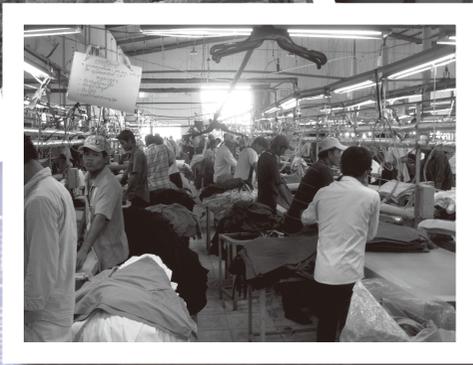


# MIGRATION IN THE GREATER MEKONG SUBREGION

**Annotated Bibliography**

**[ Fourth edition ]**



**Mekong Migration Network • Asian Migrant Centre**

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ANNOTATED BIBLIOGRAPHY  
(Fourth edition)**

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## Preface

This bibliography is a companion publication of the soon-to-be published resource book on migration in the Greater Mekong Subregion (GMS). The bibliography serves as a guide to the information currently available on the issue and also to highlight some of the research trends and gaps that currently exist. The resource book on the other hand aims to provide comprehensive information concerning migration in the sub-region based on both primary and secondary sources and aims to serve as a reference for NGOs, governments, IGOs and advocates in formulating their programs and responses. Both this bibliography and the upcoming resource book are the fourth editions in their respective series.

In September 2001, the Asian Migrant Centre together with more than 20 regional and national research partners covering the six countries of the GMS initiated a collaborative action research project on “Migration in the Mekong.” The first phase of the project concentrated on joint research to map out the issues, needs and strategies on cross-border migration in the GMS. The primary need at the time was to take stock of the available information, to study the distribution of migrants and the gaps in our knowledge of the situation and to identify the strategic areas of intervention for the next phase of the project. The first resource book entitled *Migration Needs, Issues and Responses in the Greater Mekong Subregion* and the first bibliography entitled *Migration in the Greater Mekong Subregion: Annotated Bibliography*, were the outcomes of this phase of the project.

In October 2003, the project partners of the first phase as well as other interested organisations from the region met in Phnom Penh, Cambodia. All of the participants felt that it would be desirable to form a network through which they could exchange information and conduct joint actions, as it is difficult to assess the issues or effectively advocate for the protection of migrants without cross-border collaboration. It was in this context that the Mekong Migration Network (MMN) was launched. In order to collectively promote migrants’ rights in the subregion, the MMN identified four areas of joint action. These are research and information monitoring, advocacy, capacity building, and networking. The MMN agreed to regularly publish an annotated bibliography and a resource book in the hope of deepening the understanding and analysis of migration

issues in the subregion. We feel that an action oriented network like the MMN, whose member organisations work on comprehensive areas of migration — e.g. research, organising, advocacy, providing emergency relief and health support to migrants — is best suited to do this task.

The MMN research in 2004-2005 focused on the quality of life of migrants while it continued to update the general overview and policy developments concerning migration in the subregion. The second issue of the resource book entitled *Resource Book: Migration in the Greater Mekong Subregion* and the bibliography entitled *Annotated Bibliography: Migration in the Greater Mekong Subregion*, were then published.

The MMN collaborative research in 2006-2007 focused on the issues of arrest, detention and deportation of migrants in the GMS while continuing to provide updated information on migration policies and issues. In June 2008, the third issue of the resource book entitled *Resource Book: Migration in the Greater Mekong Subregion-Indepth Study: Arrest, Detention and Deportation* was published, following the bibliography entitled *Annotated Bibliography: Migration in the Greater Mekong Subregion* published in December 2007.

The present bibliography is an updated version of these previous titles. It includes most of the references listed in the previous editions, along with new materials. A few of the web-based materials included in the previous books have been taken out as their URLs are no longer accessible. Some relevant entries which were only listed in the first two editions have been annotated here, whereas a few entries which were found to be insubstantial have been taken out from the list.

The references covered in this book include books, monographs, conference proceedings, project summaries, audio materials and web-based materials, which were published before the end of 2008. A few books published in 2009 which are already in our hands are also included, but those published in 2009 and did not reach us before the publication of this edition will be included in our next book. The annotation should help readers gain a grasp of the kind of information and analysis that these materials cover, however they do not summarise the material in its entirety, and thus readers are encouraged to refer to the original materials should they wish to gain a full understanding of their content.

This book has five sections:

- Section 1 provides an overview of migration in the GMS, and general observation on the resource materials contained in this book, as well as book reviews of MMN recommended books;

- Section 2 lists materials published by MMN and MMN members
- Section 3 contains the annotated bibliography of publications most relevant to migration in the GMS;
- Section 4 provides a list of other relevant references, without annotations;
- Section 5 contains a list of websites touching on, but not necessarily exclusively covering, migration in the GMS; and
- Appendix Directory of Mekong Migration Network (MMN) Member Organisations provides a list of updated contact details for our members.

The “MMN Recommended Books” reviewed in Section 1 is a new addition to the series in which we have selected materials which we found informative and useful to the understanding of human rights issues that affect migrants in the subregion. There are eight materials introduced under this section and we have included a book review for each of our entries.

In this book, the terms originally used by the author or publisher are used in the listing as well as annotation. The usage of such terms does not imply the endorsement of the term nor represent any particular position taken by the MMN.

As mentioned earlier, preparation for this book has helped the MMN consciously monitor information available on migration issues, which we believe is helpful in making our own research more grounded and better able to strategise and formulate the best responses to be taken by action groups. We also hope that this book will help readers, especially migrant advocates, policy-makers, researchers, in conducting their own studies on migration in the GMS.

Though we have done our best to search for the relevant references, the list is not exhaustive due to resource and time restraints and due to the fact that distribution of some of the materials is limited and thus it is hard to come across. We have searched for materials in English as well as local languages, but the majority of references included in this book are in English. We will be grateful if other useful references that are not included in this book are brought to our attention, so that we may include them in future editions. Organisations working on migration issues in the GMS, who are interested in working with the MMN or joining the MMN are also most welcome to contact us.

# Acknowledgment

**W**e would like to sincerely thank the following people, organisations and research partners for helping us put together this list of resources relevant to migration in the GMS.

**Country Research Teams (CRT):** Most of the CRTs are members of the Mekong Migration Network (MMN) while some organisations who participated are not members but agreed with the objectives of the research. The MMN collaborative research including this annotated bibliography is a product of their collective efforts. Each CRT undertook research for resource materials relevant to migration in the GMS, annotated selected materials and translated the annotations into English where necessary.

## Cambodia CRT

- Ly Vichuta, Mom Sokchar, Chhorn Reasey and Prak Socheat, Legal Support for Children and Women (LSCW); Mom Sokchar acted as the team leader (Koh Kong province) while Ly Vichuta acted as a coordinator for the Cambodia CRT
- Meas Sanet, CARAM Cambodia
- Chhorn Ann, Som Sen, Chou Tean Hak, Cambodian Women for Peace and Development (CWPD); Chhorn Ann acted as the team leader (Svay Rieng province) for the Cambodia CRT
- Thach Chhourn Yat, Khmer Kampuchea Krom Human Rights Association (KKKHRA)

## China CRT

- Han Jialing, Cui Xiaoying, Tao Xinghui, Migrants Workers' Education and Action Research Center; Han Jialing acted as the coordinator for the Yunnan-Vietnam/Laos Migration Research Team
- Zhang Jie and Wu Yunmei, Group of Migration, Resource, Gender and Development; Zhang Jie acted as the coordinator for the Yunnan-Burma Migration Research Team
- Chen Guilan, Ruili Women and Children Development Centre
- Li Chunrui, Women Migrant Education Research Professional Association
- Sun Po, Yunnan Health and Development Research Association
- Zhao Peilan, Association for Women's Capacity Building and Community Development in Yunnan

- Duan Yanna, Sociology Institute, Yunnan Academy of Social Sciences

#### **Laos PDR CRT**

- Kabmanivanh Phouxay, Phouth Simmalavong, Dexanourath Seneduangdeth, Kenchanh Sinsamphanh, Bounthavy Sosamphanh, Phombouth Sadachith and Boualamthong Onetavong, National University of Laos (NUOL); Kabmanivanh Phouxay acted as the coordinator for the Laos CRT and Dexanourath Seneduangdeth acted as the co-coordinator for the Laos CRT
- Vilaythone Sounthonxaymongkhoun, Ministry of Foreign Affairs (MOFA)
- Bounkham Sihalath, Ministry of Labor and Social Welfare (MOLSW)
- Ninpaseuth Sayaphonsy, Lao Women Union

#### **Thailand CRT**

- Adisorn Kerdmongkol, Bussayarut Kanchanadith and Suchada Saiyud, Peace Way Foundation; Adisorn Kerdmongkol acted as the coordinator for the Thailand CRT
- Bandith Panviset, Friends of Women Foundation
- Myint Wai, Thai Action Committee for Democracy in Burma (TACDB)
- Sunthorn Mingnan, Pattanarak Foundation
- Satien Than Phrom, Foundation for AIDS Rights
- Praditha Pariyakaewfar, and Sathita Nor Pho, MAP Foundation
- Wanna Butsein, Raks Thai Foundation
- Ratchaneekorn U-para and Sachumi Mayoe, EMPOWER Foundation
- Chidchanok Samantrakool, Thai Labour Solidarity Committees

#### **Vietnam CRT**

- Huynh thi Ngoc Tuyet and Nguyen thi Minh Chau, Center for Research and Consultancy for Development (CRCD), Southern Institute of Social Sciences; Huynh thi Ngoc Tuyet acted as the coordinator for the Vietnam CRT
- Le Thi My Huong, Sunflower Vocational Training Centre
- Le Thanh Sang, Center for Social and Human Research, Southern Institute of Sustainable Development (SISD)
- Vo Kim Phuong, Moc Bai Border Gate Economic Zone Management Unit

Friends in Burma have also contributed to the MMN joint research.

The following people helped us finalise this book for publication:

- Noriko Morita, for coordinating the project on annotated bibliography, for her comprehensive research for relevant references, encoding them into a database and annotating the selected materials;
- Liz Hilton, for writing a book review and providing a valuable advice regarding the production;
- Imogen Howells, for collecting relevant references, annotating the selected materials, writing book reviews and overall editing & proof reading;
- Laddawan Tamafu, for helping edit annotation for publications in Thai;
- Soe Lin Aung, for writing book reviews;
- Abigail Cheung, Helen Pho, and Kyle A. Le Croy, for collecting relevant references and annotating the selected materials;
- Pierre Martin, for helping encode;
- Che Singh for editing & proof reading;
- Boyet Rivera, for cover and layout; and
- Reiko Harima for editing and also for coordinating the MMN joint research.

Many other MMN members whose names may not be all listed here have helped the production by collecting or annotating relevant publications and/or providing their inputs to the overall project design.

Finally, we would like to thank the Rockefeller Foundation and the OXFAM-Hong Kong. Without their continued support this book and the Mekong project would not be possible.

Our sincere gratitude is extended to all those not named who contributed their time, expertise and effort to make this project a success.

**Mekong Migration Network**  
**Asian Migrant Centre**  
 September 2009

## Acronyms

<b>ADB</b> .....	Asian Development Bank
<b>AIDS</b> .....	Auto Immune Deficiency Syndrome
<b>AMC</b> .....	Asian Migrant Centre
<b>ASEAN</b> .....	Association of Southeast Asian Nations
<b>CBO</b> .....	Community Based Organisation
<b>CEDAW</b> .....	Convention on the Elimination of All Forms of Discrimination against Women
<b>COMMIT</b> ....	Coordinated Mekong Ministerial Initiative Against Trafficking
<b>FGD</b> .....	Focus Group Discussions
<b>GMS</b> .....	Greater Mekong Subregion
<b>GO</b> .....	Government Organisation or Agency
<b>HIV</b> .....	Human Immunodeficiency Virus
<b>IDP</b> .....	Internal Displaced Persons
<b>IGO</b> .....	Inter-Governmental Organisation
<b>ILO</b> .....	International Labour Organisation
<b>INGO</b> .....	International Non-Governmental Organisation
<b>IOM</b> .....	International Organization for Migration
<b>IPEC</b> .....	International Programme on the Elimination of Child Labour
<b>IPSR</b> .....	Institute for Population and Social Research (Mahidol University)
<b>Lao PDR</b> .....	Lao People's Democratic Republic
<b>MAP</b> .....	Migrant Assistance Programme
<b>MMN</b> .....	Mekong Migration Network
<b>MOU</b> .....	Memorandum of Understanding
<b>NGO</b> .....	Non-Governmental Organisation
<b>OSH (OHS)</b> ..	Occupational Health and Safety
<b>PAR</b> .....	Participatory Action Research
<b>PRC</b> .....	People's Republic of China
<b>SEAHIV</b> .....	South East Asia HIV and Development Program
<b>SPDC</b> .....	State Peace and Development Council (Burma)
<b>STD/I</b> .....	Sexually Transmitted Diseases/Infection

<b>UN</b> .....	United Nations
<b>UNDP</b> .....	United Nations Development Programme
<b>UNESCAP</b> ...	United Nations Economic and Social Commission for Asia and the Pacific
<b>UNHCHR</b> ....	United Nations High Commissioner for Human Rights
<b>UNHCR</b> .....	UN High Commissioner for Refugees
<b>UNIAP</b> .....	UN Interagency Project to Combat Trafficking in Children and Women
<b>UNICEF</b> .....	United Nation’s Children’s Fund
<b>WHO</b> .....	World Health Organisation



# Section 1: Migration and Literature Overview

## Migration Overview

### *Background*

The GMS is home to more than 260 million people, including an estimated 3-5 million migrants. Thailand is the major receiving country for migrants in the region, hosting between 2-4 million migrants, while Cambodia and the Yunnan Province of China also play host to large migrant populations. Accurate data concerning the number of migrants in the GMS is hard to attain. This is due to the fact that many migrants are long term residents in their host countries (as illustrated in the case of Vietnamese migrants in Cambodia), and most migration in the region is spontaneous and through irregular channels. Furthermore, many people in the GMS continue to be undocumented in their home countries. It is important to note that the many ethnic groups residing along the borders of the GMS countries often have kinship ties with people on the other side of the border who belong to the same ethnic nationality, therefore movement across international borders has long been a feature of their daily lives.

Until the latter half of the twentieth century, many of the countries in the GMS were embroiled in internal strife, repressive regimes, cross-border conflicts, recurring political instability and all their associated economic difficulties. Between the 1960s and 1980s, most migrants from the GMS were refugees fleeing wars and repressive regimes. Around 250,000 Vietnamese people fled during the Vietnam-U.S. War, and hundreds of thousands of Vietnamese fled the country as “Boat People” after the war. A large number of Vietnamese people also went to Cambodia during and after the conflict with Vietnam. In Thailand, large numbers of Laotian refugees and migrants began arriving as early as 1975. The number of Burmese refugees has increased since 1984 and further accelerated after September 1988 when the democratic uprising was quashed by the military regime.

In the 1990s, population movements were characterised by a mix of refugees and economic migrants. Thailand’s economy saw rapid growth, particularly between 1990 and 1995. This strong growth resulted

in a greater demand for labour, thereby attracting large numbers of workers from rural areas across Thailand, as well as from neighbouring countries. Undocumented migrant workers have therefore become a significant feature of the Thai economy and society. Since 1992, the Thai Cabinet has issued a series of decisions enabling the registration of migrant workers who entered Thailand undocumented for the purpose of employment. This registration process has not been formalised into a regular programme and the timing, quotas of migrants, job sectors and provinces in which migrants can register as well as the associated costs of registration shift from year to year, making the process unpredictable for migrants and employers alike. The registration exercise in July 2004 was by far the most open and successful scheme to date, during which a total of 1,284,920 (921,492 from Burma, 179,887 from Lao PDR and 183,541 from Cambodia) registered for a temporary residence identification card (Tor Ror 38/1). Of these migrants, 849,552 also received work permits. In subsequent registration schemes, the number of migrants registering has been in steady decline. Throughout 2008, a total of 501,570 migrants were registered under Cabinet Resolution, 18th December 2007<sup>1</sup>. Under this resolution migrant registration falls into one of the following four categories:

- 1) Regular Registration (July 2008): 310,149 migrants registered under this scheme and were granted temporary migrant worker cards valid until 30th of June 2009.
- 2) Interim Registration (March 2008): a total of 97,919 migrants obtained work permits valid from March 2008 to February 2009.
- 3) Special Registration (Southern Provinces): 4,715 migrants obtained work permits valid until March 2009, valid only in the Thai provinces of Satun, Songkhla, Yala, Pattani, and Narathiwat.
- 4) Concession for holders of expired ID (Tor Ror.38/1): 88,787 migrants who previously registered for Tor Ror.38/1 in 2004 and have re-registered under this concession policy obtained new work permits valid from February 2008 to January 2009.

In addition, there are approximately 84,980 Cambodian and Laotian migrants who received legal status through the MOU processes. However, the majority of migrants remain undocumented and have no valid immigration status. According to IOM estimates, the share

of registered migrants was only 28 % of the total number of migrants in 2008. A further 1.2 million migrants remain unregistered<sup>2</sup>. This is thought to be a relatively conservative estimate, since NGOs believe that there is approximately 2-4 million migrants resident in Thailand.

The Thai Government announced that they would conduct the final round of registration between the 1st and 31st of July 2009, in which the work permits granted would be valid until February 2010. After this window, migrants can apply for a renewal only if their nationalities are verified by their countries of origin. The new inflow of migrants is aimed to be strictly regulated under the terms of the applicable MOU.

In February 2008, the Working of Aliens Act B.E. 2551 came into force and formalised a number of practices gradually introduced through the Cabinet decisions issued over the last two decades as well as generalising some of the principles contained in the MOUs with Lao PDR, Cambodia and Burma. The implementation of the Act anticipates detailed sub-decrees, but key shifts in policy directed at migration management may be grouped together as follows: 1) defining a list of shortage occupations open to migrant workers; 2) creating a deportation fund; 3) collecting levies from the employers of migrants; 4) setting up committees to review the employment of migrants and to consider their appeals; and 5) increasing government powers of inspection and arrest. One of these controversial provisions allows the authorities to enter migrant workplaces without a court warrant.

The Yunnan province of China shares borders with Burma, Lao PDR and Vietnam. The province has a long history of outward and inward migration. Though it was traditionally a sending area of migrants, the direction of migration has become more of a two-way process following the growth of China's market economy and the normalisation of diplomatic relations with Burma, Lao PDR and Vietnam in the 1980s and 1990s, which included the opening of its borders for trade and communication.

Cambodia is home to an estimated 150,000 - 1.1 million migrants primarily from Vietnam. Many of the Vietnamese are long term residents who arrived in Cambodia during the 1970s and 1980s. There is a lack of reliable data concerning these migrants in Cambodia. There also appears to be a lack of government policy in relation to the migrants in the country, while anti trafficking responses are far more visible responses by the Cambodian authorities. In 2005, Cambodia

and Vietnam signed an agreement on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking. In May 2008, the Cambodian Anti-trafficking Act came into force.

Lao PDR, while being predominantly a sending country of migrants to Thailand, it is also home to a small number of immigrants from neighbouring countries such as Vietnam and China. The number of migrants in the country, particularly those from China, is reportedly increasing fast due to the number of development projects taking place in Lao PDR.

### **The Bilateral MOUs on Cooperation in the Employment of Workers**

In the past, most of Thailand's migration policies were formulated unilaterally, and the presence of migrant workers in Thailand was often not officially acknowledged by the governments of migrants' home countries. However, the political climate concerning labour migration has changed since early 2000s and inter-governmental cooperation concerning this issue has increased. Thailand signed a Memorandum of Understanding (MOU) on Cooperation in the Employment of Workers with Lao PDR, Cambodia, and Burma, in October 2002, May 2003, and June 2003, respectively.

In order for these MOUs to be implemented, the country of origin first needed to verify the nationality of migrants already in Thailand in order to issue them with some form of identification or travel document. The Laotian authorities started the process of verifying the nationality of Laotian migrants in Thailand in 2005. Between January and October 2005, a total of 33,937 migrants in Thailand were interviewed by the Laotian authorities, and 33,908 of them had their nationality confirmed. As of February 2007, about 48,000 Laotian migrants had been interviewed and had obtained temporary passports<sup>3</sup>. The Lao Government has also issued a decree regarding the rules and regulations of sending Laotian workers abroad. However, these regulations have been slow to take effect and by December 2007, only 6,174 workers migrated to Thailand through this newly established formal migration channel.<sup>4</sup>

Similarly, Cambodia has two registration processes in operation. Cambodia started the process of interviewing migrants in Thailand in 2005 to verify their nationality. Between 14 November 2005 and 30

June 2006, the Cambodian multi-ministerial task force in Thailand verified the nationality and issued Certificates of Identify (CI) to 37,142 migrants, in addition to the 75 migrants interviewed between March and April 2005, 72 of whom had their nationality confirmed. By December 2008, a total of 48,076 Cambodian workers had their nationalities certified. Meanwhile, the process of sending migrants to Thailand under the formal migration channel progressed slowly and by December 2008, just 7,977 workers migrated to Thailand through this formal channel<sup>5</sup>.

As for Burma, no concrete cooperation has taken place since September 2005 concerning the methods of implementing the MOU. Recently, a number of recruitment agencies sending Burmese workers to Thailand have been opened in Burma, and also three cross-border check-points have been set up for conducting nationality verification. In July 2009, Labour Minister Paitoon Kaewthong said Burmese authorities will start authenticating the nationality of the Burmese workers from July 15 and that Burmese migrant workers can stop by for nationality certification in one of three areas - Victoria Point, Myawaddy or Tachilek in Burma.<sup>6</sup>

However many Burmese migrant communities in Thailand are concerned that they are likely to experience various forms of harassment by the SPDC, when they go to have their nationality verified. Burmese Deputy Foreign Minister Maung Myint has also stated that only about 400 Burmese migrant workers were expected to come forward for nationality verification<sup>7</sup>.

### **Agreements and Declarations Signed by the GMS Countries**

Aside from the above mentioned MOUs on Employment Cooperation, GMS countries have signed a number of statements or MOUs, many of which focus on the cross-border issue of trafficking. GMS countries also signed the ASEAN declarations in relation to HIV, trafficking and migrant workers. On 31 May 2003, Thailand and Cambodia signed an MOU on Bilateral Cooperation to Eliminate Trafficking in Children and Women. At the 11th ASEAN Task Force on AIDS (ATFOA) meeting on 16-17 February 2004, Burma, Cambodia, China, Lao PDR and Vietnam met in Yangon, Burma, and signed the MOU for Joint Action to Reduce HIV Vulnerability Related to Population Movement, in which they agreed to further collaborate on the Joint Action Program that was extended from the initial stage which commenced in 2001.

The ASEAN heads of state signed the Declaration against Trafficking in Persons Particularly Women and Children in November 2004 in Vientiane, Lao PDR. In July 2005, Lao PDR and Thailand signed an MOU on Cooperation to Combat Trafficking in Persons, Especially Women and Children. In October 2005, Cambodia and Vietnam also signed an agreement on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking. More recently in January 2007, ASEAN signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers during the 12th ASEAN Summit held in Cebu, the Philippines<sup>8</sup>. In July, ASEAN also signed a statement regarding the establishment of an ASEAN Committee to oversee the implementation of this declaration.

The anti trafficking initiatives of GMS countries has been visible for some time, along with a number of UN agencies working on anti trafficking programs in the subregion. The first meeting of the Coordinated Mekong Ministerial Initiative on Trafficking (COMMIT) was held in Bangkok on 28-30 July 2004. Senior officials from Burma, Cambodia, China, Lao PDR, Thailand and Vietnam discussed a new framework for fighting human trafficking in the region. The second COMMIT meeting was held on 27-28 October 2004 in Yangon, Burma, where the six countries signed an MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region and Sub-regional Action Plan in October 2004. COMMIT senior officials met again in Hanoi, Vietnam on 29-31 March 2005, where they adopted the Sub-regional Plan of Action and agreed to collaborate on the investigation and prosecution of traffickers and on support of repatriation and assistance for victims.

At a meeting on 14-15 December 2007 sponsored by the Chinese Ministry of Public Security (MPS), senior officials from the GMS signed a joint declaration affirming their nations' intention to continue bilateral and multilateral consultations and collaborations between and among countries in the sub-region as well as with regional bodies such as ASEAN. Officials also passed the second-phase action plan, scheduled for 2008-2010.

### **Organisations Working on Migration Issues in GMS**

In the GMS, there are currently a number of organisations working on

migration or trafficking related issues. Below are listed some of the main projects that are carried out at the Mekong sub-regional level.

The International Organization for Migration (IOM) has a project entitled Return and Reintegration of Trafficked and Other Vulnerable Women and Children Between Selected Countries in the Mekong Region. The IOM also initiated the establishment of the inter-agency Thematic Working Group on International Migration in Thailand whose main objectives are: 1) to generate a common knowledge base for policy recommendations on international migration among member organisations; 2) to provide input to the Thai Government's policy-making process on international migration; and 3) to identify gaps in knowledge concerning international migration in Thailand. Its second report entitled *International Migration in Thailand* was published in 2009<sup>9</sup>.

The International Labor Organization (ILO) has a Mekong Sub-Regional Project to Combat Trafficking in Children and Women under the ILO-implemented International Programme on the Elimination of Child Labor (IPEC). Phase I of the Mekong Sub-Regional Project to Combat Trafficking in Children and Women (TICW) started in 2000 with a three-year research, consultation, analysis, and intervention phase (2000-2003). Phase II (2003-2008), which was completed in October 2008, focused on children aged 10-14 and 15-17, who are considered at a high risk of being trafficked. Through this phase, research, capacity building, awareness-raising, and community-empowerment were carried out. Since 2005 the ILO has published the *Mekong Challenge* series, most of whose thematic focus is on migration policies and practices in Thailand, and/or issues of young migrant workers, and/or issues of trafficking.

The UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) was established in 2000. The functions of UNIAP are to coordinate policy and responses to human trafficking with GMS governments at the central and local levels, NGOs, UN and international implementing agencies such as IOM, ILO, UN Children's Fund (UNICEF), UN Office on drugs and Crime (UNODC), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) and the Asia Regional Trafficking in Persons Project (ARTIP). The UNIAP has four objectives: 1) to support governments in the institutionalisation of effective multi-sectoral approaches to combat

human trafficking; 2) to maximise the UN's contribution to the overall anti-trafficking response; 3) to facilitate optimal allocation and targeting of anti-trafficking resources; and 4) to continue to play a catalytic role in the anti-trafficking response by identifying and supporting special projects to address new and emerging issues. These four objectives are to be realised by three main initiatives: COMMIT – Coordinated Mekong Ministerial Initiative Against Trafficking, for which UNIAP serves as the Secretariat; SIREN – Strategic Information Response Network; and Support to Underserved Victim Populations. UNIAP's work is currently in Phase III (2007-2011) during which the project aims to shift from policy formulation to implementation on the ground, by increasing UNIAP's technical services to counter-trafficking sectors, enhancing good practices of government and non-government agencies and monitoring.

The UNIFEM East and South East Asia office implements projects under the following themes: 1) Governance and Transformational Leadership; 2) Economic Empowerment and Rights; and 3) Women's Human Rights and Eliminating Violence Against Women in the East and South East Asian countries including Thailand, Lao PDR, Cambodia, Vietnam and China.

The Mekong Institute (MI), an inter-governmental organisation working in the GMS aims to provide human resource development activities for government officials, members of private enterprises and civil society involved in the development of the GMS. The MI held their first Policy Dialogue on Transborder Migration in February 2006. The objectives of the first policy dialogue were to promote a better understanding among policy makers of the migration process within the GMS and raise awareness of the need to implement regional and bilateral policies on migration management and to propose solutions and follow up action. In November 2007, the MI organised its second policy dialogue entitled Transborder Migration Policy Implementation and Monitoring: Its Effectiveness and Current Policy Gaps in the GMS. Among the various recommendations arising out of the dialogue process was for GMS governments to promote ratification of the UN Convention of Protection of Migrant Workers and Their Families.

The Mekong Migration Network (MMN), officially launched in 2003 stemming out of a research network formed in 2001, continues to implement joint research, capacity building, advocacy and networking.

MMN member organisations include NGOs, migrant grassroots organisations, mass organisations and research institutes. The MMN aims to work towards the promotion of rights and welfare of cross-border migrants in the GMS. Since 2008, the MI and the Mekong Migration Network (MMN) have co-organised a series of activities. In May 2008, the MI and the MMN organised an expert meeting on Labour Migration Management during which the training curriculum for the GMS training on labour migration management was discussed. The actual training course took place in November 2008, with the participation of 23 government officials from ministries concerned with labour migration management from GMS governments, namely the Ministry of Labour, Ministry of Social Welfare, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Women Affairs/Women's Union and Ministry of Justice. The next training is scheduled to take place in December 2009.

### **Footnotes**

<sup>1</sup> Thai Ministry of Labour

Details are available at: [www.mekongmigration.org](http://www.mekongmigration.org)

<sup>2</sup> Thai Ministry of Labour

Kritaya Archavantikul and Kulapa Vajanasara, *Employment of migrant workers under the Working of Aliens Act 2008 and the list of occupations allowed to foreigners*, published by IOM and Mahidol University, 2008.

<sup>3</sup> Ministry of Labour and Social Welfare, Lao PDR, cited in Inthasone Phetsiriseng, February 2007.

<sup>4</sup> Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, 2008, cited in Sciortino and Punpuing, *International Migration in Thailand*, IOM, pp.60.

<sup>5</sup> *Ibid.*

<sup>6</sup> "Major boost for officials tackling illegal labour," in *Bangkok Post*, July 12th 2009

<sup>7</sup> *Ibid.*

<sup>8</sup> Full text of the Declaration on the Protection and Promotion of the Rights of Migrant Workers. Last accessed online at: <<http://www.aseansec.org/19264.htm>>.

<sup>9</sup> Rosalia Sciortino and Sureeporn Punpuing, *International Migration in Thailand*, published by IOM, 2009.

## Literature Overview

This annotated bibliography has been compiled with the aim of focusing on the issue of labour migration in the Greater Migration Subregion (GMS). This subject matter often overlaps with the related issues of trafficking and refugees, both of which are matters of concern within the GMS. Material on the latter topics are included only where it provides discussion of the question of cross-border migration. There has been considerable research and literature published on labour migration world wide however, we keep this bibliography primarily focused on the GMS.

Even within this specific focus, the resource materials and organisations listed in this book are by no means exhaustive. All the MMN members were asked to inform the MMN Secretariat if they had published, or were aware of, any relevant publication to be included in the annotated bibliography. Country Research Teams (CRTs) specially formed in respective GMS countries for this project all searched for relevant materials both in English and in their local languages, by using a variety of online searches, library searches, and by directly contacting universities and organizations working on migration related issues. The MMN Secretariat reinforced this process by also searching online and through libraries and by contacting publishers. Publications that are not searchable or not published for a wide circulation however may have been missed out in these processes. We list a total 400 publications, including 233 with annotation and 167 without annotation. These vary in length from book length studies to educational cartoons for migrants. Forty-two web-sites are listed as electronic resources. Some of these are of general interest, but frequently carry news about labour migration in the GMS, such as the *Irrawaddy* or the *Online Burma Library*; others are more specific to labour migration like the *Asian Migration News* or the UNIAP website on trafficking in the GMS. An updated directory of MMN member organisations is included in the appendix – so that these organisations can be contacted directly when looking for further information on labour migration in their respective countries.

### *General Observations on the Available Materials*

**Issue focus-** In the third edition of this series, the top three issues covered by the materials were labour migration, trafficking/sex work and HIV/AIDS. However, in the present edition, the proportion of publications on trafficking/sex work and HIV/AIDS has decreased. Publications concerning trafficking, have increased only very slightly. 7 new entries published during 2007 and 2008 are added (Section 3, #9, #16, #27, #37, #50, #59, #60). There were 83 annotated materials on trafficking in the third edition. Publications on this subject seem to have peaked in 2004. Until 2005, many publications demanded that governments in the region formulate and implement policy measures to combat trafficking. In the past few years, GMS countries have developed legislation for the protection of trafficking victims at the national as well as regional levels with the support of UN Inter Agency Project against Trafficking (UNIAP), the UN Children's Fund (UNICEF), the International Labour Organisation (ILO) and other inter-governmental organisations (IGOs). Thus, the focus seems to have shifted to assessing those newly introduced policy measures, a clear example of this change is the latest research conducted by the Global Alliance Against Traffic in Women (GAATW) on the impact of the anti-trafficking measures on migrant women, including the GMS countries (Section 3, #60).

In the third edition, there were 32 annotated publications covering HIV/AIDS, while only 10 new entries are added in this edition. The decrease in the number of publications on HIV/AIDS does not necessarily mean that the situation has improved. During 2007 and 2008, IGOs have published three situation assessments (Section 3, #23, #35, #66) and the IOM has published an activity manual (Section 3, #28), reflecting their concern for this issue in the GMS. Also two situation assessments covering Thailand and China (Yunnan) have been published by universities and research institutes. Various NGOs have also published reports based on their grassroots activities, and have released proceedings of conferences on the issue. In their annual report on state of health of migrants, CARAM-Asia focused on mandatory HIV testing which is the cause of serious human rights violations (Section 3, #81). Whereas the number of publications on HIV/AIDS is not as noticeable as before, publications covering other public health issues have increased (Section 2, #23, #24 and Section 3, #14, #34, #48, #53, #55). It is noteworthy that health issues concerning migrants have begun to be discussed in a broader perspective including migrants'

overall well being, reproductive health and more specifically, the need for better occupational safety and health (OSH) conditions, better living conditions, better labour protection, and better facilitation of migrants' rights to access to health care.

Labour migration management has been studied from various perspectives. A number of publications assess not only the content, but also the procedures established after the signing of, the bilateral Memorandum of Understanding (MOU) on Cooperation in the Employment of Workers between Thailand and Cambodia and Lao PDR. (Section 3, #15, #25, #64, #83, #84). While the MOUs were signed in 2002 and 2003, it is pointed out in many related publications that the high cost of the newly established formal channels remain barriers to regularising migration in the subregion. Also many of these publications point out that labour migration is likely to last and probably further increase over the next 10-20 years. Therefore, there is need for GMS governments to adopt long term strategies on migration management issues (Section 3, #15).

The ILO and IOM have published several situation analysis reports (Section 3, #26, #46 and Section 4, #13) as well as policy formulation studies for subregional labour migration management in the GMS, ASEAN and Asia (Section 3, #42, #47). Most of them are addressed from a management-oriented perspective, since their primary concern has long been the prevention of irregular migration. However, it is worth noting that responses introduced in these publications indicate a shift in focus by the IGOs to encouraging and facilitating regular migration channels. The publishers also urge relevant governments to strengthen labour protection for migrants.

Discussion on the economic contribution of migrants and the remittances they send home are often framed in the context of migration and development. A case study of Thailand on this topic is included in this edition of the bibliography (Section 3, #61). This study thoroughly examines the situation of migrants and provides a valuable base in acknowledging the economic contribution of migrants in the host country. Migrants' contribution to the economy of the host country is based on the actual wages migrant workers receive, which are much lower than those of local workers or the domestic minimum wage, thus it would have been interesting if there were comparative calculations as to how much migrant workers would contribute to the Thai economy if their wages were equal to that of local workers. In the recommendation,

the author suggests that migrants leave to remain in the host country should be extended, so that the productivity of migrant workers is increased. The current registration policy only provides uncertainty to employers and migrant workers alike. A call for an extended leave to remain from the productivity perspective provides added weight to calls from migrants' rights advocates who also call for longer periods of stay from the perspectives of migrants' welfare. In terms of the impact of migration on the labour market of host countries, this bibliography features a case study of Thailand commissioned by the World Bank. (Section 3, #67). In this study, the relationship between immigration and the wage patterns are systematically explored using various statistical formulas.

Studies by IGOs generally aim at emphasising the desire to maximise migrant remittances as a contributor to the economic development of sending countries (Section 3, #13, #36 and Section 4, #3). This approach was opposed by civil society groups at the Global Forum on Migration and Development in Manila, October 2008, because migrants' earnings amount to private capital that should not be regulated or factored in to the public purse of sending countries. To do so would limit the money flowing into the dependent family members of migrants and their home communities. Vicary's study on Burma, shows that remittances from migrants meet no more than the basic survival needs of the recipients, due to the mismanagement of economic development in the sending country (Section 3, #32).

Issues concerning child migrants and children of migrants are of significance in the region, but there seem to be very few publications available on this issue. Many schools for such children are run by NGOs in Thailand, and one of these NGOs, Thai Action Committee for Democracy in Burma (TACDB) released research based on their grassroots activities over a number of years (Section 2, #36). Save the Children UK has published a book on situation analysis, which emphasised the importance of empowering children and encouraging their active involvement in decision making for improving their current situation (Section 3, #9). This is not limited to small children, but also addresses the difficulties faced by adolescent migrants (Section 3, #53).

On the materials that focuses on migrant women, gender-specific recommendations are drawn (Section 3, #62, #90), whereas only a limited number of studies provide gender disaggregated statistics which pays due attention to the role of women in migration. There are two

interesting case studies, one illustrates the migration pattern from a women's perspective and examines the impact on their families (Section 3, #78). The other studies the impact of trade regulation along the borders on women fish traders (Section 3, #21).

In addition to issue-specific focus studies, there seems to be an increase in the number of guide manuals prepared as information kits for migrants. Useful information for migrants used to be traditionally distributed in newsletter formats, but manuals, comics/cartoons, and videos are now the trend. Those manuals are published by NGOs (Section 2, #14, #18, #19 and Section 3, #5) as well as IGOs (Section 3, #28, #85). In addition to being educational materials for migrants, manual formats are now used targeting policy makers (Section 3, #65, #137).

**Country focus:** As per previous editions of this publication, the bulk of annotated materials published during 2007 and 2008, focused on Thailand which comprised 44 out of the 91 materials (48.3%). This reflects Thailand's position as the main receiving country in the GMS. Given that the largest proportion of migrants in Thailand are from Burma/Myanmar, 38 (41.7%) materials have therefore tended to focus on these migrants. However, the proportion of studies undertaken on migrants from other countries has also increased; China into and from the GMS (13), Lao PDR (10), Vietnam (8) and Cambodia (8), respectively. On the other hand, there are a number of materials discussing migration at the subregional framework level. These type of materials comprise 8 in 2007 and 10 in 2008. This increase reflects the wider recognition of the importance of bilateral or multilateral cooperation in effective migration governance.

**Author/ source:** In 2008, by far the largest source of publications was IGOs, in total 15; ILO (8), IOM (4), World Bank (2) and UN (1). The increase of ILO and IOM materials shows their program focus for the GMS. The ILO's materials vary in their themes from situational analysis, migration governance to economic development, while the World Bank focuses primarily on remittances. In 2007, 8 of the annotated materials were from IGOs; ILO (3), IOM (1), World Bank (1), UNIFEM (1), WHO(1), ILO and UNIFEM (1). The ILO's focus remains unchanged, and as of July 2009, they had already released 4 publications. The materials published from universities and research

institutes has outnumbered those from IGOs and NGOs over the past years, but this is proportionately getting smaller as in this bibliography, 11 in 2007 and only 8 in 2008 are listed. On the other hand, the number of NGO publications has increased from 9 in 2007 to 12 in 2008. These include good quality documentation of their valuable grassroots work together with progressive recommendations.

**Language:** We have searched for materials in the GMS local languages as well as in English, but the majority of references included in this book are in English. Four materials in Chinese and 10 in Thai are included. In addition, many references published by the ILO have been translated into GMS languages.

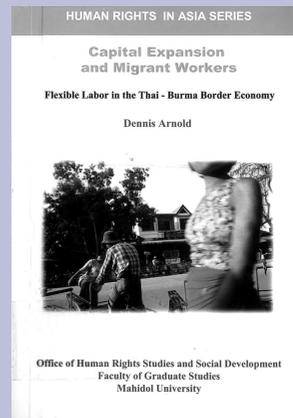
### MMN Recommended Books

In this edition of the bibliography, we select “MMN Recommended Books” from among the annotated materials. The books selected are those we found particularly informative and which provide new perspectives or provide a fair analysis of migrant rights issues. While the annotation in Section 3 is aimed at providing a brief outline of the content of each material, the Recommended Books section is aimed at providing informed comment of the MMN editorial team, each of whom has been working on migration issues in the GMS for many years.

#### 1. Capital Expansion and Migrant Workers: Flexible Labour in the Thai-Burma Border Economy

Arnold, Dennis. Thailand: Office of Human Rights Studies and Social Development (OHRSD)

Faculty of Graduate Studies, Mahidol University, Salaya Campus, 2007. pp.108.



This text, based on the author’s 2005 MA thesis of the same title, examines the implications of economic development as it has unfolded in and around Mae Sot, a Thai border

town well-known for the substandard labor practices of those companies doing business there. With an eye towards historicising the growth of capitalist industry in this border area, Arnold elaborates several trends that mark the “capitalisation” of Mae Sot’s economic landscape as early as the mid-1990s:

- The movement westward, largely into GMS countries, of mobile Taiwanese capital beginning in the late 1980s.
- The Thai Chatchai government’s intensive push, also in the late 1980s, to “turn battlefields into marketplaces”—that is, reimagining conflict areas as potentially profitable zones of economic growth.
- Economic policy shifts, first in Taiwan (1960s to early 1980s) and then in Thailand (mid- to late-1980s), from domestically focused ISI (import-substitution industrialisation) to a more liberalized EOI (export-oriented industrialisation) approach.
- A still-increasing population of migrant workers leaving sustained economic and political stagnation in Burma, and arriving in Thai-Burma border regions.

The confluence of these processes, Arnold argues, created a situation in which Taiwanese businesses, on the move in search of a flexible and subordinate labor supply, connected with shifting Thai economic policy in the Mae Sot district of Tak province, creating a major center of export-focused factory production in a rural area very much affected by protracted armed conflict on the Burmese side of the border. But what has this rapid economic growth meant for migrant worker communities? Documenting a steep decline of labor standards against the rise of border-area industrialisation, Arnold argues labor rights are “consistently sacrificed in order to attract and maintain investment, raising questions as to who are the primary beneficiaries of capitalist development.”

Among Arnold’s more challenging claims are his contentions that (1) Thai workers and migrant workers are not segregated by sector, and that (2), as a result, the idea that migrants work only in “3D” jobs—those that are dirty, dangerous, and degrading, and thus unwanted by Thai workers—is an oversimplified myth. Though this argument could be better supported in this text, the potential implications for labor solidarity in Thailand are significant: greater common ground between Thai and migrant workers, whether merely perceived or true in actuality,

can only be mutually beneficial. Recent work by the Thai Labor Solidarity Committee and the Action Network for Migrants, Arnold notes, is encouraging to this end.

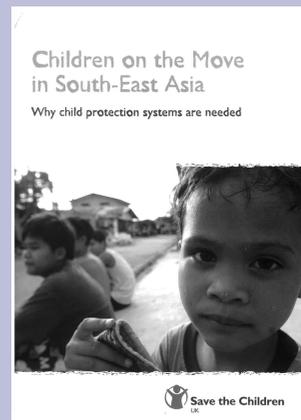
Arnold's thesis, part of a small but growing constituency of progressive academic work focused on Mae Sot, is commendable for the way it situates a wide conceptual framework—the historical search by mobile capital for subordinate labor—in a very urgent local setting: Mae Sot's deplorable labor rights abuses, and the increasingly successful work by activists to combat and prevent them, receive considerable attention here. The result is a work that combines broad applications with localised advocacy potential. Furthermore, the fact that some of the documentation is now dated does not undo its relevance. As a sobering investigation of the labor rights implications of Thailand's aggressive border-area economic development processes, the text remains highly germane to current GMS migration discussions, especially as cross-border economic development initiatives are only growing in size, scale, and significance.

## 2. Children on the Move in the South-East Asia-Why child protection systems are needed

Save the Children UK. London, 2008. pp. 32.

This report published by Save the Children UK summarises a children's migration review produced under the organisation's "Cross-Border Project." It looks at migration of children in the GMS region and is the result of an extensive literature review, bringing together the most up to date research available.

In an easy to read format, the report is broken down into six sections. The first introduces concepts of migration, children's migration and childhood. The second section looks at the GMS more specifically and discusses the demography of migration, noting that increasing numbers of children are migrating and that ageing populations in some countries can act as a pull factor to potential migrants from countries with younger populations. The third section analyses migration trends, push and pull factors, gender issues and child labour in each of the six GMS



countries.

The second half of the book, in chapters 4, 5 and 6 lay out changing perspectives on childhood and children's migration and integrate a child centred approach that is culturally sensitive for the understanding and protection of child migrants. Children are framed as active agents, with opinions and desires, and the report suggests that rescue of child migrant workers is not always what the children want. From this basis, the book concludes with a number of policy recommendations based on the UN Convention on the Rights of the Child and international human rights instruments, but it is the shift in focus on children that is significant – children need to be protected, but they need to be involved in deciding what protection entails, prevention of exploitation is necessary, but again children's aspirations need to be taken into account. In conclusion, the report states that children, both migrant and non-migrant, have to be protected under the overarching child protection systems and that children must have a say and be able to influence decisions made within these systems.

The report is an excellent summary of children's migration trends and patterns in the GMS and changing perspectives on programs relating to child migrants. Useful as an introductory read for those with a general interest in children's migration it also serves as a good briefer on child centric approaches for migrant advocates and social workers when designing their programs responding to migrant children's needs.

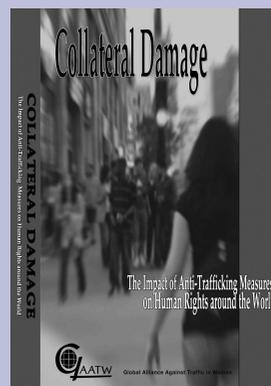
#### Related Materials

- Children's Migration: Diversities, Exploitation, Participation and Protection in the Greater Mekong Sub-region of South-East Asia, Save the Children UK
- Away from Home: Protecting and supporting children on the move  
Reale, Daniela. Save the Children UK

### 3. COLLATERAL DAMAGE-The Impact of Anti-Trafficking Measures on Human Rights around the World

Global Alliance Against Traffic in Women (GAATW). Bangkok, 2007. pp.266.

<http://www.gaatw.org/>



In a world seemingly gone mad with anti-trafficking fever *Collateral Damage* is a cool voice of reason and sanity. While never shying away from reality that human trafficking is a hideous crime, the report proposes that many of the anti-trafficking laws and strategies have been ill conceived in design and application, generally doing more harm than good. In stark contrast to the plethora of trafficking reports with conflated numbers and emotive reporting, *Collateral Damage* smacks of reality.

The calm and confident reporting from experts in eight countries covering all five continents builds a clear picture of how things can go terribly wrong when action is taken without forethought and community consultation. Countries included in the report are Australia, Bosnia and Herzegovina, Brazil, India, Nigeria, Thailand, the United Kingdom and the United States.

The country reports progress through an exploration of migration and human trafficking in the local context, moving onto a detailed, yet concise explanation of the legal framework and strategic application. Experiences from people directly affected are used very effectively to illustrate how these laws and strategies are experienced in real life.

Thailand was certainly a critical inclusion, as it's generally reported as being a major hub for human traffickers. In addition as the chapter author, Jackie Pollock notes, "Thailand has by far the largest number of NGOs, with a range of programme diversity and the political freedom for tackling issues such as forced migration, migrant labour rights, citizenship, statelessness, and human trafficking." It would be also useful to add that it also hosts all of the 13 UN agencies concerned with anti-trafficking. If any country in GMS had the capability to address human trafficking effectively it should be Thailand. However the country report reveals a mishmash of policy and laws that are useless at best and deadly at worst.

Although nominally only about Thailand, Pollock manages to weave in a lot of important information about Thailand's Mekong neighbors, Burma, Cambodia and Lao PDR that allows the reader to better understand the complexities of the region. This gives weight to the report's suggestion that there can be no "one size fits all" approach to human trafficking.

The conclusions and recommendations, though sound, are not comprehensive and GAATW acknowledges this report is not the end, but rather another important step in a long journey away from "raid, rescue and deport" and towards human rights for all migrants.

To misquote Dr Jyoti Sanghera, who wrote a wonderful preface to the report, "This anthology demonstrates in a small but compelling way that the road to hell may indeed be paved with good conventions."

#### 4. Do International Migration Policies in Thailand Achieve Their Objectives?

Huguet, Jerrold W. Bangkok: ILO, 2008.

pp.16.

<http://www.ilo.org/public/english/region/asro/bangkok/library/pub15.htm>

In his review of the Thai government's migration policies, Huguet argues that an overall inconsistency in objectives, due in part to ministries with different objectives not being coordinated in their work on migration issues, prevents the possibility of the government's migration policies being achieved—conflicting objectives cannot be satisfied. Though the paper's format and approach dictate analysis purely from a management perspective, and MMN is not necessarily in a position to decide whether decentralised migration management system produces more harm or good for migrants in Thailand, Huguet's identification and criticisms of Thai policy inconsistencies render it a potentially useful source for migrant rights advocacy work.

Huguet begins the paper by describing his method for assessing the efficacy of Thai migration policies. "In order that policies achieve their objectives," he writes, "at a minimum they would require: (1) a clear statement of objectives; (2) internal consistency; and (3) congruence with broader development objectives." Proceeding with a brief overview of migration trends in Thailand, and then a summary of regional, bilateral, and national migration policies, Huguet moves to evaluate relevant policies on the basis of whether or not they meet stated objectives.

For Huguet, therein lies the problem: inconsistent and at times dissonant objectives preclude a coherent policy approach. "Several ministries and agencies are directly involved in handling foreign workers," he writes. "As each has its own objectives, some degree of inconsistency has arisen." The Ministry of Interior, for example, took a much different approach to migrant registration than the Ministry of Labour did for subsequently issuing work permits. Registration was free and locally administered, but the work permits were expensive, routed through employers, and administered at the provincial level. A



further contrast between the Ministry of Public Health and the Ministry of Education suggests divisions in the provision of social services: the latter is far less accommodating to migrant worker communities. Even official language towards migrants, Huguet notes, reflects ambivalence: “The Ministry of Labour tends to refer to them as illegal migrants or workers (because of the way they entered the country) even when they have received work permits. Thus, the concept of regularisation is only partial.”

The paper suggests the ever-evolving migrant registration approach to be the high-water mark of policy ambiguity: despite great effort expended to regularise and formalise migration, the registration mechanisms are highly complicated, continually changing, and prohibitively costly. As a result, Huguet questions the value of referring to a Thailand policy on migration at all—several policies, with varying degrees of self-contradiction, are the disconsolate reality. Not being integrated into national development policy, migration policies also are not consistent with broader plans for economic growth.

As one of the more comprehensive assessments of migration policies in Thailand, Huguet has provided an analysis of great relevance for civil society groups working on migration issues. Part of its value, it should be said, is the fact that it evaluates relevant policies on their own terms, asking whether they achieve their stated objectives. That they do not, or that at best they do so in inconsistent ways, suggests problems that begin internally. Even by their own standards, Huguet suggests, these policies do not succeed. Yet it is also worth noting that part of these policies’ shortcomings is a crucial perspective missing from their formulation: do they improve migrants’ quality of life? What do they mean for migrants’ rights? Surely these, too, are legitimate criteria for assessing migration policies. Huguet’s paper thus offers a valuable, but far from exhaustive, critique of the Thai government’s approach to migration. As part of a larger package of critical policy engagement, it will prove a highly relevant contribution to regional migration discussions.

### **5. Gendering Border Spaces: Impact of Open Border Policy Between Cambodia-Thailand on Small-scale Women Fish Traders**

Kusakabe, Kyoko, Prak Sereyvath, Ubolratana Suntornratana and Napaporn Sriputinibondh. *African and Asian Studies*, 2008, 7: pp.1-17

In this article, Kusakabe et al examine the recent history of Cambodia's changing border policies, investigating what those changes mean for women working as small-scale fish traders. Arguing that the position of an actor in a commodity chain has much to do with that person's gender—hence the tendency of markets to reproduce and reinforce gender norms and hierarchies—the authors illustrate the way in which opportunities for small-scale women fish traders have gradually decreased with the emergence and growth of economic activity on Cambodia's border with Thailand.

The paper begins with a detailed history of Cambodia's border trade in fish since the late 1970s and early 1980s. The story is largely one of overall increasing trade: first with the formation, in 1981, of the state-owned KAMFIMEX company (Kampuchea Fish Import and Export Company), and later with the simultaneous decline of state-controlled enterprise and rise of privately regulated border trade. The closure of KAMFIMEX in 2003 came about in part thanks to the protests of small-scale traders and transporters—men and women, though the main protest leaders were men—whose trading activities were threatened by the company's thorough control of the border fish market. But by this time, the border markets were already more “open” and liberalised, such that bilateral formalisation of privatised trade regulations continued to squeeze small-scale actors out of the relevant markets. Officialisation of border trade, the authors contend, “gave more room to manoeuvre for larger enterprises, who have stronger negotiation power with authorities, marginalising the small-scale traders.”

Kusakabe et al follow their historical reading with an overview of the border fish trade commodity chain, including a detailed breakdown of the various actors involved. The authors find that despite significant, and probably deepening, gender segregation within the chain of production, cross-border trade liberalisation has created a “fuzzy space” in which women traders negotiate counterhegemonic practice through an overtly social conception of market networks. “For women,” the authors write, “the market is not a location but people,” suggesting that women traders' agency lies in part in their resistance to the way market exchange commodifies chains of production, including the actors within them. Yet the authors strike a grim note: such resistance is itself a piece of small-scale women traders' vulnerability to shifting economic trends. As a general rule, Kusakabe et al conclude, net expansion of border-area economic activity has not benefitted small-scale women fish traders.

This paper has much to offer discussions of migration in GMS countries, and there is no reason its relevance can't be broader, as well. In particular, the authors provide a valuable contribution to a growing body of work that reads border-area economic development as more complicated than a simple neoliberal "state to market" transition. As this paper suggests, state-centric policies of control and regulation do not just fade away in supposedly liberalised border spaces; the opening of Cambodia's border has not displaced basic formations of state power. Instead, the liberalisation of cross-border trade began with an extension of the state to reach the formerly un-regulated border areas, which at that time were more friendly to small-scale women traders. Far from charting obverse trajectories, open borders and the Cambodian state were not, are not, opposed: trade liberalisation is also trade regularisation, facilitating the expansion of state power into previously non- or even anti-state spaces. In the authors' words, "economic liberalisation policies are actually a re-organising policy of the economy by the state. Under globalisation pressure, it re-negotiates its terms and regulations vis-à-vis the market."

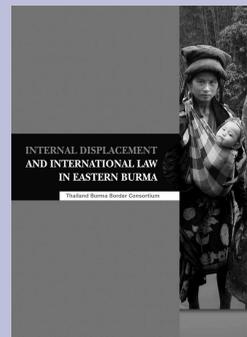
These negative affirmations of state power, forged in border areas against increasing globalising forces, contain considerable gender implications, forecasting what can be expected—and, to be sure, must already be apparent—with GMS countries' continued pursuit of greater border-area economic activity. In this paper, we can see that expanding state integration of border areas generates gender-differentiated impacts, scaling up commodity chains and reinforcing the peripherality, economic and otherwise, of those actors excluded by new market conditions—women small-scale fish traders, in the case at hand. The rise of border-area market forces thus tends towards the production of heightened gender divisions, further marginalising the social and economic position of women in border communities.

## 6. Internal Displacement and International Law in Eastern Burma

Thailand Burma Border Consortium (TBBC).

Bangkok: Mekong Press, 2008. pp. 221.

<http://www.tbbs.org/idps/report-2008-idp-english.pdf>



This book documents the contemporary characteristics of internal displacement in Eastern Burma and is the product of collaboration between the TBBC and ethnic community-based organisations. The book is short, stark and powerful.

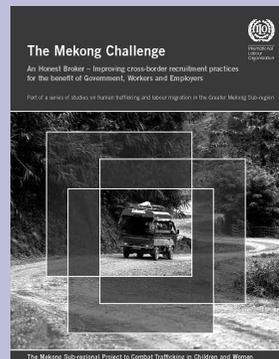
Divided into three main sections, the book first documents the types of internal displacement taking place in Eastern Borma, namely displacement resulting from conflict, development projects, and the destruction and relocation of villages. The second section provides situational updates from regions along the East of Burma. The third catalogues crimes against humanity being committed in the regions, ranging from attacks on civilians, to extrajudicial killings, enslavement, forcible transfer of population, torture and rape. Each section is complete with maps enabling the viewer to visualise exactly where development projects are being undertaken or just how many villages have been destroyed.

The power of the book lies in its simplicity. With little commentary, lists of abuses are catalogued and compared to international and customary law. Quotes are used to bring the subjects of the book – the internally displaced to life. The reader is continually reminded that most people living in Eastern Burma simply want to live in peace in their village, that the UN has criticised abuses but failed to act and that the Burmese military government and allies in some ceasefire groups are acting with impunity.

The data is bang up to date and is a token to groups working in Eastern Burma and the TBBC who risked their lives cataloguing abuse. The book is a gem and an absolute must read.

### **7. The Mekong Challenge: An Honest Broker - Improving cross-border recruitment practices for the benefit of Government, Workers and Employers**

Mekong Sub-regional Project to Combat Trafficking in Children and Women  
International Programme on the Elimination of Child Labour, International Labour Organization (ILO). Bangkok, 2008. pp.123.  
[http://www.ilo.org/wcmsp5/groups/public/--asia/---ro-bangkok/documents/publication/wcms\\_099808.pdf](http://www.ilo.org/wcmsp5/groups/public/--asia/---ro-bangkok/documents/publication/wcms_099808.pdf)



Are migrants in the GMS better or worse off by migrating through newly established legal channels? This is a question that continues to be raised by migrants and their advocates a couple of years since the MOUs on Employment Cooperation came into effect. Agreements signed by Thailand on the employment of Cambodian and Laotian workers were understood as a positive step forward to a new phase in labour migration management in the GMS. The agreements were put into action in 2006, but it's not all peaches and cream.

The uniqueness of this research is its focus on recruitment practice, and making a comparison of migrants' experiences between those moving through formal migration channels intermediated by state-licensed recruiters and those moving through informal channels. The research was founded on a two-fold hypothesis; 1) migrants receive better protection within formal migration channels, and 2) licensing of recruitment agencies provides the best outcome in a cross-border context. Then interviews to migrants from Cambodia and Laos and recruiters were conducted.

The research findings show motivation and decision making process of migrants concerning whether to migrate through regular or irregular channels. The findings conclude that despite policy advances, informal migration channels are still more flexible, efficient and cheaper than formal channels. With the perspective that it is good for business and good for employees to work in a stable and predictable environment, the ILO provides the following recommendations for improving recruitment process.

Key recommendations are;

- 1) Reduce significantly the cost of formal recruitment,
- 2) Subsidise or provide low-interest government loan for the cost of recruitment, so that migrants will not be in debt-bondage,
- 3) Formulate a standard employment contract,
- 4) Formulate a mechanism to receive migrants' grievances and labour disputes, and spread information among migrants,
- 5) Penalise the employers who confiscate the migrants' identification documents; and
- 6) Pursue public awareness campaign to promote the benefits of formal channel.

Among various publications which assess the MOUs and reach similar recommendations, this research is one that is more persuasive, as actual experiences and voices of migrants are reflected.

### **8. Migrant Worker Remittances and Burma: An Economic Analysis of Survey Results**

Turnell, Sean , Alison Vicary and Wylie Bradford. Sydney: Burma Economic Watch/Economics Department Macquarie University, Sydney, Australia, 2008. pp.24.  
[http://www.econ.mq.edu.au/Econ\\_docs/bew/Burma\\_Survey\\_Remittances.pdf](http://www.econ.mq.edu.au/Econ_docs/bew/Burma_Survey_Remittances.pdf)

Amidst growing consensus over the central role migrant remittances can play in questions of poverty alleviation and economic development, this study amounts to the first major analysis of remittances in the case of Burma. Examining primarily the mechanisms, uses, and quantities of money sent home by workers from Burma in Thailand, Turnell et al assemble a detailed picture of Burma's remittance profile, concluding that the country's "dysfunctional" economy prevents the scaling up of remittances to combat its severe economic degradation. Instead, remittances function highly locally, and usually within family units, to address basic survival needs.

The authors open the paper by situating their analysis within an increasing awareness of the importance of remittances. In 2006, for example, total global remittances outpaced the total volume of aid and foreign direct investment (FDI) to developing nations by about \$30 billion—\$300 billion to \$270 billion. The relative stability and counter-cyclical qualities of remittances—meaning they tend to increase in times of economic recession—further commend their potential as reliable instruments of poverty alleviation. In Burma, however, a lack of formal financial institutions, and a broad-based distrust of what official banking mechanisms exist, limits the economic role of remittances, leaving informal payment methods as the primary form of remittance. Still, Turnell et al suggest a rough estimate of likely remittance payments to Burma to be on the order of \$300 million: nearly five times greater than official numbers, more than twice FDI, and about 5 percent of GDP.

The paper includes extensive documentation on (1) ways in which remittances in general can effect localised poverty alleviation; (2) different channels and instruments through which remittances are sent, including an emphasis on the informal systems most commonly used by migrants from Burma; (3) how remittances are used in Burma, i.e. largely for survival needs; and (4) how the political backdrop in Burma

negates the leveraging up of remittances for broader poverty alleviation objectives. As a result, the authors suggest a kind of artificial ceiling imposed on the positive impact of migrant remittances—limits born of Burma's economically stagnant military regime.

In some ways, this paper's findings are not very surprising: a high volume of migrants produces a high volume of remittances; a low-functioning financial sector leads to the prevalence of informal remittance channels; and remittances address basic survival needs due to a lack of banking infrastructure for scaling up their impact. Still, the rigorous documentation of these claims proves an extremely valuable contribution to understanding the at-times inscrutable economics not only of military rule in Burma, but also of migration from Burma. The predominance of informal mechanisms and lack of reliable data increase the difficulty of implementing a study such as this. This study has overcome these obstacles; it should be commended for doing so.

At the same time, it should be noted that a growing constituency of migrant rights activists and advocates have begun reformulating debates around migrant remittances. An over-emphasis on remittances as poverty alleviation tools, they say, contributes to un-sustainable development. Economic growth and stability should be the mission of formal institutions; private funds should be private property—not an unofficial treasury to be tapped by malfunctioning states like Burma. In the case of the Thai-Burma border, there is some concern that forced labor migration, and increasing feminisation of migration, are connected to structural remittance demands, perpetuated by sustained political and economic stagnation inside Burma.

There is some value, then, to questioning discussions positioning migrant remittances as a central tool of poverty alleviation: the burden of economic development must not be on the shoulders of migrants undertaking precarious and often dangerous work abroad. Migrants should not be forced to compensate for ineffective economic infrastructure at home—for sustainable poverty alleviation, there can be no substitute for holistic and competent state action. Turnell et al do see great development potential in migrant remittances, but equally, they do not absolve the Burmese junta of economic responsibility. The study remains, as a result, a very important work—and to date, the only one of its kind.

