Thailand and several other countries. It is analyzed that in safeguarding migration flows, the binary paradigm that Pwe-sars have should be properly differentiated and identify actors. While governments are more focused on how to implement national policies and meet international anti-trafficking goals, traffickers continue to prey the most vulnerable people and more people are still turning to Pwe-sars with the hope to help them find better job opportunities and preserve their freedom.

The question of why would one favor Pwe-sar over a certified agent company always comes across a researcher's mind in learning Mon's migration trends and patterns. It is undoubtedly a very risky decision to cross borders illegally. One important factor to look at is

that the majority of the people using irregular migration routes are people from the grass-root level. Indeed, they would look for ways to avoid the route that would cost them all of their savings and more, making them to take loans, sell their properties. When Pwe-sars could provide the service that cost them less and time efficient, irrefutably, many would be hesitant to go all the way to Yangon to complete the whole migration and overseas job search process with licensed agencies although they guarantee more security.

3.2 Pwe-sars and Social Networks

It is said that social networks are analyzed at the scale relevant to the researcher's theoretical question. In general, social networks are self-organizing, emergent, and complex, such that a globally coherent pattern appears from the local interaction of the elements that make up the system (Newman, Barabási and Watts ,2006; Wellman, 2008). These patterns become more apparent as network size increases. However, a global network analysis of, for example, all interpersonal relationships in the world is not feasible and is likely to contain so much information as to be uninformative. Practical limitations of computing power, ethics and participant recruitment and payment also limit the scope of a social network analysis (Kadushin, 2012; Granovetter, 1976).

In the 1950s, Kochen, a mathematician, and de Sola Pool, a political scientist, wrote a highly circulated paper, eventually published in 1978, which tackled what is known today as the “small world” problem. They asked the question: If two persons are selected at random from a population, what were the chances that they would know each other, and, more generally, how long of a chain of acquaintanceship would be required to link them (Pool and Kochen, 1978)? Social network theory provides an answer to a question that has preoccupied social philosophy

since the time of Plato, namely, the problem of social order: how autonomous individuals can combine to create enduring, functioning societies. Network theory also provides explanations for a myriad of social phenomena, from individual creativity to corporate profitability. (Borgatti, Mehra, Brass and Labianca, 2009).

In today's Mon migration from Myanmar, Pwe-sars and their social networks play an increasingly important role in migrant workers' daily lives. From providing information to supporting them financially, the scale and magnitude of these networks can vary from movement of small number of internal migrants of village-tracts to hundreds of migrant workers across international borders. The understanding of network properties might bring us to realize the significance of Pwe-sars' role in irregular migration while the quality of information that these networks bear may be more important in discovering a remedy for it. Pwe-sar as an individual agency is as impactful as social networks that are founded by Pwe-sars.⁶

Pwe-sars' social networks can be explored from three general levels of social network analyses: micro-level, meso-level, and macro-level. Social network research typically begins with an individual, snowballing as social relationships are traced, or may begin with a small group of individuals in a particular social context at the micro-level (Kadushin, 2012). Meso-level theories begin with a population size that falls between the micro- and macro-levels. However, meso-level may also refer to analyses that are specifically designed to reveal connections between micro- and macro-levels. Meso-level networks are low density and may exhibit causal processes distinct from interpersonal micro-level networks (Hedström, Sandell and Stern, 2000).

Unlike the micro-level that deals with interpersonal interactions, the macro-level analyses generally trace the outcomes of interactions, such as economic or other resource transfer

⁶ John P. Scott (2000) stated that one common criticism of social network theory is that individual agency is often ignored. This is not the case in practice as actions and interactions of Pwe-sars are studied in the first place in order to assess their effects on theirs and other social networks and system as a whole.

interactions over a large population (Kadushin,2012). By comparing these levels, it can be analyzed that the study of Pwe-sars' social networks fall under micro-level. Under micro-level, Pwe-sars' networks can be further explored with dyadic level, triadic level, actor level and subset level , each simplifying the strength and quality of networks.

Dyadic level: A dyad is a social relationship between two individuals. In this level, the basic structure of Pwe-sar -migrant relationship can be studied. Most migrant workers interviewed have stated that their Pwe-sars were either family members or relatives and close friends to whom they shared mutual understanding, values and deeply connected. The network theory suggests that sharing social equality and the tendency towards mutuality strengthen the ties between the individuals.

Triadic level: By adding one individual to a dyad, a triad can be formed. Research at this level may concentrate on factors such as balance and transitivity, as well as social equality and tendencies toward reciprocity/mutuality (Kadushin, 2012). A farm laborer or a fisherman from a small Mon village may connect their fellow laborers and fishermen of mutual interest to the Pwe-sar he or she is related to. Through these personal connections, Pwe-sar may be able to recruit potential migrant workers. By adding more individuals to the group, a Pwe-sar may form a social network where workers belonged to the group may be instructed to prepare for migration and stay connected to their communities.

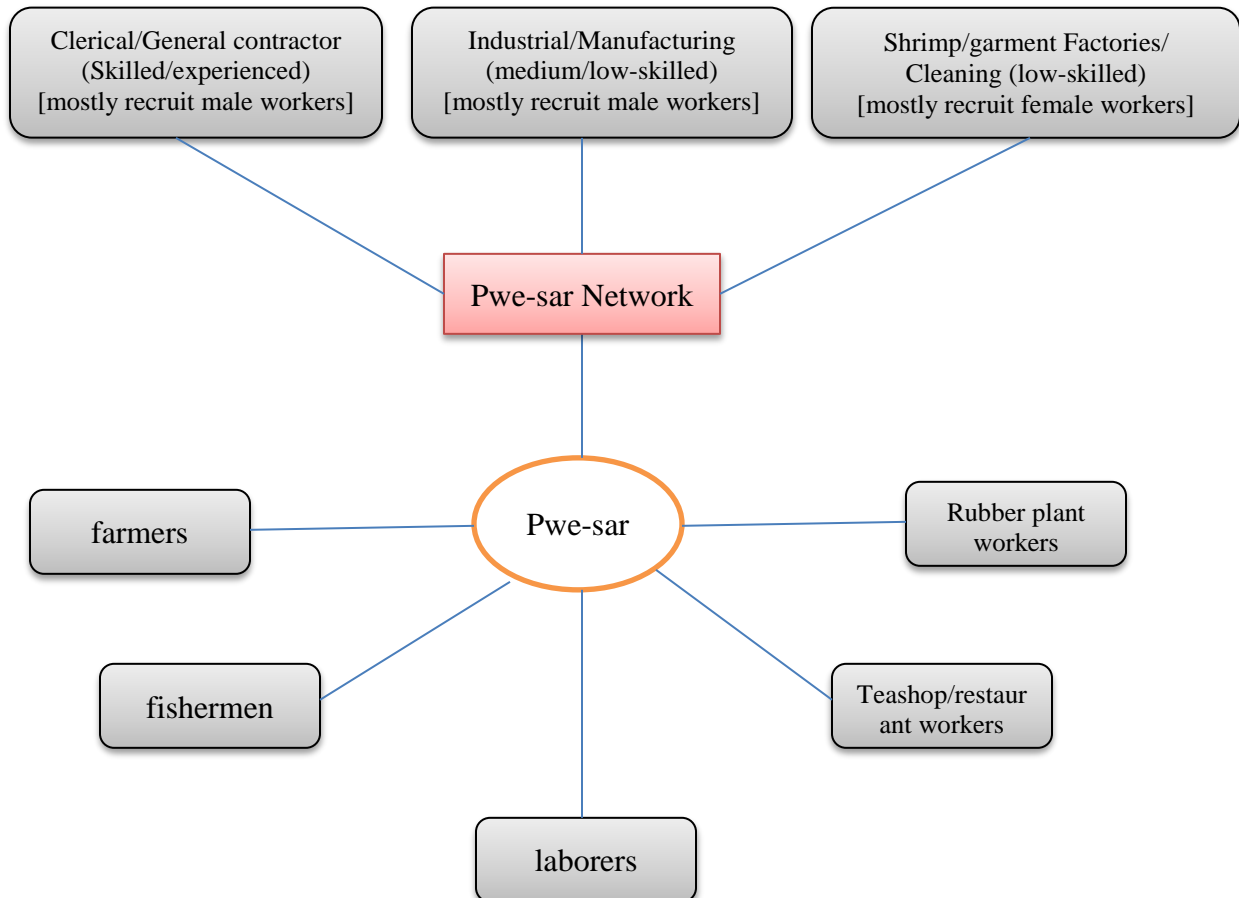
Actor level: The smallest unit of analysis in a social network is an individual in their social setting, i.e., an "actor" or "ego." Ego network analysis focuses on network characteristics such as size, relationship strength, density, centrality, prestige and roles such as isolates, liaisons, and bridges (Jones and Volpe,2011). Such analyses helped enlighten the psychology, ethnographic

kinship and relationships between individuals. Each migrant's relationship with Pwe-sar and their association to other migrant workers in the same group may be presented by ego network.

Subset level: Subset levels of network research problems begin at the micro-level, but may crossover into the meso-level of analysis. Subset level research may focus on distance and reachability, cliques, cohesive subgroups, or other group action, group actions or behavior.

Figure 3.1 shows how Pwe-sars in Mon state operate their business at micro-level.

Figure 3.1 An Example of Pwe-sar bridging Migrant Workers to Employers



Source: Author's survey

Based on potential migrants' knowledge, skills and abilities, a Pwe-sar may form them in groups, sometimes with returning migrants who have at least a year or two of experience working overseas. Using Pwe-sars' network, bridging these migrant workers with their employers from respective category. An employer may reject some or even all the migrant workers that Pwe-sar has brought in. In that case, Pwe-sar may send these workers to a different employer while retaining any (travel) documents that migrant workers carried. Most of the interviewees stated that Pwe-sars found them jobs immediately after their arrival in Thailand.

In addition to forming networks with migrant workers, Pwe-sars form their own social networks. In their networks, Pwe-sars may include village Heads, teachers and municipal officials as members. However, it is significant to find that Mon Pwe-sars formed networks among Mons only and very rarely would they include a person of different ethnicity or religion in their social network. This homogeneity often interrupts their networks to become more resourceful and dependable. Many migrant workers in the interview have mentioned about insecurity while working in Thailand due to very limited information that Pwe-sars could share with them.

Nonetheless, the questionnaire survey and interviews with 200 households, 496 females and 308 males from Mon State showed that migrants' perception on migration was positive, although 8 out of 10 used irregular migration and were exposed to highly risky situations. Many have chosen migration over working in their own villages and towns because they believed that working in overseas allowed them to save more, spend more on their children's education and contribute financially to the continuation of Mon language, culture and communities in both Thailand and Myanmar. The role of Pwe-sars and their social networks are believed to have helped them achieve these goals relatively.

On the contrary, networks made by Mon migrant workers with licensed overseas employment companies or other illegal job brokers of bigger networks compose weak ties. Those interviewees that went to Thailand using have expressed their reluctance to keep their associations with these networks as they were from the outer circle, not important for financial assistance like Pwe-sars, which are costly and time-consuming. However, the multifaceted nature of these networks tends to facilitate migrant workers in gaining necessary experience, provide them with trainings, and act as their guarantee for house rentals, school enrollment, etc. Because they are much more resourceful than Pwe-sars, they can assist migrant workers in ways that an ordinary Pwe-sar may not be able to do (for example; renewing passport, acquiring legal work permits).

Overseas employment companies directly work with government organizations, such as Ministry of Labor, Department of Immigration and Population. These networks usually provide safer migration for the users, however, the lengthy operation often add extra cost and burdens to migrant workers. From the survey, it is learnt that the duration of process from the filling up application at the company to attaining visa may take one to three months. This is because the company does not submit the forms to the Immigration Bureau and Ministry of Labor⁷ until they get a designated number of applicants. Although the application fees at overseas employment companies are usually free, some companies may charge 2000 kyat. Migrant workers also have to prepare for the accumulated cost during the waiting process which often trudges migrants, especially for those who came from areas that are not close to Yangon .

⁷ Ministry of Labor is in charge of sending migrant workers officially to work in Thailand and other foreign countries that have labor agreement with Myanmar. This project provides migrant workers' insurance and legal work permits in Thailand for the period of one year to three years. Migrant workers are obliged to return Myanmar upon completion of the contract.

Although this could mean more security for the migrants, many were utterly swallowed by debts to settle at the end of the migration process. Interviewees have stated that the lengthy process not only delayed migrants from effectively participating in the work force but also the exaggerated buffer between them and the employer impelled involvements from traffickers and opportunists. While Pwe-sars work with more independence and unreservedly in their networks, the licensed agencies have to work under control policies and constraints.

People or organizations with low aggregate constraint are hypothesized to perform better. It has been shown that employees with low constraint in the organization have more success and that business sectors with lower constraint on firms are more profitable (Nooy, Mrvar and Batagelj, 2011). Migrant workers' choice lean towards illegal Pwe-sars rather than safer legal agents suggest that many of government's control policies have reverse effect in migration and as Migration Policy Institute (2004) has said, "control policies have often pushed migrants to more dangerous and complicated ways of crossing borders and remaining illegally".

3.3 Troubleshooting with Pwe-sars

It is an undeniable fact that employment abroad allows Myanmar citizens to earn incomes much higher than would be possible in Myanmar. One of the main reasons is because Myanmar currency kyat is much devalued. Therefore, deciding to migrate is not a choice among many options but a choice to sustain their families' well-being, at least for the immediate future. The government also understood the increasing importance of overseas employment and therefore, the state has made efforts in trying to assist the labor brokerage but avoid providing services directly. It still needs to develop arsenal of strategies to meet the imperatives as ordinary citizens are forced to bear sole responsibility for the costs associated with newly privatized services with the wages they earn abroad.

If the State becomes the employer or authorizes Pwe-sars to broker as state's agents, it is expected that migrants' insecurities can be curbed. Non-state employers' ability to secure migrants is often mitigated by the resurgence of varieties of xenophobia and nationalism that are partly, it can be argued, a response to the new kinds of insecurities citizens of different countries around the world experience as a consequence of neoliberalism. The labor sending state is perhaps the institution most able to effectively resolve the contradictory forces of labor demand and immigration restrictions. It can perform regulatory functions that can be performed only by the states. (Rodriguez, 2010:xxii-xxiii).

While private labor recruiters might be able to mobilize workers for overseas employers, they will ultimately confront state borders that may or may not permit migrants entry. Migrant-receiving countries need a system where temporary migrants will not make claims for membership (or citizenship) and return to their origin once their jobs are done. And migrant-sending countries need a system that makes sure their citizens enjoy their rights in good working environments and send remittance back regularly through state operations. There is a strong need of legitimacy scheme between states that demand for temporary migrant workers and labor-exporting states.

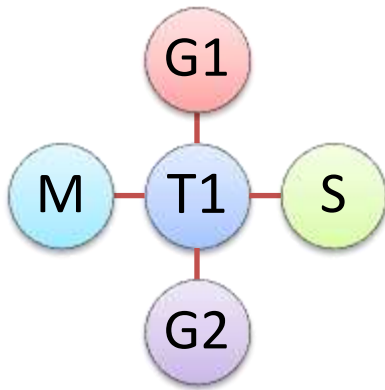
Pwe-sars often move workers across international boundaries clandestinely, sometimes by producing fabricated documents to get past immigration authorities, and corrupted authorities are their favorite partners. States have 'monopolized the authority to legitimately control the movements of people' (Torpey,1998:256), that customarily does not monitor and safeguard the movement of its people. The international system of states sustains the national "difference" on which migrant labor system depend, as a source of cheap workers for global capital. Because

systems of labor brokerage rely on the reification of national identities and citizenship, labor-sending states become ideal suppliers of workers for the world(Rodriguez,2010:xxv) .

It is necessary for the state to ensure that labor brokerage contains the social, political, and economic dislocations it produces. By all means, allowing overseas employment companies to send labor to countries that requested should continue to grow with improvements in micromanagement and feasible strategies for the government. Utilizing individual Pwe-sars by licensing them certain authority to operate labor-export will allow the government to monitor and become part of the *communication market* that Pwe-sars founded. This will allow the state to trace hidden footsteps in the mobility of its people and prepare necessary tools (policies) to tackle any challenges that can rise.

Figure 3.2 shows states can be involved in the migration process operated by Pwe-sars. Assume Daw Tin (T1) is now a legal Pwe-sar. Using the same network, she can arrange migrant workers (M) get jobs in companies in Thailand (C). As a licensed broker, she is monitored by both governments of Myanmar (G1) and Thailand (G2). She is required to pay taxes to Myanmar government for her business and while being provided training that is matched to the demands of labor markets around the world. At times, she may require cooperating with overseas employment companies. She is obliged to follow ethical rules and other regulations made particularly for Pwe-sars (eg; providing equal service to all network users regardless of their age, gender, religion and race). This simple network may easily expand depending on the number of users and acquaintances involved in the migration process.

Figure 3.2 Assumed Pwe-sar Daw Tin's Network after Legalization



Source: Author

If Pwe-sars can practice their freedom under appropriate guidelines and principles, the network expands while governments from both countries continue to monitor the ties closely. The colliding area represents the *communication market* occurring at Thai-Myanmar border where Pwe-sar Daw Tin operates to send migrant workers through her counterparts. The same way, she manages their return through legal routes. Labor brokerage will now work at the convenience of employers and host states. Employers now can drop worries in assuming liability over recruiting 'illegal' migrant workers. They can still have the control over migrants whose legal statuses are attached to them.

Concurrently, employers can still take advantage over temporary migrant workers (who are due to return once the contract finishes) that will not ask for wage increase or other benefits. On the contrary, more migrant workers will be intimidated to preserve the very entitlements of their citizenship and thereby demanding immigration restrictions. This social network analysis projects that regime of labor brokerage might offer a solution to current global demand for labor, labor-importing states' demand of short-term/temporary migrants, and the demand for jobs by impoverished population.

3.4 Exploring Pwe-sars' Capacity

Pwe-sars exist in all parts of Myanmar in various forms. Many have raised doubts about the distinctiveness of Pwe-sars and how they differ from traffickers and smugglers. The study of Pwe-sars from Mon state indicates that it is crucial to understand what Pwe-sars are capable of. In a very general term, Pwe-sars are agents who broker illegally between two or more parties. In fact, their roles as brokers require them to perform several other roles and those other roles in which they are in often require them to become brokers the other way around. Among interviewed individual Pwe-sars, there were teachers, workers at the port, retired officers, and grocery shop owners. Their active roles in the community help them perform better in brokering and continue to be in the brokerage business _some even with dignity.

It purports as if anyone with good communication skills and has more opportunities to gather information can become Pwe-sar. However, in reality it is very different. For Pwe-sars, especially for those with good reputations in the market and who are in the business for quite a number of years, their best efforts always mean continually assuring their ties with their partners and making their networks secure. One of their best efforts is their roles as entrepreneurs of *communication market* between rural and urban consumers. In Economics, a market is defined as a place where buyers and sellers exchange goods and services, in other words, it is a meeting of people for selling and buying, trading or trafficking a particular commodity. The main commodity that *communication market* transacts is “information.”

3.4.1 Pwe-sars as Business Entrepreneurs

Daw Mi Mi (pseudonym), a Pwe-sar of 35 years, founded a small ‘service’ business (ဝန်ဆောင်မှုလုပ်ငန်း) in Mawlamyaing in 1977. Her husband was then an active officer in the military, who was usually away from family. She has never attended school but learned how to read and write from her father, who was a member of Mon freedom fighters. Her personal background was the main inspiration for her to run a “service” business. A service business can mean anything, from providing housekeeping to shopping, working as a messenger to sending packages to name a few. Being a daughter of freedom fighter and married to a military officer, she was not sure that she could serve in the community properly. However, with neighbors started approaching her to get a piece of information from the city where her husband was working or to request her to buy them certain items on her way to see her husband, Daw Mi Mi soon realized the potential she has in brokerage business.

Over the next three decades from the founding of her service business, she saw more than two thousand people finding jobs and leading different lives. The tasks she took were simple in the beginning. for instance, her neighbor would request her to bring his teenage daughter to the city to experience the city culture. These types of requests would come with a huge responsibility but would earn her a lump sum of cash as an expression of gratitude at the end of a successful trip. She started arranging tours for other neighbors and from then it expanded to group tours where eventually she would hire someone she can trust to lead the tours. As she started gaining trust and respect in the community, she set out to look for partners in different cities, who were not only interested in helping with the tours but looking for suitable jobs for her customers. She started gaining customers that range from wealthy to daily wagers. Through her network, she found young high school graduates jobs like teaching, clerking, and some started working for her

as her staff agents. She did all the brokering from her home, the place that bears no company name or registered as one.

Daw Mi Mi's story is strikingly similar to many of the other long-term Pwe-sars in Mon state. She now has a network of 150 brokers all over Myanmar. Although she herself does not directly broker with companies and factories overseas, many of her counterparts do. And these counterparts recruit requested labor forces through her. According to her, brokering and trafficking has coexisted throughout her career and she has witnessed many trafficking cases herself on which she was in no authority to stop it. For instance, a young woman from Balu-kyun that Daw Mi Mi recruited in 2008 for her counterpart was later found out to be sold to a wealthy Chinese man. Her counterpart actually brought the girl to another agent company upon the agreement that she would be working at the barber shop in China. She is not sure who was responsible for this outcome, either it was her counterpart or the other agent company or if someone came in between the process.

3.4.2 Pwe-sars as Market Operators

Such cases became vastly recurring these days as poverty increases in both rural and urban areas. As a Pwe-sar, there are limits to where he/she can practice her authority and that does not include foreseeing and preventing such deceitful brokerage from happening. The society in Myanmar has become very accustomed to Pwe-sars that without them, businesses and social activities cannot revolve properly. The communication market that Pwe-sars founded have indeed helped all actors in the society, including the authorities transact buying and selling, sharing and exploring much easier. Whether at weddings, festivals, funerals, or religious occasions, there are always people who are brokering something upon request of someone who

want to sell or buy. Although it is an illicit activity by law, by society, however, it could mean helping one solve his/her problem.

For instance, there is a large compound for automobile dealers in Yangon where cars of all models and size and color can be found. This place is known as “Car Pwe-sar Tan (ကားပွဲစားတန်း)” or “car dealers market.” It is an excellent example of the existence of the communication market founded by no one but Pwe-sars. All it requires for a seller is to bring his car and park anywhere in that compound and the Pwe-sar in charge of that zone will take a note of details of the car and find buyers. Bargaining is done by Pwe-sar and he is entitled to receive commission from both buyer and seller. The quicker the process is, the more money the Pwe-sar makes.

Unquestionably, there are excessive commission charges that especially smother people from the villages and those who can barely make a living. As there are no basic principles for what Pwe-sars should or should not do, many people who approach Pwe-sars have only Pwe-sars’ words to refer and rely on. The fraudulent cases that were discovered through anti-trafficking forces and local police have raised more concerns about reliability of Pwe-sars and police blamed the victims for falling into the trap knowingly. Still, there are thousands of people who are using Pwe-sars’ network to leave Myanmar and come back into the country both from legal routes and illegal passages. Pwe-sars, by and large, are still taken as useful communication service providers for most people.

As outstanding as Pwe-sars are in being able to maintain their communication markets lively and expanding, they are concerned about the persistent risk of working side by side with smugglers and traffickers. They are being targeted by anti-trafficking forces and police for their ties with other brokers and contacts overseas. Since it is not a recognized job by the state, they

cannot take for granted that they will be protected by the law even if they were brokering, let us say, for someone who holds a high position in the government. Besides, depending on the demand, some brokerage jobs can be seasonal and some occasional. Therefore, there is no job security for Pwe-sars. Although some may be intrigued to keep finding entrepreneurial activities, many are likely to enter bigger Pwe-sar network to secure regular income to support their families and some, unfortunately, join with smugglers and human traffickers.

3.4.3 Illegal State Brokers

Brokerage, like migration, is a process born from human's demands that is ongoing and will continue to occur in different context and different forms. It is important to create a network where people can migrate, brokers still make profits and governments keep track of their citizens' movement so that they can prevent vulnerabilities. From the survey, it is learnt that Pwe-sars are more favored over legal brokerage companies not only because of length and cost of the process but also because of their personal ties with Pwe-sars themselves. However, the illegality of Pwe-sars often invite problems of smuggling and trafficking, taking advantage of the less informed and credulous villagers by trading them into the hands of traffickers.

It is difficult to point out a country that has no business activities running furtively and has underground passages. As migration is not legal in Myanmar, all activities related to Pwe-sars are not considered legal. They may be paying income tax under different names but certainly not as Pwe-sars. With Pwe-sars founding humongous communication market in the cities, townships and villages, they have customers who themselves are in the government or related to the government officials. The state, knowing the intelligence of this network and potential that these people have, still have not come up with a system to recognize them as entrepreneurs or

their activities. Legalization could allow Pwe-sars to leave the dual image they have, i.e., ‘the insider or good’ and ‘outsider or bad’, and have a decent profession as state’s agents that facilitate migration as part of migration bureaucracy.

Migration at Myanmar-Thailand border is not just a mere movement of people. It has become part of the daily routine of the people in that area. Most people, for instance, Kayins and Mons, are undocumented. In the past, only men, the traditional breadwinner, would leave home and cross the border to earn money to support the family. However, in recent years, international community has witnessed the increasing number of young women from Myanmar migrating to Thailand. According to Mon human rights group WCRP⁸, many women, who are traditionally home makers were not expected to migrate. However, the pattern of migration has changed due to escalation of human rights abuses in ethnic areas. The group said that these women are now making momentous decisions to leave with their families instead of waiting for their husbands to flee from many kinds of abuses they face in their communities.

The group also stated that almost all migrant workers especially women and children are both undocumented and that they have to use middlemen to obtain documents necessary for their travel, particularly to cross the border. According to an eye witness who works as a street vendor, more than 200 people travelled by boat (in Zami river from Kayin State) to Three Pagoda Pass in mid-2008 and now the number has increased to 500.⁹ He himself has crossed the border many times, sometimes for free, traveling with Pwe-sars. He said it is easier to travel with Pwe-sars because they know the authorities and the ways to deal them along the border-crossing route. Therefore, the illegality of Pwe-sars does not seem to burden the migrants as long as they benefit each other mutually.

⁸ Woman and Child Rights Project

⁹ These numbers could be his mere assumption however, it is based on the number of food item he sells per day to individual border-crossing passengers.

However, many returned migrants have shared their opinions on how illegality has twisted the fates of people who initially wanted to just help others by brokering. Ko Ba Nyar Oo, one of the returned migrants, said that the government needs to pay more attention to those in desperate situation where “migration” seems to be the only option and that comes at a huge cost. He went to Singapore with legal documents with a help of his aunts and local Pwe-sar, while witnessing many of his friends volunteering to be trafficked. According to him, his friends who were in their late 30s, approached illegal Pwe-sars in Yangon that have connections with bigger networks, asked these brokers to bring them to Malaysia through traffickers in Thailand. Since these men cannot pay initial fees or broker fees, they risked their lives in making such deals, knowing that they could be caught or even lose their lives while trying to cross the borders with traffickers.

Here, a question is raised on how people know who are traffickers and who are just Pwe-sars. According to Ko Ba Nyar Oo, the traffickers that he knows through his friends are either active migrants or returned migrants. They have built networks with corrupted officials inside Myanmar, Thailand and Malaysia where they trade migrants’ identities and freedom. In the past, many of these traffickers disguised themselves as ‘good Pwe-sars’ and recruited labor in the villages they know. However, they are now openly conducting these trades as people with desperate conditions approaching them to be trafficked. Among 18 of his friends that left Myanmar with traffickers, six have contacted their homes after a year or two struggling in Malaysia. Their families have told Ko Ba Nyar Oo that these men are in good shape and started saving some money, and that they hoped to return Myanmar soon. The whereabouts of the remaining 12 are unknown.

Many smugglers and traffickers hide behind this ‘illegality of Pwe-sars’ and conduct such illicit passages. And since the contract system with overseas employment companies is yet to operate smoothly, many potential migrants turn to Pwe-sars to seek information and assistance. Many believed that finding a good job overseas or not depend on their luck and not on the work of Pwe-sar. Such controversies lead many people to be trapped in unlawful activities. The State may not be responsible for individuals’ decision to leave though it is the main responsibility for their citizens’ security and to make sure their rights are protected. Every citizen has the right to access ethical and principled service for migration and State’s efforts in providing assistance to migrants through overseas employment agencies should be ‘one of the means’ but not ‘the only mean. Legalization of migration and providing all actors of migration with a certain role to play could restrain the startling outcomes and nature of illegal migration.

3.5 Overseas Employment Companies

Overseas employment companies are the licensed migrant brokerage companies that were supported and created by the government in the late 1990s in order to prevent potential migrant workers from using illegal services. These companies did not exist as overseas employment companies at first. They were recruiting and moving migrant workers under the title of trading and manufacturing companies. Almost all companies are based in Yangon, the capital city of Myanmar until 2006, with the exception of a few in Mandalay and other major cities¹⁰ and, most of them are located in china town¹¹. These companies are mostly owned by Myanmar nationals

¹⁰ Most companies are located in Yangon due to location and service convenience. Until recently, all ministries and government headquarters were in Yangon , which made it easier for companies to transact with respective departments.

¹¹ Chinatown is in downtown Yangon, located west of the Sule Pagoda and was created when the British expanded the city in the 1850s. It lies between Shwe Daung Dan Street on the west and Shwe Dagon Pagoda Road on the east. The northern and southern borders are the Maha Bandoola Road and the Strand Road.

of Chinese descent, who have been trading with China and other countries including Korea, Japan, Malaysia, Singapore and Gulf countries.

The government was aware that a growing number of people were leaving to Thailand for work in the late 1980s. In 1990, the government established the Overseas Employment Service as a branch of Employment and Training Section under the Ministry of Labor. Under this service, the government provided minimal assistance to migrant laborers to get a contract job in Thailand.¹² At the same time, trading and manufacturing companies in Yangon began expanding their functions to recruit migrant workers for companies overseas. Migrant workers were recruited with wages just slightly higher than what they were making in their villages and towns. Such exploitation continued to grow and many migrant laborers returned to Myanmar after being hauled into discriminative and unhealthy working environments.

Currently, there are 137 registered overseas employment companies in Myanmar. The full list as announced by Ministry of Labor is as follows:

¹² From the interview with migrant worker who used that service in 1991.

Figure 3.3 List of Licensed Overseas Employment Agents

No.	Name Of Company	Licence No.	Date of Issue of Licence
1.	Shwe Innwa Services Co., Ltd	1/2010	1.4.2010
2.	Kabar Services Co., Ltd	101/2011	21.7.2011
3.	Htay Services Agency Co., Ltd	90/2011	20.5.2011
4.	Golden Plant Services Co., Ltd	36/2011	4.3.2011
5.	Nay Brothers Co., Ltd	40/2011	8.3.2011
6.	New Covenant Services Co., Ltd	102/2011	1.8.2011
7.	Arbourfield Co., Ltd	33/2011	4.3.2011
8.	Eastern Jade International Co., Ltd	30/2011	4.3.2011
9.	Gold Mine Co., Ltd	51/2011	1.4.2011
10.	Star Butterfly Co., Ltd	34/2011	4.3.2011
11.	Golden Win Co., Ltd	41/2011	8.3.2011
12.	Executive Search Co., Ltd	58/2011	1.4.2011
13.	Alpha World Link Co., Ltd	60/2011	1.4.2011
14.	Royal Four Sea Co., Ltd	55/2011	1.4.2011
15.	Global Glitter Consultancy Agency Co., Ltd	59/2011	1.4.2011
16.	Nay Zaw Services Co., Ltd	39/2011	4.3.2011
17.	Shwe Pyi Nyein Overseas Employment Agency	29/2011	4.3.2011
18.	Htet Oo Co., Ltd	16/2011	19.1.2011
19.	Lin High Power Co., Ltd	49/2011	1.4.2011
20.	Panta Power Services Co., Ltd	45/2011	6.4.2011
21.	Harmony Services Co., Ltd	32/2012	11.1.2012
22.	Shwe Myanmar San Co., Ltd	66/2011	1.4.2011
23.	Royal Pole Star Human Resources Management Agency	54/2011	1.4.2011
24.	Successive World Overseas Employment Agency	79/2011	1.4.2011
25.	Star Triangle Services Co., Ltd	67/2011	1.4.2011
26.	Sima Services Co., Ltd	53/2011	1.4.2011
27.	Than Htike Aung Co., Ltd	82/2011	1.4.2011
28.	Pyaye Aung Kyaw Co., Ltd	31/2011	4.3.2011
29.	T & Y Enterprise	87/2011	1.4.2011
30.	Aung Swe Tin Services Co., Ltd	64/2011	1.4.2011

List of Licensed Overseas Employment Agents (cont'd)

No.	Name Of Company	Licence No.	Date of Issue of Licence
31.	Danar Management Services Co., Ltd	81/2011	1.4.2011
32.	Dare Dragon Co., Ltd	69/2011	1.4.2011
33.	Golden Sea Overseas Employment Agency	46/2011	1.4.2011
34.	Aye Lin Let Htut Services Co., Ltd	89/2011	20.5.2011
35.	Myanmar Express Link Co., Ltd	77/2011	1.4.2011
36.	Thabyae Minn Services Co., Ltd	70/2011	1.4.2011
37.	Virtue International Co., Ltd	37/2011	4.3.2011
38.	Perfect Management General Services Co., Ltd	94/2011	1.6.2011
39.	Aung Pyae Co., Ltd	43/2011	1.4.2011
40.	Shine Hill Co., Ltd	62/2011	1.4.2011
41.	Diamond Bagan General Services Co., Ltd	32/2011	4.3.2011
42.	Shwe Mandalay May Co., Ltd	52/2011	1.4.2011
43.	People Diligence Services Co., Ltd	30/2012	11.1.2012
44.	May Myat Noe Services Co., Ltd	80/2011	1.4.2011
45.	Royal Golden Gate Co., Ltd	74/2011	20.5.2011
46.	Toe Tet Tun Co., Ltd	42/2011	5.4.2011
47.	Shan Taung Dan Co., Ltd	48/2011	1.4.2011
48.	Moe Yan Overseas Employment Services Agency	50/2011	1.4.2011
49.	Kaung Su San Thar General Co., Ltd	72/2011	1.4.2011
50.	Great Silver Land Services Co., Ltd	28/2011	3.3.2011
51.	Shwe Zabu Deik Co., Ltd	88/2011	20.5.2011
52.	Royal Gate International Co., Ltd	97/2011	1.6.2011
53.	Ming Kaung Power Co., Ltd	63/2011	1.4.2011
54.	Aung Than Htike Co., Ltd	68/2011	1.4.2011
55.	Dream of Mother Consultants and Services Co., Ltd	44/2011	1.4.2011
56.	The Recruitment Co., Ltd	61/2011	1.4.2011
57.	Tharawun Co., Ltd	75/2011	1.4.2011
58.	Success Family Services Co., Ltd	57/2011	1.4.2011
59.	Myanmar Global Manpower Link Co., Ltd	3/2012	10.1.2012
60.	Maximum Services Co., Ltd	1/2012	2.1.2012

List of Licensed Overseas Employment Agents (cont'd)

No.	Name Of Company	Licence No.	Date of Issue of Licence
61.	Native Asian Dynamism Co., Ltd	73/2011	20.5.2011
62.	Myanmar P & I International Co., Ltd	83/2011	1.4.2011
63.	Myanmar Seven Mountain Co., Ltd	56/2011	1.4.2011
64.	International Super Star Co., Ltd	47/2011	1.4.2011
65.	A Win Win General Client Services Co., Ltd	71/2011	1.4.2011
66.	Myanmar Harmony Management Co., Ltd	15/2012	10.1.2012
67.	Apple Management Co., Ltd	92/2011	23.5.2011
68.	Shwe Inarr Co., Ltd	78/2011	1.4.2011
69.	Global Human Resources Services Co., Ltd	76/2011	1.4.2011
70.	Yangon Right Co., Ltd	22/2012	11.1.2012
71.	Moonbeam Services Co., Ltd	96/2011	1.6.2011
72.	Than Than Services Co., Ltd	38/2011	4.3.2011
73.	Public Overseas Employment Agency	105/2011	1.11.2011
74.	Sakura Technical Services Co., Ltd	95/2010	9.9.2010
75.	Bread of House Services Co., Ltd	97/2010	2.12.2010
76.	Lu Htake Moe General Services Co., Ltd	98/2010	2.12.2010
77.	Pyi Thar Kyaw International Services Co., Ltd	36/2012	12.1.2012
78.	Lin Yang Chi International Services Co., Ltd	100/2010	3.12.2010
79.	Han Htoo Pan Co., Ltd	101/2010	6.12.2010
80.	Mono Horizon Services Co., Ltd	11/2012	10.1.2012
81.	Myint Myat Moe General Services Co., Ltd	103/2010	9.12.2010
82.	May Wint Services Co., Ltd	10/2012	10.1.2012
83.	Moe Moe Family General Services Co., Ltd	12/2012	10.1.2012
84.	Myat Si Thu International Co., Ltd	106/2010	16.12.2010
85.	Toe Tet Chan Thar Services Co., Ltd	107/2010	16.12.2010
86.	Ray Myanmar Services Co., Ltd	108/2010	16.12.2010
87.	Myanmar Active Services Co., Ltd	109/2010	16.12.2010
88.	Swann Royal Co., Ltd	19/2012	10.1.2012
89.	Global Champions International Co., Ltd	111/2010	20.12.2010
90.	Yun Nadi Oo & Associate Services Co., Ltd	1/2011	7.1.2011

List of Licensed Overseas Employment Agents (cont'd)

No.	Name Of Company	Licence No.	Date of Issue of Licence
91.	Direct Resource Services Co., Ltd	8/2012	10.1.2012
92.	Myanma True Way Services Co., Ltd	4/2011	10.1.2011
93.	Myanmar Worker Management Services Co., Ltd	5/2011	11.1.2011
94.	Haw Nan Services Co., Ltd	6/2011	11.1.2011
95.	Ngwe Pyi Gyi Services Co., Ltd	7/2011	12.1.2011
96.	Swan Ahr Tagun Services Co., Ltd	33/2012	12.1.2012
97.	Tusker International Co., Ltd	9/2011	12.1.2011
98.	Shwe Ye Phyo Aung Co., Ltd	10/2011	13.1.2011
99.	Htoo Thit Zae Services Co., Ltd	11/2011	13.1.2011
100.	Aung Htun Han Co., Ltd	12/2011	14.1.2011
101.	Silver Crane Services Co., Ltd	13/2011	14.1.2011
102.	Trust First Co., Ltd	14/2011	14.1.2011
103.	Pearl Rain Services Co., Ltd	15/2011	14.1.2011
104.	Ah Maet Eain Services Co., Ltd	14/2012	10.1.2012
105.	Global Gate Way Co., Ltd	100/2011	17.7.2011
106.	Lovely World Services Co., Ltd	38/2012	16.1.2012
107.	Zwe Thu Kha General Services Co., Ltd	21/2011	28.1.2011
108.	Shwinn Services Co., Ltd	99/2011	14.7.2011
109.	Thu Kha Su San Overseas Employment Agency	23/2011	2.2.2011
110.	Today Top Star Co., Ltd	24/2011	2.2.2011
111.	Human Power Services Co., Ltd	25/2011	2.2.2011
112.	Elysium Services Co., Ltd	27/2011	14.2.2011
113.	S.S Group(Yangon) Co., Ltd	93/11	27.5.2011
114.	Golden Kayin Co., Ltd	2/2012	10.1.2012
115.	United General International Co., Ltd	4/2012	10.1.2012
116.	Classical Oversea General Services Co., Ltd	5/2012	10.1.2012
117.	Lily Service International Co., Ltd	6/2012	10.1.2012
118.	Shwe Sin Koe Pwint Co., Ltd	7/2012	10.1.2012
119.	Hnin Oo Wai Co., Ltd	9/2012	10.1.2012
120.	Dynamic Global Services Co., Ltd	13/2012	10.1.2012

List of Licensed Overseas Employment Agents (cont'd)

No.	Name Of Company	Licence No.	Date of Issue of Licence
121.	Max Success Co., Ltd	16/2012	10.1.2012
122.	Kyi Ahmann General Services Co., Ltd	17/2012	10.1.2012
123.	International Focus General Service Co., Ltd	18/2012	10.1.2012
124.	Green Oasis Co., Ltd	20/2012	10.1.2012
125.	Myat Swe Mon Service Co., Ltd	21/2012	10.1.2012
126.	Kaung Luck San General Services Co., Ltd	23/2012	11.1.2012
127.	Yangon Win Star General Services Co., Ltd	24/2012	11.1.2012
128.	Hein Myint Myat Co., Ltd	25/2012	11.1.2012
129.	Khaing & Kyaw (K&K) Service Co., Ltd	26/2012	11.1.2012
130.	Chan Family Co., Ltd	27/2012	11.1.2012
131.	Shwe Lann Phwint Service Co., Ltd	28/2012	11.1.2012
132.	Shwe Thiri Chan Thar Services Co., Ltd	29/2012	11.1.2012
133.	Libra Life Services Co., Ltd	31/2012	11.1.2012
134.	Oryx International General Services Co., Ltd	34/2012	12.1.2012
135.	Golden Land Myanmar General Services Co., Ltd	35/2012	12.1.2012
136.	Thein Gi Tin Services Co., Ltd	37/2012	12.1.2012
137.	White Falcon Recruitment Co., Ltd	39/2012	23.1.2012

Source: Ministry of Labor (22.2.2012)

These companies are liable to pay commercial tax under the Commercial Tax Law, promulgated on March 31, 1990.¹³ On March 23, 2012, the two-month-long third session of Myanmar's Union Parliament, which began on January 26th ended and the Parliament approved a number of submitted amendment bills after discussions in the parliament. Internal Revenue

¹³ Commercial Tax Law became effective from the financial year 1990/91 and was amended in March 1991. Commercial tax is a turn-over tax levied on goods and services. The tax is imposed on a wide range of goods and services produced or rendered within the State and the imported goods from abroad.

Department announced that starting from April 1, 2012¹⁴, five percent of commercial tax will be charged to 14 service sectors that include lawyers and certified public accountants (CPAs), and others in brokerage, interior design, commercial photography and motion picture productions. For every migrant they send overseas, they are taxed eight percent as passenger transport fares and 25% of income tax¹⁵ and additionally, they are charged for the net income (of all companies). Migrant workers are indirectly charged for these taxes by the companies they contacted. Their salary income is taxed on the PAYE1 basis and includes salary, wages, annuity, pensions, gratuity, fees, commissions, and bonuses (Ministry of Finance and Revenue, 2012).

Many migrants in the survey stated that most companies have already agreed amongst themselves the division of work in sending migrants to their destination. This cost migrants more money and time. Currently, the most popular destination is Korea among Mon workers who have not been overseas yet. They are told that the process would cost 3,000,000 Kyats (app: \$3,846) and can take up to 2 and a half months. During the process, the workers are informed about the type of job, including hourly wages and monthly salaries, place to live and estimated living expenses. Many migrant workers said that there were lured by the information which was quite different from reality. Returned migrants in the interview have claimed for partial refund for the misleading information that made them take up job offers.

According to provisions of Foreign Employment Law (99) Section 25, Sub-section (d), these licensed agencies take responsibilities of the workers to enjoy the rights fully, when they are deprived of rights in foreign countries. However, no company assumes responsibility for

¹⁴ The amended laws become effective from 1st April 2012, the beginning of 2012-13 budget year.

¹⁵ The Income Tax Law was promulgated in 1974 and is supplemented by the Income Tax Rules, the Income Tax Regulations, the State Budget Law and Notifications issued from time to time; all constitute the complete machinery for assessment and collection of income tax. The income tax mainly comprises corporate income tax, individual income tax, capital gains tax and withholding tax. (See Ministry of Finance and Revenue, Internal Revenue Department's website http://www.myanmar.com/finance/dept_ird_02.html for details.)

such claims and they are overlooked once the migrants are settled in their work places. Although the government responded by taking necessary action on licensed employment agencies and brokers who do not obey existing laws, exploitation still exists in many different forms. A total of 17 cases were charged in line with the laws in 2011 and 14 overseas employment agencies failed to follow the licenses provisions were terminated. Ministry of Home Affairs is taking legal action against seven cases because of having no overseas employment licenses (Pyidaungsu Hluttaw¹⁶, 28 March 2011). With legal actions becoming more effective, more migrant workers are attracted to use overseas employment companies than Pwe-sars as they can take legal action against the registered companies in case of fraud.

3.6 Summary

Myanmar, like any other developing and newly industrializing states, has concerns with recognition in the global context as ‘labor brokerage state’. While the government focuses on generating income for the working class and poor through subsidies and crafting projects that entice foreign investors, it is essential to pay attention that such structural adjustment has resulted in currency devaluation that reduced real incomes in Myanmar. This makes it difficult for the people to cope with rising costs of living, which includes the burden of having to pay for the used-to-be-state-subsidized public-services. The state’s promise of employment therefore should include creating job opportunities overseas through legitimization scheme as overseas jobs address Myanmar citizens’ urgent needs for livable wages and to avoid social disorder.

Even though it could be problematic for migrant workers if the state initiates labor brokerage itself, it might endeavor win-win-win outcomes for the state, the brokers, and the

¹⁶ The “Pyidaungsu Hluttaw” is the national-level bicameral legislature of Myanmar established by 2008 National Constitution.

workers. In this age of neoliberal globalization where restructuring of labor markets and reorganization of work to create structural demands for foreign migrant workers are escalating, demands for foreign workers are augmenting with momentum in which international migration needs continuous attention. If the state system of labor brokerage enables the controlled flows of temporary workers across the national borders, mobilizes them out of the country, and ensure their return back home, the country can avoid out-migration or brain-drain.