

**Labour Migration and Trafficking Within the Greater  
Mekong Sub-region**

Proceedings of Mekong sub-regional experts meeting and  
exploratory policy paper

Bangkok, Thailand December 2001

A joint initiative of the:  
ILO Mekong sub-regional project to combat trafficking in children  
and women (ILO TICW-project) &  
UN Inter-agency project to combat trafficking in children and  
women (UN-IAP)



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*Labour migration and trafficking within the greater Mekong Sub-region: Proceedings of Mekong Sub-regional experts meeting and exploratory policy paper*

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## Foreword

Trafficking and forced labour are not new issues -and neither is the ILO's work to ensure recognition of the fundamental human right to freedom. The ILO's Constitution and Declaration of Philadelphia uphold this principle unequivocally. Other important landmarks include the ILO Forced Labour Convention, 1930 (No. 29); and the ILO Abolition of Forced Labour Convention, 1957 (No. 105). Most recently, the ILO's Declaration of Fundamental Principles and Rights at Work, and the Elimination of the Worst Forms of Child Labour Convention, 1999 (No. 182), have added more impetus to the struggle to end this terrible practice. And yet, it is an enormous task. It is a sad fact that the new millennium has coincided with an explosion in the number of persons trafficked across national borders and continents, and forced into various activities.

More encouragingly, we have also seen unprecedented international interest in the fight against trafficking, particularly in children and women. The ILO has been at the forefront of international efforts to combat trafficking, within the framework of ILO Convention No. 182. In Southeast Asia, the ILO's work includes a project to combat trafficking in women and children in the Greater Mekong Sub region. Funded by the United Kingdom Government's Department for International Development (DFID-SEA), the project focuses on prevention, stressing job-creation, education and vocational training. It does not seek to re-invent the wheel, but instead works to build on existing programmes and good practices. The project raises awareness of the risks of trafficking, as well building the capacity of its partners at national and local levels, and offering direct assistance to communities.

A range of subregional experts have advised the ILO's Trafficking in Children and Women project to continue its efforts to develop alternatives for families whose children are at risk of trafficking - and to explore other avenues -in the form of legal labour migration alternatives. This advice is based on a reasoned assumption that out-migration from rural areas in the sub region can be expected to continue to occur on a large scale. This publication documents a joint initiative by the ILO TICW project and the UN Interagency Project to Combat Trafficking in Children and Women (UN-IAP) to explore legal labour migration alternatives to trafficking.

The joint initiative has moved to follow this advice in two steps: first, by inviting Dr. Ronald Skeldon to prepare an exploratory policy paper; and second, convening a sub-regional meeting of experts to discuss the paper, together with country specific and -regional considerations for follow-up.

Part one of this publication provides the background to the joint initiative; part two records the proceedings of the sub-regional meeting; while part three contains the exploratory policy paper.

The joint initiative was coordinated by Hans van de Glind, who also carried out technical editing of the publication based on the expert meeting minutes by Scott Hearnden. I take this opportunity to convey my thanks to the participants from five countries in the Mekong sub region, all of whom made useful contributions to the debate, and to those who provided technical inputs during the course of the initiative: Dr Ronald Skeldon (IDS, UK); Phil Marshall (UN-IAP); Gloria Moreno-Fontes (ILO MIGRANT); and Herve Berger and Hans van de Glind (ILO TICW project).

I hope that this publication will make a meaningful contribution to debate on these issues, and to this initiative's overarching goal -combating trafficking in children and women in the Greater Mekong Sub region.

Yasuyuki Nodera  
ILO Regional Director  
Asia Pacific Region

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### Foreword

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## Executive summary

This publication covers a joint initiative -by the ILO's Mekong sub-regional project to combat trafficking in children and women (ILO TICW-project) and the UN Interagency Project to Combat Trafficking in Children and Women (UN-IAP) -to explore legal labour migration alternatives to trafficking in children and women. The initiative results from advice provided to both projects by a committee of sub-regional advisors (see background in Part I for details).

Central to the joint initiative are an exploratory paper, prepared by Dr Ronald Skeldon (reproduced in part III ), and the proceedings of a sub-regional meeting of experts called to discuss the exploratory paper along with country- specific and sub-regional considerations for follow up (see part II for details).

The exploratory paper suggests ways and explores opportunities to regularize migration flows within the Greater Mekong Sub-region, and attract return migrants to stimulate local development. The suggestions in the paper may appear politically controversial but are presented in the spirit of debate to stimulate new points of view about an important issue in the sub-region.

The assumption throughout the paper is that improved, enlarged, and new legal labour migration channels can substitute for the trafficking of children and women into exploitative situations.

In the policy paper Dr Skeldon argues that despite a dearth of information, available data suggests that:

- The vast majority of migrants in the sub-region moved internally, that is, within their country, with only a minority crossing international borders;
- The majority of trans-national movements remain undocumented.
- People do not come through legal channels primarily because few exist;
- Men and women are trafficked and, within the sub-region, more men than women appeared to be moved through undocumented channels;

A series of points worth considering were brought to the forefront during the expert meeting:

- Successful policies dealing with trafficking must fall within the wider migration and immigration policies of countries;
- Migration is not a temporary phenomenon and it is an integral part of development. Countries need, therefore to take a long-term policy view of population movement;
- Trafficking and undocumented migration need to be considered within the context of fertility and economic transitions that have characterized the sub-region;
- Improved, expanded and new legal labour migration channels may contribute to reduced trafficking in children and women;
- Caution should be exercised when adopting the current and popular theme of 'City bad - Village good' approach to understanding the differences between people's experiences. Abuse is common within village environments;
- Open boundaries or open boundary policies are not recommended. The opening of legal channels of movement is seen as the most viable way forward. This raises questions of how to best manage an open channel; Migration has become a profound security issue, although its management is less about border control and more about a centered managed approach;
- Integrated labour market strategies through regional associations such as ASEAN are required;
- Given economic disparities, legal labour migration may benefit both sending and receiving countries;
- It should be promoted that, in general, migrants contribute more economic wealth to a nation than they consume;

- Return migrants may stimulate local development in 'sending areas' which, in turn, may help to reduce trafficking. At the same time return migrants may trigger others to migrate, preferably through regular channels;

The exploratory paper was presented to an audience of experts on migration and trafficking in the Mekong sub-region during an expert meeting on 17 and 18 September 2001, and was followed by discussion. The meeting was also presented with a range of relevant ILO and UN standards relating to issues of migration and trafficking that are also included in part II of this publication.

Following the plenary presentations and discussions, the meeting participants worked in smaller groups on specific assignments: they explored options for new channels and mechanisms for legal labour migration within the GMS, versus improving existing channels and mechanisms. A wide range of suggestions emanated from these group discussions that are all documented in Part II -section 2.6.1. A second assignment in three sub-groups focused on three issues that were identified to be of most interest to the participants: policy design in respect to manpower needs and migration, emigration, and return and re-integration. As a result, the groups identified specific sectors for employment of migrants, discussed recruitment policies, protection of workers abroad, and how to attract skilled manpower and return of skilled migrants from overseas to boost the local economy (and create jobs locally). The detailed suggestions are documented in section 2.6.2 of Part II. Finally, the participants discussed in country groups what should be done to follow up on the expert meeting -in general, by the organizations they, represent, and by them as individuals. This resulted in a wide-ranging list of concrete suggestions for follow up (see section 2.6.3 of Part II for details) including work towards bilateral agreements, debriefings of relevant national steering committees by participants to the expert meeting, and awareness-raising on laws related to labour migrants.

It is expected that the exploratory policy paper, the discussions during the expert meeting, and the sub-regional network of experts that began to crystalize, will enable countries in the sub-region to consider ways to improve, enlarge and create additional legal labour migration channels that may substitute for the trafficking in children and women into exploitative situations.

**It should be noted that this publication is part of a (forthcoming) series covering various Technical Intervention Areas (TIAs) that ILOs TICW- project focuses on. Along with 'labour migration and trafficking' the series includes 'vocational training', 'income generation', 'gender equality promotion', 'networking & co-ordination', 'participation', 'project management', 'psycho-social counseling' and 'working with workers & employers organizations'. Summary notes of all these TIAs are available from the TICW-project office in Bangkok.**

## **Part I - Background to the project on legal labour migration and**

### **1.1 Introduction**

The ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women (ILO TICW-project) and the UN Interagency project to combat trafficking in children and women (UN-IAP) held a meeting of experts from the Greater Mekong Sub-region (GMS) on 17-18 September 2001, to examine legal labour migration alternatives to trafficking in children and women.

Central to the meeting was an exploratory paper, prepared by Dr Ronald Skeldon, which addressed the issue of trafficking within the sub-region in the context of labour migration.<sup>1</sup> The exploratory paper suggested ways and explored opportunities to regularize migration flows within the GMS, provide migrants with better pre-departure information, improve protection within workplaces, and attract return migrants to stimulate local development. It further provided a platform from which feasible legal labour migration alternatives could be considered in order to eradicate trafficking.

The meeting provided a forum in which the participants could:

- share information regarding national labour migration experiences;
- seek expert advice and input on the exploratory paper such that it might become a useful policy-making tool;
- stir debate and explore short term process related suggestions which may lead to longer term policy options and modifications; and,
- create a foundation for continued policy debate and a support basis for policy modifications.

### **1.2 The ILO TICW-project and UN-IAP project**

The ILO TICW-project started in February 2000 and its current phase is for three years. Its focus is on prevention of trafficking through employment-creation, education and vocational training, building on existing programmes and good practices. Interventions comprise of awareness raising and advocacy and capacity-building at national and lower levels, and direct assistance at community level. The project supports:

- comprehensive participatory community development projects in selected geographical areas, focusing on improved access to existing services, development of alternative livelihood strategies and the replication of successful initiatives in other communities;
- the development of necessary capacity and mechanisms that link community-based interventions through districts and provinces to national level policy makers;
- initiatives that will contribute to the sharing and application of good practices and lessons learned between countries of the Sub-Region.

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<sup>1</sup> The revised exploratory paper arising from the expert meeting is covered as part III of this publication.

The UN-IAP project, led by UNDP, is a three year project that began in January 1999. The project seeks to support and develop locally initiated and innovative approaches to prevention, protection of trafficking, as well as recovery and the reintegration of women and children into communities.

### **1.3 Sub-regional Advisory Committee (SURAC)**

The ILO TICW-project and UN-IAP project have a joint sub-regional advisory committee (SURAC) composed of external experts. Its role is to:

- discuss and provide advice and guidance on main interventions to combat trafficking in children and women effectively;
- stimulate thinking on sub-regional initiatives, including work with sub-regional bodies such as ASEAN and the ADB; and,
- provide advice and guidance to lobby/advocate for policy change.

During its first meeting on 27 January 2001, SURAC advised the projects to explore ways in which migration and labour market policies could be capitalized on in the combat of trafficking in children and women.

### **1.4 Follow up to the SURAC meeting**

In the months after the SURAC meeting, this advice was elaborated into a project that is composed of: the production of a policy paper that explores legal labour migration alternatives to trafficking in children and women; the hosting of a meeting with experts from the Mekong sub-region; and follow-up work at country, bilateral and sub-regional levels.

Dr Ronald Skeldon, an expert in migration issues with many years of working experience in South-east Asia, was recruited as consultant to write the exploratory policy paper. Staff of ILO MIGRANT, the ILO TICW-project and UN-IAP commented on the draft paper, and staff of the ILO TICW-project and the UN-IAP project made practical arrangements related to the expert meeting.

## **Part II -Proceedings of the expert meeting on legal labour migration and trafficking**

### **2.1 Participants**

The expert meeting on labour migration and trafficking in the Mekong sub-region took place on 17 and 18 September 2001, involving technical experts from Cambodia, China, Lao PDR, Thailand, and Viet Nam together with representatives from UN and partner agencies.<sup>2</sup> The experts represented relevant ministries of labour, trade and development and internal affairs as well as employer associations.

Dr Ronald Skeldon, consultant and expert in migration issues presented the keynote address and exploratory paper. In all some 28 people attended the two-day expert meeting: a full list is contained in annex 1.

Before coming to Bangkok, each of the participants was invited to undertake some preparatory work to maximize input during the course of the two-day expert meeting. It was requested that each person consider for discussion during the meeting both a draft technical exploratory paper prepared by Dr Skeldon, and the following assignment:

- identify a policy or practice in your country (or in the region) which you think contributes to the trafficking problem;
- explain why you think this is the case;
- make recommendations as to how this policy might be amended, considering specific legal labour migration interventions to combat the issue, and;
- outline the steps and resources which would be required to bring this policy into effect; n

## **2.2 Agenda and introduction**

The agenda is contained in annex 2.

They began with a short discussion on the background to each of the projects and the guidance provided by SURAC. The anticipated outputs of the meeting were also restated:

- improved understanding among participants on the role of labour migration policy as part of the solution to trafficking;
- improved understanding of political sensitivities and possibilities (short and long term) for policy makers;
- formation of an alliance for continued policy debate and a support basis for policy modification; and,
- review of the final exploratory policy paper, prepared by the expert consultant.

## **2.3 Address by Dr Ronald Skeldon**

Skeldon presented his exploratory paper<sup>3</sup>

### **2.3.1 Introduction**

Dr Skeldon made it clear at the outset that his discussion paper may make suggestions that appear politically controversial, but stressed that it was presented in the spirit of debate to stimulate new points of view about an important issue in the sub region. The paper raises simple but important points, the most important of which is that any successful policy dealing with trafficking must fall within the wider migration and immigration policies of countries in the sub region. Otherwise, such policies are bound to fail.

He continued that the paper focuses on the Mekong sub region but its findings appear to be consistent with conclusions that can be drawn from studies of migration in other parts of the world.

One major problem is that of data availability and information. The available data are inadequate but such inadequacy should not be used as an excuse for inaction. The sub region is facing a pressing policy issue and action is urgently needed.

There are three sections in the paper. The first section sketches out what is happening in the region with respect to migration issues. The second section looks at the reasons for migration, we need to look not only at why migration occurs but why it happens in the manner it does. The third section raises potential policy issues that governments need to address in order to deal with trafficking.

<sup>2</sup> A full list of participants and their respective agencies are annexed to this report at annex 1

### **2.3.2 Migration in the GMS**

In the first section it is stressed that migration is not a new phenomenon. It has been occurring for centuries. There have been periods of both greater and lesser movements of people. However, more recent migrations, unlike those in the past, have occurred within the context of state boundaries and sovereign national territories which both complicates and attempts to regulate movement.

The paper does not advocate the adoption of open boundaries or open boundary policies. Rather, the opening of legal channels of movement is seen as the most viable way forward. That, in turn, raises questions of how to manage such openings. Countries need to work towards extending existing mechanisms of legal migration and/or creating new channels for legal migration.

Within the sub-region, Thailand has emerged as a major destination country. More generally, migration in the sub-region areas can be conceptualized as a series of migration fields evolving around the main urban centers: often these migration fields extend across national borders. This has resulted in an uneven distribution of development forming a hierarchy of urban centers. Major cities within the region such as Bangkok, Ho Chi Minh City, Hanoi and Kunming are found to be significant points of attraction for migrants with other regional centers such as Chiang Mai, Phnom Penh and Vientiane also playing important roles.

The paper addresses some of the problems involved in measuring migration. In this regard we know more about the situation in Thailand than in other countries in the sub region. The definitions of migration that are adopted are critical. For example, using the 1990 census definitions of migration, some four million migrants were identified in Thailand between 1985 and 1990. However, the National Migration Survey revealed 11 million migrants over the same period. Of course, the vast majority of migrants in the sub region moved internally, that is, within their country, with only a minority crossing international borders.

Any search for a hard and fast definition of trafficking was seen to be largely illusory. However, it is worth noting that there are accepted differences between what is understood by smuggling and trafficking. The International Organization for Migration has focused on "exploitation" when considering the differences between smugglers on the one hand and traffickers on the other. The former are people who merely facilitate the illegal entry of persons into another country. Trafficking is considered to involve deception, force and slavery-like conditions. However, it has also become clear that much smuggling can also lead to exploitative conditions. One sustainable difference does appear to be that smuggling applies only to the crossing of an international boundary whilst trafficking includes the movement of people from villages to towns within a country. As internal movements are known to involve much exploitation, the word "trafficking" is thus to be preferred as internal migration must also be included in any discussion of trafficking in the sub-region. The majority of trans-national movements remain undocumented. People do not come through legal channels primarily because the number of channels available for legal entry to countries in the sub region is limited.

It was important to remember that men, and not just women, are trafficked and, within the sub-region, more men than women appeared to be moving through undocumented channels. We tend to have gathered more data about and hence know more about the exploitation of women being trafficked but men, too, are found in situations where they are vulnerable to exploitation, among them, plantations, fishing industries and manufacturing and construction. Further, the lack of data on the situation has favoured the social construct of reality rather than one based on sound empirical foundations. While much is known about the sex sector, for example, very little is known about the sectors into which men have been trafficked.

An important question raised in the paper is whether undocumented migrants are more vulnerable to exploitation than documented migrants. The common sense approach might suggest that the answer should be "yes". However, several recent studies suggest that the situation may not be so simple. It is perhaps best to leave this question as a hypothesis rather than a substantive conclusion as there are many examples of documented migrants, too, being exploited. Also, cases have been found of trafficked minors in highly abusive situations who considered themselves to be better off than had they remained in their home or village environments.

We should be cautious about adopting the current and popular theme of "City bad -Village good" approach to understanding the differences between people's experiences. Abuse also is common within village environments. It should be noted that people leaving for the cities are not irrational in their decisions to move and, accordingly, policies of re-integration involving sending migrants back to the village need to be carefully assessed.

### **2.3.3 Reasons for Migration**

The second section of the paper examines the causes of migration and trafficking in the sub region. The paper considers the role of poverty and argues that it is but a factor and not *the* factor. It would be useful however to see the main factors placed in a more structural demographic and developmental framework. The supply factor, that is the actual numbers of potential migrants or children themselves, need to be addressed. In the study of the trafficking of children, the supply of children provides a necessary context.

Several of the countries of the Mekong sub region have seen dramatic economic growth over recent decades. In Asia generally, several societies have changed from out-migration (labour surplus) to in-migration (labour deficit). Labour-intensive industrialization has been critical to Thailand's growth and therefore the importation of labour has been allowed by the authorities even if there is no legal framework for its development. In Viet Nam, massive internal migrations have occurred. We could assume too that within the next 10 years, the industrialization transition that is already underway in Viet Nam will continue, and the country will import large numbers of workers. Thus, trafficking and undocumented migration need to be placed within the fertility and economic transitions that have characterized the sub-region over the recent past.

### **2.3.4 Policy Issues**

The third and arguably most important section of the paper deals with policy considerations. Migration is not a temporary phenomenon and it is an integral part of development. Countries need, therefore to take a long-term policy view of population movement.

The assumption throughout the paper is that improved, enlarged, and new legal labour migration channels may help to combat trafficking in children and women. To a large extent the illegal nature of much of the migration in the sub-region is a direct consequence of a lack of legal alternatives for migrants. The channels that might otherwise have allowed legal movement do not exist. On the other hand, if legal mechanisms do exist, policy makers are worried that the floodgates will be opened and countries will be swamped by migrants.

Migration has become a profound security issue but migration management is not so much a matter of border control. It must be managed at the centre. Borders are porous. Wherever there is a demand for labour there will be a supply and migration, documented or undocumented, will continue. A case in point refers to the relationships that exist between the US and its neighbours-Canada to the north and Mexico to the south. The US enjoys an open-border policy with Canada but a controlled movement from the south. The US spends large sums of money policing its southern border but still enormous numbers of undocumented migrants manage to pass. The question for countries in this sub region and in particular Thailand is whether a closed border policy is financially viable and whether it can be effectively policed.

Development within countries can help to overcome this issue. Hong Kong, ~ China for example, initially experienced influxes of illegal migrants, although today it is no longer an issue. This change occurred because of the changing developmental context within that region allowing nuclei of attraction across the border in China. This suggests a need to move toward integrated labour market strategies through regional associations such as ASEAN, for example.

Governments need to disseminate information about the economic contribution of migrants as, in general, they contribute more wealth to a nation than they consume. Employment strategies will need to be considered. Some way of coordinating this will need to be determined perhaps by working through employers and NGOs. Contradictions between local and national policies need to be addressed.

In exploring legal labour migration alternatives to trafficking the following 15 policy issues were raised for discussion:

- The need to examine how an immigration (or emigration) policy could be incorporated into existing bureaucratic structures in a manner that avoids duplication and provides a fast, efficient and transparent service.
- The need to explore ways in which countries can move forward towards more closely integrated labour markets.
- The need to assess the costs of implementing immigration policy in the sub region.
- The need to develop awareness-raising campaigns to disseminate the results of research work on migration in the sub region.
- The need to establish foreign worker recruitment/placement divisions within existing manpower planning departments.
- The need to establish/extend registers of employers with a view to monitoring conditions for foreign workers.
- The need to assess the likely implications of employer-sanction policies. .The need to work closely with NGOs in order to reach certain sectors
- known to be attractive to undocumented workers.
- The need to explore means to establish common labour standards across the sub region.
- The need to examine comprehensive immigration policies as viable alternatives to irregular migration.
- The need to pursue policies of assimilation for long-term migrants in the sub region.
- The need to establish skill-based criteria as part of any proposed immigration policy.
- The need to explore ways to move towards more open and transparent systems of awarding citizenship based on clearly-stipulated criteria.
- The need to elaborate emigration policies to meet national goals.
- The need to establish institutions that promote return and integration of overseas migrants to boost the local economy.
- The need to improve the information base on migrants in key sectors liable to exploitation.

Particular emphasis was given to the need to improve the efficiency of existing channels of migration and on the need to develop effective policies to promote contact with, even the return of, wealthy migrants overseas to foster the local economy. Attention was also directed towards the need for policies to attract skilled foreigners to fill specific needs with possible provision for their longer-term settlement and assimilation.

### **2.3.5 Conclusion**

The paper attempted to provide an overview of population movements in the Mekong sub region and an explanatory framework for those movements. It went on to provide a systematic

discussion of the present issues that could profitably be considered by policy makers in the sub region. The direction of migration trends in the sub-region is already very clear. We are certain that migration will continue. Whilst the financial crisis of 1997 had a temporary minor impact on the migratory process, it did not significantly alter the basic trends. Most international migration remains irregular in the sub-region.

Increasing poly-ethnicity, multiculturalism and assimilation of migrants will become major issues throughout the Mekong sub region and, in fact throughout Asia. *The central point remains, however; the priority need to develop channels for legal movement that can substitute for the trafficking of men, women and children into vulnerable situations.*

## **2.4 Plenary discussion with participants**

Plenary discussion followed the presentation; questions and answers are summarized below.

One of the Vietnamese participants pointed out that some migration did not appear to be successful because of a lack of an adequate framework. For example, in Viet Nam's experience, when people were moved to resettlement areas, perhaps because they had been displaced by dam construction, very few stayed. They tended to return to where they lived previously. It was noted that in the Dac Lac project, in which many people had been sent from northern Viet Nam to the Central Highlands, many people returned to the north. The most successful people in that project were the local people. It was further noted that the discussion paper did not cover forced resettlement as it did not fall within the framework of the topic under discussion.

Another issue raised was the potential of return movements of ethnic Vietnamese from, among others the US: Tens of thousands of people leave the US every year, many of these returning to their home countries after spending a good part of their productive lives in the US. An interesting question relates to what happens to the children and future generations. Nevertheless, return migrants take back significant capital and expertise that can help promote development.

Another comment was made on the organized movement of labour which is a necessary by-product of countries in the region that are in the process of industrializing. Land is needed for factories and dams and the unfortunate consequence of this is that people must be moved. It falls then upon the government to find alternative places for those people and to resettle them accordingly. We are conscious that some of the people do not want to be moved. The challenge therefore for us is how to settle the people who find themselves in the path of development?

A question was also raised concerning people who move and who are documented. Are these people any less exploited than non-documented migrants? The costs of obtaining necessary documents can be very high and there may be little point in pursuing a legal path.

It was further noted that in less developed countries there may not be a process in place to legally document and receive migrants. It was also noted that for people from many countries in the sub region a visa is required.

Another comment was made on in-flows of migrants: Thailand, like all European countries currently needs labour. There appears to be a highly competitive global labour market emerging that requires skilled people. It was predicted that, based on current trends, within 10 to 15 years countries in the sub region were likely to be recruiting very actively from overseas. Thailand is already involved in the recruitment of skilled workers.

Discussion furthermore revealed that factors other than economic reasons could also play a significant role in migration movement, though economic reasons were essential in a complete consideration. The actual reason for any particular person deciding to move is sometimes unclear

and usually complex. A critical variable in the analysis of migration from any community is the number of previous migrations that may have occurred. Migration is a result of a process of information diffusion. For example, a member of an isolated village is recruited into the army. The person is taken to the city, trained in a particular occupation and is likely to return intermittently to the village. The image of the changed person is strong in the minds of those remaining in the village, especially for the other young people. The transfer of these images back to the village and the connections made through personal networks and linkages feed back to the village. Migration leads to further and future migrations.

A participant from Lao PDR raised the issue of how each of the countries of the Mekong sub region could best adopt the necessary processes to work together, consistent with the recommendations in the discussion paper. In response Dr. Skeldon argued that protection of migrant workers is critical for migrant supplying countries. The question of how to protect nationals overseas has no easy answers nor is there any simple formula. It will largely depend on the destination country and whether that country is prepared to extend the rights it bestows on its own residents to temporary residents from elsewhere. This is not so much a matter of citizenship rights as it is a question of resident rights. In many countries, migrants are often not accorded the full protection of the law. This is an issue for international and bilateral negotiations and ASEAN is a forum in which to begin discussion of these and many other critical issues.

A Thai participant noted that all 76 Thai provinces had the capacity to register migrant workers. It was confirmed that the authorities would continue to accept migrant registrations until 13 October 2001.

In response, Dr Skeldon stated that the desire to register all migrant labour was highly commendable. It was noted, however, that the total number actually registered might not provide an accurate estimate of the actual number of migrant workers in the country. At the last count it was noted that around 240,000 migrants had registered, while the real figure was probably in the region of 1 million migrants.

It was furthermore noted that caution should be exercised in terms of ensuring that not only does a relevant law exist but that it works effectively. In developed countries, laws work in the desired fashion because there are strong institutions in place supporting the law and which cause governments to respond accordingly.

It was noted that a development goal was to move to the next level of industrialization. It was noted that in Thailand, a low proportion of the relevant age group had finished secondary school. It was foreseen that until this changed Thailand would continue to rely upon labour-intensive industrialization. Another important element is a stable environment that attracts (foreign) entrepreneurs.

A representative of the ACILS pointed at the difficulty of finding the Thai labour laws in any other subregional languages, such as Khmer and Lao. He added that there appears to be little attention given to the existing mechanisms available to migrants and how one brings migrants under those existing labour laws. And, enforcement problems meant migrant workers often had to bargain individually with employers about their rights. Those negotiations are undertaken without due consideration of existing labour laws.

In response Dr. Skeldon stated that labour laws technically do provide protection, though they are often not implemented. How do you implement them? For example, in Hong Kong, China the administration dealt with the issue of Filipino domestic servants and their rights in the workplace and as migrant workers. Awareness raising was undertaken through NGOs ensuring the workers were kept informed of their rights. Of course their rights were preserved only whilst they kept within the terms of their contracts. In this context it was noted migrant worker associations (such

as those in Hong Kong, China) are noticeably absent in the Mekong sub region. It was recommended that place name associations (based on place of origin) may be a starting point to stimulate the development of such associations, which have proven very successful in many parts of the world. Activities often include caring for the sick.

The issue of bargaining with employers was also raised. The degree to which an employee has the capacity to bargain may be dictated, in part, on whether there exists a labour surplus at the time. In a labour deficit situation, the worker has a stronger bargaining position. According to Dr. Skeldon, the attraction of the tiger economies was that they were non-unionized and there existed an abundant supply of cheap labour. Employers essentially held the advantage. Since then, that situation has changed and labour laws in those countries have been tightened. In this regard it will be necessary to look at the whole context of labour supply.

An ILO official sought clarification regarding the paper's assertion that most of the trafficked victims are males, given that there are reports which confirm large numbers of women being trafficked and the exploitative situations in which women found themselves. It was also necessary to be very aware of the different circumstances women find themselves in, as opposed to those of men. In response Dr. Skeldon stated that there is no doubt that violence exists against women generally and violence exists against migrants. However, the vast majority of migrants or people trafficked use trafficking networks of their own volition. They turn to traffickers because they are aware of the costs, including financial, legal and time, involved in legal migration. The levels of bureaucracy through which it is often necessary to pass make legal migration difficult. It's cheaper, faster and more efficient to go through a trafficker. Further discussion suggested that other elements needed to be considered, such as fraud, safety and exploitative employment irrespective of migrant status. It is important to remember that there are often significant differences between migrants' expectations and reality.

## **2.5 Definitions of Trafficking**

### **2.5.1 Introduction**

Ms. Gloria Moreno-Fontes, ILO Labour Migration Expert, presented ILO and UN standards relating to issues of migration and trafficking. Each of the relevant international Conventions was discussed, together with some of the responsibilities conferred on state parties. The issue of *contentious proceedings* that may be brought before the International Court of Justice were canvassed and a summary of general observations made by the Committee of Experts, a key supervisory over-viewing body was presented. Several points raised during the early morning session were clarified further, in particular related to the definitions of smuggling and trafficking, and the issue of women and children.

### **2.5.2 ILO Conventions**

Below is summary of each of the ILO Conventions discussed.

#### *ILO Forced Labour Convention, 1930 (No. 29)*

Article 2 of Convention 29 was discussed briefly. The Expert Meeting was advised that this Convention aims at the immediate suppression of all forms of forced or compulsory labour. The convention does not apply to five categories of work or compulsory service, subject to certain conditions and guarantees: compulsory military service; certain civic obligations; prison labour resulting from a conviction in court; work needed during emergencies such as war, fires and earthquakes; and minor communal services.

Articles 2 and 25 were the focus

Article 2 states: "The term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

Article 25 states: "The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any member ratifying the Convention to ensure that the penalties imposed by the laws are really adequate and are strictly enforced.

*ILO Migration for Employment Convention, 1949 (No.97)*

This Convention was adopted immediately following the Second World War when a large demand for foreign labour existed in industrialized countries. Many of these countries installed guest worker programmes.

The Convention calls on countries of destination to provide to *documented* immigrants treatment no less favourable than that which it applies to its own nationals in respect of:

- remuneration, hours of work, overtime arrangements, holidays with pay, minimum age of employment, training, membership of trade unions; and
- social security which comprises employment, injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities.

The Expert Meeting was told that this Convention, and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), (discussed below) were expected to be considered for revision during the International Labour Conference in 2004. At this stage was not possible to predict whether a new or modified instrument would emerge. It was noted that the documents had been the subject of criticism in their current form because they did not guarantee protection to undocumented migrants.

*ILO Abolition of Forced Labour Convention, 1957 (No. 105)*

This Convention provides for the abolition of all forms of forced or compulsory labour as a means of political coercion or education; as a punishment for the expression of certain political and ideological opinions; as workforce mobilization; as labour discipline; as a punishment for taking part in strikes; and, as a measure of racial, social, national or religious discrimination.

Article 1 states: "Any member of the ILO that ratifies the Convention undertakes to *suppress and not to make use of any form of forced or compulsory labour.*"

This provision also prohibits mobilizing labour for the purposes of economic development.

*ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)* This Convention deals with abusive conditions as well as the promotion of equality and opportunity of treatment of migrant workers. It was adopted in 1975 when the hitherto large demand for foreign labour had begun to decline in most industrialized countries.

The Convention calls on countries to pursue a national policy designed to promote and guarantee *equality of opportunity and treatment* in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for migrant workers lawfully within its territory. (see Article 10)

Convention No. 143 also provides for the consideration of evidence of the existence of illicit and clandestine trafficking in labour and calls for the elimination of further abuses in respect to migration and trafficking. It requires that each member State seek to determine when migrants are subjected to such illicit and clandestine trafficking whether it occurred during their journey, on arrival or during their period of residence and employment. The Convention provides for the

prosecution of authors of manpower trafficking irrespective of the country from which those persons exercise their activities.

The Convention also calls for State parties to effectively detect undocumented employment of migrant workers and to apply administrative, civil and penal sanctions, if necessary. This point has brought some criticism; however it is necessary to examine this aspect of the Convention's purpose in order to properly understand its reasoning. This provision was designed to act against migration in abusive conditions while promoting equality of treatment with nationals in respect of guarantee of security of employment, and the provision of alternative employment and retraining. It considers that undocumented migration leads in many instances to abusive conditions of work, hence it promotes documented migration.

Nevertheless, even if it calls for detection of undocumented employment and application of sanctions, there is an article that calls for equality of treatment of undocumented migrant workers arising out of past employment as regards to remuneration, social security and other benefits. (see Article 9)

A further provision of the same article also states: "Nothing shall prevent countries of destination from giving undocumented workers the right to stay and to take up legal employment."

#### *ILO Worst Forms of Child Labour Convention, 1999 (No. 182)*

This Convention defines as the worst forms of child labour such practices as child slavery, forced labour, debt bondage, trafficking, serfdom, prostitution, pornography, and various forms of work that is hazardous to a child's health and safety. It calls for immediate and effective measures to secure the prohibition and elimination of these forms of child labour as a matter of urgency.

Those States that have ratified Convention 182 pledge immediate and effective action to prohibit and eliminate the sale and trafficking of children, forced or compulsory labour and the exploitation of children for use in prostitution and pornography. In this context the ILO invites governments to:

- ensure the effective abolition of child labour;
- take account of special situation of girls;
- establish appropriate monitoring mechanisms; and
- implement penal sanctions, if necessary.

#### *ILO Supervisory Bodies & Contentious Proceedings*

Besides being a standards-based UN body, the ILO has two supervisory bodies that review the application of the Conventions. The ILO's regular supervisory system incorporates:

- the Committee of Experts on the Application of Conventions and Recommendations (CEACR); and,
- the Tripartite Committee on the Application of Standards of the International Labour Conference.

The CEACR receives from each member State governmental reports which are examined by its legal experts. Each country is bound to report periodically on the measures taken to apply, in law and in practice, each Convention it has ratified. These reports are also provided to employers and worker organizations that have the right to submit information. The Committee submits an annual report to the International Labour Conference (ILC) where it is examined by the Tripartite Committee on the Application of Standards of the ILC.

Employer and worker organizations can initiate contentious proceedings or representations against a member State if they maintain it has not complied with a Convention it has ratified. If the representation is judged receivable, the ILO's Governing Body will appoint a tripartite

committee to study the representation. The tripartite committee will submit a report with recommendations on measures to be taken.

Any member country can also lodge a complaint for the same reasons against another member country. The Governing Body may either inquire into the representation itself or establish a Commission of Inquiry that will study the issue and present a report. If governments do not accept these recommendations, a submission may be made to the International Court of Justice.

During the year 2000 the CEACR requested all governments to include in their next reports information on measures taken or contemplated to prevent suppress and punish trafficking in persons for exploitation. In making these observations it noted issues relating to:

- the provision of national laws;
- measures taken to strictly enforce the provisions; and
- difficulties encountered by the authorities together with measures contemplated to overcome such difficulties.

### **2.5.3 UN Protocol to Prevent, Suppress and Punish Trafficking In Persons**

The UN Protocol on Trafficking is a UN instrument that tackles human trafficking from the angle of transnational organized crime. It has two main goals:

- to eliminate differences among national legal systems which have blocked mutual assistance in the past; and,
- to set standards for domestic laws so that they can effectively combat organized crime.

Ms Moreno-Fontes advised that, contrary to comments made by Dr. Skeldon, most reports relating to trafficking state that the majority of victims are women and children (boys and girls).

Consideration of trafficked persons as 'victims' was considered a major achievement of the protocol. Apart from sexual exploitation, women and children are trafficked into begging, drug selling, street vending and domestic service.

The Protocol serves several. It provides:

- an international legally of human trafficking;
- measures to prevent and combat trafficking;
- measures to protect and assist victims; and
- measures to promote cooperation among countries of origin, transit and destination in combating trafficking.

A copy of the definitions of trafficking and smuggling agreed internationally through the UN protocols was distributed to the participants. The experience of the ILO suggests that these definitions are easily confused because of their similarities. It was emphasized that what may begin as smuggling, or the voluntary undocumented crossing of borders with the aid of a third party, in some instances became trafficking when the use of force, threats, abduction or coercion, for the purpose of exploitation are subsequently used.

In addition to the above, the UN Protocol on Trafficking provides for measures on:

- criminalization of trafficking;
- assistance, protection and repatriation of victims
- information exchange and training; and,
- border and other security measures.

In concluding, Ms Moreno-Fontes listed some of the most meritorious characteristics of the Protocol:

- It uses the language of victims of trafficking" recognizing that trafficked persons are not only victims, but they are victimized.
- It recognizes that trafficking takes place not only through the use of *force, coercion, abduction, deception or abuse of power*, but also by means of *inducement, or abuse of a position of vulnerability*.
- It states that the consent of the victim is irrelevant when the above- mentioned means are used.
- It recognizes that there would be no supply of victims without the demand. It is the first international instrument that explicitly mentions (article 10) this, calling upon countries to take or strengthen legislative or other measures to discourage the demand that fosters trafficking in persons.
- It states that the prosecution of traffickers cannot take place without the proper protection of victims.

Finally, the Global Programme against Trafficking in Human Beings is a UN body that helps countries implement the anti-trafficking Protocol. Its activities include:

- data collection and analysis;
- training of criminal justice practitioners;
- advising on legislative reform; and
- developing victim assistance and witness-protection programmes.

## **2.6 Group work sessions**

### **2.6.1 First Exercise: Day one- Exploring Channels of Legal Labour Migration**

The participants were divided into two groups as identified below. Each group was asked to appoint a note-taker and nominate a facilitator who reported the group work in the following plenary session.

Group one was asked to explore new channels and mechanisms of legal labour migration within the GMS, whilst Group two was asked to explore options for improvement to existing channels and mechanisms.

The groups were asked to suggest, discuss and list possible channels and mechanisms of legal labour migration as specifically as possible. It was suggested that the results be couched in terms of sectors of the economy, types of work, female/male migration, administrative systems, sending and/or destination country. The members of each group were asked to explain which organizations/agencies they believed should be involved in creating these new channels and mechanisms, and how.

The groups were also asked to explain what the organization(s) that the members represented could do to create new channels and mechanisms of legal labour migration.

**Group 1:** Explore new channels and mechanisms of legal labour migration in the Mekong sub-region

Members: Mr. Prum Vutha; Mr. Heang Iv; Mr. Wang Yuguang; Ms. U Xuemei; Mr. Sisouvan Tandavong; Mr. Sihoun Sithileuxay; Mr. Nguyen Huu Minh; Ms. Kiki Van Kessel; Mr. Herve Berger; and Ms. Gloria Moreno-Fontes

1. Promotion of bilateral agreements at both national and provincial levels. Not from a repressive perspective but rather, to control and protect migration in particular sectors of employment. Perhaps a pilot mode looking at construction, domestic work, and some agriculture sectors. Need quota to match supply and demand.

2. Increased monitoring of employers at destinations, i.e. monitoring employers to ensure they are complying with relevant national labour laws...from a labour perspective rather than from a legal perspective. The use of administrative sanctions, i.e. ensure undocumented workers are not being used and exploited.
3. Facilitating or expanding legal channels of recruitment, (both government and non-government);
4. Consider establishment of ad-hoc committee to discuss these issues at least at a sub-regional level. This may be conducive to multi-lateral negotiations;
5. Promotion of economic development internally should prevent emigration, and some immigration flows can develop skills of nationals. This may include the importing of skilled foreign nationals who may be able to train local people;
6. Strengthen information sharing between countries in the sub region;
7. Decrease the cost of documented migration by reducing intermediary formalities: decreasing costs could be expected to promote documented movements. In some cases, documentation costs equal almost half of a worker's annual earnings. Time is another factor, together with a lack of guarantees that documentation will guard against deportation.

**Group 2:** Explore options to improve existing channels and mechanisms of legal labour migration in the Mekong sub-region

Members: H. E. Ms San Arun; Mr Hou Vudthy; Ms Lu Xiaoping; Mr Phoukhao Phommavongsa; Mr Lithnarong Pholsena; Ms Kanikar; Ms Phanasiri Phomphantum; Mr Le Trung Hau; Mr Do DuG Dinh; Mr Hans van de Glind.

For Viet Nam a distinction was made between migration from rural to urban areas, and from urban areas to economic zones. Suggestions to improve existing channels include the following (with country names in brackets where the-country-specific) :

1. Improve labour laws to cover *new* private enterprises (Viet Nam);
2. Improve insurance for labour migrants;
3. Integrate a "migration focus" in other programmes, for example poverty alleviation;
4. Improve conditions of life in the economic zone to keep migrants there (Viet Nam);
5. Change the way the police deal with security, including changes to attitudes that may arise out of the impacts of globalization (Thailand);
6. Thai police should focus on labour exploitation (Thailand);
7. The education of nationals will enhance the assimilation of migrants into the community and improve their protection;
8. Thai workers abroad require protection through:
  - pre-departure information sharing, orientation and planning;
  - working with NGOs and churches abroad;
  - strengthening consulates;
  - introduce paralegal training;
  - groups forming abroad for savings and training purposes
9. Set up policies for the reintegration of returned migrants including entrepreneurship promotion;
10. Collaboration amongst private sector and foreign companies for highly skilled labour (in particular ensuring minimum skills levels);
11. Raise awareness of labour law, targeting government officials, employees and employers;
12. Capacity building of government officials through visits to receiving areas and labour inspection training;
13. Bilateral agreements among countries on labour migration issues by sector;
14. Change mentality and promote attractiveness of working abroad;

15. Promote legal labour migration options, which are often not well known in rural areas;
16. Deliver 'labour services' in rural areas, and not only in major centres (especially relevant in the Chinese context);
17. Improve marketing of local products to create a more viable local economy and reduce irregular migration;
- 18 Improve labour departments': information services offer job-matching services (vacancies and candidates), training services, and a data-base that is easily and widely accessible;
- 19 In order to reduce irregular migration, raise awareness on higher cost of living whilst abroad;
- 20 Develop law and implementation mechanisms to re-integrate former migrants;
- 21 Issue a decree in Lao PDR to allow Laotians to work abroad (Lao PDR);
- 22 Establish bilateral agreements between countries dealing with certain sectors, in particular, fisheries, plantations and domestic workers;
- 23 Set up an information sharing and coordination mechanism on labour migration among labour sending and receiving countries;
- 24 Consider government collaboration with regard to tax payment by labour migrants and to spread revenues;

## 2.6.2 Second Exercise: Day two -Policy Design

Participants were divided into three groups for the second exercise on 18 September. Each group was again invited to appoint a note-taker and a facilitator to report work during the following plenary session.

This exercise involved policy design in respect of manpower needs and migration, emigration, return and re-integration issues. These three issues were selected by the expert meeting participants. The membership and results of each group are listed below.

**Group 1:** Design three concrete policies or actions to link future manpower needs with migration policy.

Members: Mr Wang Yuguang; Ms Li Xuemei; Mr Li Xiao Hua; Mr Sisouvan Tandavong; Mr Herve Berger; Ms Gloria Moreno-Fontes; Ms Malin Sirinakraporn .

The populations of each country in the Mekong sub region were considered against the size of their respective labour forces and growth rates.

	1998 Total Population (millions)	1990-98 Av. Ann. Growth Rate of Pop.	1999 Total Labour Force (millions)	1990-98 Av. Ann. Growth Rate of Labour
Cambodia	10.7	3.1%	6.0	3.1%
Lao PDR	5.0	3.0%	N/A	3.5%
Myanmar	44.4	1.3%	24.0	1.9%
Thailand	61.1	1.4%	37.0	2.1%
Viet Nam	77.6	2.3%	40.0	2.3%
China	1,200	0.9%	N/A	N/A

### 1. Identification of specific employment sectors

The group found it useful to identify specific sectors on a country by country needs basis. The following was noted:

- China (Yunnan Province): Highly skilled labour was found to be desirable for the following sectors: service, environmental, information technology, biological engineering, construction engineering, pharmaceutical and medical sectors.

- Lao PDR: It was agreed that skills were needed for development in the, construction, manufacturing and services industries in the country.
- Thailand: The group felt that Thailand had a skills deficit in the following areas: information technology, industry, electronics, especially in the automotive industry, manufacturing and agriculture.

## **2. How to attract skilled manpower?**

It was agreed that the following needed to be considered:

- Preferential policies in respect to housing, salaries, insurance, children's education, and provisions for placement in the workforce of an employee's partner.
- Working with the private sector to attract skilled workers.
- Policies on education and training abroad with the aim of acquiring specific skills.
- Actively recruit manpower using embassies, NGOs, and associations of nationals abroad. Consider using "trade fairs" as a medium.

## **3. Labour force and manpower needs vs. population projections**

- Both State and provincial planning mechanisms are needed to maintain up to date information on population growth and make labour force and population projections.
- Projections of labour force needs should be formulated by employment sector, taking into account population projections.
- Link the result proactively for No 2.

**Group 2:** Identify and elaborate three key areas for an Emigration Policy

Members: Mr Sihoun Sithileuxay; Mr Hou Vudthy; Ms Lu Xiaoping; Mr Phoukhao Phommavongsa; Mr Le Trung Hau; Mr Do Duc Dinh

The session began with a discussion about the situations prevailing in each country. The following was noted as common throughout the sub-region: .

- Identification of Markets: Labour markets moved from socialist countries, then Middle East, and now Asia and the Pacific.
- Sectors: three main areas including construction, manufacturing and services.
- Gender: one third of workers are women.
- Households: poorer households are affected in Viet Nam, similarly in China
- Skilled and unskilled workers.
- Information sharing essential.

Recruitment policies

- Ministries need appropriate policies and service centres need to be established.
- Orientation will come from these centers.
- Training will be required.
- Reduction of fees for workers/ taxation/ charges. This will be relevant for both sending and receiving countries The speed of paperwork was also discussed.
- Controls are needed to guard against fake or fraudulent services.

Protection (of workers abroad)

- Health care and insurance are needed.
- Policies of sending and receiving countries need to be coordinated, especially regarding companies and service centres.
- Non-returning workers.
- Consider re-integration needs as part of worker protection.
- Core or common labour standards could be used as the basis for protection policy.

**Group 3:** Discuss and propose three pro-active policies for the 'return and re-integration' of migrants.

Members: Mr Prum Vutha; Mr Heang Iv; Mr Nguyen Huu Minh;  
Ms Kiki Van Kessel; Mr Lithnarong Pholsena and Mr Hans van de Glind

**1. Attract investment by (return) migrants through: .**

- Fund for business loans
- Tax incentives
- Information sharing (website, consular office)
- Business council
- Effective bureaucracy (reduced paperwork and procedure)
- One-stop shop
- Effective and reliable banking system

**2. Recruitment policies**

- Departure contract specifying that workers will return after finishing labour migrant job
- Professionalize recruitment in home country (transparency, standard job descriptions, wide sharing of information)
- Fair competition for a position
- Where possible offer competitive salary and secondary benefits

**3. Return of vulnerable groups**

- Voluntary HIV/AIDS testing after counseling
- Staff training on HIV counseling
- Encourage community and family support for HIV infected persons
- Building knowledge on treatment for drug addicted cases
- Sharing information among countries in the sub region on the treatment of vulnerable groups - in particular on psycho-social counseling, and HIV

**2.6.3 Third exercise: Day two- Specific country follow up**

The third and final group exercise grouped participants by country.

Each country group was asked to respond to two issues by way of commitment to follow up on the work of the expert meeting. Specially, they were asked to:

- List what your country should do as a follow up to this expert meeting.
- List what you/your organization can do to follow up on this expert meeting.

**Viet Nam:**

- Organize meetings with researchers and policy makers in Viet Nam to introduce concepts and recommendations arising out of the Expert Meeting. Develop the ideas which have been discussed further into policies on migration, emigration and migrant labour for Viet Nam so as to contribute to reducing trafficking.
- Research project to be undertaken including: surveys in certain provinces to better understand the situation in Viet Nam. Such a project will be followed by study tours to those countries from which migrants come.
- Establish three pilot projects in Ha Noi, Ho Chi Minh and Da Nang. Write and prepare a research document for recruitment policy building and capacity building. Discussions with two relevant ministries and three other related organizations.
- Study tours will be prepared as part of a research document that it is foreshadowed will feed into a seminar on these issues. Once consultations arising out of the seminar are complete, the research report can be amended as required and prepared for publication.

**China:**

- It was felt that the first activity to be undertaken was to offer a thorough briefing to the *steering committee* of these projects. It was seen as particularly important to be linking labour policies of migration with issues of trafficking.
- Unified labour market: The group felt that a one-market system was preferred. This would require a merging of rural and urban issues. It was also felt that the market should be open to all.
- The network system currently providing information about job opportunities in Yunnan needs to be strengthened. This would be beneficial for information networking at county level, and throughout the Yunnan Province. Such a system of information sharing could include updating information on the availability of jobs every two weeks.
- Provide training to people who would like to move internally within China. Training for skill improvements and the recognition of cultural differences would need to be part of the training modules.
- An emphasis on reliable and up to date data will be required for accurate information on the availability of jobs. It should be possible to confirm such information through government ministries or offices.
- Further job creation activity in towns should be implemented, helping to develop job opportunities for the project's target group (i.e. those who are vulnerable to trafficking). Further, this would help identify job opportunities in other areas, and enable the organization of people in the provinces.

The group concluded by acknowledging that it was necessary to feed information into the steering committee in order to then be able to take the next steps in respect to the internal migrant issue.

**Cambodia:**

- Report to each individual ministry: Ministry of Social and Labour Affairs, Women's Affairs, Interior, and Foreign Affairs and relevant steering committees. Brief our ministries are the outcome of this meeting, especially the issues raised in Dr Ronald Skeldon paper.
- A further debriefing with other relevant ministries, NGOs, international organizations, trade unions, and the private sector. The focus of this would be the recommendations arising out of Dr Skeldon's paper. A two-day workshop would be required which would lead to the creation of a joint committee meeting of the related ministries.
- Encourage bilateral agreements with other countries. In particular Thailand, Viet Nam and China were identified.
- Increase awareness of labour law in the field. Will use specified days such as Labour Day and International Women's Day to raise awareness and disseminate information regarding labour law (particularly ILO Conventions Nos. 182, 143 and 97) and legal labour migration as alternative to trafficking.
- Work with NGOs to assist in providing a safer repatriation and reintegration service for victims of trafficking in cooperation with NGOs and the ILO. This includes those migrants moving back into Cambodia from neighbouring countries.
- Promote cooperation between ministries, government and all non-government and international organizations and disseminate information about labour law through the media.

**Lao PDR:**

- Study report on this meeting for authorities to consider.
- Review existing employment policies relating to employment and in particular those relating to labour migration. Accordingly it was seen as important to then raise awareness through the dissemination of information within local communities regarding domestic and international law.
- Training will be organized through the importation of foreign skills and knowledge, the aim being to eventually replace foreign workers with skilled locals.

- Study Conventions relevant to labour migration and trafficking, including ILO Convention No.182.
- Join with neighbouring countries, in particular Thailand, to assist in the labour migration issue.
- Propose ongoing cooperation with the ILO and international NGOs.

#### **Thailand:**

- Bilateral agreements with all the countries of the GMS. These agreements should focus on legal labour migration of unskilled workers.
- Formation of a committee at subregional level for ongoing discussions.
- Labour control check-points on the Thai side of border areas are required. This will strengthen security. It is envisaged that this would be undertaken through the Ministry of labour (which looks after work permits) rather than the police (who undocumented migrant issues).
- Amend laws to deter employers from recruiting illegal migrants. Explore ways to increase penalties to deter employers from engaging in the employment of undocumented migrants. The policing of corrupt behaviour by employers was also an issue.
- Handbook for workers and training programmes for those workers who would like to go overseas should be prepared.
- Savings plans to assist workers who are overseas. Creation of a banking facility to promote savings whilst nationals are employed abroad.
- Reintegration and training is very important for people returning to Thailand after having been working in other countries. Reintegration training is therefore proposed with a view to upgrading returnees' skills. This may include multi-skilling in other fields.
- Private agencies currently exist in Thailand to send people overseas; however it was felt that it would be better to have a government agency administer this movement of people: providing intending migrant workers with adequate information and ensuring that unscrupulous behaviour by private agents is eradicated. It was envisaged that this may require legislative amendments. It was felt that this would also assist in overcoming fraudulent behaviour by private agents, including the problems associated with Thai nationals not being afforded wages or conditions of employment which they were promised by their original contract.

## **2.7 Concluding Remarks**

At the conclusion of proceedings all the participants were thanked for their time, efforts and contributions to the Expert Meeting. It was noted that many important facets of labour migration had been discussed. It was noted that the Expert Meeting had examined definitions of trafficking and smuggling, it had looked at open and closed border policies, issues relating to men, women and children and the differences between documented and irregular movers.

The Expert Meeting had also provided an opportunity to review the current international laws and standards. Finally and perhaps most importantly, the meeting provided the various country experts with the opportunity to come together, meet each other, work through many difficult but common problems shared within the Greater Mekong Sub region, and explore options to improve legal labour migration as an alternative to trafficking in children and women.

It was hoped that the information gathered, and the new sub-regional networks that had begun to crystallise during the course of the meeting would enable a closer and ongoing joint commitment.

Her Excellency Ms San Arun (Cambodia) in a closing statement on behalf of the participants, noted that the group had come together over the last two days, and worked hard for the benefit of the Greater Mekong Sub region, its people, and those people who found themselves part of the regional labour migratory patterns -whether of their own volition, whether trafficked, or smuggled. She noted that the experience had provided the participants with a better understanding of the whole of the sub region, and that lessons had been learned which can be taken back to respective countries and shared with colleagues. .

On behalf of all the participants Her Excellency thanked the organizers -the ILO Trafficking in Children and Women Project and the UN Interagency Project. She noted that many important issues had been canvassed including that of linking legal labour migration to combating trafficking in children and women. Her Excellency especially thanked Dr Ronald Skeldon for his input and for the recommendations in his exploratory paper, and wished all those present a safe journey.

## **IRREGULAR MIGRATION IN THE GREATER MEKONG SUB-REGION: POLICY DIMENSIONS OF A GROWING ISSUE**

**An exploratory policy paper for ILO and UN-IAP**

**Ronald Skeldon**

### **Part III -IRREGULAR MIGRATION IN THE GREATER MEKONG SUBREGION: POLICY DIMENSIONS OF A GROWING ISSUE\***

#### **3.1. Introduction**

The purpose of this paper is to describe the recent patterns of migration in the Greater Mekong Sub region, to examine the types and characteristics of those moving and to suggest how governments need to respond in terms of policy to plan for, and deal with, increasing numbers of migrants. The paper will attempt to show what is happening, why it is happening, and what can be done about population migration in the sub region. An important theme of the paper revolves around the issue of the trafficking of women and children and trafficking is placed in the broader context of migration as a whole in the sub region. It will be argued that, unless more channels are opened to facilitate the legal movement of greater numbers of people, the issue of trafficking cannot be adequately addressed. This is not to say that the opening of borders will automatically lead to a reduction in trafficking. However, the creation of more, or broader, legal channels for movement is a significant step towards the better management of migration and, ultimately, to the eradication of the worst forms of abuse associated with the exploitation of migrant labour.

As will become apparent, the principal difficulty facing any assessment of this sort is the dearth of reliable data on the volume of population movement, information on the types of people who are moving and on the consequences of those movements. Rather than using the lack of data as an excuse to argue for even more studies and even more data, this paper will try to draw conclusions from the information that exists. Some of these will be speculative but the primary purpose of the paper is to be a "think piece" rather than a rounded assessment based on secure data. In terms of policy, it will attempt to "think the unthinkable" in order to prepare policymakers for likely future scenarios.

Quite apart from the issue of data availability, the 1997 Asian financial crisis profoundly affected several countries of the Greater Mekong Sub region and particularly the principal engine of its growth, Thailand. It is, however, too early as yet to come to definitive conclusions about the likely future direction of economic growth or of its impact on population movements. Here again, conclusions will have to be tentative.

\*This paper has been prepared by Ronald Skeldon, Professorial Fellow at the University of Sussex, UK and consultant to the ILO. The views expressed do not necessarily represent those of the ILO or those of other international agencies.

The Greater Mekong Sub region includes the countries of Cambodia, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam, plus the province of Yunnan in southwest China. Together these areas combine a great variety of landscapes, resource bases, ethnic groups and economic and political systems. Thailand, for example, has followed free market principles in its pattern of development. Cambodia, the Lao People's Democratic Republic, Viet Nam and Yunnan are engaged in a transition from centrally planned economies towards more open, free-market systems. Myanmar remains largely isolated from the international community and pursues its particular variant of socialist, centrally planned economics. With the exception of Yunnan, all are members of the Association of Southeast Asian Nations (ASEAN) and all are experiencing, though to various degree, flows of regional and global investment, trade and labour that justify the designation of these countries as a separate sub region in the Asian and global economy. The regional patterns of integration and of local variations will be central interlocking themes throughout this paper.

### **3.2. Migration in the Greater Mekong Sub region**

#### **The context of interregional migration**

A glance at a map of population distribution in Asia will show that the region covered by the Greater Mekong countries is one of relatively low population density compared with the South Asian region to the west and the great river valleys of China to the north and east. Only in the Red River delta in northern Viet Nam are densities similar to those of these other two great regions.

Thus, mainland Southeast Asia has been a "demographic anomaly" (Zelinsky 1950) in terms its population density. While the northern part of the Greater Mekong Sub region is certainly made up of highly accented terrain unsuitable for intensive development, there are also broad fertile valleys and rolling plateaux favourable to dense human settlement. Much of the lower Mekong itself and the Menam Chao Phraya and its tributaries in Thailand fall into this category.

The complex reasons for the lower population densities need not detain us here but the region has been a destination for in-migrants for thousands of years: of Chinese peoples moving southwards and of Indianized peoples moving eastwards. Some of this movement was associated with trade but much was also the result of a search for agricultural land in the relatively open lands of the Mekong and other rivers in the region. Over the last decade, certain parts of the Greater Mekong Sub region have emerged as major destinations for migration. It is important, however, to remember that these movements have long-standing antecedents and that circuits of mobility in some areas go back many centuries and that some bear little relation to present state boundaries that in most cases are relatively recent, having been stabilized only in the last 100 to 150 years.

Present-day population flows are exceedingly complex both in their direction and in their composition. There exist movements from outside the sub region to destinations within the sub region, from origins within the sub region to destinations outside the sub region, and flows within the sub region itself. By far the most numerous are the movements within the sub region which are dominated by rural-to-urban migrations to the principal centres in each country: Bangkok, Ho Chi Minh City, Hanoi, Phnom Penh, Yangon, but also to a series of provincial cities in Thailand such as Chiang Mai, and around the Thai border with Myanmar, the Lao People's Democratic Republic and Cambodia. In a very real sense, the rural-to-urban migration fields of many of these centres have extended out across the international boundaries into neighbouring countries.

Nevertheless, the majority of migrants within the sub region move within the borders of their own country. Unfortunately, national data sources in countries in the sub region can provide but

minimum estimates of the total volume of population movement. For example, according to the 1990 census of Thailand, only 8 per cent of the population had changed their usual place of residence between 1985 and 1990, or some 4 million people. When the definitions of change of residence were refined, as they were in the 1992 National Migration Survey of Thailand, the proportion of those who moved during the five years prior to the survey rose to 22 percent (Chamrathirong et al 1995). It would seem unreasonable to assume that the movement that occurred between the time of the census in 1990 and the taking of the survey in mid-1992 would have risen by enough to account for such a significant increase. Thus, the difference was due primarily to the changed definitions of what constituted a "migration". Even where the survey employed a similar definition to that used in the census, the proportion who moved increased to almost 15 per cent, indicating that the census "missed" very significant numbers of migrants, even by its own criteria.

Using the National Migration Survey estimate, at least 11 million Thais moved in the five-year period preceding the survey. Not all these people were moving towards urban areas, however, and large numbers were returning to their places of origin or moving on to other places in the rural sector. Complex patterns of circulation exist, sometimes seasonal, sometimes longer term, between rural and urban sectors and among the urban centres themselves. Such figures dwarf the numbers of migrants coming into Thailand from surrounding countries although it is impossible to find comparable data. The total stock of foreigners in Thailand in the early to mid-1990s was almost certainly less than one and a half million and the annual flow a fraction of this, most of it undocumented across the long porous border.

The results from the 1996 Census of Cambodia did show that almost one third of the total population had changed their usual place of residence although the majority of these had moved only locally. However, some three-quarters of the population of Phnom Penh was in-migrant (Cambodia 1999). Thus, although no other country in the Greater Mekong Sub region has carried out a similar dedicated national migration survey to that taken in Thailand, it would seem safe to assume that two key findings from the Thai survey have regional relevance: first, that the total number of internal movers is severely underestimated by the population census and by most national surveys; and second, that the total numbers of internal movers clearly vastly outnumber international movers. When international migration to, from and within the sub region is considered, it must always be borne in mind that it is occurring within a complex matrix of internal movements.

### **Patterns of international migration**

Within the sub region, Thailand is the principal destination by far for population movements from other countries. There are, nevertheless, other important flows. One such flow is from Viet Nam towards Cambodia and lesser flows, mainly of skilled and semi-skilled workers, from both China and Viet Nam to the Lao People's Democratic Republic and Cambodia, and from China to Myanmar (see, for example, Athukorala et al 2000: 84-85, 88 and 92-94). There are also significant movements of workers from Thailand to Taiwan Province of China, to the countries of the Gulf States and to Malaysia and Singapore. There are movements of Thais as settlers to the countries of Australasia and North America, and Vietnamese workers are moving to other destinations in Asia and beyond. Relatively few people from Myanmar, the Lao People's Democratic Republic or Cambodia move to destinations outside the sub region although, in the past, significant numbers did move as refugees, primarily to the United States. There are flows of skilled and professional workers from countries outside the sub region to all the Greater Mekong Sub region countries and particularly Thailand. While all these flows will be considered in this paper in order to provide a comprehensive picture of migration in the sub region, most attention will be directed towards the migrations within the sub region, and particularly on the movements of the unskilled.

Thailand is unquestionably the principal destination of population movement within the sub region but, as in the case of internal migration, accurate estimates of the number of in-migrants are hard to obtain. The most commonly cited figure is that there were around 1 million foreign workers in Thailand in the late 1990s. Official data from the Department of Employment, Ministry of Labour, gave the precise figure of 986,889 labour migrants in March 1998, only 293,652 of whom had, or had had, a valid two-year work permit (cited in Athukorala, Manning and Wickramasekara 2000: 74). Up to 90 per cent of these migrants were estimated to be from Myanmar, with the bulk of the remainder from Cambodia (30,000) and the Lao People's Democratic Republic (20-30,000). The latter estimate in particular, however, appears to be unrealistically low when more recent figures suggest over 45,000 illegal workers from just three provinces of the Lao People's Democratic Republic in October 2000 (ILO-IPEC 2000a). In addition, some 85,000 overstaying visitors from the Indian subcontinent were estimated to be in the country at around that time.

These estimates, however, have to be treated with a great degree of caution. Generally, they refer only to workers. Detailed local studies show that family members accompany the workers, particularly in border areas where it is easy to cross from Myanmar into Thailand. For example, in Ranong Province alone, local authorities have estimated that there are around 100,000 migrants from Myanmar, some 20 per cent of which would be made up of family members (data from Chantavanich et al 2000b; 110). Less than one fifth of the total were registered migrants. Some 135,172 nationals from Myanmar were recorded as entering Ranong Province in 1998 and while many would have returned, many also stayed. About half of the population of Ranong town appears to be made up of migrants from Myanmar, indicating that Thailand has a *de facto* immigrant or settler population.

The situation becomes further complicated along the northeastern border of Thailand with the Lao People's Democratic Republic, where the peoples on both sides of the border speak essentially the same dialect of the Thai language, as distinct from the "standard" Thai of the central plains, with many developing close kinship relations over the years. An ethnic Lao can easily "disappear" into the Isan society of northeastern Thailand (and vice versa). Similarly, among several of the ethnic minorities in northern and western Thailand, the international border has relatively little meaning and the sense of belonging to the modern state, particularly of Myanmar, is weakly developed. Circulation within traditional ethnic groups that may involve the crossing of the border is common especially where and when there may be unrest in Myanmar.

The undocumented nature of so much of the migration into Thailand has led not only to the likely underestimation of the total number of migrants into Thailand but also to the social construction of a series of realities based upon assumed criteria. Government officials, non-governmental organizations (NGOs) and even independent researchers have attempted to create, out of the weak database, a picture that might support their own particular points of view. This aspect will become much clearer in the discussion of migrant characteristics later in the paper.

From 1996, the government of Thailand attempted to regularize the number of irregular migrants in the country by registering them. An amnesty was declared and a levy of US\$100 (2,500 baht) imposed on employers. Technically, for those who registered or were registered by employers, the migrants were still "irregular" in the sense that they were in the country illegally, but they were given a permit that allowed them to work legally, which seemed a very Thai compromise to a complex situation. The programme allowed migrants to work in 46 of Thailand's 76 provinces but only in some 19 designated occupations among which fisheries, rubber plantations, sugarcane plantations and construction loomed large.<sup>3</sup>

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<sup>3</sup> For a description of this programme see Stern (1998).

In the event only half (Stern 1998: 23) or one third (Athukorala, Manning and Wickramasekara 2000: 78) of irregular migrants were registered, many not coming forward because they did not wish to pay for the permit or because they were working in non-designated activities. Following the 1997 economic crisis, the number of legally permitted workers was reduced by two-thirds and the number of provinces in which employers were allowed to employ foreigners was reduced to 37. In 2000 and 2001, the policy was again modified to allow workers from Cambodia, the Lao People's Democratic Republic and Myanmar only to work in all provinces and in a broad range of occupations provided they registered with the authorities. Registration, however, will cost the worker Thai baht 4,450 for 12 months (approximately US\$100) and it will be interesting to see how many workers actually register by the end of the specified time of end September 2001.<sup>4</sup>

Movement has taken place into Cambodia, primarily from Thailand but also from Viet Nam. According to the 1996 Demographic Survey of Cambodia, 162,000 persons from Thailand and 49,000 from Viet Nam had entered the country during the previous 12 months (cited in Athukorala, Manning and Wickramasekara 2000: 92). The vast majority of those entering from Thailand were former refugees returning home or being repatriated. However, the long-established flow from Viet Nam, particularly of "Kampuchea Krom" or ethnic Khmer from the Mekong delta, into Cambodia has increased with the re-establishment of stability in the sub region (see Derks 1999: 116ft).

### **The characteristics of the migrants**

As will have become clear from the discussion above, the majority of migrants in the Greater Mekong Sub region are irregular in the sense that they may have entered a country illegally or, if they have entered legally, have chosen to stay on after the expiration of their visas. Others may have breached the terms of their entry through embarking on employment illegally. Virtually all will have required some form of assistance to gain entry to the other country and, having entered, to gain access to the labour force. This assistance may have been through family or friends, through a local contact who, for a small payment, guided them across a river or through a forest and across an unmarked frontier, or through an organized syndicate which brokered the whole migration from origin to destination for a fixed fee. Others may have been forced or willfully deceived into the migration.

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<sup>4</sup> The breakdown of the fee includes 1,800 baht for the actual work permit fee (900 baht in two six-month instalments), 1,200 baht for health insurance, 300 baht for the medical examination, a 1,000 baht deposit to guarantee return to place of origin and 150 baht for the cost of a work 10 card.

The central role of some kind of facilitator in the migration process introduces the trafficker into the equation. The term "trafficker" in English implies the trading in illegal goods, in this case people. However, there have been several attempts by international organizations to refine the term to specify exploitation. This refinement is essentially to make a distinction between a "trafficker" on the one hand and a "smuggler", or someone who simply facilitates the illegal entry of a migrant into another country without any implication of deception or exploitation, on the other.<sup>5</sup> The logic of this distinction is impeccable and has the added advantage that "smuggling", by definition, must be across an international boundary, whereas "trafficking" can involve the movement of people from village to town within a country. Thus, "trafficking" incorporates both internal and international movements whereas "smuggling" covers only international migrants. It is well known that much exploitation of internal migrants takes place, as will be seen in greater detail below, giving "trafficking" a broader significance.

Useful though the distinction between "trafficker" and "smuggler" may be in theory, in practice it has clear drawbacks. Because both terms refer to an illegal activity, no reliable data exist upon which to make any valid distinction. What proportion of migrants in the Greater Mekong Sub region may be "smuggled" as opposed to "trafficked" is just not known. The evidence from rapid assessment and other surveys, however, suggests that the numbers trafficked -that is, the numbers who are coerced, abducted or deceived into moving -may represent but a small minority of the total number of undocumented migrants. The number of women and children trafficked out of Yunnan Province, for example, is estimated to average over 1,000 a year (ILO-IPEC 2001 b: 2). Even allowing for considerable undercounting, this is a tiny number from a province of some 43 million and with an estimated annual legal emigration of 30,000 (Athukorala et al 2000: 84).

We also know from studies of internal migration (see Skeldon 1990, for example) that the movements are overwhelmingly controlled by close friendship and kin networks that evolve and intensify over time. Thus, exploitation may be at point of entry of employment, or during employment at a destination rather than in the process of migration itself. It is also becoming increasingly clear in the context of international migration, too, that exploitation can be an integral part of the process which can be regarded as "smuggling" as entry into a country (smuggling) may be quite separate from entry into employment, which might involve violence and exploitation. Thus, concentrating on "trafficking" may focus on only a small part of the migration system, while ignoring very real problems of abuse and exploitation in other parts of the system. While the distinction between trafficking and smuggling may have important legal implications that are significant for law enforcement, from a social and economic point of view the distinction may distract attention from the broader context of abuse and exploitation. Policies need to be directed towards the eradication of such abuse irrespective of whether a person has been trafficked or smuggled, is documented or undocumented or is a migrant or: non-migrant.

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<sup>5</sup> The International Labour Organization and the International Organization for Migration have both been active in the search for satisfactory definitions of trafficking. The most recent attempt to systematize a legal definition is contained in two protocols (the *Protocol against the Smuggling of Migrants by Land, Sea and Air* and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*) in the United Nations Convention against Transnational Organized Crime. (2001).

While the concept of "trafficking" has indeed drawn attention to exploitation and the entry of migrants, particularly women and children, into the worst forms of labour and exploitation, it has also tended to distort the real picture of migration in a region such as the Greater Mekong Sub region. A very substantial literature has built up on the regional sex trade while relatively little is known about other activities into which migrants are trafficked such as begging, street vending, sweatshops, construction and agricultural work.<sup>6</sup> The danger exists that migration in Southeast Asia becomes associated solely with young women and the sex trade. While undeniably important though this sector may be, it represents but one part, and almost certainly a small part, of the total migration system in the sub region. Also, much of the work on the sex trade has had a strong ideological bent towards women simply as victims rather than as actors in complex situations. More recent research has gone some way towards correcting the simplistic view (see particularly the essays in Um 1998 and Kempadoo and Doezema 1998). This paper will attempt to redress the balance, although, that said, relatively little is known about many of the situations in which irregular migrants in the Greater Mekong Sub region find themselves.

Perhaps the most important point is that the majority of migrants in the sub region are men. Of the registered migrant workers in Ranong Province in Thailand, just over one third were women and the national average for registered workers is 30 per cent (Chantavanich et al 2000b: 111). As seen earlier, registered migrants represent but a small minority of the total number of migrants in Thailand but whether the sex ratio of all migrants is significantly different is not known. The total number of entrants to Ranong Province from Myanmar in 1998 was heavily biased towards males, and samples of cross-border migrants taken at two points on the Thai-Myanmar and two points on the Thai-Cambodian borders were also significantly male-dominant (Chantavanich et al 2000a; Chantavanich et al 2000b). Two-thirds of the legal migrants to Cambodia were male as are most of the workers who leave Yunnan Province, for example (Athukorala et al 2000).

The occupations vary depending upon location. In coastal areas, fishing or fishing-related occupations tend to dominate, whereas in inland centres such as Aranyaprathet on the Thai-Cambodian border, petty-trading, day labour and the agricultural sector dominate (Chantavanich 2000a; Chantavanich 2000b). While large numbers of migrants in Thailand are indeed in border areas, they are also to be found in the principal urban centres such as Bangkok and Chiang Mai, where they are engaged primarily in non-tradable services such as construction and domestic work. About 30 per cent of illegal migrant workers who registered with provincial governments during late 1996 were found to be in Bangkok and its periphery (Archavanitkul 1998: 25). In Viet Nam, migrants may account for one quarter of the 2 million labour force in Ho Chi Minh City and some 40 per cent of the annual growth of the much smaller Hanoi (Guest 1998: 5). Kunming and Phnom Penh are also significant destinations for migration in their respective regions.

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<sup>6</sup> For just some of the more important contributions on Southeast Asia see Phongpaichit 1982, Truong 1990, Caouette 1998, Urn 1998, Mahatdhanobol 1998, Brown 2000, Law 2000, Tumlin 2000. For broader coverage, see Herdt 1997 and Kempadoo and Doezema 1998.

## **The situation of migrants in destination areas**

The conditions under which the migrants work have not been well documented but certain critical assumptions need to be questioned. Most important is the issue whether undocumented migrants are more vulnerable to exploitation than either domestic migrants or local non-migrants. The common-sense interpretation is that they must be more vulnerable because their undocumented status can be used as a hold over them to keep them in low-paid and exploitative positions. If the workers complain, all the employer has to do is to reveal them to the authorities and they will be deported. Without denying the significance of this threat, the available evidence has not yet revealed whether domestic migrants from ethnic minorities or isolated parts of the rural sector are in any better (or worse) position. Few of these people have the educational background to understand fully the rights that may be available to them. Equally, this situation could also apply to poorly educated non-migrant workers in both the urban and the rural sectors. Thus, the critical issues may revolve around the type of employment rather than the migration status of the incumbents. This statement, however, must remain a hypothesis to be tested, rather than a substantive conclusion.

Evidence from rapid assessments sponsored by the ILO and carried out at points around the Thai border provides some insight into these matters (Wille 2000). Although information was gathered on all the worst forms of child labour including that in factories, mines and fisheries, these studies generated information mostly on young girls entering the sex industry. The results point to the difficulty of coming to any easy conclusions on such a sensitive issue.

Although cases of coercion were found, the majority of girls entering the trade did so of their own volition. Few had employed the services of a professional trafficker to enter Thailand, with the majority receiving assistance from community members, friends or relations. Many left because they disliked work in the agricultural sector or because they wanted money to have "nice things". Perhaps most tellingly, and despite often highly abusive situations, many of the minors considered their life at the destinations an improvement on that in their home areas.

In addition, and contrary to common perceptions, the rapid assessment studies did not reveal a single case of minors from hill tribes born in Thailand trafficked into the worst forms of child labour (Wille 2000: 26). The vast majority of those trafficked from the Lao People's Democratic Republic to Thailand come from the dominant ethnic Lao group, not from minority hill groups (ILO-IPEC 2001a). The Lao are virtually indistinguishable from the ethnic Thai counterparts and readily become an invisible minority in Thailand susceptible to exploitation. These findings in no way deny the very real abuse and exploitation that exist in the industry but point to the complexity of the situation. Degradation also exists outside the sex sector, often, too, in the home areas, and policy needs to be developed with this complexity in mind. There are no simple "sex sector bad -home village good" scenarios which have important implications for policies of return and reintegration.

Although the rapid assessment surveys that were carried out along the Thai border cannot be considered as representative in any way, the results do conform to the conclusions reached in other recent studies of the sex trade in Thailand (Boonchalaksi and Guest 1998) and also those that have examined children as internal migrants to the sex trade in Viet Nam (Le 1999; Le 2000). However, the fact that young girls enter the trade "voluntarily" should not be equated as willing acquiescence as any distinction between voluntary and forced is largely meaningless in the context of the rural poor (Skeldon 2000b). Rather, it suggests one, or both, of the following alternatives: that it is accepted that they sacrifice themselves for their families by sending money back to support their parents and siblings; or that the situation in the home areas is equally abusive and is boring and devoid of acceptable alternatives for young people. It is often all too easy to romanticize the conditions in the rural areas when these themselves may be as bad as any in an urban slum.

Prostitution is one channel out of the village and to earning sums of money that are unimaginable in rural contexts. In the early 1980s, it was estimated that income from prostitution or massage parlours was "about 25 times as large as the median level to be expected from other occupations" (Pongpaichit 1982:8). The fact that many fail to reach the higher income levels and may contract HIV is unlikely to deter those desperate to leave village environments which themselves may be economically and politically insecure. Young men leaving the villages to enter the fishing industry are in a similar situation. The life is hard and hazardous but it at least affords them a form of subsistence. The rapid assessment surveys indicated that girls in sex work could earn between US\$108-135 per month while boys in fisheries could earn US\$135- 162 (Wille 2000: 57).

As indicated above, in the Greater Mekong Sub region, research on occupations in which migrants are likely to be found, other than the sex trade, have received very short shrift. Very little is known about the conditions in the construction industry or among migrants as domestic workers, for example. Again, Thailand is the principal destination for migrants entering these occupations. Domestic workers, in particular, are difficult to sample as they are spread throughout the community as "invisible" workers. The social isolation of foreign nationals in a Thai community can but be imagined. They are often recruited through informal urban markets in Bangkok and paid less than their Thai counterparts. Their conditions are likely to vary greatly depending largely on the nature and whim of their employers. Some will be well treated while others will be shamelessly exploited.<sup>7</sup>

As in the case of domestic workers, more is known about conditions in the construction industry among those leaving the Greater Mekong Sub region than among those moving to destinations within the sub region. For example, research has been carried out among Thai workers in Singapore (Wong 1996) Most of the Thai workers going to Singapore do so through legal channels, although cases of those staying on after the expiration of their permits or of those using false documentation to enter or obtain employment in the island republic appear to be increasing.

Our knowledge of conditions in manufacturing is little better. Some information is contained in the rapid assessment surveys (Wille 2000), but research into the manufacturing sector has tended to focus on child labour, rather than specifically migrant labour (for example, Kusumal 1999).<sup>8</sup> In this sector, it is perhaps clearer that it is situation rather than migrant status that is more important in any assessment of conditions as the vast majority of the workers are nationals and, while many may be internal migrants, many others are local entrants to the labour force. Regrettably, in Southeast Asia, research into the majority occupations for irregular migrant workers has not apparently the same cachet as sex work and the crusade against prostitution.

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<sup>7</sup> Domestic workers have been more intensively studied in the global cities of Hong Kong and Singapore and, although Thai nationals in particular are increasingly found among their ranks, the regional market in domestic workers is still dominated by women from the Philippines. See APDC 1989, AMWC 1991.

<sup>8</sup> Much more research into the conditions of children in the manufacturing sector has been carried out in South Asia. See Skeldon 2000a for a review of this literature.

Few migrants, irrespective of whether they are in a regular or irregular situation, cut off their links with their home areas and one of the critical linkages is the flow of remittances. Yet again, most of the research into remittances has been made in the context of overseas workers and their importance is well known (Russell 1992; Russell and Teitelbaum 1992). However, very little has been done on the significance of remittances from either irregular international migrants or internal migrants in the Greater Mekong Sub region. Perhaps it might appear something of a contradiction if migrants who were assumed to be in vulnerable positions were found to be either saving money or sending considerable sums of money back to their homes. Yet, send money they do. The majority of the girls in massage parlours and brothels in Bangkok send money back home (see Pongpaichit 1982: 23-25 and Boonchalaksi and Guest 1998: 156-157). Between one third and one half of earnings were claimed to be sent back home on a regular basis which covered medical or school fees, and the hire of agricultural labour, as well as the costs of house construction. Much more work needs to be carried out on this critical aspect of irregular migration, and in sectors other than the sex trade, as, to a large extent it provides the *raison d'être* of the movement in the first place, at least as far as the individual migrant is concerned. Overall, remittances and wage labour are estimated to account for around a quarter of rural income in Thailand (Phongpaichit and Baker 2000: 84). The ILO is currently working with countries to foster a more productive grass-roots use of remittances through the establishment of local micro-finance institutions (ILO 2000)

### **3.3. The Reasons for the migration in the Greater Mekong Sub region**

The basic patterns and characteristics of the migration in the Greater Mekong Sub region were outlined in the first part of this report. After the "what" it is necessary to examine "why" the migration should have developed in the way that it has. Any search for an explanation must, however, not simply be for root causes but for an understanding of the way in which the process works so that appropriate intervention may be geared accordingly.

A common perception of irregular migration is that it is caused by poverty, a desperate search for a basic living by people who are willing to enter into some of the worst forms of employment. While poverty cannot be discounted as a factor in the equation, it is deceptive to see it as a root cause of migration. Poverty itself is as much about perceived inequalities and relative deprivation as it is about low levels of material welfare. Generally, it is not the poorest who move, but those with access to some resources, whether these be economic or human. The former, to cover the direct and indirect costs of a move, and the latter, principally education, to allow potential migrants to understand information about a world beyond the immediate community. There is also social capital or the density of human contacts available to a potential migrant to manipulate in order to facilitate the mechanics of the move and to arrange employment. The denser the contacts, the greater the probability of a movement out of any particular area.

These factors, however, are more specific causal reasons for migration, lower order explanations rather than the root causes of migration. Although it might appear trite, any satisfactory explanation must envisage migration firmly as an integral part of the overall process of development. That process, however, is nebulous and we need to make the particular variables much more specific. Two major dimensions will be pursued in this paper, the economic and the demographic. Both of these dimensions are integral parts of what could be termed "globalization" although only the economic is generally seen in this light. However, given the importance of the labour force "supply" in any explanation, the demographic foundation will be considered before we go on to examine the regional patterns of economic change which stimulate migration in the Greater Mekong Sub region.

#### **Regional patterns of demographic change**

One of the most dramatic changes in Eastern Asia over the last 40 years has been the sharp and sustained decline in fertility. From levels in the 1960s when averages for the total fertility rate of over 5 children per woman were common, today relatively few areas remain above the replacement level of 2.1 children per woman (table 1). The result of this decline has been an

eventual slowing in the rate of population and labour force growth and an ageing of the populations as the proportions in younger age groups decline. When coupled with the rates of economic growth to be discussed below, this change has meant that pressure has been brought on the labour forces in key parts of the East Asian region as areas of labour deficit have emerged, that is, areas where the demand for labour exceeds the supply. The Hong Kong SAR, Japan, Malaysia, Taiwan Province of China, the Republic of Korea and Singapore have all emerged as significant areas of labour deficit and have all become areas of net in-migration. All of these economies, as apparent from the discussions earlier in the paper, have, if to a variable extent, drawn on the countries of the Greater Mekong Sub region to satisfy their demand for labour, at least partially. Thais, in particular, have been moving, and continue to move, to Taiwan Province of China and towards the Singapore extended metropolitan area.<sup>9</sup>

Within the Greater Mekong Sub region itself, only Thailand has seen demographic declines as dramatic as those in the rest of eastern Asia. By 2000, the total fertility rate was only 1.74 having come down from over 6 children per woman in the mid-1960s. The proportion of children between 0 and 14 years of age in the total population declined from 45.1 per cent in 1970 to 24.1 per cent in 2000. The absolute numbers of children 0 to 14 years of age rose from 15.5 million in 1970 to 17.2 million in 1980 before declining to 15.7 million in 1990 and 14.6 million in 2000 (all figures from the decennial population censuses of Thailand). Thus, there are fewer children in Thailand today than at any time over the previous 20 years and numbers will continue to decline. The number of those most likely to migrate, young adults 15-24 years, also declined between 1990 and 2000, from 11.5 to 10.3 million.

The situation in the other countries in the sub region is very different. Even where fertility is declining quickly, as in the case of Viet Nam, its impact has not yet fed through to the supply of the number of older children and to those most likely to migrate. Longitudinal data are generally unavailable for the countries in question, although on a comparative basis Cambodia and the Lao People's Democratic Republic have proportions of their populations younger than 15 years of age roughly similar to Thailand in the early 1970s (table 2). Myanmar and Viet Nam have more than a third of their populations falling into this category, a situation not found in Thailand since the 1980s. Although the proportion of the population in this category in Viet Nam declined during the 1990s, the absolute number of children increased marginally from 25.2 to 25.6 million between 1989 and 1999.

The basic point is clear: in the Greater Mekong Sub region the supply of children and young adults in all countries except Thailand continues to grow, whereas in Thailand the supply has begun to contract. Any policy that is to address migration or child labour in the sub region needs to take this simple demographic fact into consideration. For example, the decline in the significance of child labour in Thailand is at least partly due to the contraction of supply with, in economic terms, children becoming an increasingly scarce commodity in that country.

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<sup>9</sup> The Singapore extended metropolitan area includes those parts of Johor State in Malaysia and the Riau Islands in Indonesia where Singapore investment has allowed manufacturing to spread out of the island republic to areas where land and labour costs are lower. It is in these peripheral urban areas rather than the high-cost central area that irregular migrants are most likely to be found.

## **Patterns of regional economic development**

The East Asian economies have experienced one of the longest and most sustained periods of rapid economic growth ever seen in human history. This has been called the "Asian miracle" (World Bank 1993) which, in all likelihood, was only temporarily halted by the 1997 economic crisis. Initiated by Japan from the 1950s, this rapid growth then moved to the then British colony of

Hong Kong, the Republic of Korea, Taiwan Province of China and Singapore (the "tiger" economies) and, more recently to Malaysia and Thailand. As can be understood from the discussion in the previous section, considerable pressure was brought on the labour forces of these economies as fertility declined.

The response to rising labour costs was to import labour, as we have seen, but also to export labour-intensive manufacturing to areas where labour was abundant and cheap and where land and utility costs were lower than in core areas. Hong Kong's move into the Pearl River delta and Singapore's into Johor State can be understood in this light. Initially, Japan, but also the United States and several other Asian and western economies, invested in Thailand to take advantage of its cheap non-unionized labour force. Thailand embarked on a structural transformation of its labour market from the mid-1980s and between 1984 and 1996 the numbers employed in agriculture shrank by 2 million while those in manufacturing grew by 8 million (Phongpaichit and Baker 2000: 84).

The stage of labour surplus industrialization is now over as Thailand itself has moved through a demographic transition to low population growth. Labour deficits have emerged across a broad spectrum of activities. These are most acute at the higher-skill level (see Chalamwong 1998: 168) but are also being felt at unskilled levels in particular sectors. The latter reflect higher expectations associated with rising education levels as Thais become increasingly unwilling to undertake low-paid, strenuous or dangerous activities, the so-called 3-D jobs (those that are dangerous, demanding and dirty). Jobs in the fishing industry, rice milling and construction are particularly affected. The number of Thais never having attended school declined from 38.1 per cent of the population in 1960 to 10.7 per cent in 1990 while those completing primary school increased from 58.4 to 70.7 per cent over the same period. Although the proportion of the population finishing basic education was high, that with more advanced levels was low, inhibiting Thailand's prospects to move to a higher stage of economic development. In 1990, the proportion finishing secondary level education was only 13.6 per cent while those finishing university level represented but 5 per cent of the population.

In conjunction with these changes in the internal labour market of Thailand is the emergence of alternative destinations for foreign investment to take advantage of cheap labour elsewhere. Before the crisis, Indonesia proved an attractive alternative although, more recently, increased political risk has since lessened the possibility of this country as a viable destination. Parts of China, too, with the seemingly inexhaustible supply of labour in that country and, within the Greater Mekong Sub region, Viet Nam, have both provided competition for Thailand. In order to try to maintain its competitiveness, Thailand has had to resort to the importation of labour, most of it irregular.

Much of the labour-intensive industrialization is made up of what can be termed "footloose" industries, or those industries that can quickly move to another destination should the key factor of production that attracted them to Thailand in the first place, that is, cheap labour, increase in cost. If Thailand wished to reduce the number of irregular workers inside its borders thus forcing up the cost of labour, these industries could quickly move on to third countries.

In order to minimize the impact of increased labour importation on Thailand, many of these industries are located at border locations to take advantage of access to labour from neighbouring countries without apparently allowing large numbers of foreigners across its borders.

Thus, Thailand is balanced on a very fine edge. It does not have a domestic labour force of sufficient quality to allow it to move into technologically higher-level activities but neither does it have a labour force of sufficient quantity to allow it to maintain the labour-intensive industries that set off its economic boom. The importation of labour, or rather the passive acceptance of large volumes of irregular migration, helps to maintain Thailand at a fairly low level of economic development. As will be seen in the third section of this paper, policy approaches to these dilemmas are not well developed or consistent. Legislation to deal with the importation of labour is partial at best.

The other countries in the Greater Mekong Sub region are in different situations and at different stages of development from Thailand. This should not imply that all will follow the same development path as Thailand: they will not. Mountainous, landlocked areas with poorly developed infrastructure and institutions and populated by peoples at low levels of education are not going to attract foreign investment in the same way as Thailand or other more favourably located areas in Asia. Unfavourably endowed areas are likely to persist as labour reserves sending migrants to areas where there is demand for workers for as long as the reserves are demographically viable.

The long-term exodus of the most reproductive members of a population will lead, over the long term, to eventual demographic decline, as has been seen in many more marginal parts of the world.

Within the Greater Mekong Sub region, apart from Thailand, only the three coastal parts of Viet Nam around Hanoi, Da Nang and Ho Chi Minh City appear to offer immediate prospects that might parallel Thailand's development. However, given the demographic structure and growth of Viet Nam, it will be some considerable time before labour deficits are likely to emerge in that country; regional labour deficits can be met through internal redistribution of its population. As in the case of Thailand in the 1960s and 1970s, Viet Nam is currently experiencing intense rural-to-urban migration which is clearly a direct consequence of its reform programme (*doi moi*) which has brought increased foreign investment into the country. The previous tight controls on internal migration have been relaxed, although legal barriers still exist and much of the present movement could be considered "irregular". For a recent and comprehensive examination of migration in Viet Nam, see Guest (1998). The urban population of Viet Nam expanded from 12.4 to 17.9 million between 1989 and 1999 with Ho Chi Minh City emerging as the principal growth pole in the country (Anh et al 1996). Compared with the 44 per cent increase in the urban population, the rural population increased by only 14 per cent. Given the sharp decline in fertility, it is perhaps not too unrealistic to envisage Viet Nam seeking workers from southern China, the Lao People's Democratic Republic and Cambodia within 10 to 20 years. It is only a little over 20 years ago that the idea of Thailand as a major destination for international migrants seemed unlikely.

Thus, it is in the uneven pattern of development that the root causes of migration in the Greater Mekong Sub region (or any other region, for that matter) need to be sought. That uneven development is concentrated in a hierarchy of urban centres of which, within the sub region, the extended Bangkok metropolitan area is at the apex.<sup>10</sup> A second rung of cities such as Chiang Mai and Nakhorn Ratchasima is followed by a series of border towns such as Nongkhai and Ranong. Outside Thailand, Kunming, Hanoi, Da Nang and Ho Chi Minh City form four nuclei of development with Vientiane and Phnom Penh as smaller centres. If development intensifies, further nuclei can be expected along the transportation routes joining the urban centres, for instance along Highway 9 which may eventually be a major link between the Thai and

Vietnamese development regions through the Lao People's Democratic Republic. While all these scenarios lie in a hypothetical future, it is critical that the significance and likely direction of uneven regional development are appreciated in order to understand why irregular migration occurs in the sub region.

### **Local explanatory factors**

The macro-level development pattern cannot explain why migrants leave some communities and not others or why specific individuals choose to migrate. These questions represent very different levels of analysis and levels that are almost certainly more difficult for policy intervention. Critical to an understanding of why migration should occur from some communities and not others is size and distance. Generally, and following the universal "gravity" model of human interaction, the amount of migration between two places varies directly with the size of the places and inversely with the distance between them. That is, small communities distant from major urban centres or major routeways are likely to have lower levels of out-migration than larger communities close to towns or major lines of communication. That generalization, however, needs to be qualified by a host of exceptions that can depend upon the internal structure of the community (its degree of solidarity or homogeneity, for example), the community resource base, the local land tenure system, the level of education, the number of services present, and so on and so forth. Generalizations will be hard to come by without a full coverage of all communities, which is clearly beyond the resources and capability of most countries in the sub region. Rapid assessments are particularly weak in generating the kinds of information required for this level of analysis because of the purposive nature of their sample selection. They can capture only a small part of the complex range of community-level variables that influence migration from any area.

Perhaps one factor does stand out among all the other community-level variables that can influence the volume of migration from any particular community: the history of previous migration. One of the few universal generalizations that can be made about migration is that it is self-reinforcing: migration leads to further migration. The intensity of linkages between origin and destination largely determine the degree of migration. Where these are weakly developed, there will be relatively little out-migration; where these are well developed, community members have a whole range of contacts to help them move and out-migration is likely to be intense. In some communities a "culture of migration" develops where movement away from the community becomes a norm, expected by all.

Why the linkages between origin and destination develop in the first place is clearly critical and here the role of the labour recruiter or other institutional link with the urban world and state becomes apparent. Apart from the labour recruiter for state or private companies, legal or extra-legal, recruitment into the military would create a link, or any other means of taking individuals out of their communities in an institutionalized way. Once the initial links are established, migration evolves through increasing circulation between origin and destination (see Skeldon 1990). From a policy point of view, intervention to influence the volume or direction of migration from any community would be largely ineffectual in those communities that were some considerable way towards establishing a culture of migration. Hence, identifying the level of migration from communities could be a key indicator for policy intervention.

<sup>10</sup> For definitions of the extended Bangkok metropolitan area, see the essays in McGee and Robinson (1995).

However, the very fact of intervention may establish linkages and lead to the very out-migration that the programmes are designed to prevent. Development programmes in rural areas often lead to increased out-migration, reinforcing the inevitability of the diffusion of the process occasioned by the macro-level factors described in the previous section of the paper. Patterns of migration evolve over time, not in any regular or even way across time and space but inexorably, and policy makers need to be prepared for the consequences. Rural out-migration and increasing international movements are not going to cease in the future in the Greater Mekong Sub region. They will intensify as development programmes are implemented.

Individual reasons why people choose to become irregular migrants are the least liable to policy intervention. At this level the most significant point to reinforce is that it is rarely the poorest who move but those who have access to resources and who have the resources, both material and social, to engage with recruiters, transporters and employers.

### **3.4. Policy and migration in the Greater Mekong Sub region**

The antiquity of migration in the sub region was emphasized at the outset of this paper. That said, however, migration across the borders of the modern state in Southeast Asia is a relatively new phenomenon and few governments in the sub region have yet grasped the significance of the current migration. Certainly, not a single country has come to terms with the fact that they might be countries not just of illegal in-migration but of immigration. The critical aspect that policy makers need to grasp is that migration is an integral part of the development process and that it is not simply a temporary phase in that process. Policies that are implemented on the assumption that migration represents exceptional conditions and is likely to cease are bound to fail.

As the discussions in the early part of this paper should have made clear, much of the population movement across boundaries in the Greater Mekong Sub region is illegal and the principal policy concern is what to do with large numbers of unauthorized migrants living on the territory of sovereign states. To a large extent, the illegal nature of much of the movement is a direct consequence of a lack of legal alternatives for migration. Relative to the demand for labour in certain countries of the sub region, and particularly Thailand, the channels available for people to enter the country legally in order to work and live are extremely limited. On the other hand, politicians fear that, by broadening existing channels and by creating new channels, they are opening the floodgates for an immigration that could change the social composition and eventually the identity of the nation itself.

The states in Asia are not alone in this. They share concerns that have been expressed in Europe for some considerable time. Only in those few states that have traditionally seen migration as a key element in the process of nation- building (and these are located primarily in North America and Australasia) have distinct philosophies of immigration evolved. In these cases, too, however, strains have emerged in recent years as the composition of the immigrant flows has changed from traditional origins in Europe to new sources in Latin America and Asia. Nevertheless, these states are fundamentally pro-immigration compared with the exclusionist attitudes of the majority of developed countries. Signs are emerging that the situation is changing and the balance of this paper will be concerned with what the countries in the Greater Mekong Sub region can do in terms of policy formulation and what they might also learn from experience elsewhere.

Thus, the remainder of the paper focuses on the policy options available to governments in the region to manage migration more effectively. The critical assumption is that, by substituting forms of legal migration for irregular movements, trafficking and the worst forms of abuse of migrants can be progressively reduced, if not entirely eliminated. By creating channels for labour migration, or other forms of legal migration, the potential market for the trafficker can be reduced.

Thus, the first step towards the elimination of trafficking is the recognition that trafficking needs to be considered within a broader migration policy framework. Once such a recognition is achieved, the broadening of migration policy can be realized. The following recommendations form a contribution to the debate by highlighting the key areas for reform if migration is to be better managed. The majority of the following recommendations apply directly to international movements and the need for governments to collaborate across borders. The need to manage irregular migration with a view to eradicating the worst abuses of migrants applies, nevertheless, equally to internal migration. While these abuses are clearly the concern of individual governments, at least some of the institutions put in place to assist international movers could be extended to those moving internally. Policies to control internal movements have, with very few notable exceptions, met with abject failure (Skeldon 1990). Policies that have sought to accommodate the existing flows and to meet the demand for services, for example, are likely to meet with a greater degree of success. Policy makers need to plan for the total number of migrants to any destination, not just international migrants, and this need should be borne in mind in assessing the following recommendations.

### **A key dilemma in the policy process**

In an ideal world, a country would have a comprehensive migrant-worker policy that might allow the number of workers required, both skilled and unskilled, for specific needs in the economy to enter for specified periods of time. At the end of their contract, the workers might be expected to return to their home areas. Unfortunately, the world is not ideal, workers who are not necessarily needed enter in large numbers, those needed are difficult to find and workers often do not return home at the end of their contracts. Perhaps the greatest contradiction of all relates to the actual implementation of policy. Even assuming that a policy allowing greater numbers of migrants to enter a country legally could be passed into law a critical question must relate to its ready implementation. The creation of a bureaucracy to deal with providing a legal channel for migrant workers could, paradoxically, lead to an increase in the number of irregular migrants if the legal process becomes enmeshed in endless procedure. Bureaucratic delays, lack of transparency in the application process and multiple fees encourage migrants and, on occasion, employers to turn to the "informal" labour market in order to gain entry, or to find employees quickly. Irregular migration can be as much the result of a failure in implementation as it is failure in the policy itself. The development of a policy without the development of an efficient means for its delivery is bound to fail.

This perhaps remains the greatest challenge to countries in the Asian region.

*Recommendation 1: Governments should examine how an immigration (or emigration) policy could be incorporated into existing bureaucratic structures in a manner that would avoid duplication and provide a fast, efficient and transparent service.*

### **Open borders**

The most extreme alternative is to advocate an open border to create a single migration field as is the case between Canada and the United States, within the countries in Europe of the Schengen Agreement or, in Asia, between India and Nepal. Even in the former two cases, however, there is no single labour market as work permits are required should migrants wish to take a job in another country. Borders of free movement would appear to be unrealistic in the Greater Mekong Sub region where, even though all are members of ASEAN, national rivalries preclude the political acceptability of such an option in the immediate future. While a Mekong Sub region without internal borders is hardly a viable political alternative at present, the current reality of undocumented migration indeed reveals the illusion of the effectiveness of these borders as barriers to the movement of people.

Governments universally and understandably like to give the impression that they are in control and one important dimension of this impression is that they are in control of their own borders. Nevertheless, the logic of the reforms implemented throughout parts of the Greater Mekong Sub region, as well as the logic of the development model currently being pursued by most of the countries, does argue for greater freedom of movement of that key factor of production, labour. That the market should be allowed precedence in the control of migration might appear an anathema to many and politically unacceptable to governments in the sub region. However, governments need to take a close and dispassionate look at the costs of immigration control if that control is indeed to be effective. Could this money be better spent elsewhere? Have the millions of dollars spent on border control between the United States and Mexico, for example, made a significant difference in reducing the number of illegal entrants to the United States? How much would Thailand have to spend to secure its long land borders effectively with Myanmar, the Lao People's Democratic Republic and Cambodia? This is not to advocate the abandonment of border controls in the sub region but for governments to search for an acceptable compromise between guarding national territories and effective control of migration across borders.

In the development of national immigration policies globally, a common theme that has emerged is the gap between the goals of policy on the one hand and the results or outcomes of those same policies on the other (Cornelius, Martin and Hollifield 1994). Before attempting to implement policies in the Greater Mekong Sub region, it might be useful to assess the experience of countries in other parts of the world with similar policies. Worldwide, the "successes" of attempts to control the numbers of irregular migrants are few and far between. One success in Asia was the example of Hong Kong where the number of illegal entrants was brought down to manageable numbers from 1981 onwards through tight border surveillance and cooperation by authorities on both sides of the border on this issue. What is practical and feasible for one small urban area with a very special relationship with its hinterland is, however, very different for large nation states. Interestingly, irregular migration towards Hong Kong has become demographically almost irrelevant today as the major target for migration in that region, including movements *from* Hong Kong, is the booming cities across the border in contiguous parts of China. In this case, the process of development first created, then solved, the problem of irregular migration through an integration of labour markets.

*Recommendation 2: Governments in the sub region should begin to explore ways in which they may be able to move forward towards more closely integrated labour markets within existing regional forums such as ASEAN.*

*Recommendation 3: Governments should make an assessment of the costs of implementing immigration policy in the sub region. International law enforcement agencies and other international organizations could also review their policies in this area.*

### **Political will and public opinion**

Migrants almost universally are viewed with suspicion. They are so often seen as a threat to national economies, undermining the position of local workers by lowering wage rates and increasing competition. If they do not have jobs, the migrants are seen as the unemployed who rely on criminal activities often undermining local cultures through their antisocial behaviour. They are thus seen as a drain on local resources and, in advanced economies, as those who become reliant on welfare systems. The empirical data to demonstrate the validity of such views have never been forthcoming. Quite the reverse, migrants have been shown to generate more wealth than they consume through proven entrepreneurial abilities and contributions to the tax base.

What is clear from the existing data on migration to the United States, for example, is that economic contribution and ease of integration depend heavily upon the educational and skill levels of the migrant populations. Those later immigrants who entered under family reunification

auspices have tended to make lower contributions than earlier, independent migrants, and they rely more on welfare (Borjas 1990). In the case of the countries in the Greater Mekong Sub region, the vast majority of migrants are unskilled and come into a country such as Thailand to do the kinds of activities that local labour has become unwilling to do. They are, nevertheless, playing important roles in the economy and a first step must be to change political and public attitudes towards migrants. They need to be seen in a more positive light as significant actors in the national economy and public awareness campaigns of their true role need to be promoted. Migrants, particularly the highly educated and skilled but also the less skilled, make a positive contribution to destination societies and economies. Attitudes in the United Kingdom, a country with a very negative view of migrants over the recent past, have begun to change through a much more open discussion about the need for certain types of workers.

See, for example, the summary of research findings made by the Home Office (Glover et al 2001) and the series of articles in the influential left-of-centre *Guardian* newspaper (*The Guardian*, 21-23 May 2001). Such discussions need to be promoted in countries such as Thailand and, with respect to internal migrants, in Viet Nam.

A critical part of the awareness lies in communicating the real impact of immigration on countries in the sub region. There is a tendency to exaggerate the likely numbers of migrants and the impact of migration in general. As seen in the first part of this paper, numbers are often socially constructed depending upon the ideology of those generating the data. Fears of countries being swamped by migrants are not uncommon. In the countries of the Greater Mekong Sub region, the proportions of migrants in the population are generally quite small. Even if we accept a probably exaggeratedly high estimate for the numbers of migrants in Thailand, for example, at 1.5 million, which would include all accompanying family members, that only represents 2.5 per cent of the total population. Proportions in the other countries are much smaller. Compared with countries in North America and Europe, that proportion is very low. In the United States, the proportion of the foreign-born make up about 8 per cent of the total, whereas in Canada the figure is around 16 per cent and in Australia over 20 per cent. Even in the United Kingdom, a country not noted for its immigration, the stock of foreign population is around 3.4 per cent. Certainly, the overall figures themselves are deceptive as there are local and regional concentrations of migrant populations that indeed create ethnic neighbourhoods but the overall demographic impact of migration in the Greater Mekong Sub region is not yet significant.

*Recommendation 4: Governments in the sub region should embark upon awareness campaigns to disseminate the result of research on migration in the sub region. These campaigns should be directed both at political leaders and at the general public.*

### **Employer strategies**

Immigration policy, however, is not simply about control of numbers at the borders. One possible option to pursue is a policy that is employer-driven, that is, one in which employers submit applications for the workers they require to a government agency which can then either approve or disallow the requests in line with national priorities. If approval was forthcoming, the employer would turn to either a private or a state labour recruitment agency for the supply of the workers. As stressed in an earlier paragraph, ensuring the efficient and transparent delivery of such a complex system would be the critical challenge, particularly given the implied link between state and private interests. Also, the numbers of workers who are currently sought by employers represents a minority of all irregular migrants in countries in the sub region. Although there are no reliable data to provide a conclusively accurate assessment, the majority of irregular migrants would appear first to enter Thailand, for example, and then secondly to seek employment. Thus, to a large extent, illegal immigration and illegal entry into the labour force are two separate if clearly interrelated processes.

It is going to be much more difficult to implement policies that seek to regulate or regularize migration at the borders, compared with policies to regularize and assimilate workers once they are at destinations. Thus, initially, governments in the Greater Mekong Sub region may have to continue to accept the irregular immigration of workers but with the priority placed on their later registration. That is, the focus is shifted from the borders to the employers in an attempt to register irregular migrants, the assumption being that the vast majority are engaged in some form of employment, either in the formal or the informal sector. Clearly, some sectors are going to be much easier to monitor than others. Manufacturing and formal services will be much easier to register than informal services such as the entertainment industry or domestic workers.

Even if satisfactory coverage of manufacturing enterprises could be achieved, sanctions on employers who employ irregular migrants are unlikely to be effective. Quite the reverse. If employers see that they are likely to be penalized, they are not going to cooperate with the authorities and irregular workers are likely to "disappear" at the time of inspections.

Any policy response must be seen as non-prejudicial to employers if a policy to register and protect migrants through this strategy is to have any chance of success. It must always be borne in mind that no government, and particularly those in the Greater Mekong Sub region where traditions of more open government are recent, is going to pass legislation that will diminish its own influence. Governments generally have close relations, even are made up of, members of the business and entrepreneurial community. Even where substantial employer sanctions on the employment of illegal immigrants do exist, as in the United States, these have been deemed to have been largely ineffectual in controlling the numbers of workers in an irregular situation in the country.

Desirable though the introduction of minimum standards in occupations such as domestic work or sex work might be, over the short term these would be impossible to enforce in such decentralized activities. Over the medium term, raising awareness through NGOs and voluntary associations of domestic workers themselves about minimum conditions and the rights of workers may be the most effective way forward. In the case of domestic work, a pre-departure briefing on the kinds of institutions available to them in destination countries could be useful. So too is the establishment of workers' organizations in the destination areas which can seek to protect workers and advise them of their rights. Such activities are well developed among domestic workers in Hong Kong, for example, and international agencies have a role in working with governments in establishing what these standards might be and in raising regional awareness on "best practices". In the sex trade, decriminalization of prostitution would go some way towards protecting women engaged in the service, as well as users, through a greater ease in monitoring health status.

*Recommendation 5: Governments in the sub region should move towards establishing within their manpower planning departments, or other appropriate department, a section to coordinate applications for foreign workers.*

*Recommendation 6: Governments need to establish and extend a register of all employers by sector with a view to being able to monitor the conditions of foreign workers.*

*Recommendation 7: Governments need to think carefully about the likely consequences before passing any type of employer sanctions into legislation.*

*Recommendation 8: Governments need to work more closely with NGOs and workers' and employers' organizations which have developed to serve the needs of specific migrant groups or occupations.*

### **Contradiction between local and national policies**

Another major dilemma for policy makers is that if they begin to police effectively a migrant worker policy that will guarantee the workers all the rights and freedoms of local workers (through minimum wages, insurance, medical benefits and so on) foreign owners, or partners, in footloose industries may move elsewhere with negative consequences for local and national economies. It is here that regional initiatives could prove important to ensure that there are common labour standards within the sub region so at least these industries see no advantage in using regional differences as a bargaining chip in relaxing standards. Here, regional bodies such as ASEAN could play an important role in coordinating with international agencies.

*Recommendation 9: Governments should explore means to establish common labour standards across the sub region.*

Temporary as opposed to permanent migration: towards an immigration policy It should have been abundantly clear from this paper thus far that the policy issues on migration in the Greater Mekong Sub region revolve primarily around the movement of labour. Since 1996, legal migrants to Thailand have been given two-year work permits that can be renewed for a further year. The assumption is that they will return on the termination of their contract. However, as the experience of the guest-worker programmes in Europe has demonstrated, there is nothing more permanent than a temporary migrant (Martin 1991). Perhaps the greatest concern that governments in the Asian region have is that the migrants will never return home. Any future relaxation of labour importation quotas (Bangkok Post, 3 June 2001) will almost certainly be predicated on the understanding that migrants must return home upon completion of their contract.

Yet, there are certain key points that need to be taken into consideration. In certain activities, even at a relatively unskilled level, a high turnover in labour can be counterproductive. Employers have no wish constantly to be training their work forces and prefer to remain with hard-working and reliable labour. In addition, there are two questions related to basic human rights. The first is that which relates to family reunification: if a worker has a family in his or her country of origin, for how long can a state refuse them the right to live together as a family. This rights issue is quite separate from any consideration that workers who have their family with them may be better and more productive workers. Additionally, if their families are with them they may have a lower propensity to engage in high-risk behaviour that might facilitate the spread of HIV/AIDS. The second issue relates to the right of a state to repatriate workers to areas which may be unstable. Some, although certainly not all, of the irregular migrants have come into Thailand because of difficult political conditions in their areas of origin and the forced return of workers may expose them to danger.

The most important point, however, as we saw in the case of Ranong discussed in the first part of this paper, is that there are already significant numbers of long-term workers with their families at locations around the sub region. The human rights issue of repatriating all these irregular migrants, quite apart from the logistical arrangements involved in sending back tens of thousands of men, women and children, could pose a public relations nightmare for any government attempting to do so. Thus, governments in the sub region, and particularly Thailand, need to begin to think about an immigration policy in a wider sense that incorporates the assimilation of migrants into Thai society. This policy clearly has important considerations for the education of children and the provision of other basic services such as health and housing. A particularly important point relates to whether permanently resident aliens have rights to purchase land which is, in many ways, the ultimate symbol of commitment to a country by the migrant and to the migrant by the country. These often sensitive areas are certainly what policy makers need to be considering seriously, as these long-term migrant populations are unlikely to diminish in the countries of the Greater Mekong Sub region in the future.

The issues of immigration policy clearly revolve not simply around assimilation. Most of the countries in the sub region face critical deficits at higher skill levels that are limiting a country such as Thailand, for example, from moving on from patterns of development based on labour-intensive industrialization. These skills can be imported and, although the majority of skilled workers are likely to want to move on or back to their home countries upon completion of their contract, some could be attracted by packages that would allow settlement. Countries in the sub region should therefore be thinking towards establishing a policy to attract specific types of migrants based upon their skills in much the same way as countries such as Canada or Australia, for example. One need not, however, necessarily think simply in terms of permanent settlement as opposed to temporary labour migration. In all flows of migration there is a return flow and not all those families, or workers, will choose to stay on at destination areas. The return may be upon retirement or in change of circumstances in origin or destination areas. As in the cases of immigration to the settler societies in North America and Australasia, increasingly countries in Asia are becoming part of the transnational flows of circulation that are linking countries in the twenty-first century.

*Recommendation 10: Governments in the sub region increasingly need to explore immigration policies that include provision for family reunification and longer-term settlement and not just contract labour migration.*

*Recommendation 11: Governments in the sub region need to examine the feasibility of pursuing policies of assimilation that can eventually lead to the full incorporation of long-term migrants into the fabric of host societies.*

*Recommendation 12: Governments in the sub region need to start to think of establishing skill-based selection criteria as a part of their immigration policies.*

### **Permanent settlement and citizenship**

The logical end point of any policy of assimilation is citizenship. It is important that migrant populations be accorded basic human rights. However, these rights at some point need to be extended, if the conditions justify this, to include the right to participate in the full civil and political life of the country. A precedent exists in most of the countries of the Greater Mekong Sub region for the granting of citizenship, and that precedent concerns the Chinese.<sup>11</sup> The essentially jus sanguine as nationality principles of Thailand, for example, have been modified by various decrees in the past (for example, in 1909 and in 1956) to allow ethnic Chinese to become full citizens. The laws were modified on the basis of property ownership, service in the army or navy, level of education, and so on, to allow Chinese full citizenship. Conversely at other times, between 1948 and 1955, for example, Thailand pursued more exclusionist and repressive policies towards the Chinese.

Clearly, however, the ethnic Chinese were an exceptional migrant group in the Greater Mekong Sub region. Official attitudes towards the ethnic Vietnamese in Cambodia have been in sharp contrast to the more accommodationist policies towards the Chinese even if under the Pol Pot regime both groups were identified for particularly harsh treatment. A group of Vietnamese who fled their country in the late 1940s and who were allowed to settle in the northeast of Thailand were exceptionally accorded citizenship only in the 1990s, and the immigration and nationality acts of 1992 may have been tightened in the light of this protracted case. .

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<sup>11</sup> The literature on the Chinese in the countries of the Greater Mekong Sub region is extensive. The general work of Purcell (1966) and the country-specific works of Amer (1991) on Viet Nam; Willmott (1967) on Cambodia; and Coughlin (1960), Landon (1941) and Skinner (1957) on Thailand, while all outdated, provide background information on the history of policy towards the Chinese. <sup>12</sup> See Stern (1998: 29) for a basic listing for Thailand, for example.

The whole nationality situation is complicated by the great range of ethnic groups present in the territories of the countries in the subregion.<sup>12</sup> Perhaps the most complex refers to the numerous minority groups in the mountainous northern parts of the sub region. Few of these people can prove definitively where they were born and most still live close to border areas and may still maintain traditional kinship links across borders. The granting of citizenship to people who might move back or on to a neighbouring country where they are legally entitled to claim protection in cases of persecution presents governments in the sub region with a potential diplomatic scenario that they would prefer to avoid. Some countries in the sub region appear to have extended full citizenship rights to ethnic minorities even if, in practice, the actual treatment of these groups often leaves much to be desired. Nevertheless, these people are not going to disappear and, given that the population displacements associated with the war in Viet Nam and its aftermath have receded, the time may now be appropriate to begin to reconsider the whole issue of citizenship.

No country in the Greater Mekong Sub region actively encourages permanent settlement and the award of citizenship. However, as stressed earlier in this paper, the demography of the sub region has changed profoundly and the nature and role of migration in the sub region are also changing. It is important that both official and public attitudes towards that migration are altered accordingly.

*Recommendation 13: Governments in the sub region need to explore ways to move towards a more open and transparent system of awarding citizenship to long-term migrants based upon clearly stipulated criteria.*

### **The issue of emigration**

The policy discussions thus far have concentrated upon in-migrant flows to destinations. Any comprehensive policy needs also to consider out-migration to other areas and the protection of nationals overseas. Although a country such as Thailand has emerged as a labour-deficit economy, migrants continue to go overseas to seek higher-paying jobs, mainly to Taiwan Province of China and Singapore, but also to parts of the Middle East and Israel, as seen earlier in this paper. It could be argued that Thailand, like the Philippines, could better exploit its labour as a resource. Thai consulates overseas could have sections devoted to exploring potential sources of employment in likely areas. Links with chambers of commerce could serve a similar function.

Such policies, however, are more likely to be short-term in cases such as Thailand and Viet Nam, for example. The kinds of activities engaged in by labour migrants from both countries are largely unskilled. As seen earlier in the paper, one of the major constraints to Thailand's future development is the lack of labour with more than just primary education. There is no problem of educated unemployed in the countries of the Greater Mekong Sub region, as can be found in India or the Philippines, for example. The resources devoted to the quality of the labour force must be for domestic rather than overseas consumption. This direction is reinforced by the slowing in the growth of the labour force and the emergence of labour deficits in parts of the sub region that will see movements from Thailand and Viet Nam slow over the medium term.

It might be argued, following the arguments made in the second part of this paper that the populations of Cambodia, the Lao People's Democratic Republic, Myanmar and of Yunnan will to some extent act as a labour reserve for the more economically dynamic parts of the sub region. Authorities in these areas could liaise with counterparts in other parts of the sub region for the supply of appropriate labour and seek to guarantee their protection and eventual return. Such a strategy would be an integral part of recommendations 2, 5 and 9 above, which all refer to aspects of the regional integration of labour markets. Whether authorities in the potential labour reserves would be able or willing to pursue policies that might seek to prepare labour migrants for

the types of jobs and life that will await them in destinations seems unlikely. Most of the jobs undertaken are unskilled, requiring little training in the first place, and the occupations will be highly varied and involve small groups of workers. In cases where large numbers of workers are required for specific projects, in construction, for example, greater involvement of the supplier country may be feasible. Such possibilities should certainly be explored.

Perhaps the most important policy direction, as far as emigration is concerned relates to the first point made in this section: the need to make sure that a transparent and efficient channel exists to allow workers to leave legally within a reasonable period of time. Bureaucratic bottlenecks that might restrict the free movement of labour need to be removed. Otherwise, workers will leave (and enter a destination country) illegally without recourse to protection of any kind.

Any recommendations for emigration duplicate those for earlier sections but particularly recommendation 1.

### **Return and reintegration**

Much of the existing migration out of countries like Thailand and Viet Nam is legal contract labour movement. Those workers used to relatively high paying jobs in Taiwan Province of China, the Gulf States or Singapore may face problems adjusting back to their home areas, where employment may not be readily available. Little information exists on the skills, if any, migrants may have gained while overseas and whether these can be usefully channeled to the benefit of the home country. Returning workers may also face social and psychological problems after prolonged absences overseas.

As stressed at several points in this paper, return movements are an expected dimension of any migrant flow and governments might like to explore ways to profit from these migrations. The Viet Kieu or wealthy Thais residing in the United States could be encouraged through chambers of commerce or other institutions in destination areas to return to invest in their homeland. Their return need not be a permanent return migration but part of the increasing transnational patterns of circulation that are increasingly linking countries in the twenty-first century. Provision for dual residence and citizenship may have to be made with families essentially living and working in two or more countries.

There is also the issue of the reintegration of sick or abused migrants. Young girls, or young male workers in the fishery industry, for example, may be repatriated or return home on being identified as HIV-positive. To what extent this scenario is important is not yet known and the burden on family members in villages is generally unappreciated. Returned sex workers may not wish to go back to their villages for reasons of shame or as they will be a burden to their families. Conditions at home may be far from ideal and are those from which they fled in the first place.

*Recommendation 14: Governments in the sub region could explore ways to establish institutions that might promote return movements of migrants to utilize appropriately; for the benefit of national development, the skills and capital gained overseas. Equally; these institutions could seek to help less fortunate returnees to integrate into a more meaningful life.*

### **Data and research**

The final recommendation returns to the first point made in the paper regarding the lack of information in certain areas. The lack of data on remittance flows from internal migrants was noted. Perhaps more important, though, is the dearth of information on the conditions in particular sectors in which migrants are known to concentrate such as domestic work, agriculture, construction and even manufacturing. If we knew as much about conditions in these sectors as we do about those in the sex sector, for example, this paper would have been able to rely on a much broader empirical foundation.

*Recommendation 15: Governments in the sub region should seek to improve the information base for migrants in key sectors liable to exploitation such as domestic work, agriculture and construction, as well as in manufacturing and the sex sector.*

### **3.5 Conclusion**

This paper has attempted to provide both a concise overview of population movement in the countries of the Greater Mekong Sub region and an explanatory framework for these movements. The paper goes on to make suggestions, in the form of recommendations, of the main issues that countries in the sub region will have to face if they are to confront present and future migration in the sub region. The gaps in the empirical base are obvious, the need for continued data-gathering paramount. However, the main directions are clear, even if the detail on specific flows and occupations is lacking.

The essential characteristics of the migration in the Greater Mekong Sub region are that movements are increasing; the deep financial crisis of 1997 had relatively little impact on the main directions of migration in the sub region despite some fluctuations. Most of the migration in the sub region goes through irregular channels. Most of the migrants are young adults and both men and women participate in the flows. The principal causal factors revolve around the pattern of uneven development in the sub region in the context of sustained declines in fertility. Several "demographic sinks" have emerged in the sub region as areas of relatively high development, low fertility and increasing labour deficits. These growing metropolitan areas initially drew in internal migrants and more recently have become targets for migrants from other countries. The uneven pattern of development has also produced more decentralized targets for cross-border movers, often in the border areas themselves.

The descriptive and more analytic assessments of migration in the sub region were outlined in the first two parts of the paper. The third part goes on to outline the main issues the governments in the sub region will have to face if they are to deal adequately with the challenges presented by the increasing population migration. At present, governments tend to see migration primarily as a temporary or short-term phenomenon. Perhaps the most important initial step is to encourage a shift in thinking at all levels: that migration is going to be a permanent feature of future development in the sub region, both out-migrations from some areas and in-migration to other areas. While temporary migration may become a long-term feature, more permanent migration will also become increasingly important. The transnational migration of families is already occurring in parts of the sub region. Countries in the sub region are seriously going to have to address the issue of immigration policy, which initially will have to deal with the assimilation of migrants and a clearly defined policy on citizenship. Over the long term, countries may even need to contemplate policies to select particular types of immigrants to satisfy the demand for skills that could assist in national development strategies.

An undercurrent running through this paper is the power of globalization. It is not argued that the process of globalization is necessarily all good. Globalization is indeed increasing inequalities: the very uneven development that is at the root of the increasing migrations. What is clear, nevertheless, is that profound change does appear to be inevitable and one dimension of that change is in the nature of the nation state. The idea of a homogeneous nation/state based upon the primacy of a single ethnic group has been a recent / development in human history dating from late eighteenth-century Europe. The state itself obviously long pre-dates the idea of the nation state and is a constantly changing concept with migration an integral part of these changes. The complex interrelationships between migration and state formation need not detain us here but it would appear as though, under what we generally understand as "globalization", the state is returning to a "polyethnic norm" (McNeill 1986). The idea, even the myth, of the homogeneous state has been a relatively brief phase in the evolution of the state. The incorporation of different ethnic groups, assimilation, dual citizenship and bi-local residence are all part of the new emerging state.

The changes involved in this transformation are thus profound and often difficult for policy makers to accept. To ignore them will be a mistake. The purpose of this paper has been to outline some of the forces bringing these changes about so that policy makers can be better prepared. The issues that are the direct consequences of population migration need to be placed on the table so that they may be openly discussed and more informed policies designed. This paper has attempted to identify the issues and suggest avenues for policy discussion, rather than to present concrete or universal solutions to the diverse consequences of migration in the Greater Mekong Sub region.

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Table 1. Trends in fertility in selected countries, East Asian region, 1960-2005

	1960-65	1970-75	1980-85	1990-95	2000-05
Cambodia	6.29	5.54	5.06	4.90	4.60
China	5.72	4.86	2.55	1.92	1.80
Indonesia	5.42	5.10	4.06	2.90	2.58
Japan	2.02	2.07	1.76	1.49	1.43
Lao PDR	6.15	6.15	6.69	6.30	5.75
Malaysia	6.72	5.15	4.24	3.62	3.18
Myanmar	6.00	5.75	4.60	2.70	2.40
Philippines	6.61	5.50	4.74	4.00	3.62
Republic of Korea	5.63	4.28	2.5	1.70	1.65
Singapore	4.93	2.62	1.69	1.75	1.68
Thailand	6.39	4.99	2.96	1.94	1.74
Viet Nam	6.05	5.85	4.69	3.30	2.60

Source: *World Population Prospects: The 1998 Revision. Volume 1: Comprehensive Tables*, New York, United Nations Population Division, Department of Economic and Social Affairs, 1999.

Table 2. Proportion of the population under 15 years of age, countries of the Greater Mekong Sub region, 1970-2000

	1970	1980	1990	2000
Cambodia	43.2	39.2	39.4	40.8
Lao PDR	42.3	42.0	43.6	43.9
Myanmar	41.2	39.6	35.6	27.9
Thailand	46.2	40.0	32.0	25.3
Viet Nam	43.8	42.5	38.8	33.2

Source: *World Population Prospects: The 1998 Revision. Volume 1: Comprehensive Tables*, New York, United Nations Population Division, Department of Economic and Social Affairs, 1999.

## **Annex 1 – List of Participants**

### **Cambodia**

Mr Prum Vutha	Vice-Chief of Anti-Human Trafficking Office Ministry of Interior
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Mr Heang Iv	Chief of Legal Bureau Ministry of Foreign Affairs
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## **ANNEX 2 - Agenda for experts meeting (17 -18 September 2001)**

### *Monday 17 September*

09:00 – 09:15	Welcome and introduction
09:15 – 09:45	Introduction to ILO-TICW-project and UN-IAP project
09:45 – 10:30	Presentation of background paper by Dr. Ronald Skeldon 'Policy and migration/trafficking in the GMS'
10:30 – 10:50	Coffee/tea break
10:50 – 11:15	Q+A, discussion on background paper
11:15 – 12:00	Discussion on definitions of trafficking
12:00 – 13:30	Lunch break
13:30 – 15:30	Discussion in 2 sub-groups: How to reduce trafficking through: new and improved channels for migration
15:30 – 15:45	Tea/coffee break
15:45 – 16:30	Plenary reports followed by discussion
16:30 – 17:00	Discussion on topics to be selected for day 2: 1. Population trends and migration policy 2. Linking future manpower needs with migration policy 3. Common labour standards 4. Protection of migrants and migrant rights 5. Immigration (settler) policy – citizenship 6. Emigration policy 7. Return and reintegration 8. Other
18:00 -	Welcome reception

### *Tuesday 18 September*

08:30 – 9:00	Summary of previous day
09:00 – 11:15	Discussion in 3 sub-groups on 3 of the 8 (above) topics (including 15 min. coffee/tea break at 10:15)
11:15 – 12:00	Plenary reports followed by discussion
12:00 – 14:00	Lunch break
14:00 – 15:30	Closing session: conclusion and next steps