Workshop on
MIGRANTS, MIGRATION AND DEVELOPMENT
in the Greater Mekong Subregion
15-16 July 2008, Vientiane, Lao PDR

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MIGRANTS, MIGRATION AND DEVELOPMENT
in the Greater Mekong Subregion

Proceedings of the Workshop co-organised by
Mekong Migration Network (MMN), National University of Laos,
Lao Women’s Union and Asian Migrant Centre (AMC)

15-16 July 2008, Vientiane, Lao PDR

With the Support of the Rockefeller Foundation and OXFAM-Hong Kong
Acknowledgement

The Workshop on “Migrants, Migration and Development in the Greater Mekong Subregion” was co-organised by Mekong Migration Network (MMN), National University of Laos, Lao Women’s Union, and Asian Migrant Centre (AMC). Many organisations and people contributed in making the Workshop a success and producing the proceedings. We wish to acknowledge their efforts with special thanks.

Presenters
Plenary 1: Mr Jerrold W. Huguet, Consultant on Population & Development, Mr Rex Varona, Asian Migrant Centre, Chansamone Phengkhay (for Ms Jean D’Cunha), UNIFEM, Dr Khiane Phansourivong, Department of ASEAN, Lao PDR Ministry of Foreign Affairs
Plenary 2: Mr Christopher T. Hnanguie and Mr Tom Kolakanh, ADB, Dr Rosalia Sciortino, Mahidol University
Plenary 3: Mr Nara Ratanarut, Thai Ministry of Labour, Mr Khanty Lok Aphone, Savan-Seo Special Economic Zone Authority, Dr Kyoko Kusakabe, Asian Institute of Technology, Mr Tran van Than, Department of Labor, Invalids, and Social Affairs, Ho Chi Minh City
Plenary 4: Mr Toshiyuki Doi, Mekong Watch, Mr Adisorn Kerdmongkol, Peace Way Foundation, Dr Dang Nguyen Anh, Vietnam Academy of Social Sciences, Ms Chou Bun Eng, Cambodian Women for Peace and Development, Hseng Moon, Shan Women Action Network
Plenary 5: Ms Jackie Pollock, MMN/MAP

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Layout and Design: Boyet Rivera

Last but certainly not least, we would like to thank the Rockefeller Foundation and OXFAM-Hong Kong for their generous support in making this Workshop and the Mekong project possible.

Mekong Migration Network & Asian Migrant Centre

September 2008
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**Introduction**

In the Greater Mekong Sub-region (GMS), a number of development projects including road construction, hydropower projects, and creation of economic zones in border areas are being implemented with more planned in the coming years. While migration in the GMS is not an old phenomenon, it is expected that these development projects will have a wide ranging impact on migration in the GMS, and possibly create new patterns of migration flows.

The Mekong Migration Network (MMN) is a sub-regional network of migrant support NGOs, migrant grassroots groups and research institutes who have been collectively promoting the recognition and protection of migrants’ rights. We feel that the theme of migration and development in the GMS is yet to be substantially studied and thus believe that it is important for the network to initiate discussion. The following were the sub-themes that were initially suggested by the MMN Steering Committee during its meeting in February 2008.

1. Review actual policies related to the following projects and how they are affecting migration in practice/reality: i) road construction, infrastructure projects such as East-West Corridor, ASEAN Highway, hydropower projects/dams; ii) ACMECS (setting up economic zones along the borders etc); iii) ASEAN development policies in the GMS; and iv) development policies of Asian Development Bank, World Bank, and other international agencies.
2. Review national development policies and program and their affect on migration.
3. Discuss development induced migration, forced migration, and economic migrants.
4. Analyse the gender impact of development policies in relation to migration.

In the process of preparing for this workshop, we realised that the link between migration and development in the GMS is not a one way process. In other words, not only do development policies affect migration, but also that migration is affecting development through migrants’ contribution in both sending and receiving countries. There was also general consent that the existing discourse on migration and development in the GMS often lacks migrants’ perspectives, whose livelihood and well-being are most affected by issues relating to migration and development. Thus, it was decided that the workshop title would be “Migrants, Migration & Development in the GMS” to better capture the essence of our discussion.

The Workshop was co-organised by the MMN, National University of Laos, Lao Women’s Union and the Asian Migrant Centre on 15-16 July 2008 in Vientiane, Lao PDR. The Workshop was convened with the following objectives in mind:

1. To help develop the capacity of MMN members in analysing and understanding the issues of development and migration in the GMS;
2. To strengthen the sub-regional response to development approaches; and
3. To develop a collective perspective concerning migration & development in the GMS.

Around 90 participants including policy-makers, representatives of IGOs, the ADB, researchers as well as representatives of MMN member organisations participated in the workshop and actively shared their information and perspectives throughout the plenary and small group discussions.
Mekong Migration Network (MMN)
Member List (as of September 2008)

CAMBODIA
- Cambodian Women for Peace and Development
- Cambodia Human Rights and Development Association (ADHOC)
- Cambodian Women’s Crisis Center (CWCC)
- Coordination of Action Research on AIDS and Mobility (CARAM)-Cambodia
- KHEMARA
- Khmer Kampuchea Krom Human Rights Organization (KKKHRO)
- Legal Support for Children & Women (LSCW)

China
- Migrant Workers’ Education and Action Research Centre (MWEAC)
- The Institute of Contemporary Observation (ICO)
- Ruili Women and Children Development Centre
- Society of Strengthening Capability of Women and Communities
- Yunnan Floating Population
- Yunnan Health and Development Research Association

Lao PDR
- Faculty of Social Sciences, National University of Laos
- Lao Women’s Union

THAILAND
- Migrant Assistance Program (MAP)
- Thai Action Committee for Democracy in Burma (TACDB)
- ADRA Thailand
- National Catholic Commission on Migration

EMPOWER Foundation
- Federation of Trade Unions – Burma (FTUB)
- Foundation For AIDS Rights (FAR)
- Foundation for Women
- Friends of Women Foundation
- Foundation for Education and Development (formerly Grassroots HRE)
- Institute for Population and Social Research (IPSR), Mahidol University
- Maryknoll Thailand - Office for Migrants at Immigration Detention Center in Bangkok
- The Mekong Ecumenical Partnership Program - Christian Conference of Asia (MEPP-CCA)
- Pattanarak Foundation
- Peace Way Foundation
- Shan Women's Action Network (SWAN)
- Yaung Chii Oo Workers Association (YCOWA)
- Action Network for Migrants (ANM)

VIETNAM
- Center of Research and Consultancy for Development (CRCD), Southern Institute of Social Sciences
- Social Work & Urban Community Development Center-Ho Chi Minh City
- The Applied Social Work Center
- Social Work & Community Development Unit
- Sunflower Vocational Training Unit

REGIONAL
- Asian Migrant Centre (AMC)
Workshop Program

Day 1/15 July 2008

8:30-9:00 ..................Registration
9.00 – 9.30 ..................Opening Ceremony
  1) Welcome speech by Assoc. Prof. Phetsamone Kounesavath, Vice-president of National University of Laos
  2) Welcome speech by Ms Jackie Pollock, MMN chair
  3) Welcome speech by Mr Alan Feinstein, Acting Director, SE Asia Regional Office, the Rockefeller Foundation
  4) Introduction to the program by Ms Reiko Harima, MMN Secretariat

9:30-9:45 ..................Break

9:45-12:00 .................Plenary: Overview of Migration & Development Discourse
Moderator: Chou Bun Eng

Presentation
  1) Migration & Development: The global discourse and its implication in Mekong, by Mr Jerrold W. Huguet, Consultant on Population & Development
  2) Migration & Development: Asian civil society’s perspectives, by Mr Rex Varona, Asian Migrant Centre
  3) The Gender Dimensions of International Migration & Development: Prospects and Challenges, by Ms Chansamone Phengkhay (for Dr Jean D’Cunha), UNIFEM
  4) ASEAN’s Vision on Migration & Development, Dr Kiane Phansourivong, Director General of Department of ASEAN, Ministry of Foreign Affairs, Lao PDR

Open discussion

12:00-13:30 ...............Group picture taking and lunch

Moderator: Reiko Harima

Presentation
  1) Development policies and projects led by ADB in the GMS, by Mr Christopher T. Hnanguie and Mr Tom Kolakanh, Lao PDR Resident Mission, Asian Development Bank (ADB)
  2) Review of development policies and projects in the GMS, by Dr Rosalia Sciortino, Associate Professor, Institute of Population and Social Research, Mahidol University

Open discussion

15:15-15:30 ...............Break

15:30-18.00 ................Plenary: Development Projects and Migration in the GMS
Moderator: Reiko Harima

Presentation
  1) Cross-border Economic Zones and Migration: Thailand, by Mr Nara Ratanarut, Office of Foreign Worker Administration, Department of Employment, Ministry of Labour, Thailand
  2) Cross-border economic zones: Lao PDR by Mr Khanty Lok Aphone, Deputy head of Savan-Seno Special Economic Zone Authority
  3) Development policies in Thailand vs the economy of migration by Dr Kyoko Kusakabe, Associate
**Professor, Gender & Development Studies, School of Environment, Resources & Development, Asian Institute of Technology**

4) Exportation of migrants as a development strategy in Vietnam, by Mr Tran van Thanh, Principle of the International Labor School, Department of Labor, Invalids, and Social Affairs, Ho Chi Minh City

**Open discussion**

18.30-20.00 ..........Welcome dinner

**Day 2, July 16th, 2008**

<table>
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<th>Time</th>
<th>Event</th>
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<tr>
<td>9.00 – 9.20</td>
<td>Recap of Day 1, Rex Varona</td>
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<tr>
<td>9.20 – 10.45</td>
<td><strong>Plenary 4: Impact of Development Policies on Migration in the GMS</strong></td>
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<td>Moderator: Mr Rex Varona</td>
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<td></td>
<td><strong>Presentation</strong></td>
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<td></td>
<td>1) Case study on development project induced displacement in GMS by Mr Toshiyuki Doi, Mekong Watch</td>
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<td></td>
<td>2) Impact of Thai contract farming projects in Burma, by Mr Adisorn Kerdmongkol, on behalf of the Peace Way Foundation</td>
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<td></td>
<td>3) Impact of &quot;exportation of labour as a development strategy&quot; on migrant workers, by Dr Dang Nguyen Anh, Vice-Director, International Department, Vietnam Academy of Social Sciences</td>
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<td>10.45-11.00</td>
<td>Break</td>
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<tr>
<td>11.00 – 12.00</td>
<td>4) Impact of Migration on Development, Cambodia’s experience, by Ms Chou Bun Eng, Cambodian Women for Peace &amp; Development (CWPD), Cambodia*</td>
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<td></td>
<td>5) Migrant women’s experience in migration and development, by Ms Hseng Moon, Shan Women Action Network (SWAN)</td>
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<td>12.00-13.30</td>
<td>Lunch</td>
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<td>13.30-14.30</td>
<td><strong>Plenary 5: Migration &amp; Development: Future Vision in the GMS and the Importance of Human Development</strong></td>
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<td>Moderator: Ms Reiko Harima</td>
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<td></td>
<td><strong>Presentation</strong></td>
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<td>1) Can migration and economic development go hand in hand with human development in the GMS?, by Ms Jackie Pollock, MAP Foundation</td>
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<tr>
<td>14.30 – 14.40</td>
<td>Introduction to the small group discussion</td>
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<td>14.40 – 16.00</td>
<td>Small Group Discussion (4 groups; mixed countries)</td>
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<td>16.00 – 16.15</td>
<td>Break</td>
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<td>16.15 – 17.00</td>
<td>Presentations from 4 small groups</td>
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<td>17.00 – 17.45</td>
<td>Summary of the main points arising out of the Workshop</td>
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<td>Moderator: Ms Jackie Pollock</td>
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<td>17.45 – 18.00</td>
<td>Concluding remarks, by Mr Alan Feinstein, Ms Jackie Pollock, and Ms Ninpaseuth Sayaphonesy</td>
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<td>18.30 – 20.00</td>
<td>Dinner</td>
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* During the actual workshop, Ms Chou Bun Eng presented during Plenary 3 and Ms Kyoko Kusakabe presented during Plenary 4, following schedule adjustments.
## Abbreviations

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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>3D</td>
<td>Dirty, Dangerous, Degrading</td>
</tr>
<tr>
<td>ACMECS</td>
<td>Ayeyawaddy-Chaopraya-Mekong Economic Cooperation Strategy</td>
</tr>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>AFTA</td>
<td>ASEAN Free Trade Area</td>
</tr>
<tr>
<td>AMC</td>
<td>Asian Migrant Centre</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
</tr>
<tr>
<td>CEP</td>
<td>Core Environmental Program</td>
</tr>
<tr>
<td>CI</td>
<td>Certificate of Identity</td>
</tr>
<tr>
<td>CLMV</td>
<td>Cambodia, Lao PDR, Myanmar, Vietnam</td>
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<tr>
<td>DOLISA</td>
<td>Department of Labour, Invalids and Social Affairs (Vietnam)</td>
</tr>
<tr>
<td>ECS</td>
<td>Economic Cooperation Strategy</td>
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<td>EWEC</td>
<td>East-West Economic Corridor</td>
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<td>FDI</td>
<td>Foreign Direct Investment</td>
</tr>
<tr>
<td>GATS</td>
<td>General Agreement on Trade and Services</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GFMD</td>
<td>Global Forum on Migration and Development</td>
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<tr>
<td>GMS</td>
<td>Greater Mekong Subregion</td>
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<td>HW1</td>
<td>Highway One</td>
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<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<td>MDG</td>
<td>Millennium Development Goal</td>
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<td>MMN</td>
<td>Mekong Migration Network</td>
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<tr>
<td>MOLISA</td>
<td>Ministry of Labour, Invalids and Social Affairs (Vietnam)</td>
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<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>MRC</td>
<td>Mekong River Commission</td>
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<tr>
<td>NGO</td>
<td>Non-governmental Organisation</td>
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<td>NSEC</td>
<td>North-South Economic Corridor</td>
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<tr>
<td>ODA</td>
<td>Overseas Development Aid</td>
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<tr>
<td>RCI</td>
<td>Regional Cooperation and Integration</td>
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<td>RPG</td>
<td>Regional Public Goods</td>
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<tr>
<td>SAP</td>
<td>Structural Adjustment Program</td>
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<tr>
<td>SEC</td>
<td>Southern Economic Corridor</td>
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<tr>
<td>SEZ</td>
<td>Special Economic Zone</td>
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<tr>
<td>SPDC</td>
<td>State Peace and Development Council (Burma)</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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<tr>
<td>UNDO</td>
<td>United Nations Declaration on the Right to Development</td>
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<tr>
<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
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<td>WB</td>
<td>World Bank</td>
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Summaries of Presentations and Open Forums

This section provides summaries of the key points raised by the resource persons in their presentations during the plenary meetings as well as summaries of discussion during the open forum.
Plenary 1
Overview of Migration & Development Discourse
Moderator: Chou Bun Eng, Cambodian Women for Peace and Development

Opening Ceremony

The Mekong Migration Network’s (MMN) 2008 Workshop on Migrants, Migration & Development in the Greater Mekong Subregion (GMS) began with welcome speeches on behalf of the organisers.

Associate Professor Phetsamone Kounesavath, Vice-president of the National University of Laos expressed his hope that the workshop would provide a fruitful forum for the exchange of information on the subjects of migration and development in the GMS. He pointed out that the rapid economic growth recently experienced within the subregion has been a major cause of population movements and that development projects associated with growth have had both positive and negative impacts. He noted that government policies can greatly influence migration and population movements within the GMS and emphasised the importance of using this workshop to help influence the development of government policy-making in the subregion, particularly within Lao PDR.

As Chair of the network, Ms Jackie Pollock gave a welcome message on behalf of MMN. She felt that it was timely that this workshop was convened ahead of the the Global Forum on Migration and Development, due to take place in Manila in October [2008]. She hoped that the workshop would provide an opportunity for participants who work with migrants on a daily basis to discuss and explore issues relating to migration and development in the subregion. In her address she emphasised that migrants are not a homogenous population and that we must not forget that each and every migrant is an individual with their own story, family and identity. She highlighted the need to frame the discussions at the workshop within the UN’s definition of the Right to Development, which in addition to economic progress refers to the
development of our common humanity, the right to lead safe healthy lives free from fear, and within an environment of mutual respect. She pointed out that the aim of the workshop is to discuss how migration can positively impact on development and whether migrants can contribute further to and benefit from development. She further noted that there is a need to discuss the flipside of the coin; particularly the extent to which development impacts upon migration given the increased frequency of development induced migration, while exploring how we can reach a point where migration becomes an informed decision rather than a desperate act of survival.

Mr Alan Feinstein, Acting Director of the Rockefeller Foundation’s South-East Asia Regional Office began his address by recognising the connections that exist between migration and economic development. With reference to the increased mobility and connectivity within the subregion, he outlined some of the factors driving the trend of ever increasing migration flows; including inequalities arising out of economic development, greater access to information, communication and transportation technologies, displacement arising out of problems associated with poor governance and the demands of an ageing population. He lamented the fact that development discourse had become de-linked from issues of labour migration and hoped that this workshop would provide an opportunity to jointly analyse their interlinkages. He praised the growth of the MMN and congratulated them for their efforts to broaden the debate on migration and development as well as their achievements since the network’s formation.

To conclude the opening ceremony, Ms Reiko Harima on behalf of the MMN secretariat briefly provided some background information regarding the organisation and structure of the workshop. She thanked the National University of Laos and the Lao Women’s Union for their role as hosts and expressed gratitude for the continued support of the Rockefeller Foundation and Oxfam-Hong Kong.

Presentations

Migration & Development: Global Discourse and Implications in the Mekong

Mr Jerrold Huguet, Consultant on Population & Development

Mr Jerrold Huguet’s presentation provided an overview of the global discourse on migration and development. He began his presentation by introducing the various forums and institutions important to the development of this global discourse, including the Global Commission on International Migration, the UN Secretary-General’s Reports on Migration and Development, High-level Dialogue on Migration and Development and the Global Forum on Migration and Development.

He next highlighted the close interconnectedness that exists between processes of migration and development. Through various statistics he highlighted the general trends linking levels of economic development with a country’s status as either a sending or receiving country of migrants and their impact on the economy and demography of national economies. Mr Huguet pointed out that sending countries typically benefit from a fall in levels of unemployment together with the positive effects that remittances bring. However, these benefits are in most cases insufficient to stimulate economic growth and sending economies risk a brain drain of their most highly educated and skilled members of the workforce.

Destination countries on the other hand typically benefit from the net impact that migrants bring. Developed countries specifically tailor their immigration policies to attract highly-skilled professionals from overseas thus allowing their national economies to benefit through the creation of transnational communities and hubs in the highly skilled and educational sectors. However, he cautioned that negative impacts tend to occur where an overemphasis on attracting migrants to low-wage and low-skilled occupations forces them to compete with surplus workers in the domestic labour market covering these sectors.

On an individual level Mr Huguet stated that
migrants typically benefit from the migration process so long as they are not exploited by recruiters and employers. In financial terms their family members also benefit from remittances, however the impact of migration on family relations and children is not yet clear and is an area where further research is required.

Mr Hugeut next returned the focus of his presentation to the situation in the GMS by discussing policy implications for the subregion in relation to different sectors of the labour market. In order to reduce the flows of irregular migration in the low skilled sectors he recommended that GMS governments formulate immigration policies that formalises the status of migrant workers, allowing them to change jobs, visit home, open bank accounts and provide birth registration, nationality and education for their children. He also proposed joint government action to recognise skills certification, facilitate channels for remittances and to harmonise labour standards.

In relation to the skilled and professional sectors Mr Hugeut emphasised the importance of recognising the fact that each country was effectively competing in a global labour market to attract expertise. This creates the need for governments to formulate accommodating policies that best attract highly skilled professional migrants and their families. Such measures include providing suitable housing, international schools, foreign currency banking services and employment visas for spouses.

In conclusion, Mr Huguet stated that migration was best thought of as a consequence rather than a cause or driving force of development. He reaffirmed his view that three distinct migration policies were needed within the GMS; firstly focusing on the deployment of workers, as well as separate policies targeting the facilitation of low skilled and professional migrants respectively. Lastly he advocated the need to integrate migration policies with broader development policies which stress specialisation in products and services that they can offer at a comparative advantage in the global economy.

Migration & Development: Asian Civil Society’s Perspectives
Mr Rex Varona, Asian Migrant Centre (AMC)

Mr Rex Varona’s presentation began by reviewing the economic and migration related data in Southeast Asia and China. He pointed out the average GDP growth between 1995-2008 in China, India, Vietnam, Cambodia, Lao PDR and Thailand are 9.21%, 7.15%, 7.39%, 6.65%, 6.12% and 3.64% respectively indicating the rapid economic growth experienced in the region. He then presented data from the Philippines, which indicated that the economy had grown steadily between 1990 and 2007 while unemployment remained high (between 7.4 - 11.4%). He explained that this anomaly was due to migrants’ annual remittances propping up the national economy. He went on to explain the Philippines dependency on overseas migration: 10% of the population is abroad; 20% of the labour force is abroad; and 40% of the population are dependent on overseas Filipinos; migrants’ remittances which contribute an estimated 8-12% of GDP. Remittances help to stabilise economic growth, maintain currency and international reserves, while migrants make themselves significant contributions in terms of providing basic social services such as housing, education and health-care.

Mr Varona then explained some of the abuses and rights violation that migrants frequently face, including breach of labour rights and contract violations, illegal recruitment, health problems, sexual abuse, work hazards and accident, physical and psychological abuse, death, discrimination, marginalisation, loneliness and the long term social costs such as family breakdown.

In relation to migration and development, Mr Varona said that economic factors and differentials within and among countries are basic drivers and determinants of migration patterns and flows. “Push factors” include economic crisis, poverty, and unemployment while “pull factors” include economic restructuring, tight labour markets, and global competitiveness. Neo-liberal policies which include privatisation, deregulation, liberalisation,
free trade, GATS Mode 4, and structural adjustment programmes all have a direct impact on migration. He said that labour migration today is a trade in human labour based on the commodification of migrants, especially women. It is not rights-based thus results in frequent exploitation and oppression. He also referred to the modern form of migration as “single-person” migration, which treats migrants as economic tools in a global world.

Referring to World Bank (WB) and International Monetary Fund (IMF) policies, Mr Varona said these international finance institutes’ structural adjustment programmes (SAP) in the 1970s and 80s were export-oriented and debt-driven economic strategies, resulting in the debt crisis faced by countries such as the Philippines, Indonesia, Bangladesh, Nepal, etc, all major migrant exporters.

Mr Varona went on to explain that failure to provide decent jobs and/or incomes in countries of origin will result in migrants shouldering the responsibility of finding jobs abroad. Failure to develop the national economy will lead to migrants, through their income and remittances, shouldering the responsibility of propping up the economy, supporting the currency, financing budget deficits and debt payments and providing basic social services such as housing, education, and health. Failure of international development commitments will lead to worsening of poverty and joblessness, and widening of global wealth disparities.

Under the Millennium Development Goals (MDGs), developed countries promised to allocate 0.7% of their GDP for overseas development aid (ODA). However, only a handful of governments have honored this pledge. Mr. Varona said that migrants are again targeted to “finance development” through their remittances. In fact, this is one of the main agendas of Global Forum on Migration and Development (GFMD), which may become a mechanism for making the migrants bear the burden of financing development.

Mr Varona said that characteristics of governments’ development strategy can be described as the following: dependence on labour migration; mass export of labour; primary interest in generating remittances; increased feminisation and social costs of migration; lack of
strategic vision on development or on reintegration, and increasing moves towards making migrants finance development. In comparison, characteristics of civil society’s perspectives are: rights-based, gender-fair, people-oriented; based on the right to work, mobility, family, self-development; include the “right to development” framework; promote sustainable economic development by providing jobs at home; assert that government has primary responsibility in providing social services, jobs and ensuring development; and promote migrants as central stakeholders and actors in development. He also summarised gender perspectives in migration and development covering issues of participation, resources, norms/values, rights, economic, development, livelihood laws and policies and leadership.

He then explained that civil society has intervened in the High Level Dialogue on Migration and Development, New York in 2004 and GFMD, Brussels in 2007 and also preparing for the GFMD, Manila in October 2008.

He also went over the key points of the UN Declaration on the Right to Development (DRD), which was adopted in 1986. Mr. Varona said that the internationally agreed development principles under the DRD can be summarised in the following list.

1) Comprehensive concept of development – including social, cultural, political and economic elements;
2) People-centered, i.e. the human person is the central participant and beneficiary of development;
3) Respect for all human rights, i.e. denial of civil, political, economic, social and cultural rights constitute an obstacle to development; implementation, promotion and protection of civil, political, economic, social and cultural rights are necessary to promote development;
4) Development is the primary responsibility of the State i.e. they hold the primary responsibility for the creation of national and international conditions favourable to the realisation of the right to development;
5) The principle of “people’s participation”, which requires States to formulate national development policies that aim at the constant improvement of the well-being of the entire population on the basis of their active, free and meaningful participation in development and in the fair distribution of the resulting benefits while ensuring the participation of women;
6) Social justice i.e. the development process should promote social justice, equality of opportunity for all, access to basic resources and services, and the eradication of social injustices;
7) International cooperation i.e. development requires not only appropriate national policies, but also proper international policies and cooperation;
8) Self-determination i.e. affirms the right of peoples to self-determination;
9) Elimination of colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression, threats against national sovereignty as these result in massive and flagrant violations of human rights. Their elimination helps to create conditions beneficial to the development of mankind; and
10) International peace and security – essential for the realisation of the right to development; disarmament would considerably promote development; resources released through disarmament should be devoted to the economic and social development and well-being of all peoples, particularly those from the developing countries.

Mr. Varona ended his presentation by introducing migrants’ initiatives in promoting sustainable development and in engaging in the GFMD related processes.

The Gender Dimensions of International Migration & Development: Prospects and Challenges
Ms Chansamone Phengkhay, UNIFEM Laos PDR

Ms Chansamone Phengkhay’s presentation on behalf of UNIFEM’s South East Asia office began
by reviewing some of the important trends and issues concerning female migration patterns. She highlighted some of the gender based concerns as well as contributions made by female migrant workers. Lastly she outlined some of the strategic interventions necessary to remedy existing gender based inequalities, specifically referring to initiatives carried out by UNIFEM in the Mekong subregion.

Ms Phengkhay stressed that women are an enduring structural feature of migration patterns both in Asia and the rest of the world. Statistics show that their prominence is both increasing in magnitude and global reach, particularly in terms of newly emergent countries of origin and destination. These trends include a growing number of women migrating singly, on a temporary basis for the sake of family survival as well as an increasing concentration working in the informal sector.

The migration of women in the Mekong sub-region is for the most part managed and organised by the private sector and informal social networks. This is in a large part due to a lack of official channels to facilitate migration and has been a factor in rises in undocumented migration and trafficking. The remittances sent by female migrant workers often form a significant proportion of sending countries’ GDP. For many women migration is a positive experience, though some face the risk of being subject to human rights violations, particularly so if they are poor, undocumented or have been subject to trafficking.

Supply & Demand of Female Migrants
Outlining some of the gender based causes of female migration in the subregion, Ms Phengkhay spoke of the global rise in demand for female workers in feminised employment sectors. She also mentioned other demographic trends such as increases in women’s participation in the workforce, existing discriminatory socio-cultural constructs, as well as racialised constructs of Asian women for marriage to Western men.

This demand for female migrants has been satisfied by numerous factors that encourage women to migrate. These push factors include the disproportionate effect of a gendered development processes, feminised poverty, displacement due to natural and human created catastrophes, gender based violence within families and communities, manipulation by family members to pressurise women to migrate, a desire for upward socio-economic mobility and the labour export policies in countries of origin.

Rights Violations
In relation to human rights violations commonly experienced by female migrants, Ms Phengkhay analysed the situation with reference to abuses that occur at the various stages of the migration process. Firstly at the recruitment and pre-departure phase, women are frequently subject to restrictions or bans on their out-migration. They are commonly granted less access to information, education and training regarding the migration process than their male counterparts, and are more likely to be subject to exploitation by recruitment agents, for example being detained in training centres, where they may face physical, sexual and emotional abuse.

These risks continue during the actual migration or while in-transit and are compounded by a general lack of knowledge regarding their travel routes and final destination. Female migrants commonly risk abandonment en route, being subject to physical and sexual abuse and/or having their money and travel documents taken from them. Upon arrival in their destination countries, female migrants suffer disproportionately in terms of their access to healthcare and the sufficiency of state protection that they are afforded. They are typically disadvantaged in the local labour market, and suffer from socio-cultural and legal discrimination born out of gendered forms of racism and xenophobia. The risk of violence in the workplace is another major issue particularly as employers sometimes impose restrictions on their freedom of movement and association. When there is a lack of access to outside assistance female migrants are at risk of being trafficked to third countries or within the destination country. Undocumented migrant and
trafficked women may additionally be subject to immigration detention by the authorities. All of these risks impact greatly on the general health and well being of migrants.

Ms Phengkhay identified three important human rights issues that affect the return and resettlement of female migrant workers. These include compulsory HIV and AIDS testing, moral rehabilitation for young women returnees and the numerous personal and social costs, such as breakdown in family life, social stigmatisation and financial problems.

Strategic Interventions
As methods of combating some of these problems, Ms Phengkhay outlined several key strategic interventions. Above all she emphasised the need to provide an alternative for women who migrate for economic reasons. This she proposed should be achieved through the implementation of sustainable socio-economic development strategies in sending countries. In terms of addressing the human rights violations that disproportionately affect female migrants; she spoke of the need to invoke international human rights law in particular, the enforcement of the rights enshrined within the CEDAW. These measures must be supplemented through the development of engendered databases as well as research and analysis that accurately assess issues pertinent to female migration.

She advocated for sending countries to amend their laws to ensure that all bans on female migration are lifted and instead registration systems for out-going migrants put in place. Tighter controls should be implemented to regulate the practices of recruitment and employment agencies, community awareness should be improved so that the true costs and benefits of migration are explained to would-be migrants and comprehensive reintegration programmes are provided for returnees. Receiving countries on the other hand should reform their immigration and labour laws in line with international human rights standards to ensure their protection is extended to all migrant women. These reforms must include the recognition of domestic work as work and allow migrant women the right to associate and organise their own trade unions. Receiving and sending countries should do more to co-operate and engage in bilateral and multilateral provisions. In order to ensure such interventions are effective, migrant women should be fully and actively involved with policy formulation, implementation as well as monitoring and evaluation.

UNIFEM’s Pre-Departure Programmes
Finally, Ms Phengkhay introduced the three different types of programme organised by UNIFEM within Lao PDR. She explained that at present they run both One and Five Day Pre-departure Orientation Trainings in addition to their One Day Pre-Migration Decision Making Session. These programmes are offered both in the capital Vientiane and in various provinces throughout the country. The objectives of the five day programme are to impart knowledge and information to would-be migrant women participants. This includes helping them understand the importance of following rules and regulations and introducing them to the forms of documentation relevant to the migration process. The objectives of the single day course are more modest but hope to provide participants with knowledge about migrating for work and provide them with information that they can understand and read later. Additionally the single day pre-migration decision making session has the added purpose of aiming to disseminate information about migrating for work and focus on creating opportunities for information sharing.

ASEAN’s Vision on Migration and Development
Dr Khiane Phansourivong – Director General of Department of ASEAN – Ministry of Foreign Affairs, Laos PDR

Dr Khiane Phansourivong began his presentation on Migration and Development by providing some brief information in relation to ASEAN’s role as a successful regional organisation for developing countries since its formation in 1967. He explained
the work and structure of ASEAN based on its three pillars: the ASEAN Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural Community. He explained that it is the responsibility of ASEAN’s Economic and Socio-Cultural Communities to focus on issues relating to migrant workers. Action and initiatives in relation to migration and development have of late become increasingly important within ASEAN due in part to its strategic position between the huge emerging markets of China and India.

Dr Phansourvong then spoke briefly about the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers agreed by Heads of State at the 12th ASEAN Summit, which took place on 13th January 2007 in Cebu, Philippines. He explained that the drafting of the Declaration had taken into consideration the views of civil society and for the most part has been warmly welcomed given its commitment to protect and promote the rights of migrant workers. He explained that in July 2007 a statement was adopted to establish a committee to follow up on the commitments agreed within the Declaration.

Dr Phansourvong was confident that the necessary instruments would soon be in place to protect and promote the rights of migrant workers within ASEAN. He supported this assertion with reference to the newly signed ASEAN Charter, which he emphasised contains a commitment to establish an ASEAN human rights mechanism. He explained that the Charter’s drafting process had involved all stakeholders including representatives from civil society and had been the subject of wide ranging international consultation. He advised that the Charter has so far been ratified by six member states and confirmed that ASEAN is working hard on the ratification process with the remaining four countries.

Regarding the issue of migration in the GMS, he acknowledged some of the problems that exist in relation to those ASEAN member states in the Mekong. He noted that the diversity of countries in the subregion, each at varying stages of economic development created its own unique problems. In particular he referred to the current situation whereby migrants often had little alternative other than to travel undocumented between member states and beyond. Given this situation he noted that the more developed ASEAN member states were keen to establish more formal channels of migration. He explained that it was one of ASEAN’s greatest challenges to work together and co-operate across such a diverse set of domestic economic and political conditions. He explained that ASEAN had developed the necessary institutions to facilitate such co-operation through existing mechanisms such as the periodic Ministerial and Senior Official meetings and initiatives to co-operate on transnational issues such as trafficking, drugs and organised crime.

Dr Phansourvong stated that ASEAN was looking to achieve visible progress in terms of tackling issues that affect migrant workers through their Socio-Cultural blueprint. He explained that the blueprint is expected to be adopted by the end of the year [2008] and will set out all the strategic action plans to be achieved between 2009-2015, including a component on migration. The blueprint will be supported by various mechanisms including the ASEAN Committee on Women, of which one of this workshop’s hosts the Lao Women’s Union is an active member.

Open Forum

Below is a summary of the discussions that followed the presentations between the speakers and the various participants attending the workshop. They include questions, comments and clarification regarding the subject matter discussed within the various presentations.

Ms Sanda Thant, of the Mekong Institute began the discussion by asking Mr Jerrold Huguet, whether any regions or countries had implemented three distinct migration policies as advocated within his presentation?

In response Mr Huguet offered Singapore as an example where the government had implemented distinct migration policies according to different
sectors of the labour market. The Singaporean government actively recruits foreign nationals to fill gaps that exist within their local labour market. Their immigration law and policy specifically focuses on the deployment of workers by sector, and operates separate visa regimes targeting low skilled and professional migrants accordingly. He explained that to attract professional migrants the Singaporean authorities have opened academic posts and government advisory positions to non-Singaporean nationals and have specifically tailored their policies to attract talent from across the world. For example, the country’s naturalisation rules encourage foreign national professionals to settle permanently in Singapore. Permanent Resident status is granted after just two years residency in Singapore. After a further two years professional foreign nationals may apply for Singaporean citizenship.

Mr Huguet said that Singapore had a much stricter visa regime for low skilled migrant workers, who are subject to numerous restrictions such as not being able to settle or marry Singaporean nationals.

One of the participants commented that Thailand also treats migrant workers differently depending on their sector of employment. For example professional migrants frequently enter Thailand as visitors then have no problem switching status and registering for work permits. Unskilled migrants on the other hand have no option but to enter illegally. The participant asked Mr Huguet whether or not advocating for distinct migration policies by sector is discriminatory and whether or not there is a need for a more comprehensive policy.

Mr Huguet agreed that comprehensive immigration policies should be the aim in the long run, but in reality there exist differences in the situation of migrants who are well paid and protected and those who are poorly paid and vulnerable to abuse, thus distinct migration policies are required.

Ms Sutthida Malikaew commented that distinct migration policies inevitably lead to the creation of a dual attitude towards migrants. On one hand we have a group of individuals who are disempowered with a lack of rights and on the other hand we have migrants who can pay. Is there another way of dealing with migration across categories?

Mr Huguet stated that due to the current structure of the labour market this would be problematic but certainly something can be done to begin to address abuse. Low skilled migrants must be provided with decent work standards, receive their salaries, be granted freedom of movement, access to communication and employment mobility. Progress is clearly needed on these fronts and then hopefully somewhere down the line Mekong countries can start integrating migrants into wider society. Mr Huguet noted that lots of settlement is certainly taking place by migrants within the Mekong but at the moment this is not being recognised by the authorities.

Mr Rex Verona of the Asian Migrant Centre asked Mr Huguet if he considered the use of the term “unskilled” inappropriate and whether he thought it would be better to recognise their professions and grant basic protections within transparent systems of governance. Mr Huguet responded by saying that ideally that should be the case but in the meantime we are left with a situation where we need to differentiate between different sectors in the labour market. His use of the term “unskilled” was for simple linguistic reasons and that if a more suitable word could be found he was happy to use it.

Dr Rosalia Sciortino from the Institute of Population and Social Research, Mahidol University, commented that we should not get hung up on linguistics and politically correct language during the debates at the workshop. She said that people sometimes miss out the real essence of issues by focusing too much on the terminologies. She said whether we call workers “unskilled” or not, the real issue is there are a group of workers whose rights are often violated, and that needs to be addressed. She cited an example that people now use the term “gender-based violence”, but if we miss out the real issue of violence against women by using a new term, then we are missing the point.

Mr Rex Verona also posed the question of whether or not we truly recognise the contributions
made by migrants in receiving countries. He provided the example of Hong Kong, where migrant workers contribute one percent of Gross Domestic Product. They are therefore not burdens but contributors to society. In countries like Hong Kong, Japan and Korea there is no recognition of the contribution that low skilled workers make to society and the economic prosperity of their host country. Instead discriminatory immigration policies are maintained, which inevitably leads to an increase in undocumented migrants. There is clearly the need in the Mekong to implement fast, transparent and professional channels of migration. This can be achieved through an integration and coherence of policy.

Ms Huynh Thi Ngoc Tuyet of the Centre of Research and Consultancy for Development at the Southern Institute for Social Sciences in Vietnam next addressed a question to Dr Khiane Phansourivong regarding just how ASEAN had been enabled to act regarding issues surrounding migration and human rights. She also asked whether there was any room within ASEAN for civil society actors to participate and if so what is the extent of their current contribution.

In response Dr Khiane Phansourivong stated that ASEAN had already come a long way since its formation and was now one of the world’s most important regional organisations. In terms of involving civil society in its processes ASEAN currently involves all stakeholders including civil society groups and from a human rights standpoint this can be difficult but ASEAN does what it can to involve all stakeholders in developing and drafting documents. He gave examples of the contributions civil society groups had made towards the drafting process of the ASEAN Charter and in the ongoing development of an ASEAN Human Rights mechanism.

Ms Chansamone Phengkhay stated that UNIFEM offered their full support to ASEAN regarding the implementation of their Declaration on the Protection and Promotion of the Rights of Migrant Workers and the development of their
human rights mechanism.

Dr Khiane Phansourivong stated that ASEAN recognised that civil society is very broad but that it had an important role to play in the development of the organisation. At the same time members of civil society must also accept that member governments cannot assure them that they will be listened to 100 per cent of the time. Due to constraints of time and logistics ASEAN governments cannot guarantee access to all groups. He stated that leaders work to very busy schedules which can make it difficult to meet with all civil society representatives. It was therefore very important that representatives from civil society groups co-ordinate in the formulation of joint position papers so that they can best maximise the limited time that is available for them to engage in direct dialogue with ASEAN governments.

He went on to state that it is undeniably the case that each government member state had its own national interests on numerous issues but in their dealings with ASEAN it is necessary for them to work together and accommodate and compromise with stakeholders, including civil society groups. He regretted that some members of civil society such as trade unions did not have access to this process.

Due to the limited formal time ASEAN and other governments set aside for dialogue with representatives of civil society it was necessary for them to work together and accommodate and compromise with stakeholders, including civil society groups. He recommended that the best dialogue takes place through everyday processes. This is not to say that governments should not be proactive to be inclusive of civil society and provide appropriate channels for dialogue.

Some participants returned to the comments made by Dr Khiane Phansourivong regarding ASEAN and asked him what are the tangible impacts of the strong statements coming out of the organisation. They noted that ASEAN had decided once again to pick up on the issues of migration and human rights but asked what actually will be done and when. They stated that it was hardly surprising for them to take a cynical view regarding ASEAN and its progress on human rights issues. They asked if ASEAN governments really had their hearts in solving problems or whether the entire process had just become a talking shop.

Mr Rex Verona, commenting on the participants’ remark that there was a lack of will within ASEAN to implement its lofty declarations, recommended that ASEAN should introduce an enforceable human rights mechanism. He said that they should also take steps to introduce a permanent forum for dialogue with civil society. The current situation where everything is done outside negates their commitment and shows that their heart really is not in it.

Another participant requested clarification from Mr Rex Verona regarding which countries do not recognise low skilled migrants. He stated that there was a general lack of recognition for low skilled migrants across Asia but Japan and South Korea were particularly culpable. These countries have strong policies regarding professional migrants but nothing whatsoever for low skilled migrants.

Mr Chorrn Ann of the Cambodian Women for Peace and Development requested clarification from Ms Chansamone Phengkhay of UNIFEM regarding her comments regarding the organisation of migrants. He asked in particular where, when to whom she was referring. She responded by stating that the freedom to associate and organise is of course very different in the different countries of the subregion. For example in Lao PDR, UNIFEM is able to organise meetings and to present and display information on migration to would-be migrants that attend pre-departure training. In Hong Kong agencies and organisations are free to mobilise migrant workers, allowing them to unite and circulate information concerning migrant issues. In this way civil society organisations can help migrant workers present their cases and unite so that their voices can be heard in public.

She thereafter opened the floor to other participants for their own experiences concerning these issues. In particular she was interested to hear a Thai perspective on how migrants organise and unite, for example whether or not migrant workers in Thailand can negotiate with the government.
when organising events on May Day or whether or not they can unionise.

Mr Sutthiphong Khongkhaphon of the Migrant Assistance Program (MAP) explained that under Thai law migrants have the right to become a member of a union but if they are not a Thai citizen they cannot be on the management committee of a union. Therefore not having the right to be on a management committee means that migrant workers cannot really unionise, they may only remain members of unions that may or may not represent their interests.

He explained that at MAP they work with migrant workers in the community. Migrants try to organise themselves into groups but they cannot properly unionise. Since 2006 migrants in Thailand have been subject to laws that have severely restricted their rights. For example they have been prohibited to use mobile phones and motorcycles following provincial decrees. With reference to the comments made concerning ASEAN he expressed his hope that they will pay greater attention to protect the rights of migrant workers in the region and those incidents such as the death of 54 migrants in Ranong would have been prevented if ASEAN paid more attention to migration issues.

Mr Tin Tun Aung of the Federation of Trade Unions-Burma (FTUB) commented that an important issue in Thailand is to ensure that proper laws are formulated that provide formal channels of immigration. Instead a new law proposed this year [Alien Employment Act B.E.2551] will further erode the rights of migrants because it will grant the police power to enter migrant households without a warrant. It will also force migrants to pay a fee to the authorities.

With regard to the suffocation of 54 migrants in Ranong, the Thai authorities have maintained that this is not related to trafficking but was a consequence of illegal migration. He stated that he was worried that the Thai authorities deliberately separate the issues with the consequence that migrant rights are violated and not protected.

He then went on to address Dr Khaine Phansourivong regarding the numerous push factors that were stimulating migration flows within ASEAN and particularly in the Mekong subregion. In particular he asked how ASEAN work to alleviate the push factors and to ensure that the interests and rights of migrants are protected.

Dr Khaine Phansourivong responded by stating that ASEAN recognises the need to act to protect migrant workers and does its best to ensure that migrant workers receive protection in their host countries. He said that over the past year ASEAN has begun to pay more attention to this issue though admitted that this can be difficult due to the different standpoints taken by respective ASEAN countries. He admitted that receiving countries face difficulties protecting the rights of migrants but assured the workshop that they are doing their best. The difficulties that arise are in part due to migrants arriving illegally or being trafficked into the receiving country. Those migrants who arrive through official channels with proper documents usually do not experience many problems. These are problems that receiving countries face across the world and is not a problem unique to ASEAN.

As far as alleviating some of the push factors Dr Khaine Phansourivong stated that receiving countries within ASEAN frequently advocate that sending countries should do more to stimulate job creation.

Finally Mr Rex Verona asked Dr Khaine Phansourivong to confirm the exact time ASEAN leaders are able to spend engaging with representatives from civil society. Dr Khaine Phansourivong confirmed that due to their extremely busy schedules it was unfortunate that leaders were limited to spending just 15-20 minutes meeting representatives from civil society. For this reason it is vital that representatives meet in advance and discuss issues to ensure that they are able to present joint position papers when they get the chance to meet with ASEAN leaders. Mr Rex Verona expressed his disappointment with this situation and noted that the MMN has for many years been trying to build a network that engages with ASEAN.

The Plenary ended with the moderator Ms Chou Bun Eng commenting that without a commitment to uphold human rights there can be no development.
Plenary 2
Review of Development Policies & Projects in the GMS
Moderator: Reiko Harima, Asian Migrant Centre/MMN Secretariat

Presentations

“Development Policies and Projects in the GMS Participated in by the Asian Development Bank”
By Mr Christopher T. Hnanguie and Mr Tom Kolakanh, the Asian Development Bank, Lao PDR Resident Mission

Mr Christopher Hnanguie, the Country Economist for the Asian Development Bank (ADB) in Lao PDR began the presentation together with his colleague Mr Tom Kolakanh by explaining that their presentation would focus on the ADB’s GMS program, its mandate and their Regional Cooperation and Integration (RCI) strategy. The presentation would also seek to discuss some of the impacts that their GMS program was having in the subregion, as well as the prospects and challenges faced by the business sector. He explained that his presentation would conclude by looking at the future of ADB support within the Mekong.

Asian Development Bank’s Regional Cooperation and Integration Strategy
The presenters explained that the ADB’s charter mandates it to play an active role in regional cooperation in Asia and the Pacific. In 1994, the Bank adopted a regional policy that for the first time articulated its approach towards promoting regional cooperation. He said that political support for RCI has increased across the region in recognition that they can help accelerate poverty reduction. The presenters stated that from the ADB’s perspective, RCI was not viewed as an end in itself; but rather as a means to achieve its core objective of achieving poverty reduction.

They then explained how and why the ADB is promoting its RCI strategy in the Mekong. They stated that RCI helps to sustain pro-poor growth through improved cross-border physical connectivity, which can help provide the poor with greater opportunities for participation in market activities. They said that the ADB believes that cross-border infrastructure projects are essential for the movement of goods, people, services, and information as they enlarge market access, reduce economic distance and facilitate trade, investment and labour flows. This in turn can create employment, especially in labour-intensive sectors, and contribute to poverty reduction. Trade and investment cooperation at the regional level allow smaller and poorer countries to have direct access to participate in the regional and global supply chains. Regional macroeconomic...
and financial stability are therefore crucial to sustain robust growth and poverty reduction.

Next they explained how the provisions of Regional Public Goods (RPG) are critical to support poverty reduction efforts. By working together to promote RPGs, countries can address the adverse impact of cross-border issues such as outbreaks of communicable diseases, environmental problems and other transnational issues. They explained that the ADB firmly believed that RCI can enhance countries’ efforts to develop their economies and reduce poverty while widening their range of options. In particular, RCI provides greater access to key inputs, resources, technologies, knowledge, while enlarging the market for products.

**Four Pillars of Regional Cooperation & Integration**
The presenters next explained that the Bank had approved its RCI Strategy in 2006, in accordance with their second Medium Term Strategy. This gave ADB the capacity to prioritise its assistance in areas where they can make the most tangible contribution, rather than diluting the bank’s support across many areas. As such the ADB’s RCI strategy is founded on the following four mutually reinforcing pillars.

Pillar one, Regional and Subregional Economic Cooperation incorporates the need to increase physical connectivity by linking markets and resources. This sets the stage for increased economies of scale and greater competition. Pillar two focuses on Trade and Investment Cooperation and Integration. This becomes necessary as the benefits from improved physical connectivity will be constrained if for example the volumes of trade and investment flows are small. Therefore, RCI in trade and investment will ensure that the benefits from improved physical
connectivity are realised. As economies in the region become increasingly connected, monetary and financial transactions should also increase through both formal and informal channels. Pillar three therefore focuses on Monetary and Financial Cooperation and Integration. Increased monetary and financial links can also mean that a country’s financial instability could be transmitted to its neighbours. Pillar three, thus, becomes essential to maintain macroeconomic and financial stability and crucial to prevent another financial crisis. Finally with the development of improved cross-border physical connectivity and the expansion of regional trade and investments, pillar four, Regional Public Goods become necessary. These bring major benefits, but the ADB also recognises the risk they pose to people and the environment. Environmental degradation, threats of communicable diseases (e.g., avian flu, SARS, HIV/AIDS) and natural disasters have a disproportionate affect on the poor and can undermine the gains that have been achieved. Prevention of these threats and/or minimising their impact can be best achieved through strong regional cooperation.

**ADB Support to Regional Cooperation & Integration Initiatives in Asia**

The presenters next illustrated how the ADB’s involvement and experience in RCI had broadened. They explained that ADB member countries in Asia and the Pacific now see RCI as a means to collectively address their development challenges. They then went on to list some of the regional cooperation initiatives in Asia that are supported by the ADB. They stated that through RCI, the ADB had become a key player in the region.

**ADB’s Comparative Strengths**

The presenters spoke about the ADB’s ability to promote RCI in the Mekong. In particular they emphasised that the ADB has earned credibility in its role as an honest broker and that they have developed long-standing regional specialisations, expertise, and strategic partnerships with developing member countries. The ADB therefore had the facility to offer integrated solutions, commitment to regional cooperation, and show demonstrable strength in supporting infrastructure projects especially in the transport, energy and education sectors.

**Regional Cooperation & Integration in the GMS**

The presenters noted that RCI had intensified and deepened in the GMS over the past three decades since “the battle fields were turned into economic playing fields”. They then mentioned some of the more significant cooperation frameworks that are currently in place. First under the auspice of ASEAN there are a number of activities taking place. The most significant of which is the ASEAN Free Trade Area (AFTA). This is one area where the GMS countries are well on their way towards meeting their objectives. Next there is the GMS Economic Cooperation Program, where the six countries have with the assistance of the ADB agreed to promote economic cooperation.

Other frameworks include the Ayeyawaddy-Chaopraya-Mekong Economic Cooperation Strategy (ACMECS), which was initiated by Thailand in 2003 and also comprises Cambodia, Lao PDR, Myanmar, and Vietnam. It encourages its members to utilise their diverse strengths and to promote balanced development within the subregion. Other RCI frameworks mentioned included the ASEAN Mekong Basin Development Cooperation (AMBDC), the Mekong River Commission (MRC), the Development Triangle, the CLMV (Cambodia, Lao PDR, Myanmar, Vietnam) Summits, and the East-West West-East Economic Corridors.

**ADB’s Regional Cooperation Strategy and program for the GMS**

The ADB presenters next outlined the Bank’s aim to help achieve a vision of a prosperous, integrated, and harmonious subregion through the pursuit of the four strategic pillars. They reiterated the need to strengthen connectivity through facilitating cross-border movement, integrating national markets, addressing health and other socio-economic development issues and managing the environment to ensure sustainable development and conservation.
ADB’s GMS Program

The presenters reiterated the ADB’s support for RCI through its GMS Program. The GMS program has its origins in the first GMS ministerial meeting at the ADB headquarters in October 1991 following the Paris Peace Accord for Cambodia. The program eventually established in 1992 aims to be pragmatic, flexible and results-orientated with its focus on cooperation in the preparation and implementation of priority subregional projects. Under the program, agreement between two countries is sufficient to carry out a project. The lengthy process of consensus building is thus avoided. A key feature of the program is its emphasis on cross-border infrastructure development to overcome domestic market constraints, promote trade and investment, and stimulate economic growth. The role of the ADB is thus to provide financial and technical assistance, as coordinator and secretariat, and, most importantly to be a trusted partner in the development of the subregion.

Connectivity, Competitiveness, and Community

Following a recap of some of the key geographic and economic features of the GMS that highlight its potential for economic growth and development, the presenters next introduced the ADB’s support within the 10-year Strategic Framework, endorsed by GMS Leaders. The Framework articulates a shared vision of a subregion that is integrated, prosperous and harmonious and translates into a three-pronged strategy for enhancing connectivity, improving competitiveness, and engendering a sense of community.

A GMS Ministerial Plan of Action was prepared at the 13th Ministerial Meeting in Kunming to
guide and monitor the implementation of priority subregional initiatives in line with the 3Cs of Connectivity, Competitiveness and Community. After a brief explanation of just how the six GMS countries are cooperating to achieve their vision of a subregion that is integrated, prosperous and harmonious, the presenters explained the institutional mechanisms working at the political and operational levels. The mandate for this subregional cooperation was agreed at the GMS Summit of Leaders, which met in Phnom Penh in November 2002 and Kunming in July 2005. At the policy level, a Ministerial Conference coordinates subregional cooperation and provides overall policy guidance and support. There have been 13 ministerial conferences so far, the last one in Vientiane in December 2004. It is assisted by the Senior Officials’ Meeting that prepares for the Ministerial Conference. For each country, a GMS National Coordinator serves as a focal point. Working Groups and Forums in the nine sectors of cooperation have also been established and are meeting regularly. The ADB provides a central secretariat, which coordinates support to the Program.

**GMS Priority Sectors**

The presenters explained that GMS countries are currently cooperating through these mechanisms in the following nine priority sectors: Transport, telecommunications, energy, environment, tourism, trade facilitation, investment, human resource development, and agriculture.

They explained that the ADB also has priority subregional projects that are implemented through any one of the 11 Flagship Programs (multi-sector, large scale initiatives) that were developed in accordance with the 10-year strategy and endorsed by GMS Leaders in 2002. The first three involve transforming transport corridors into economic corridors (North-South Economic Corridor, East-West Economic Corridor, Southern Economic Corridor). The rest covers providing a telecoms backbone and power trade development, trade and investment promotion, private sector development, human resource development, environment management, flood control, and tourism development.

**Economic Corridors**

The presenters illustrated the geographic reach of these three economic corridors on a map of the Mekong subregion. The East-West Economic Corridor (EWEC) runs from the Da Nang Port in Vietnam, through Lao PDR, Thailand, to the Mawlamyine Port in Myanmar. The North-South Economic Corridor (NSEC) which covers the major routes running from Kunming to Chiang Rai to Bangkok via Lao PDR and Myanmar, and from Kunming to Hanoi and Haiphong and most recently, from Nanning to Hanoi. The Southern Economic Corridor (SEC) runs through southern Thailand, Cambodia, and southern Vietnam. These corridors are essentially helping to physically connect the Mekong countries.

The presenter’s next map illustrated the evolution of connectivity within the GMS. The map overlaid the subregional roads, telecoms links and power transmission interconnection since the ADB’s GMS program started in 1992. The presenters emphasised that when the program commenced there was virtually no subregional infrastructure in place. By the end of 2006, key sections of the three GMS economic corridors have been upgraded, a number of bilateral power transmission lines are operational, and the first phase of the GMS telecoms backbone is in place. Their next overlay provided infrastructural projections for the subregion to be achieved by 2015. If projects push through according to plan, the subregion will be closely interconnected, and linkages will be established with neighboring South Asia, the rest of China and the rest of mainland Southeast Asia.

**Improving Competitiveness**

In the area of improving competitiveness (the 2nd of the three Cs), the presenters emphasised that improvements were being made in terms of transport and trade facilitation, promotion of the GMS as a single tourist destination, regional power interconnection and trade, expansion of cross-border agricultural trade and in the building of capacity for development management.

In terms of trade facilitation, the Leaders endorsed a Strategic Framework for Action on Trade
Facilitation and Investment (SFA-TFI). This involves four key components: customs procedures, inspection and quarantine, trade logistics, and business mobility. The elaboration of ongoing work on cross-border trade facilitation continues. Again the presenters highlighted that the facilitation of cross-border land transportation in the GMS was key in this area with the aim of achieving two basic objectives. Firstly, faster, efficient, hassle-free inspection and clearance at major international border points; and secondly an exchange of traffic rights or the ability of vehicles and drivers in one GMS country to operate in the other GMS countries primarily to avoid costly and time consuming transshipment at the border checkpoints.

These developments are now in place at various border checkpoints including the Lao-Vietnamese border crossing of Dansavanh-Lao Bao. By 2008, border authorities of both countries (Customs, Quarantine, and Immigration) will jointly and simultaneously carry out their duties only at the country of entry. In this way, trucks and other eligible vehicles will only stop once (instead of twice), and will only deal with a single window instead of the current practice of multiple windows. The presenters noted that the ADB has provided assistance in formulating the key components of cross-border transport facilitation.

Building a Community
The presenters explained that GMS countries are approaching RCI in a comprehensive manner. This includes taking account the associated social and environmental impacts including flood control and prevention, communicable disease control, promotion of safe migration, anti-trafficking measures and the establishment of complementary subregional initiatives.

Core Environmental Program
The presenters stated that central to the issue of environmental protection in the GMS, is the Core Environment Program (CEP). The CEP is supported by USD26 million multi-year Regional Environmental Technical Assistance approved in December 2005 and financed by grants from ADB, the ADB-administered Poverty Reduction Cooperation Fund, the Governments of the Netherlands and Sweden, NGOs, and other development partners.

The CEP focuses on development and project implementation through (i) assessments of environmental sustainability of GMS sector strategies and economic corridor development, (ii) implementation of biodiversity corridor activities in at least five selected pilot sites, and (iii) institutionalisation of environmental performance assessment procedures and systems.

The presenters illustrated the work of the CEP on a subregional map highlighting potential biodiversity corridors.

GMS Projects Supported by ADB
The presenters explained that on the hardware side, a total of 28 investment projects worth USD6.8 billion have either been completed or are under implementation. These projects involve subregional road, airport and railway improvements, hydropower projects for cross-border power supply, tourism infrastructure and communicable disease control. On the software side, 133 technical assistance projects worth USD155 million have either been implemented or are being implemented in all the nine areas of cooperation. These include project preparation for subregional infrastructure projects, support for subregional consultation mechanisms, formulation of sector strategies and action plans, and studies on RCI.

The presenters emphasised that projects supported by the ADB in the GMS involve partnerships with governments, donors, academia, civil society, and the private sector. To provide illustration the presenters listed some of the ADB supported projects related to migration totalling some USD29.86 million as well as ongoing and forthcoming migration related projects worth an estimated USD60.40 million.

Outcomes of Greater Regional Cooperation in the GMS
In terms of economic growth the presenters provided figures for increases in exports, tourist arrivals and foreign direct investment to illustrate
accelerated economic growth through expanded trade and investment.

In terms of the impact that greater regional cooperation has had on key poverty indices, the presenters stated that with nominal per capita GDP (in US dollars) growing at between 10-14% in 2005 in most GMS countries, poverty in the subregion is expected to have continued to decline. Per capita GDP growth of GMS countries averaged 12% over the period 1992-2005. Other available poverty indicators show that poverty incidence based on national poverty lines has declined substantially, with the reductions most pronounced in Thailand and Vietnam. Poverty has declined dramatically as a result of sustained economic growth. As of 2003, the poverty headcount ratio in most GMS countries based on the one dollar-a-day norm, has declined to one-half or less than the 1992 figure.

**Impacts of the East West Economic Corridor**

To provide a case study to illustrate the positive impacts of the EWEC the presenters gave details of a recent study conducted showing that the EWEC is already facilitating trade among Thailand, Lao PDR and Vietnam; it has reduced transport costs; and increased the efficiency of movements of goods and passengers between the three countries. The immediate benefit from the EWEC is the improved connectivity and integration with neighboring countries, resulting in reduced travel time and cost of transportation. For example what previously took about 12 hours in 2001 along a dilapidated road through barren country side and small shanty towns from the Lao-Vietnam border at Dansavanh to Khanthabouly, travel by road now takes just 2.5 hours. During the past five years, growth in the transport sector has been impressive. The number of passenger
buses has increased from about 600 buses in 2000 to around 1,560 buses in 2005, while the number of freight operators has also doubled over the same period. New concrete houses, markets, guesthouses and restaurants, trade and services activities such as petrol stations, automobile repair shops and other micro enterprises, never before observed in these remote areas, have been mushrooming.

The presenters displayed a photo of the before and after impact of a section of the EWEC in Savannakhet province of Lao PDR.

The infrastructural development illustrated in the photographs has coincided with an increase in the number of tourist arrivals, from 91,000 in 1999 to 225,000 in 2006. Following the opening of the second Mekong Bridge at the end of 2006, tourist arrival in the first six months of 2007 increased by about 10%, compared to the corresponding period in 2006. More than half of such tourism involves regional tourism, i.e. a tour package covering Thailand, Lao PDR and Vietnam. Facilitated by the EWEC, the Savannakhet province has been engaging in tourism cooperation with Quang Tri, Hue and Danang provinces of Vietnam, and Mukdahan, Nakhon Phanom and Amnacd Chareun of Thailand.

The presenters similarly noted that significant trade and commercial activities are taking place along the border areas, with the values of these activities more than doubling in almost all counts. The presenters also gave some examples of social indicators to indicate what they believe significant progress.

Outlook
The presenters concluded their talk by giving their thoughts on the GMS Program and the future. They
hope to continue the program’s success in contributing to shared vision and goals of GMS countries, in particular the GMS Strategic Framework which serves as a good basis for moving forward over the next 5 years. They commented that enhanced efforts would be needed in relation to trade facilitation, investment promotion, skills development, labour migration and in the surveillance and control of communicable diseases.

Also mentioned the Nationalist movements inspired by Marxist-Leninist ideologies, World War II and in more recent times the Cold War and the internal conflicts that have shaped our understanding of the contemporary Mekong.

Further to the historical context she provided a brief overview of today’s Mekong, with its population of 310 million spread over its six countries with a total land area of 2,563,000 square km. She stated that the Mekong’s emerging tale is one where Cambodia, Laos and Myanmar remain some of the least developed countries in Asia, this despite a gradual shift from centrally planned economies to an increased reliance on the open-market and the rapid growth and influence of India and China on their doorstep.

She noted that for some time “regionalism” has been used by the governments in the Mekong as its main approach to development. This she said is illustrated by the Mekong Committee, founded under the auspice of the UN in 1957, which since 1995 has become known as the Mekong River Commission (MRC). The countries have also embraced membership of ASEAN, as well as their participation in the Greater Mekong Subregion Economic Cooperation.

Referring to the MRC’s vision statement, Dr Sciortino noted that Mekong governments’ intention is to utilise “regionalism” to create “an economically prosperous, socially just and environmentally sound Mekong River Basin”. The Mekong’s tale of development has thus far been seen as the “new frontier for economic development in Asia”. It is hoped that this vision can be achieved by taking advantage of India and China’s economic rise, as well as through links with ASEAN. Dr Sciortino point out that despite the economic growth so far achieved through market liberalisation and integration the contribution this has made to alleviate poverty remained questionable. She noted the fact that 30 percent of the subregion’s 310 million inhabitants remain beneath the poverty line with many more surviving at subsis-
tence levels. Dr Sciortino suggested that the harmonisation and integration of markets to strengthen the economic position of GMS countries as a block has not achieved the objective of alleviating poverty.

**GMS: Centre of Growth**

Dr Sciortino illustrated how the geopolitical position of the Mekong subregion has facilitated economic growth. Taking the case of Thailand as her example, she noted that its strongest advantage is its strategic location right at heart of the Asian continent. Not only is the country easily connected within the GMS but can also acts as a hub and gateway to East Asia, South Asia, Australia, as well as large emerging markets of China and India, the first and second largest market in the world together combining more than two billion people. This sphere of influence has opened up opportunities for logistic-related businesses and providers of economic activities between the GMS and other regions.

She explained that the Regional Economic Integration (REI) taking place within the GMS is a multifaceted process. She presented in diagrammatic form some of the factors at work including the economic, social, resource and governance interactions.

She pointed out that the Mekong’s tale of development through REI can thus far be characterised by heavy investment in the construction of large-scale telecommunication and transportation infrastructure. This has facilitated both the movement of people and goods and has aided among others the tourism and business
sectors. This path to development has involved the maximisation in the use of natural resources and created an intra-regional governance of joint economic processes.

She pointed to the 11 flagships programs endorsed by leaders at the third GMS Summit of which the most visible is the development of the economic corridors outlined earlier by the ADB in their presentation at this workshop. These programs are representative of the GMS as an emerging growth area. Dr Sciortino acknowledged that economic growth in the GMS had indeed been impressive. Cambodia showed a GDP growth rate of 5.8 percent and China 8.8 percent. Average per capita income has increased from USD630 in 1992 to USD875 in 2005. Interregional trade (both formal and informal) and tourism in the GMS is currently booming. The largest part of the GMS’ intraregional foreign direct investment comes from Thailand and China. This pattern of growth is forecasted to continue for the foreseeable future with GDP expected to grow six-fold over the next 20 years. To illustrate this regionalism, she presented a map of the GMS identifying some of the key border economic zones and markets.

Income Distribution and Poverty

Next Dr Sciortino examined in greater depth how the subregion’s newly acquired wealth is being distributed and the extent to which economic growth has been able to alleviate poverty. She explained that research in the subregion shows that the unequal and asymmetric development that is taking place has created ever increasing and persistent income
gaps. It has delivered differential costs and benefits to different countries and groups.

She illustrated these findings by pointing to the fact that Thailand’s economy has remained the subregional powerhouse with a GDP that far outstrips any of its neighbours. This is partly a result of the fact that poorer countries typically gain less from current patterns of trade within the Mekong. Thailand typically benefits more extensively from high value trade and industry while in poorer countries such as Laos and Cambodia the bulk of goods are for re-export or transit.

Dr Sciortino stated that the extent to which economic growth had managed to alleviate poverty was often exaggerated by interested parties. She presented an example of this by comparing the imbalance in economic and social development as represented by a commonly cited poverty incidence (based on national poverty lines) and the Gini coefficient (a measure of statistical dispersion most prominently used as a measure of inequality of income distribution or inequality of wealth distribution). Over the same period between 1992 and 2004 the former measure presented a picture of falling (and often dramatic) poverty across the subregion. The Gini coefficient however paints a very different picture, one of increasingly unequal income and wealth distribution across all six Mekong countries.

Dr Sciortino stated that typically it is ethnic minority communities in remote mountain areas that are most vulnerable and suffer disproportionately from development. In particular she drew attention to the fate of poor ethnic minority groups such as the Yao, Bulan and Jiro groups in Yunnan, China.
Furthermore she pointed out that Vietnam’s infant mortality rate was higher in mountainous areas with large ethnic minority populations. She illustrated these points by presenting two profile maps, showing that upland border areas in both Yunnan and Vietnam that are home to the largest populations of ethnic and religious minorities suffer greater levels of poverty and infant mortality respectively (see maps on page 34). This marginalisation of the poor is shaped by a confluence of geo-political and cultural factors.

**Destruction & Degradation of Natural Resources**
Dr Sciortino explained that the large-scale infrastructure development taking place in the name of development had led to the destruction and degradation of precious natural habitats across the subregion. As an example she showed how the numerous hydropower development projects along the Mekong river and its tributaries had created serious environmental problems. This situation was unlikely to improve given that more than 100 new dams are currently in the pipeline. Projects such as these are directly or indirectly the cause of forced relocations, widespread degradation of water quality, sedimentation of water resources, unsustainable and illegal fishing, rock blasts and the risks from increased shipping.

**Flows of People**
She added that another of the major consequences of such an unequal distribution of wealth and the environmental degradation just described was the creation of unprecedented transnational flows of people across borders. Typically governments welcome the flow of goods, tourists and businessmen, however the flow of people in search of jobs is an issue looked upon with increasing concern. Dr Sciortino concluded that widespread migration is inevitable given the different levels of urbanisation, industrialisation, income disparity, and social well being experienced across the Mekong subregion.

She stated that given that projected demographic
trends showed Thailand’s population to be aging while their neighbouring countries have relatively young populations, migration to Thailand is expected to increase.

This raises concerns that a new transient underclass is emerging of undocumented, unskilled and extremely vulnerable migrants. The process of regionalisation that has triggered these unprecedented flow of goods and people had also created serious crossborder externalities such as the circulation of communicable diseases, illicit trade in endangered species, trafficking of drugs, people smuggling and other transnational crimes. She pointed out that cultures are being subject to rapid change as value systems and traditional lifestyles are challenged by this increased connectivity.

**The Way Forward**

To conclude, Dr Sciortino emphasised to participants that they had a key role to play in tackling the problems raised in the course of her presentation. Civil society and academia are ideally placed to build the evidence base necessary to conduct an informed debate. Only with the aid of reliable evidence can a comprehensive dialogue take place involving all of the concerned stakeholders. She suggested that this could involve reframing the development discourse. She ended her presentation by leaving participants with the following poignant questions: what alternative models for development exist; what institutions are needed; and how can the cycle of vulnerability be broken?

**Open Forum**

Below is a summary of the discussion and exchanges that followed the presentations given by the ADB...
and Dr Rosalia Sciortino. They include questions, comments and clarifications regarding the issues raised concerning the presenter’s respective reviews of development policies and projects in the GMS.

Mr Rex Verona of the AMC began discussions by asking the presenters from the ADB whether the Bank was serious in their commitment to a meaningful dialogue with members of civil society in the Mekong.

Mr Hnanguie of the ADB responded by stating that the ADB was strongly committed to developing a mainstream dialogue with civil society partners in the Mekong and that the Bank did not view it as just a matter of ticking a box in the process of carrying out their development projects. He went on to state that the ADB now considers consultation with civil society an important component in all their operations. The purpose is to ensure that the Bank utilises the experience and expertise offered by civil society. Only in this way can fair assessments of sensitive issues such as environmental degradation and social ills be carried out in relation to ADB sponsored projects.

Mr Hnanguie admitted that the ADB in the past had not been very collaborative with civil society organisations but assured the workshop that the bank now had very close contact and that civil society concerns can easily be addressed through their offices. He assured the workshop that the ADB has made a very big effort to engage civil society.

Next, a workshop participant asked the ADB presenters what kind of investment the Bank had committed to safeguard the health of migrants and other people affected by ADB sponsored projects. The participant pointed out that the increased mobility within the GMS has given rise to major health issues particularly for migrants. She pointed out that the basic right to access health services remained inadequate and that among intervention projects currently in existence there was a disproportionate focus on communicative diseases.

Mr Hnanguie responded by saying that this issue was not simply a matter for the ADB and that the bank merely acted as a facilitator in the development process. He agreed that the ADB had a responsibility to convey messages but he emphasised that it is the respective governments that have the real influence and responsibility over the directions that the programs take. He reiterated that the GMS institutional structure has a national coordinator in each of the six GMS countries. Beneath them there are working groups where issues such as health concerns can be raised and passed up to ministerial meetings, then if concurrence is needed the issues can be taken up at summit level dialogues. He agreed that the health of migrants is an important issue and that the ADB considered itself one of the players in resolving these problems. However he stressed that they were one of the smaller players. There were other important partners that had obligations to act, big players such as major international NGOs like the International Committee of the Red Cross (ICRC) and World Vision as well as institutions like the World Bank who have their own intervention programs.

Dr Sciortino added that discussions on migration and health needed to be broader in their scope as at present the debate seems to be stuck on the links between migration and HIV/AIDS. Even within this debate not all of the players are in the picture and the focus seems always to fall on individual migrants, when in fact they are individuals in the very large movements of people related to the growth of the entertainment industry and tourism. Why are the big players from these sectors not in the picture? Individual migrants may not have enough access to health services but they should not be singled out as lots of people are moving around other than migrants. We need to address the quality of people’s living conditions and not just focus on their behaviour. For example rates of malaria infection will not be reduced if migrants continue to have no choice but to resort to living in forest or jungle environments. The fact remains that despite a widely known acceptance that many migrants work in very harsh health and safety conditions but we still know very little about occupational health. These poor conditions also affect Thai workers not just migrants. We need to work and look for opportunities to improve conditions and reduce risks across the board, beyond the issue of...
HIV/AIDS.

Dr Kyoko Kusakabe of the Asian Institute of Technology responded to Dr Sciortino’s comments regarding the need to improve working conditions by encouraging the labour market to use and respect contracts of employment. There is clearly a need to look into ways to improve the informal labour channels that currently supply the labour market, which can be linked to other migrant worker issues.

A workshop participant, Ms Sutthida Malikaew said that she would like to hear the presenters’ views on a few of the issues touched on during the course of their respective presentations. Firstly she would like to hear their opinion on which of the ASEAN framework or the GMS model offers a more effective pathway to development. Secondly, she said that she acknowledged that the model of development implemented under the ADB had many positive aspects, however at the same time we should acknowledge that it also creates negative impacts. How or what should the ADB be doing to mitigate and remedy the negative impacts of development?

Following Ms Malikaew’s comments, Ms. Barbara Susan Bale from PATH-Cambodia raised a question regarding the impact of development on nomadic peoples and other ethnic minority groups. In particular she asked what can be done to minimise the detrimental impacts of development on these vulnerable groups. She said so called increased connectivity is having a catastrophic impact on the social fabric of ethnic minority groups such as the Hmong.

Addressing Ms Malikaew’s points, Mr Hnanguie of the ADB noted that the ASEAN – GMS debate was an interesting one that had been ongoing for some time. He stressed the need to frame the debate within the distinctions that exist between the two different forms of regionalism. Most notably that ASEAN was a political entity while at the GMS level relations are purely in terms of economic cooperation between nations.

Turning to the adverse impacts created by ADB funded projects and those of their partners, he noted that as soon as connectivity is increased, for example by the construction of a road, along come people accusing others of bringing in bird flu, HIV/AIDS or other communicable diseases. The ADB of course takes these issues seriously and addresses them by carrying out social impact assessments as standard on all of its projects. The bank’s social safeguards must be adhered to before any project can proceed. These safeguards are very rigorous and have been adopted from the World Bank. Concerning the ADB’s role in remedying some of the negative impacts already created as a result of ADB projects, Mr Hnanguie provided an example by pointing to the mitigation package that has been directed at solving some of the problems created by the construction of the East-West Corridor. He said that the Bank recognised that unforeseen impacts had arisen and had promptly made available a USD25 million package to combat the negative social impacts. However he stressed that the ADB specialise in infrastructure and such mitigation packages are left to experts and partners in that particular field for implementation. Such mitigation packages are comparable in sum to those offered by other institutional actors such as the ILO.

He pledged that the ADB will look into negative issues related to migration but stated that they cannot take the lead in everything and could only work with mandated organisations.

Following on from these comments Dr Sciortino acknowledged that it is not the ADB per se that is to blame for all of the subregion’s social ills, however at issue is the model of development that the bank proposes. The criticisms are aimed at the model not the institution and that we should all be looking at alternative models to development.

"It is not the ADB per se that is to blame for all of the subregion’s social ills, however at issue is the model of development that the bank proposes. The criticisms are aimed at the model not the institution and that we should all be looking at alternative models to development."

– Dr Rosalia Sciortino, Institute of Population and Social Research, Mahidol University
proposes. She said that the criticisms were aimed at the model not the institution and that we should all be looking at alternative models to development. However the ADB cannot claim to be a neutral partner in the development process. Their model is the same as that of the World Bank which is to reduce poverty by following a set of market liberal economic policies. She reiterated the point made earlier during her presentation that this model had reduced absolute poverty but had increased people’s relative poverty. The idea that regional integration alleviates poverty and takes care of vulnerable people is not strictly accurate, while the relatively small sums of money placed into mitigation packages is negligible when compared to the sums pumped into large infrastructure projects. Dr Sciortino accepted that ADB is not a lone actor in this process and that other regional players such as ACMECS must also be made to shoulder their burden of responsibility. She accepted that social and environmental impact assessments are all positive improvements and represent good practice by development agencies. However even when applied to some of the large scale infrastructural projects such as large dam projects they do not negate the fact that people are forced to move. Impact assessments may improve the way things are done but they only serve to ameliorate the consequences.

Turning to Ms Bale’s question regarding the impact of development on ethnic minorities Dr Sciortino stated that most GMS governments are now trying to ensure that ethnic minority groups have better access to health and education while consciously trying to improve their living conditions. However the question that remains is whether or not these improvements are really improving their lives and helping them to maintain their culture. She said that her answer to this question would be a unanimous no. Ethnic minority communities are certainly changing but not for the better. She stated that change is not bad but asked whether the changes are enforced or they are coming from within the communities. She asked if members of ethnic minorities are becoming unskilled workers because they do not have the skills to compete in the labour market. She said that these groups more often than not live in resource rich areas that are subject to large scale mining and forestry projects. Issues of land ownership are therefore crucial to the debate. These are issues that governments, development agencies and cultural specialists are all struggling with.

Concerning the ASEAN-GMS debate raised by Ms Sutthida Malikaew, Dr Sciortino said that she agreed with the speaker from the ADB that they are different entities however both are important and have roles to play in helping to solve some of the urgent governance issues facing the region. All possible venues should be used to resolve the issues that we have been discussing such as how resources in the subregion are shared, the problems faced by migrants and the future of ethnic minorities. ASEAN and the GMS must work together as in many respects they cannot be kept separate. Thailand for example is the primary destination country of migrants in the GMS, however it remains a migrant sending country to other ASEAN countries such as Singapore and Malaysia.

Mr Varona posed the two final questions of the plenary’s open forum to Dr Sciortino. Firstly he asked her what is being done by the Thai authorities to resolve some of the problems associated with migration, since Thailand remained the focal point of migration in the GMS due to its relative success in fostering economic development. Secondly, he asked her whether or not we risked artificially isolating the problems associated with migration and development in the GMS, since these issues are playing out in other parts of the world.

On the first point Dr Sciortino responded by stating that Thailand must be congratulated for attempting to resolve some of the problems associated with migration. She said that they have at least begun to amend their citizenship and immigration laws to better reflect patterns of migration in the GMS due to its relative success in fostering economic development. Secondly, he asked her whether or not we risked artificially isolating the problems associated with migration and development in the GMS, since these issues are playing out in other parts of the world.

On the first point Dr Sciortino responded by stating that Thailand must be congratulated for attempting to resolve some of the problems associated with migration. She said that they have at least begun to amend their citizenship and immigration laws to better reflect patterns of migration in the GMS. Other issues however need to be examined at the national level. Responding to the second question she agreed with Mr Varona that the changes taking place in the GMS were a global trend but emphasised that the events play
Discussions at this workshop are based on the Mekong subregion at this particular moment and it is therefore necessary to focus work within today’s political and economic context rather than trying to apply too many general rules. This should not be seen as a way of artificially isolating the problems but a way of better understanding the way issues play out under specific socio-cultural conditions.

“The idea that regional integration alleviates poverty and takes care of vulnerable people is not strictly accurate.”

– Dr. Rosalia Sciortino, Institute of Population and Social Research, Mahidol University
Mr Ratanarut began his presentation on cross-border economic zones and migration in Thailand by providing a brief background analysis of the underlying socio-economic conditions currently prevalent in Thailand and the GMS. Among other points he illustrated the disparities that exist between Thailand and its neighbouring GMS countries and the various push and pull factors at work. He noted some of the social consequences associated with current migration flows into Thailand include incidences of human trafficking, child labour, sexual exploitation, HIV/AIDS/communicable diseases, and issues related to discrimination experienced by migrants in terms of the labour protection and the wages they receive. Mr Ratanarut provided reassurance that the Thai Ministry of Labour is not concerned with the immigration status of individuals that bring cases and that their work is strictly in relation to their standing as employers and employees. Nevertheless he conceded that other factors impinge on the labour cases brought by undocumented migrants but he assured the workshop that the authorities are doing their best to solve the deficiencies in current Thai law. He said that the authorities are also trying to solve the issue of delay in setting up an efficient legal migration process from the neighbouring countries which have been established following the bilateral MoUs on Employment Cooperation.

As an example of the kind of social problems that occur as a consequence of undocumented migration, Mr Ratanarut described the situation of Cambodian amputees that are sent to Bangkok to beg. He said that when they are removed from Thailand in most cases they return immediately. He went on to explain that during recent operations by the Thai immigration services in Bangkok some Cambodian nationals

Plenary 3
Development Projects and Migration in the GMS

Moderator: Reiko Harima, MMN Secretariat/ Asian Migrant Centre

Presentation

“Cross-border Economic Zones and Migration: Thailand”

By Mr Nara Ratanarut, Office of Foreign Worker Administration, Department of Employment, Ministry of Labour, Thailand

(From left) Mr Nara Ratanarut, Ms Hanjialing, Ms Chou Bun Eng, Mr Tran van Thanh and Mr Khanty Lok Aphone.
who had illegally migrated to Thailand with children were apprehended. Upon further investigation it emerged that the group was part of an organised crime syndicate that were trafficking children into Thailand for the sole purpose of begging. He said that the Thai authorities are therefore asking people not to give money to child beggars, particularly as some of the Mafia gangs involved deliberately handicap children.

With these issues at the forefront of the debate Mr Ratanarut pointed to some of the migration policy responses formulated by the Thai authorities. He noted that as Thailand experienced increased economic growth the country has ultimately changed from being a net sender to a net recipient of foreign workers. He said that for a short time the Thai economy had suffered a growth bottleneck due to shortages of skilled labour. At that time many Thai nationals had emigrated to Singapore, Chinese Taipei, Hong Kong, Malaysia and the oil rich countries of the Persian Gulf. Mr Ratanarut explained that this early emigration had mostly been through contract-based migration policies. He said that the Thai authorities no longer explicitly promoted such labour export policies while they recognised the responsibilities they have to the 300,000 plus Thai nationals currently working abroad. He confirmed that the authorities are trying to provide better legal protection for their migrant workers abroad, since they are frequently called to assist Thai migrants who have overstayed, become pregnant or are otherwise in need of legal protection. At the same time the Thai government is searching for new market opportunities for Thai migrants in countries such as the Republic of Korea and Japan.

In relation to immigration into Thailand, Mr Ratanarut noted that it was not until the 1990s that the Thai economy begun to absorb growing numbers of foreign workers from neighbouring countries. After the 1997 financial crisis the Thai government began to formulate more explicit policies to regulate migrant workers entering the country. He made it clear that this was part of an ongoing process and that controlling migration flows across the long land borders with Myanmar, Laos and Cambodia remained one of the Thai authority’s most formidable challenges. At the same time he said that the Thai government was aware of the negative impact labour shortages are having on further economic growth. He stated that they were implementing policies to bring foreign workers into Thailand legally while continuing to register undocumented workers already in Thailand. He admitted that the new legal channels would take time to become established. He said there are an estimated 1.2 million undocumented migrants in Thailand and to date the authorities have issued just 18,000 visas and work permits to former undocumented migrants. He accepted that the legal channels of migration into Thailand were hindered by the high costs associated with the process (THB 20,000 compared to just THB 5,000 if travelling illegally).

Turning to the subject of cross border economic cooperation, Mr Ratanarut said that under the Thaksin Shinawatra government, Thailand begun to develop ties with Vietnam, Burma, Laos and Cambodia under the auspice of the ACMECS’ Economic Cooperation Strategy (ECS). He said that this process has so far launched more than one hundred projects across five different sectors and operates with the full support of ASEAN and the ADB. He said that these projects aim to be mutually beneficial and aim not to compete directly with each other. The wider objectives of the ECS is to capitalise on the subregion’s comparative advantage and increase trade and investment, which will in turn generate employment thus improving quality of life and the distribution of income in the subregion.

He explained that much of the ECS focus is on improving joint infrastructure such as transport linkages between member countries to facilitate trade arrangements and to promote regional tourism. As an example he pointed to the ADB funded East-West Corridor and the agreements that allow visa free access for tourists across four GMS countries. He said that they also work to ensure cooperation in industry, agriculture, research and development, human resources and public health. Mr Ratanarut stated that in order to encourage cooperation in the knowledge based sectors the Thai government
encourages students from within the subregion to continue their studies at Thai universities. He said that the success of the ECS had already brought economic benefits across the GMS. The increased flows of people facilitated by this type of cooperation have assisted supplies to labour markets. All of these factors have contributed to an increase in GDP and allowed the subregion to gain a competitive edge, particularly in labour intensive industries.

Mr Ratanarut ended his presentation by reflecting on the fact that countries in the GMS all face very similar policy challenges. He said that they all need to make increased dependency on foreign workers consistent with fluctuating labour market conditions. He said that they need to balance overall national development with avoiding the socio-cultural frictions that can arise due to the presence of foreign workers. He was of the view that regional cooperation through initiatives such as ACMECS offer alternative solutions to some of these problems.

“Cross-border Economic Zones and Migration: Lao PDR”
By Mr Khanty Lok Aphone, Deputy Head of Savan-SENO Special Economic Zone Authority

Mr Lok Aphone’s presentation focused specifically on the Savan-SENO Special Economic Zone (SEZ) situated in the Lao PDR close to the Thai border. He explained that the Lao PDR Government had adopted a strategy of encouraging further economic growth through the creation of SEZs such as the Savan-SENO. He said that this project fits in with the government’s aim of eradicating poverty in Lao PDR by the year 2020 and is a strategy that utilises the country’s youthful labour market. He proceeded to explain with reference to several visual illustrations that the Savan-SENO SEZ will be spread across four separate sites selected because of the fertility of the land and their transport links. The largest of these, Site A will on completion cover an area of 305 hectares.
and is situated along the banks of the Mekong River, north of Savannakhet. The plans for the site include a residential zone, a golf course, numerous hotels, a university and various other commercial/shopping areas. All of these facilities aim to be within easy reach of Thailand via a purpose built marina and the newly opened Friendship Bridge.

Mr Lok Aphone presented several further computer generated images of the SEZ’s other perspective sites, each specialising in providing individually tailored infrastructure to meet the needs of various sectors. He stated that individuals and families who may need to be relocated as a result of the development of the Savan-SENO SEZ will be offered model homes in the newly created residential village (See illustrations on page 43).

He explained that once work has been completed the SEZ will provide attractive infrastructure suitable to host a range of export orientated production, including textile/garment, ore and electronic component production. He also emphasised that the SEZ will provide a wide range of services catering to the tourism, financial and logistics sectors. In addition it will act as a duty free hub and centre of re-exporting and wholesale.

He explained that the Savan-SENO SEZ offers an attractive investment opportunity to overseas corporations thanks to the financial incentives available as well as its strategic geographic location in an area rich in culture and natural resources. He said that the authority developing the SEZ were able to offer investors tax holidays and lower rates of corporation, personal and dividend tax. He said that the Lao PDR government has agreed to relax certain registration procedures in relation to licensing and exports. He also hoped that investors would be
attracted to the SEZ by the readily available supply of trainable labour, pointing out that a relatively large proportion of the Lao PDR’s population is less than 20 years of age. In relation to the land tenure offered to investors at the SEZ, Mr Lok Aphone said that they are offering 75 year extendable leases with 12 year rent exemptions for those tenants who enter into leases exceeding 30 years.

“Exportation of Migrants as a Development Strategy in Vietnam”
By Mr Tran Van Thanh, Department of Labors, Invalids & Social Affairs of Ho Chi Minh City, Vietnam

Mr Tran began his presentation by explaining that the Vietnamese authorities consider the exportation of labour one of several economic spearheads that contribute to the overall prosperity and growth of the country. This process he said was part of much wider trends linked to globalisation and the nation’s role in international cooperation and labour allocations. The Vietnamese authorities consider labour exportation a positive contributor to the development of the nation’s human resources since it provides workers with skills, expertise and knowledge in various sectors that they can bring to the Vietnamese economy upon their return. He also stated that the exportation of migrants as a development strategy was highly advantageous to the domestic economy since it helps to alleviate poverty by reducing domestic unemployment while generating income in the form of foreign currency remittances.

Mr Tran advised that the Vietnamese government had recently enacted legislation and announced a series of decisions to facilitate the labour exportation
process. In February 2006 the Prime Minister approved vocational training projects for labour migrants until the year 2015. In July 2007, Vietnam’s National Assembly announced a new Law on Labour Export to coincide with separate decisions from the Ministry of Labour, Invalids and Social Affairs (MoLISA) detailing pre-departure training and orientation programs, the organisation of labour exportation agencies and their associated fees.

Next Mr Tran displayed a graph displaying the steady rise in annual overseas labour deployment between 1991 and 2006. The total number of Vietnamese deployed overseas had risen from virtually zero in 1991 to around 80,000 by 2006 (including more than 20,000 skilled workers).

He also provided a breakdown by destination country of documented Vietnamese migrant workers. These figures collected by MoLISA show that Malaysia and Taiwan have remained the largest recipients of Vietnamese migrant workers between 2005 and the first half of 2008. Other recipient countries include the Republic of Korea, Japan, Lao PDR and various other countries in the Middle East and beyond. These statistics were followed by Mr Tran presenting some of his own research on labour migrants originating from Ho Chi Minh City. From the answers provided by 688 interviewees, the most common reason stated for deciding to migrate was because of the low salaries at home and the higher salaries offered abroad (38.4%). Other respondents stated that they migrated as they were unable to find a job at home (18%), were persuaded by friends, relatives or agencies to go abroad (16%), left in search of adventure or through curiosity (12.8%), or in the hope of providing a better future for their children (6.1%).
In terms of profiling the educational background of migrants emigrating, the vast majority stated that they were either secondary school (35.7%) or high school graduates (50%). Relatively few of the migrants interviewed had received any higher education or were graduates (0.3%). Mr Tran argued that this is reflected in the employment Vietnamese migrants partake in overseas. According to statistics provided by Ho Chi Minh City’s Department of Labour, Invalids and Social Affairs (DoLISA) they are predominantly employed in the mechanical, spare parts and electronic sectors.

Next Mr Tran presented a detailed breakdown of the costs associated with migration viewed against the average monthly income earned by Vietnamese migrants in various destination countries. These associated costs include the costs of passports, medicals checks, air fares, visas, language orientation courses and the charges levied by employment agencies. These figures also compiled by the DoLISA in Ho Chi Minh City were obtained by aggregating the fees levied by 54 employment agencies. He explained that as South Korea is the only destination country where agency fees are not levied the average monthly income (USD 850) exceeds the total costs associated with migration (USD 699). The costs associated with migrating to Australia are highest (USD 11,734) as is the average monthly income (USD 1,800). At the other end of the wage scale Malaysia offers the lowest average monthly income returns (USD 300).

Mr Tran emphasised that statistics from the DoLISA confirm that the government’s labour export policy indeed has a direct income generating affect on Vietnam’s domestic economy in the form of remittances. The figures from 2006 show that
34% of remittances go directly into productive domestic investment such as doing business, buying land, securities, savings or setting up factories. Other common uses for remittances include paying off loans or pre-departure expenses (25.8%), home construction or renovation (14.3%) and basic subsistence needs (13.2%).

Despite these benefits Mr Tran acknowledged that stakeholders at all levels experience numerous problems relating to the labour exportation process. At the governmental level he admitted that mistakes are made and policies are far from infallible. He said that it is unfortunately the migrant workers themselves who face the most difficulties in their host countries due to poor skill levels, the risk of becoming undocumented and vulnerability of suffering at the hands of unscrupulous agents. He said that the malpractices of recruitment agents has proved extremely problematic and hoped that recent legislation would have some impact. Issues such as high placement fees with little or no protection or false agencies are often reported by migrants who in addition suffer the uncertainties of poor foreign labour markets and unscrupulous employers. He said that Vietnamese migrants are frequently asked to work long hours for poor pay, are at risk of having their passport confiscated as well as suffering other human rights violations.

Mr Tran ended his presentation by offering some solutions to improve Vietnam’s labour exportation process. He said that the government had a responsibility to continue to improve related law and policy. He said that improving the pre-departure phase of the migration process was crucial and that potential migrant workers must intensify their skills through appropriate training activities. He said that the government has been doing its best to encourage labour exportation by introducing flexible measures such as easily available loans, reducing agency fees and speeding up the administrative procedures related to the migration process. This was being supplemented by more stringent punishments of unscrupulous employment agencies and run-away workers. He admitted that Vietnamese migrant workers require greater protection abroad in the form of intervention through diplomatic representation, labour management boards to oversee employment agencies and the creation of labour support funds for migrants in need. These measures require the agreement and cooperation of four partners including local government, migrant workers and their families, employment agencies and official banks. Mr Tran ended his presentation by confirming that the Vietnamese government is exploring and developing more and better markets while increasing the quantity of skilled workers and experts.

“Impact of Migration on Development”
By Chou Bun Eng, MMN, SC member and Executive Director of Cambodian Women for Peace and Development

Ms Chou Bun Eng began her presentation with a brief summary of the development strategies that have taken place in the Kingdom of Cambodia during the post Khmer Rouge era. She explained that development in Cambodia must be seen in the context of a country that has had to struggle with the consequences of recent genocide. She said that this process officially started with the signing of the 1991 Paris Peace Agreement but that a real and lasting peace was not achieved until 1998. She said that peace in Cambodia had brought about a dramatic change in the economic, political and social landscape to the extent that the country was now a recognised member of the international community. She said that the forthcoming general election (27th July 2008) will be the fourth since the Paris Peace Agreement and that it was now the Royal Government of Cambodia (RGC)’s policy to guarantee fundamental freedoms in the political, economic, social and cultural spheres, while striving to ensure equality between the genders. She noted that the RGC have adopted numerous growth strategies including periodic five-year action plans such as the Socio-Economic Development Plan (2001-2005) and the latest National Strategic Development Pan (2006-2010). She briefly mentioned other development initiatives such as the Governance Action Plan II (2006-2010), the Rectangular Strategy for Growth, Employment,

Referring to the type of development taking place under these initiatives, Ms Chou Bun Eng explained that they have been spread across various sectors as well as geographically across the different provinces of the country. The RGC has focused their efforts on developing priority sectors of the economy to facilitate trade as well as investing in their own policy reform. At the microeconomic level, local investors now have the confidence to put their money into factories, houses, business premises, hotels, restaurants, markets, private schools and universities. Foreign investors have also entered the scene with significant money going into large developments such as factories, hotels and power plants. Economic development has also been assisted by cross-border cooperation in the form of the Cambodia-Lao-Vietnam (CLV) Development Triangle. This cooperation agreement has focused on opening border gates, creating joint infrastructure and working together to develop industry, energy and tourism.

Turning to the interrelationship between development and migration, Ms Chou Bun Eng pointed to the fact that economic development ultimately depends on human resources and the strength of the labour force. She said that millions of labour migrants contribute to Cambodia’s development across all sectors of the economy but in most cases they lack the recognition and care they should rightly be afforded.

She said that Cambodian labour at home or abroad in general lack sufficient protection concerning their labour rights. She said that domestic labour laws need to be significantly improved as at present entitlements with regard to contracts, wages, working conditions and insurance are unclear.

Ms Chou Bun Eng explained that local residents are frequently displaced and forced to resettle when their home happens to be on a site earmarked for development. Many large scale development projects that displace local Cambodians simultaneously attract other workers who move to the area and leave when the project is completed, thus creating a transient workforce. She explained that more than 300,000 Cambodian women have migrated internally to work in the garment sector. This kind of mobilisation has been made possible since Cambodia currently has a young population (50 percent of the population are under 20 years of age) and a strong and expanding labour force (an estimated 150,000-175,000 are annually joining the labour market, a figure that is expected to grow to 200,000 by 2010). She said that the labour market has expanded to the extent that many Cambodians migrate to neighbouring countries (notably Thailand) in search of work. A lack of official channels of migration to Thailand means that most migrants travel illegally on the advice and experiences of their relatives and peers. Ms Chou Bun Eng said that there are an estimated 183,541 Cambodians in Thailand, of which 57,059 are women. She said that the migration process had a disproportionate affect on women and a negative impact on family cohesion.

Ms Chou Bun Eng said that there are many important issues that make life as a Cambodian migrant worker extremely difficult. Migrants frequently face a cycle of debt if they fail to earn adequate money. This is a very real concern as typically Cambodian migrants work in poorly paid and high risk sectors of the economy. In addition they face discrimination and exploitation in the labour market and are often left with little alternative than to rely on traffickers and people smugglers to cross borders. She said that people living close to the Thai border are used to migrating on a
daily or short term basis for seasonal work but face serious insecurity crossing the border via the informal border crossings.

Ms Chou Bun Eng stated that these problems will remain unless the constraints of Cambodia’s existing migration policies are improved. She said that information regarding official migration policies is currently not adequately disseminated. In particular the significance and function of the MoU with Thailand is underplayed at the national, provincial and district levels. Inevitably this leaves people on the ground with a limited understanding of migration rules and regulations, while there is a lack of vocational training and educational services available to potential migrant workers. She said that at present there are no clear measures to protect migrant workers, which is particularly problematic for vulnerable groups such as women migrating to Thailand. As yet the government has failed to establish an efficient system for processing the formalities and procedures necessary prior to the departure of documented migrant workers. She said that there was a limited understanding of migration issues among government officials. These inefficiencies play into the hands of smugglers who use a variety of tactics to traffic people across poorly patrolled borders.

Generally speaking she said that there was an absence of information or data management systems for external labour migration in Cambodia. The establishment of an inter-ministerial working group has been launched to verify the nationality of undocumented migrant workers in Thailand and issuing them with a Certificate of Identity (CI). Ms Chou Bun Eng said that this group lacks both an effective working system nor plans of action, which have been partially responsible for the slow implementation of the MoU between Cambodia and Thailand.

In conclusion, Ms Chou Bun Eng said that current migration law and policy needed to be more responsive to the needs of migrants and their families. She said that there was an urgent need to review this area of the law particularly in terms of making it more gender sensitive. She said that specific measures were required to ensure that people had more choices regarding the migration process, including viable community based initiatives to improve living conditions at home. To do this, true collaboration was needed between all stakeholders. Further study of Cambodian migration flows are also urgently required, including a survey on the contribution migrants play in the development process and detailed case studies of female migrant workers. A progress report on the implementation of the MoU with Thailand is also needed.

**Open Forum**

Below is a summary of the discussion and exchanges that followed the above presentations by Mr Ratanarut, Mr Lok Aphone, Mr Tran and Ms Chou Bun Eng.

The first comment made by a Cambodian participant was addressed to Mr Ratanarut regarding current Thai policies on dealing with the issue of trafficking. The participant was concerned that at present victims of trafficking were being criminalised by the Thai authorities and that little was being done to effectively go after the organised criminals behind the trafficking business. The participant expressed the hope that the new Thai government would take this issue seriously.

Mr Ratanarut responded by assuring the workshop that the Thai authorities do their best to enforce their anti-trafficking laws and not to victimise innocent parties. He explained that the newly passed Anti-Trafficking in Persons Act 2008 explicitly aims to protect victims and punish criminals. He said that the act was drafted so that it does not use the word “victim” but instead uses the term “those subject to trafficking”. He said that this new law was drafted to protect women and children from rights violations and will attack the use of forced labour and child labour even when it is with the consent of parents. He said that the law will create new definitions that are designed to help lawyers prosecute the ringleaders of trafficking gangs.

Many participants responded to Mr Ratanarut’s comments. Ms Vichuta Ly of Legal Support for Children and Women in Cambodia stated that it was
all very well having a new law but wanted to know if the immigration authorities actually have a system in place to identify various groups including economic migrants, trafficked persons and the agents and ringleaders involved in the trafficking business.

Ms Pornpit Puckmai of EMPOWER-Chiang Mai, said that migrant sex workers are victimised by the Thai authorities who do not allow them to register for work permits since there is no category for people working in entertainment places. When they register under the domestic worker category they are frequently arrested for working in the wrong category. Concerning the new law, Ms Puckmai stated that at the outset maybe some sex workers thought that it would be a good idea to have a new anti-trafficking law, however she said she was now concerned that the act gives too much power to the authorities. Since its implementation police are extorting more money from both employers and workers, and the level of harassment of migrant sex workers has increased.

Mr Ratanarut responded to these comments by stating that that he was confident that the new law would have an impact and help the people most affected by trafficking. Regarding Ms Ly’s point concerning identifying different groups, he pointed to the response of the authorities during the recent incident in which 54 Burmese nationals suffocated to death in Ranong. He said that the authorities were able to conclude that some of the victims were trafficked as a number were children younger than 15 years of age. These minors under the new law are “persons affected by trafficking” and offered protection accordingly. He said that the new law will prevent such individuals from being penalised further and the Ministries of Social Development and Human Security will be able to intervene on their behalf. Under the same law he assured the workshop that the traffickers will be severely punished if found guilty, who in this case are also facing money-laundering charges. He said that the aim of this law is to help people, not to harass them. He said that immigration authorities will enforce tighter controls along their river borders and introduce new provisions to facilitate seasonal and daily workers. These will be implemented to prevent illegal migration and allow those who live along the Thai border to enter without having to ask for a visa from the embassy in their capital city. He said that entry requirements will be more flexible and allow people be able to obtain a visa at the border when they pass through immigration control. He said that contrary to popular belief the Thai authorities want undocumented migrants to have some form of legal status.

Dr Kyoko Kusakabe of the Asian Institute of Technology next addressed a question to Mr Khanty Lok Aphone of the Savan-SENO Special Economic Zone Authority whether the Lao PDR government considered any alternative, unconventional SEZs.

Another workshop participant raised the issue of utilising the MOUs currently in existence to facilitate legal channels of migration into Thailand from Laos and Cambodia. The participant said that in the case of Cambodia the cost of migrating to Thailand through legal channels is just too expensive for most would-be migrant workers, up to USD500 to obtain a passport. The participant wished to know how the cost of obtaining a passport could be so high and said that if they could afford this kind of money they would stay at home. The participant said that most migrant workers would like to use official channels but it is just too expensive.

Ms Chou Bun Eng agreed with the participant that the cost of migration through official channels is currently excessive. She however wished to clarify that a fee of just USD20 is payable to obtain a new passport. The USD500 figure mentioned by the participant actually includes the cost of pre-departure training, plus the cost of the passport, visa and all of the other employment arrangements. Nevertheless, she said that the costs were excessive certainly much more costly than going to Thailand as an undocumented migrant. She added that it was common for smugglers and traffickers to spread misinformation as they do not want to lose business by migrants choosing to pass through official channels.
Next Mr Rex Varona made a comment to Mr Tran regarding the principles and attitudes behind governments that unashamedly adopt labour export policies. He said that when South Korea sent some of their citizens to other countries such as Germany they said it was a national shame and the president apologised. However on the other hand, governments such as the Philippines are the complete opposite and are very proud of sending their citizens abroad. Mr Varona added that it is not necessarily bad for governments to adopt labour export policies but it is necessary for the same governments to have other policies that protect their national overseas. Otherwise it is inevitable that there will be situations of migrant workers having to escape from abusive employers. Instead of concentrating on the financial advantages of sending workers abroad governments should perhaps review their own ability to protect human rights.

Ms Chou Bun Eng said that she accepted Mr Varona’s comments regarding the shame of sending migrants abroad. From the perspective of Cambodia, the country sends those with no skills so it can be said that this type of labour exportation is indeed a shame. Unfortunately Cambodian migrants also do not have any kind of protection system in place in host countries. If proper pre-departure training can be provided or if skilled workers migrate only then will we see less of such problems. She gave the example of Japan and South Korea, who require migrants to undertake substantive pre-departure training.

The final comment of the plenary from another participant from Cambodia referred to a need to implement punitive sanctions against abusive companies that contract with government. She said that government needs to discuss how to set up links with good companies and how to punish bad ones as well as establish procedures and working practices to adhere to.