

Facilitating Safe Labor Migration in the Greater Mekong Subregion

Issues, Challenges, and
Forward-Looking Interventions





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Contents

List of Tables and Figures	iv
Acknowledgments	v
Abbreviations	vi
Executive Summary	vii
Introduction	1
Stock, Flows, and Patterns	3
Driving Forces	3
Migrant Categories and Sectors of Activity	8
Internal Migration	11
Border Mobility	13
Extra GMS Migration	14
Economic Role of Labor Migration	16
Issues	19
Economic Integration and Labor Mobility	19
Irregular Migration	21
Rights and Protection of Migrant Workers	22
Knowledge Gap	24
Partnerships and Legal Framework of Migration in the GMS	26
Regional Cooperation and Networking Programs	26
National Legal Framework to Manage Migration	29
Recommendations and Ideas Toward Strengthening Subregional Approaches	33
References	36

List of Tables and Figures

Tables

1	Migration Stock in the Greater Mekong Subregion	3
2	Main Demographic and Economic Indicators for the Greater Mekong Subregion Countries	5
3	Characteristics of Migration Flows in the Greater Mekong Subregion	10
4	Number of Workers Deployed, by Destination, 2010	16

Figures

1	Migration Flows and Stocks in the Greater Mekong Subregion	2
2	Relationship between Development, Aging, and Migration in the Greater Mekong Subregion	4
3	Demographic Profiles of the Greater Mekong Subregion and Possible Evolution until 2050	6
4	Registered Migrant Workers (2010) in Thailand by Sector	9

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The report also incorporates inputs and insights from an expert-level workshop attended by academics and civil society organizations and international organizations, as well as country and regional consultations under the auspices of the GMS Working Group on Human Resource Development.

Olivier Ferrari and Yuko Hamada, IOM, wrote the report, while Pradeep Srivastava, ADB, and Federico Soda, IOM, provided overall guidance and support. IOM missions in the subregion and Leah Gutierrez and her staff at ADB provided constructive comments and suggestions. The production of the report was managed by Flor Melendez and Georginia Nepomuceno.

Abbreviations

ADB	–	Asian Development Bank
AEC	–	ASEAN Economic Community
ASEAN	–	Association of Southeast Asian Nations
COMMIT	–	Coordinated Mekong Ministerial Initiative against Trafficking
ESCAP	–	United Nations Economic and Social Commission for Asia and the Pacific
EU	–	European Union
GDP	–	gross domestic product
GMS	–	Greater Mekong Subregion
ILO	–	International Labour Organization
IOM	–	International Organization for Migration
Lao PDR	–	Lao People’s Democratic Republic
MOU	–	memorandum of understanding
NGO	–	nongovernment organization
PRC	–	People’s Republic of China
SSS	–	social security schemes
UN	–	United Nations
UNIAP	–	United Nations Interagency Project on Human Trafficking
UNFPA	–	United Nations Population Fund

Executive Summary

Migration within the Greater Mekong Subregion (GMS) can be categorized as international migration, internal migration, and border mobility. Labor migration in the GMS is widespread and concerns at least 3 to 5 million workers. However, a precise estimate is difficult because very little data are available. Thailand is the subregional hub for labor migration and host of 60% of the total migrants, 80% of which are from Myanmar. The bulk of labor migrants work in low-skilled jobs and are irregular workers.

Migration is driven by economic disparities between countries and by demographic inequalities (aging populations and labor shortage in the most developed countries, labor surplus in the poorest countries). The improved connectivity brought about by infrastructure related to the GMS economic corridors also increases mobility, directly impacting migration.

Other factors also facilitate migration. Long porous borders and weak governance strongly contribute to the spread of irregular migration, which is often related to smuggling activities, overstaying, or changing employers. These factors give no incentives to migrants to become regular workers; even if laws exist to protect them, they are rarely enforced. This undermines the sovereignty of the states, which lose the control on the import of labor and are not able to estimate their labor force. Irregular migration is a complex issue, determined by the diversity of stakeholders, from the migrants themselves to brokers, recruitment agencies, employers, police, and other civil servants involved in migration management. To decrease irregular migration, regular migration must be attractive to migrants. Empowering migrants by allowing them to organize into unions would be a first soft step toward regular migration.

Sudden and unforeseen events also impact migration. Natural disasters induce mobility not only of the affected populations, but also of labor migrants who are employed in reconstruction projects. Similarly, political events can impact labor migration. For example, the recent opening of Myanmar is likely to change future migration patterns, as business opportunities are blossoming in the country, and this is likely to decrease the fluxes to Thailand. In this case, Thailand will have to turn toward a less labor-consuming economy to keep its competitiveness. However, the effects of the opening of Myanmar on migration patterns have yet to be established through evidence-based surveys. Nonetheless, these events are likely to affect investors' decisions, affecting, in turn, migration patterns.

International intra-GMS migration is mainly directed toward Thailand and concerns low-skilled migrants. Internal migration is the more prevalent type of migration. It can take place from rural to urban areas, as is more and more the case in all the GMS countries, but also rural to rural, as in Cambodia. In some case, rural–urban migration can drive migrants from neighboring countries, which seasonally fill the labor gap in agricultural work. Border mobility is induced by the GMS economic corridors. It takes place in border towns along the corridors, where migrants from within the countries gather to fill the labor gaps created by the recent, very dynamic, and often informal economies that

blossom along the borders. This modality of migration still has to be deeply understood through qualitative research, to address the vulnerability it creates. However, as it concerns special economies along the borders, the status of these migrants should be considered as related to particular economic mechanisms and mainstreamed into the economic and urban policies created for these borders.

Migration outside the GMS mainly concerns migrants from the People's Republic of China (PRC), Thailand, and Viet Nam, and weak enforcement of the regulations regarding recruitment agencies, which encourage debt bondage and exploitation is the main issue in this migration.

Remittances remain a very strong rationale for migration. Data on these remittances are hardly available, however, as most intra-GMS remittances pass through informal channels.

The main issues related to labor migration in the GMS are the following:

- **Readiness for economic integration in the framework of the Association of Southeast Asian Nations' Economic Community.** The transition toward a knowledge-based economy needs mechanisms to recognize the emerging skills and an environment attractive to highly skilled migrants. However, this transition should take place not to widen the existing gaps between the countries, but to ensure GMS competitiveness as a whole.
- **Regularization of migration.** Irregular migration should be curbed by creating an environment in which regularization is sustainable to migrants.
- **Migrant workers' rights.** Rights and protection of migrant workers are not yet ensured, even if laws that address regular migrants exist. This is part of the environment that makes regular migration non-sustainable for migrants.
- **Migration of women and children.** The feminization of migration should be mainstreamed into migration policies to protect women and children.
- **Data availability.** Knowledge on labor migration is sorely lacking. Research should be encouraged through both quantitative and qualitative surveys for greater understanding of how migration works within the subregion.

International, bilateral, and national legislation provide the legal framework for addressing migration issues. However, gaps still exist, cooperation could be enhanced, and governance issues still slow the process down.

Recommendations include the following:

- Increase protection mechanisms for migrants in cross-border settings,
- Strengthen capacity and legal framework in managing labor migration,
- Enhance social protection for migrants and their families,
- Promote ethical recruitment and employment,
- Strengthen return and reintegration support to migrants,
- Increase knowledge management mechanisms, and
- Promote effective use of remittances.

Introduction

Labor migration in the Greater Mekong Subregion (GMS) is not new. It follows movements that characterized the pre-colonial and colonial eras. Political conflicts and civil wars that occurred during the post-World War II period have pushed many people to seek refuge in Thailand until the late 1970s. From the mid-70s to the early 90s, the GMS countries mainly closed and movements were reduced, except for people from Myanmar seeking refuge in Thailand.

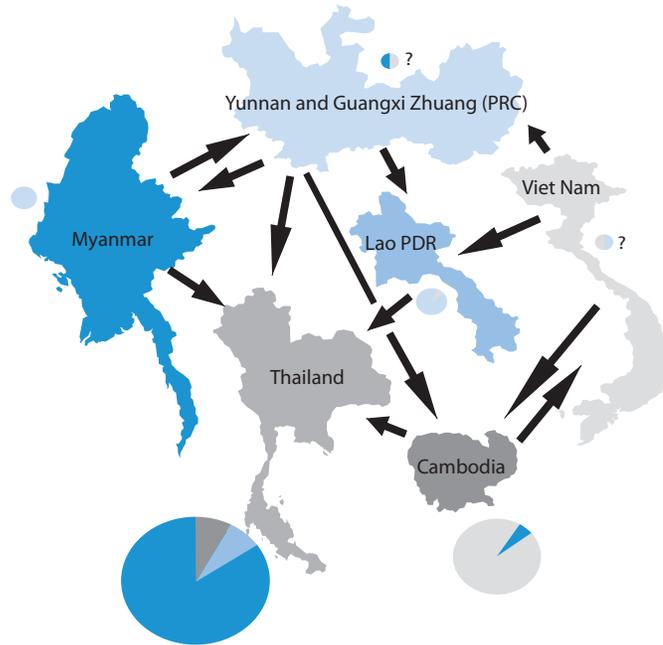
Present day mobility, unprecedented in the subregion, began in the mid-1990s, following the process of regional integration initiated by the creation of the Greater Mekong Subregional Cooperation Program by the governments of the six countries bordering the Mekong river—Cambodia; Yunnan Province and Guangxi Zhuang (Guangxi), People's Republic of China (PRC); the Lao People's Democratic Republic (Lao PDR); Myanmar; Thailand; and Viet Nam. The GMS Program, supported by the Asian Development Bank (ADB) and other institutions, links less developed economies to stronger ones to create a subregional competitive growth block and address regional stability and energetic security (Asian Development Bank 2005). During the same period, the entry of Cambodia, the Lao PDR, Myanmar, and Viet Nam into the Association of Southeast Asian Nations (ASEAN),¹ and ASEAN Free Trade Agreement (AFTA) contributed to the opening of the formerly closed borders. It is in this framework that the GMS economic corridors were conceived, and built through the creation of communication infrastructures linking the subregion.

The easing of visa requirements and the creation of daily and weekly border passes, together with the economic dynamics that were initiated, contributed to an impressive increase in mobility. The development of transport infrastructures contributed to migration, as jobs were created in road or bridge construction, bringing in thousands of workers from companies from the PRC or Thailand. At the same time, this infrastructure development brought about environmental degradation and displaced people. However, infrastructure, specifically transport, has brought about new opportunities, allowing people access.

While improved transportation resulted in improved trade, which economically benefited all the GMS countries, it has also widened the gaps between the countries. The PRC, Thailand, and Viet Nam economies emerged, leaving behind the other GMS countries. This has created a pattern that enhances labor migration from Cambodia, the Lao PDR, and Myanmar, mainly to Thailand, with other secondary migration in neighboring countries. Cambodia hosts long-term migrants from Viet Nam and the PRC, especially in Phnom Penh. Lewis et al. (2010) estimate the migrants from Viet Nam in Cambodia at more than 1,000,000. These migrants comprise people from Kampuchea Krom who migrated after the incorporation of the area into Viet Nam in 1954, people from Viet Nam since the Viet Nam occupation at the end of the 1980s, and recent migrants (Lewis et al. 2010). Workers from the PRC, estimated at more than 25,000, are

¹ Thailand entered as a founding member in 1967.

Figure 1 **Migration Flows and Stocks in the Greater Mekong Subregion**



PRC = People's Republic of China, Lao PDR = Lao People's Democratic Republic.
 Note: The circles illustrate the migrant stocks in each country (colors indicate the origin of migrants, the surface of the circle illustrates the size of the stocks). Question marks indicate uncertainty in the ratio.
 Source: Drawn according to the data presented in this paper.

mainly contract workers, with a higher status than those from Viet Nam. The Lao PDR also hosts migrants, from the PRC, Thailand, and Viet Nam, who work for companies from the PRC and Thailand that are investing in the country (Asian Migrant Centre and Mekong Migration Network 2005). Viet Nam plays host to about 30,000 migrants, mainly from the PRC. Yunnan and Guangxi, since the normalization of the relations between the PRC and its neighbors in the 1980s, became progressively host for migrants from Myanmar and Viet Nam. Myanmar hosts migrants from the PRC, in small business infrastructure.

The GMS must be considered according to its dual nature. On one hand, it represents a single, though composite, economic entity, in which growth strategies shaped the social landscape, thus determining the different roles its countries have in the region. On the other hand, each country is a tributary of its own history and has its own migration routes and agreements. In internal migration, the characteristics of each single state have to be kept in mind along with its relationship with its neighbors. This is especially valid when migration to recent economic zones at the borders is involved, because this is determined by subregional development strategies as well as the countries' socioeconomic situations.

This paper outlines the main trends of labor migration in the subregion with respect to the constantly evolving economic and social dynamics that characterize them. Attention is brought to published works, and to issues on intra-GMS migration, rural-urban migration, border-related migration, and migration outside the GMS. The paper raises issues related to labor migration and its management, and highlights some policy options.

Stock, Flows, and Patterns

The magnitude of labor migration in the GMS is largely unknown. Migration is mostly irregular² in the region, and there are very few ways to capture this. Efforts to address this have been done through the implementation of memorandums of understanding (MOUs) and in Thailand, registrations.

This paper quantifies the migrant stocks in GMS through projections provided by Lewis et al. (2010). While reflecting the trends illustrated by other data, they are the result of a consensus forecast drawing on several experts' estimations (Lewis et al. 2010). They are summarized in Table 1.

Table 1 **Migration Stock in the Greater Mekong Subregion**

Item	GMS Areas						Total GMS
	Cambodia	of PRC	Lao PDR	Myanmar	Thailand	Viet Nam	
Migrant Stock 2008	1,048,000	47,000	118,000	125,000	2,553,000	27,000	3,918,000
Thailand	20,000	3,000	12,000	5,000		4,000	44,000
Myanmar	0	11	0		2,072,000	0	2,083,000
Cambodia		0	6,000	0	248,000	8,000	262,000
Lao PDR	3,000	5,000		0	208,000	1,000	217,000
Viet Nam	1,000,000	28,000	20,000	0	25,000		1,073,000
GMS Areas of PRC	25,000		80,000	120,000	0	14,000	239,000

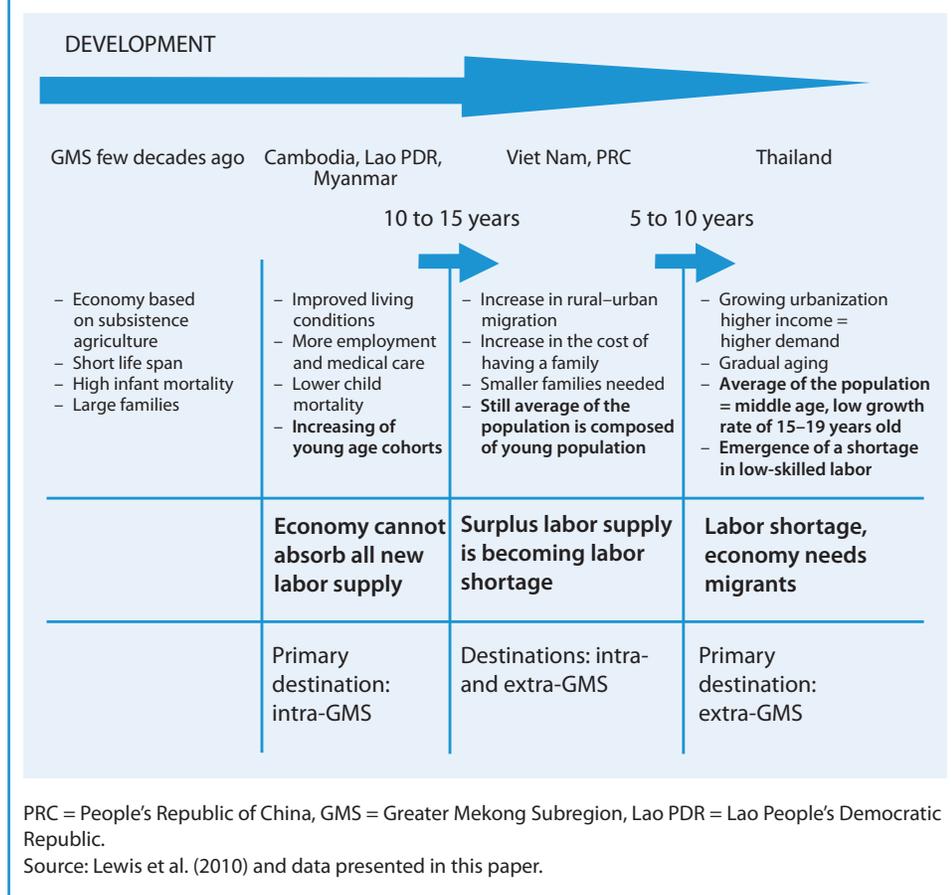
PRC = People's Republic of China, GMS = Greater Mekong Subregion, Lao PDR = Lao People's Democratic Republic.
Source: Lewis et al. 2010.

Driving Forces

Labor migration in the GMS is driven by two main factors: unequal social and economic development, including demographic factors; and existing regional links (communication and transportation) between and within the countries, as well as the urban-rural divide that is more and more evident in each GMS country. Other factors facilitate labor migration: the porosity of the borders, and the weak enforcement of the laws against employing irregular migrants in destination countries (especially Thailand) and laws ensuring decent work conditions. Due to the dynamism of the region, the geopolitical climate must be added to these factors. It is evident, for instance, that the

² For definitions of regular and irregular migration, cf. section: A Context Facilitating Migration.

Figure 2 **Relationship between Development, Aging, and Migration in the Greater Mekong Subregion**



recent opening of Myanmar will have an impact on labor migration patterns. This will be addressed in further sections.

Figure 2 summarizes this relationship between development, aging, and migration, while giving an overview of the main forces driving labor migration.

Table 2 shows the main human development indicators and Figure 3 shows the demographic trends for GMS countries. The following show country characteristics based on these indicators:

- Thailand attracts more migrants than any GMS country (about 60% of all intra-GMS migration). The country has an aging demographic profile, illustrated by a negative population growth rate of working age population (15-39 years old). The country also has the highest gross domestic product (GDP) per capita in the region. It is the only country with a non-negative net migration rate.
- Viet Nam and the GMS provinces of the PRC, Yunnan and Guangxi, still have a growing population, but are expected to be joining Thailand in its demographic trend³ (Figure 3). These economies cannot currently absorb all the labor force,

³ Data on Guangxi Zhuang and Viet Nam are difficult to obtain. However, 2009 ADB publication Migration in the Greater Mekong Subregion, (Soda 2009) indicates that "Population projections for Yunnan Province suggest that its total population will reach ... 48.74 million by 2020, and will decline after 2040. For

Table 2 **Main Demographic and Economic Indicators
for the Greater Mekong Subregion Countries**

Indicators	Cambodia	PRC	Lao PDR	Myanmar	Thailand	Viet Nam	Yunnan Province	Guangxi Zhuang
Population (million)—2012 estimates	14.953	1,343.24	6.586	54.585	67.091	91.519		
Population growth rate (%)—2012 estimates	1.687	0.481	1.655	1.07	0.543	1.054	0.82 (i)	0.48 (ii)
Growth rate of population aged 15–39 (%) 2000–2012*	2.32	–0.32	2.38	1.19	–0.29	1.24		
Total fertility rate (children born/woman)—2012 estimates	2.78	1.55	3.06	2.23	1.66	1.89	1.7 (iii)	1.9 (iii)
Median age (2011 estimates)	22.9	35.5	21	26.9	33.3	26.8		
Net migration rate (migrants/1,000 pop)—2012 estimates	–0.33	–0.33	–1.14	–0.3	0	–0.34	–0.11 (iv)	–0.55 (iv)
GDP real growth rate growth (%)—2011 estimates	6.7	9.2	8.3	5.5	0.1	5.8		
GDP per capita (2011 US\$ at PPP)—2011 estimates	2,300	8,400	2,700	1,300	9,700	3,300	1,876 (iii)	2,166 (iii)

PRC = People's Republic of China, GDP = gross domestic product, Lao PDR = Lao People's Democratic Republic, pop = population, PPP = purchasing power parity.

Note: Numbers in parenthesis represent other data sources as listed below.

Source: CIA Fact Book except for *: US Census Database; (i): <http://www.geohive.com/cntry/cn-53.aspx> (2010 data);

(ii): <http://www.geohive.com/cntry/cn-45.aspx> (2010 data); (iii): Xizhe Peng's 2011 paper in Science (Peng 2011);

(iv): Andrew M. Fisher. 2012. *Provincial Migration in [the People's Republic of] China: Preliminary Insights from the 2010 Population Census*. Working Paper n. 541. The Hague: Institute of Social Studies.

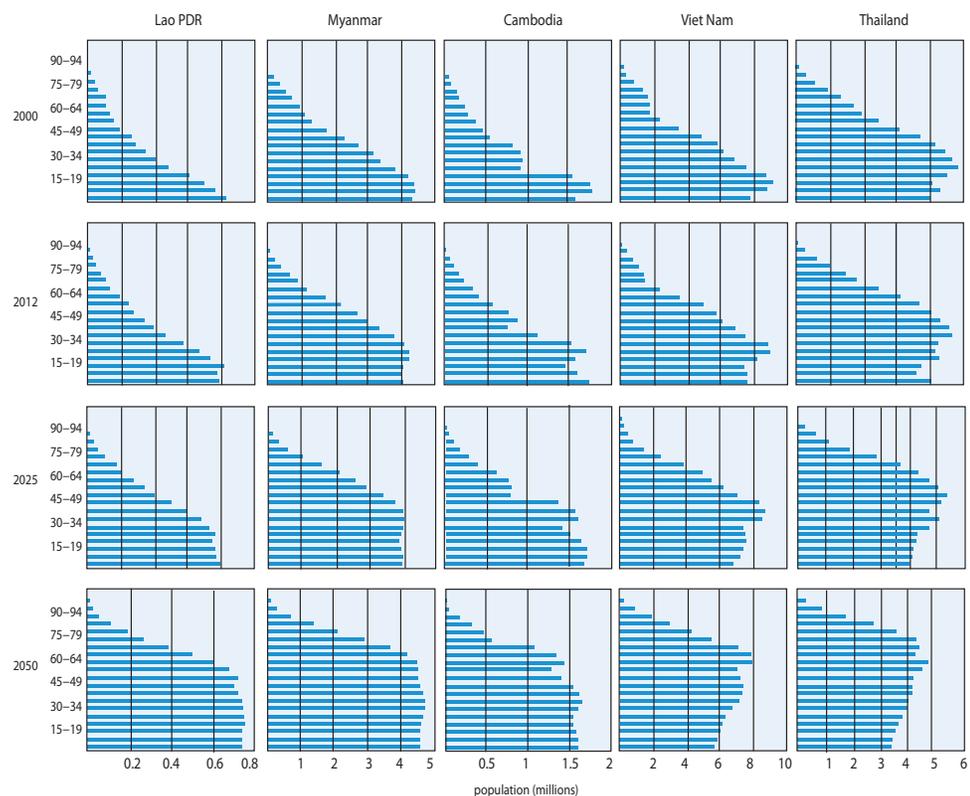
but will soon face labor shortage and will need supply of labor. If increased labor productivity is preferred to the import of cheap labor, the need for foreign labor will be less urgent.

- Cambodia, the Lao PDR, and Myanmar, have economies that cannot absorb their labor force yet. Their population growth rate is still high, with a median age lower than 30 years. The three countries are net out-migration countries, although, until recently, Cambodia was, as Thailand, a net in-migration country.⁴

Guangxi Zhuang Autonomous Region, birth rates are rising annually but are also projected to decline after 2030. Both provinces have aging societies that, in the absence of internal or international migration, could pose a number of problems for their economic and social development.”

⁴ Lewis et al. 2010.

Figure 3 Demographic Profiles of the Greater Mekong Subregion and Possible Evolution until 2050



Lao PDR = Lao People's Democratic Republic.
Source: US Census, international database.

Since 1992, the socioeconomic landscape of the region was characterized by fast growing transportation and trade infrastructures, which, according to the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), grew by 35 times between 1992 and 2009, while informal cross-border trade is estimated as equivalent to 30% to 50% of the official trade volume. Improved transportation brought by the development of the GMS economic corridors include road, rail, and waterways, which facilitate mobility of labor and goods, strongly influencing labor migration but also the way the economic landscape of the region evolves. This, combined with the easing of land travel restriction for tourism and business purposes, facilitate and instigate unprecedented flows of people across the borders.

A Context Facilitating Migration

According to the 2011 International Organization for Migration (IOM) Glossary on Migration, (IOM 2011) regular migration is defined as migration that occurs through recognized, authorized channels. Within the GMS, economic and demographic driving forces alone cannot explain the extensive nature of labor migration, nor the widespread irregular migration that characterizes the region. Long, porous borders facilitate the irregular entry of migrant labor into destination countries. On the other hand, weak enforcement of the laws against the employment of irregular migrants encourages their employment in the countries using migrant labor. Moreover, various parameters

make regular migration hardly sustainable for migrants. Registration takes long and is expensive. Due to governance issues, registration does not ensure that registered migrants will effectively benefit from the social protection ensured by the laws.

To be a regular migrant requires having identity documents and a valid visa, which implies bi- or multilateral agreements and related national policies. Low-skilled workers have few legal channels to travel in the region, although progressively, policies are designed through MOUs and regularization efforts. Nonetheless, irregular migration still constitutes the bulk of intra-GMS migration of low-skilled workers. This directly impacts the workers' vulnerability, as they have no means of protection against exploitation and low wages, which then impacts national economic strategies, as irregular migrants are unregistered, making it difficult to know the true state of the national labor market.

Due to the porosity of borders and to weak enforcement, smuggling is very frequent in the GMS and characterizes a huge part of labor migration in the subregion. Regular migrants can become irregular by overstaying or engaging in unauthorized work. When this happens, smuggling may be involved. This type of smuggling requires the consent of the smuggled person, who uses the services of a third person to illegally cross national borders. Smuggling occurs during the transportation phase, and the migrant then becomes irregular unless he/she goes through a regularization process. Often migrants hire brokers who help them to cross borders. These brokers also frequently act as recruiters.

Smuggling concerns millions of persons, as shown by Boutry and Ivanoff (2009), and reveals the existence of extensive smuggling rings (Boutry and Ivanoff 2009), which highlights another issue related to irregular migration and the subsequent lack of data on labor markets. It is the very sovereignty of the states on its borders and on its labor market that is threatened, as sectors of these are operated by informal and irregular entities. This phenomenon also reveals the extensive nature of the corruption rings that participate in the control of migration and labor fluxes. This is particularly the case in Thailand, due to its extensive use of cheap migrant labor. Weak governance, weak labor productivity requiring large cheap labor supply, and the presence of long porous borders, create a situation which, in a subregion characterized by unequal social and economic development and by demographic disparities, favors largely irregular migration patterns. This may generate substantial benefits, and even increase the competitiveness in some labor expensive sectors. However, in the long term, and considering the overall competitiveness of the subregion, this situation slows down economic integration and does not give incentives in maximizing labor production. Taking into account the governance issues and the porosity of the borders, solutions should be sought to make registration attractive, sustainable, and accessible for migrants.

Factors Affecting Migration Patterns

The factors described above give an idea of the context in which labor migration takes place, as well as the drivers and facilitators that determine its patterns. However, migration is also volatile when sudden events or policy changes perturb its usual dynamics. Among these, natural disasters are predominant, as it was shown after the 2004 tsunami, the 2008 Nargis hurricane, and the 2011 floods affecting Thailand. These sudden events may induce the displacement of affected populations, but also affect the patterns of labor migration, by pulling migrants into the jobs opened by reconstruction and humanitarian aid. For instance, after the tsunami, Myanmar workers were hired by construction companies from Thailand, which were in charge of rebuilding the houses and the roads along the Andaman coast (IOM 2007). After the Nargis hurricane, flows of migrants from the Irrawady delta were entering Thailand seeking jobs. Natural disasters

also have the potential to increase the vulnerability of migrants: the loss of identity papers or the loss of jobs can put the migrants who live in affected areas into very difficult situations.

The recent opening of Myanmar brings economic opportunities. It is important to address the impacts this opening will have on labor migration trends within the subregional and regional economic framework, as it is now clear that investment in the country will have an important impact on neighboring countries. The Thai economy highly depends on cheap labor brought by migration from neighboring countries, especially from Myanmar. For this reason, the productivity in some sectors, such as fisheries, relies more on this manpower than on technical factors. Once open, though, Myanmar is highly attractive for investors (The Economist June 2012). This means that new job opportunities will appear for the country's 55 million inhabitants. The country, in the 1930s, was the world's first exporter of rice. These opportunities, while certainly affecting the factors driving migration to Thailand, will probably push Thailand toward modernizing its production for less labor. With Viet Nam in a transition toward labor shortage and thus in-migration, Myanmar opening to investment, and Thailand increasing its need for labor because of its demography and economic dynamism, it is certain that subregional labor migration patterns will be partially redrawn in the next decades. It is very difficult to predict what will happen, as several factors and parameters are interrelated on this issue. Since the inception of Myanmar migration into Thailand, Myanmar workers have been settling and creating communities, and the likeliness of their return has to be established through evidence-based surveys. Similarly, the economic and political reality of GMS during the last decades has brought new dynamics, such as the ongoing urbanization of border areas. These factors are likely to influence what will happen next, the investment decisions, and the migration patterns.

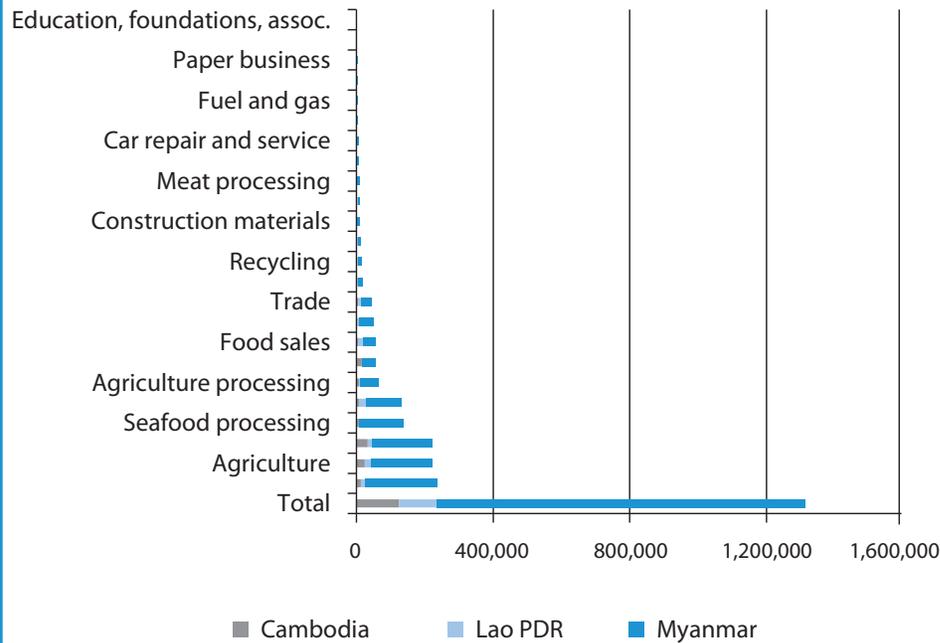
Other features linked to the development of GMS economic corridors, such as the Dawei deep seaport project, will also impact the areas along the roads bringing to the port, affecting thus the likely labor migration patterns. The possible effects of the opening of Myanmar on the labor migration trends in GMS are difficult to forecast, and needs future research.

Finally, the recent minimum wage increase in Thailand is also likely to affect migration patterns, especially when it will be extended to 70 provinces. Indeed, as migrant workers rarely receive the minimum wage, especially when they are undocumented, this policy change is likely to give industries the incentives for relying even more on migrant labor, while other investors may prefer to locate outside Thailand. Investment decisions following this increase and employers preference for migrants will probably partly affect future migration patterns and contribute to the vulnerability of migrants if these are not entitled the minimum wages or if governance factors do not ensure their rights to minimum wages.

Migrant Categories and Sectors of Activity

Legal status and the related socioeconomic and governance issues are important in defining the framework in which migration takes place, characterizing the vulnerability (social and economic factors) of the migrants (i.e., regular, irregular, smuggled, trafficked), they have to be seen together with the working conditions of the migrant workers. These are broadly shared by the majority of both regular and irregular migrants. As earlier stated, the bulk of intra-GMS labor migration concerns low-skilled workers, and Thailand represents the major destination country, although migration also occurs

Figure 4 **Registered Migrant Workers (2010) in Thailand by Sector**



assoc. = association, Lao PDR = Lao People’s Democratic Republic.
 Source: Thai Office of Foreign Workers Administration, Department of Employment, Ministry of Labor; (IOM 2011).

among the other GMS countries—between Viet Nam and Cambodia, between Yunnan and the Lao PDR, between the Lao PDR and Viet Nam, between the PRC and Viet Nam, and between Myanmar, Viet Nam, and GMS provinces of the PRC.

Agriculture, construction, household work, and fisheries are the main job sectors more migrants use in Thailand (Figure 4). These data represent official figures concerning registered workers only, and are thus conservative. They nonetheless show the trend for the employment of intra-GMS migrant workers in Thailand, highlighting the low-skilled nature of these jobs. These figures may be more conservative for sectors such as fisheries and agriculture (especially rubber), as these sectors are more likely to employ irregular migrants, due to the difficulty of the work, as well as to geographical factors (i.e., Southern Thailand, where extensive smuggling rings exist and play an important role in the labor market).

Soda (2009) provided a table compiled from different sources,⁵ summarizing the predominant migration flows in GMS, as well as the working sectors involved .

Migration trends in Thailand seem to reflect the general trend of intra-GMS migration. Jobs are mostly 3D (dirty, difficult, dangerous), with wages lower than what nationals would accept, but still enough to attract migrants. However, emigration from the PRC and Viet Nam slightly differs from this pattern, as medium and high-skilled migration

⁵ World Bank 2006, Lewis et al. 2010, Sciortino and Punpuing 2009.

Table 3 Characteristics of Migration Flows in the Greater Mekong Subregion

Origin	Destination	Status	Sector or Skill level
Cambodia	Thailand and Viet Nam	Regular and irregular to Thailand; irregular to Viet Nam	Primarily low-skilled (agriculture, fisheries, construction); primarily agriculture in southern Viet Nam
Lao PDR	Thailand and small numbers in Yunnan	Regular and irregular to Thailand; not known to Yunnan	Primary low-skilled
Myanmar	Thailand and Yunnan	Regular and irregular to Thailand; regular to Yunnan	Primarily low-skilled in Thailand; low-skilled and business persons in Yunnan
Thailand	No significant intra-GMS migration	Not known	Not known
Viet Nam	Cambodia, the Lao PDR, Guangxi Zhuang Autonomous Region (PRC)	Mostly irregular (no legal channels from Viet Nam to other GMS economies)	Primarily low-skilled to Guangxi; medium and highly skilled and business persons to Cambodia and the Lao PDR
Yunnan Province, PRC	the Lao PDR, Viet Nam, Myanmar	Regular and irregular	Low-skilled (agriculture, mining), medium-skilled and business persons

PRC = People's Republic of China, GMS = Greater Mekong Subregion, Lao PDR = Lao People's Democratic Republic.
Source: Soda (2009).

takes place. Both Viet Nam and the PRC encourage skilled migration, focusing on extra-GMS destinations.

If low-skilled labor constitutes the bulk of intra-GMS migration, this does not mean that all the migrants are low-skilled, a fact that reveals a potential threat to the subregional competitiveness. "De-skilling" seems to be a rising problem in the subregion, with migrants possessing skills, which, nonetheless, are not recognized in their country of destination, leading them toward low-skilled jobs. Skill recognition is thus a challenge that the subregion will have to address in terms of policy making, as a lack of recognition automatically leads to a form of brain drain, in which skills are "lost" during migration. Skilled migrants who have to work in low-skilled jobs are unavailable in their country of origin. Hence, they cannot contribute to skills upgrading once they return to their countries of origin. In the long term, this may represent a threat for the labor competitiveness of the subregion, whose economies will increasingly need skilled and talented workers. For now, very few migrants from Myanmar returning to their country bring new recognized skills with them. Skills certification and recognition is always challenging, but training and subsequent delivery of certificates in destination countries can be a step toward further recognition of acquired skills.

Internal Migration

If development differential between the GMS countries drives subregional migration, this differential is also felt inside the countries. Internal disparities are widened by the emergence of urban middle classes, which, indeed, draw migrants from the rural areas to work in the urban areas. This is especially true in Thailand, Viet Nam, and the GMS provinces of the PRC, where the development of the economy and infrastructure is higher than in neighboring countries and are mainly concentrated in and around the main cities, which can absorb new labor force. Most of GMS migration is intra-national, as shown by the data presented.

Rural–urban migration, as interregional migration, responds to the modernization of national economies, mainly localized into the cities, and to the new opportunities it presents. As mentioned by Amare et al. (2011), movement of people from rural areas who were mostly engaged in agriculture to find jobs in urban areas is common in developing countries (Amare, Hohfeld, and Weibel 2011). This is especially true in emergent economies, where urbanization booms, creating an urban middle class of consumers who, in turn, increase the need for industrial production and service labor, attracting migrants from the rural areas to fill these gaps. This eventually leads to a further increase in urbanization. The extended family structure in Southeast Asia makes this migration a household phenomenon, and remittances sent by internal migrants strongly contribute to the household economy, even if the lack of data makes it difficult to quantify the effect and value of such remittances. According to published studies, the northeastern households in Thailand depending on remittances rose from 5% in 1986 to 24% in 2004 (Rigg, Salamanca, and Parnwell 2012) although it would be difficult to give a value on these fund transfers.

In the last 30 years, the so called “Greater Bangkok area” has seen a massive influx of workers from the northeastern rural part of Thailand. Jobs such as driving taxis, selling street food, those involving janitorial and security services, and jobs in the textile sector are now mainly operated by people from northeastern Thailand who, more and more, invest the capital, leaving the rice fields of their hometown. National statistics indicate that 80% of the migration from northeastern Thailand is directed to Bangkok. Published calculations argue that rural households with migrant members experienced, between 2008 and 2010, an income growth from 17% to 22% higher than households without migrant members (Amare, Hohfeld, and Weibel 2011). Interestingly, rural–urban migration in Thailand concerns households that own smaller land more than households with large crops. However, this data has to be considered with the view that relatively wealthier households tend to invest in their children’s higher education, which, in turn, often results in job opportunities in urban areas.

In Viet Nam, the situation is broadly similar to Thailand and recent rapid growth also led to a progressive increase in rural–urban migration. Results of the 2009 census show that 7.7% of the population aged over 5 had migrated before 2009, compared to 6.5% in 1999. However, these figures do not include short term, temporary, and circular⁶ movements. Net migration rate in Ho Chi Minh City was recorded as high as 116% and 29.6% of Viet Nam population lives in urban areas, while it was at 23.7% in 1999 (Central Steering Committee for Population and Housing Census 2009). A similar evolution happened in Yunnan and Guangxi where, from 1982 to 2010, the urban population increased from 13.19% to 34% (Yunnan) and from 12.24% to 39.20% (Guangxi) (Peng 2011). Both

⁶ Circular migration implies fluidly migrating to a destination and returning to the place of origin.

provinces, such as the rest of the PRC, have recently witnessed an unprecedented level of rural–urban migration that strongly contributed to this urbanization.

Worth mentioning is also the trend in the Lao PDR, where Bouté (2011) mentions an increase in rural–urban migration, in a complex framework of internal migration organized by the state following development plans and policies. Data are lacking to characterize this migration. However, the 2005 census of the Lao PDR estimated that 20% of the population already migrated outside their province of origin. Urban growth between 2005 and 2010 was of 5.6%, greater than the national average (1.8%), while rural growth only accounted for 0.1% (Bouté 2011). These data show the importance of urbanization in the Lao PDR with respect of internal migration. In Myanmar as well, internal migration is important. According to the United Nations Fund for Population (UNFPA)⁷, 10% of the population moves from their resident states at least once in their life. Rural–urban migration exceeds urban–rural. However, the states’ strategies of decentralization and rural development have narrowed the gap between both flows.

A similar feature between Thailand and Viet Nam, as well as the PRC, is the existence of household booklets that attach the people to single residences (Duong, Linh and Thao 2011). Following this principle, rights such as land ownership or social protection are only granted to people living in the residence they are attached to, and therefore migrants have to change their official residence once they settle in their destination. However, this is not always possible, and brings vulnerability to internal migrants working in informal sectors or who settle temporarily or seasonally. Therefore, the benefits of migration can be altered by increased vulnerability created by this registration system, and social protection policies that may appear as effective, such as in Thailand, meet serious limits when internal migration is concerned.

Rural–urban migration has an effect on the labor supply as well as on the demography in rural regions. Data from Thailand (Rigg, Salamanca, and Parnwell 2012) show that between 1982 and 2008, the labor and economic profile of rural areas drastically changed. On the one hand, the economic “miracle” (1986–1996) in Thailand brought increased migration from the rural areas, and eventually to an aging rural population;⁸ on the other hand, deep structural change took place in the regional economy, increasing real incomes, and drastically reducing poverty (from one quarter of the northeastern Thai population in 1980s to one tenth in 2008). This brought to diversification of the economic activities in rural areas, increased mobility and relative mechanization of agriculture.

If rural–urban migration is important in Thailand, Viet Nam, the GMS areas of the PRC, and becoming important in the Lao PDR, internal migration also happens in the form of rural–rural movements. This is the case in Cambodia, where the poorest, most densely populated provinces send migrants to other provinces where job is available (Lim and Febrega 2011). According to the 2008 General Population Census of Cambodia, internal migration accounts for 97% of the total migration population in Cambodia (Lim and Febrega 2011). However, if rural–urban migration in the country accounts for 27.53% of the total internally migrating population, 50.8% represents the share of rural–rural migration.

Finally, it is important to note that urbanization in the GMS is not yet widespread. However, it is happening in the big centers, as well as in other strategically located

⁷ Countryoffice.unfpa.org/Myanmar/2010/08/03/2561/executive_summary

⁸ Rigg et al. (2012) indicate that in that period, the average age in observed rural villages rose from 36 to 55 years. Moreover, in 2008, only 52% of working-age people living in rural villages were engaged in farming as the main activity.

areas, such as these located along the GMS economic corridors.⁹ In this framework, policies must take into account the evolution of urbanization and its implications in terms of migration, knowing that rapid urbanization implies rapid increase in rural–urban migration: a good management of migration fluxes should therefore accompany policies directed toward urbanization.

Border Mobility

Border mobility is a recent trend, drawing on published data about some GMS border areas (Boutry and Ivanoff 2009 among others). The increase in intraregional connectivity and trade is one of the main features of GMS development. The GMS development and economic corridors is a milestone in this dynamic, linking provinces, cities, and countries, and creating an extensive and active subregional market. On the one hand, the transportation facilities link together trade centers situated along the corridors, making the movement of goods and persons easy, creating trade links, allowing cities along the corridors (especially these situated at the crossroads between two corridors) to expand, and thus directly affecting the labor markets. On the other hand, these corridors cross borders, linking border towns, thus creating zones in which different sets of regulations, prices of goods and labor, and livelihoods coexist within a few kilometers of each other. The “paired” nature of border towns situated along the GMS economic corridors, especially on the border of Thailand, is an important factor driving border industry, border trade, and border mobility. Border industry tends to take advantage of the strategic location of border towns, where access to cheap labor is granted. Border industries tend to be located at the borders of Thailand. This is explained by some authors (Kudo 2007) as due to the greater logistic strength and more stable political situation and currency in Thailand—while neighboring countries can provide cheap labor. This situation can change. For instance, if the opening of Myanmar may create a situation in which industries will be located within the country, thus possibly affecting border industry and border mobility. However, for the moment, this pattern is creating peripheral transborder urbanization with decentralized economic centers, which migration strongly contributes in building.

This situation has a direct impact on migration and creates new patterns of daily and trade-related migration. Unsurprisingly, this is mostly related to Thailand, as a hub for regional trade and economy.

In this sense, borders, especially border checkpoints, have to be considered as contact points rather than separations between the countries, as shown by authors such as Boutry and Ivanoff (2009). The definition of “imagined communities” (Anderson 1991 [1983]) within well-defined administrative borders facilitates social dynamics along these very borders, creating “borderlands,” which, rather than being peripheries, are actual centers of identity and social creation. The liberalization of trade and movement has induced trade dynamics that enable secondary economic activities concentrated in border towns and Special Economic Zones,¹⁰ but implying much more extended trade networks. Around the casinos and markets situated at these checkpoints, the eased transportation encouraged specialized networks trading objects and goods (i.e., wooden products, and gems from Myanmar, food products, and crafts from Cambodia), as well as services, inducing a form of daily migration, which is directly related to that trade. Border towns are expanding and seeing internal migrants settling, a part of which become

⁹ See section on border mobility.

¹⁰ For the definition of Special Economic Zone (SEZ), cf. note 6 in Lim and Febrega (2011) “A Special Economic Zone ‘refers to an enclave within the state that operates under a separate administration. The private investors who invest the SEZ receive special treatment in services, duties and tariffs, and are allowed to operate under a more relaxed regime of investment regulations’” (Lim and Febrega 2011).

daily migrants, whose jobs are related to the luxuriant economic activity built around international trade. These towns become actual trading centers, in which migrants and migrant networks are the fundamental part of their functioning. Therefore, migration to these areas should be distinguished from other kinds of internal migration (i.e., rural–urban and rural–rural), but also from international migration, although it contributes to the rapid urbanization of border towns. It should be considered as another type of migration, related to the activity and reactivity of border areas and of their economies. It is extremely difficult to quantify this migration, as well as the economy related to it. One reason for this is the fast pace at which these dynamics evolve: in few years some border towns, such as Poipet–Aranyaprathet (Thailand–Cambodia border) can expand following the pace of international trade. On the other hand, this local economy sits between the formal and the informal sector, and the national laws and regulations are readjusted to promote these border economies. This allows more economic dynamism, but also the emergence of informal border networks and rings that control part of the trade and of the labor. The same goes for migration, for which it is hard to define the legal status through the daily passes distributed to the migrants who cross the border, and the number of persons involved in internal migration to border areas, who mostly work temporarily and informally. As mentioned by Lim and Fabrega (2011) areas, availability, diversity, and accessibility characterize the labor market in the border of Cambodia .

The dynamism of the border mobility, and the related difficulty in estimating its magnitude and legal status, also raises issues concerning the vulnerability of both the daily and international migrants. The rapid expansion of the border towns results in the creation of slums with the related problems; irregular daily border crossing through smaller checkpoints implies the use of brokers and increases the risk of trafficking. Moreover, in border areas, child labor is frequent and mostly unaddressed (Lim and Febrega 2011). Among the opportunities brought by this kind of migration, the acquisition of new skills (language, negotiation) is not negligible, as the majority of the border migrants are low-skilled, mostly landless and lacking other opportunities.

Border-zones economies are diverse, according to the nature of international trade that crosses the specific borders and to the industries that settle along the borders. This affects border migration patterns, which rely highly on these economies. Specific trade, such as gems or crafts from Myanmar, can also mobilize trade networks, often linked on an ethnic base. These networks are extended, in the sense that they mobilize a large number of persons who informally channel the traded goods toward specialized border areas, creating migration routes that are trade-oriented. As it is the case for the rest of the border mobility, this phenomenon is hardly quantifiable, but drives part of the international trade and of the migration related to it.

The issue of the border mobility is gaining importance, bringing opportunities, in terms of skills and employment, as well as risks, in terms of the vulnerability of the migrants. Policymakers should address this issue by taking into consideration the particular status of these border areas and adapting to it, creating an environment that allows migrants to live and work conditions that are in agreement with local regulations. Addressing the lack of clarity in the legal status of the majority of these workers is very important in this framework, and therefore qualitative assessments should shed light on these complex dynamics.

Extra GMS Migration

Intra-GMS labor migration is the central theme raised in this paper. However, extra-GMS migration must also be taken into consideration. Its magnitude is comparable to intra-subregional migration as it contributes to the understanding of the migration

patterns that characterize the subregion. Extra-GMS migration must be looked at in the triple framework of intra-GMS migration, intra- ASEAN migration, and the wider global migration. As a hub for intraregional migration, Thailand is also a transit point for further mobility, within GMS, within ASEAN, and outside. Migrants from GMS to Myanmar and India; or to Macao, China;¹¹ Malaysia; Singapore; and other countries transit through Thailand. On the other hand, migrants from the PRC to Cambodia and the Lao PDR pass through Viet Nam, while migrants from the PRC and Viet Nam to Thailand transit through Cambodia and the Lao PDR (Asian Migrant Centre and Mekong Migration Network 2005).

Regular migration outside GMS passes through official channels and mainly concerns nationals from Thailand and Viet Nam. Extra-GMS migration is a phenomenon that mainly concerns the most developed economies of the subregion, which have agreements with richer economies at a global level. However, other GMS countries also send migrants outside GMS, as Myanmar to Malaysia, and Cambodia, Japan, or Singapore to Malaysia and the Republic of Korea (Asian Migrant Centre and Mekong Migration Network 2005). Both Thailand and Viet Nam have labor export programs to send migrants to richer economies within Asia, but also to Middle East and Africa and, to a lesser degree toward Europe, the Americas, and the Pacific region. Destinations in Asia account for the majority of migrants (62% of Thai out-migrants).

Thailand has bilateral agreements with Taipei, China and Japan, and memorandums of understanding (MOUs) with Israel, Malaysia, and the Republic of Korea, aiming at regulating recruitment, testing and certification, employment sectors, and quotas and conditions of employment. The majority of out-migrants from Thailand are semi- or low- skilled (IOM 2011) and, in 2012, 143,795 workers were deployed abroad (Table 4). As for Viet Nam, between 2005 and 2012, 500,000 migrant workers were deployed (IOM 2012, 11).

If intra-GMS migration is feminizing, with a rate of male migrant workers slightly higher than the rate of female migrant workers, extra-GMS migration is mostly masculine. According to the Thailand Ministry of Labour, only 16% of the migrant workers deployed outside GMS in 2010 were women (IOM 2011). Male workers tend to work in construction, manufacturing, and agriculture, while female migrant workers are mainly in the household and commercial service sectors (IOM 2011).

One of the major issues extra-GMS migration raises is related to recruitment processes. If agreements and MOUs are signed, and if regulations and resolutions (such as the Thai Recruitment and Job-Seekers Protection Act) exist to protect migrant nationals, recruitment agencies rarely follow the correct procedures and very few workers leave according to these procedures. Very often, these procedures are shortcut or bypassed and the actual recruitment process is carried out through illegal activities maximizing the profit of recruiters. Exorbitant fees are charged for recruitment, forcing the potential migrants towards indebtedness. Unlicensed recruitment agencies and brokers are also part of the migration landscape, making it difficult and dangerous to find employment abroad. Potential migrants in rural areas are particularly vulnerable to these practices, and therefore a good dissemination of the information on the risks of these practices would be beneficial. Similarly, migrant workers often end up with a job different from the one they left for, or are in situations very close to exploitation, and are unaware of their rights and obligations in their destination country. It seems that Thailand, in particular, has difficulties in controlling the abuses of unlicensed recruitment agencies. This is true for extra-GMS migration as well as for intra-GMS migration, where

¹¹ Special administrative region of the PRC.

Table 4 **Number of Workers Deployed, by Destination, 2010**

Destination	Male	Female	Both Sexes
Total	121,168	22,627	143,795
Middle East and Africa	37,131	2,969	40,100
Israel	7,655	481	8,136
Libyan Arab Jamahirya	8,087	3	8,090
Qatar	5,945	136	6,081
United Arab Emirates	7,409	899	8,308
Other	8,035	1,450	9,485
Asia	73,807	15,010	88,817
Brunei Darussalam	3,148	577	3,725
Hong Kong, China	82	2,929	3,011
India	2,787	396	3,183
Japan	4,059	2,043	6,102
Malaysia	2,467	1,163	3,630
Republic of Korea	8,869	1,225	10,094
Singapore	12,264	455	12,719
Taipei,China	35,387	5,540	40,927
Other	4,744	682	5,426
Europe	6,803	2,925	9,728
Finland	1,599	353	1,952
Sweden	2,913	416	3,329
Other	2,291	2,156	4,447
Americas	1,996	1,372	3,368
Pacific	1,431	351	1,782
New Zealand	671	312	983
Other	760	39	799

Source: IOM (2011).

recruitment agencies are even more able to combine with employers and official in migrants' exploitation.

As suggested by IOM (2011), information and orientation and the increase of the governments' capacities to handle recruitment processes and the infractions related to it are key issues in the management of out-migration. A good management of out-migration, included in the countries of destination, actually ensures not only the security of migrants, but also the success of migration, as skills and monies are taken home by the migrants upon their return. For this reason, a good reintegration, including recognition of the acquired skills, is also beneficial for the economy, both at the household and national levels.

Economic Role of Labor Migration

The contribution of migrants to the economy of their host countries is difficult to quantify, mostly due to the high proportion of irregular migrants in GMS. The availability of low-skilled migrant workers in destination countries is undoubtedly beneficial to employers, who can hire cheap labor and increase their productivity. In Thailand, sectors such as

fisheries or agriculture are competitive due to the abundance of migrant labor, which prevents labor shortage in industry and ensures low wages and thus competitive prices. In this sense, low-skilled labor migration mainly benefits employers, with a repercussion on gross domestic product (GDP) and growth. The possibility of keeping prices low by hiring cheap labor also reduces upward pressure on inflation, thus benefitting national consumers, as is the case in Thailand (IOM 2011).

On the other hand, the availability of cheap labor exerts pressure on national wages. In Thailand, low-skilled workers can be affected by the low wages, making jobs occupied by migrants even less attractive for domestic labor. Several authors have shown that in-migration only slightly affects overall domestic wages (IOM 2011). However, if the wage reductions are analyzed by sector, skills, and education, it appears that they are much more important for young and low-skilled domestic labor, while they benefit national workers with secondary and tertiary education.

The benefits of migration within migrant-receiving countries such as Thailand seem to outweigh its cost. However, they also bring challenges. According to IOM (2011), when there is a great supply of migrant low-skilled workers, domestic workers are pushed toward higher skilled sectors, thus pushing the domestic economy towards a knowledge-based economy. This is a longer term advantage than the direct advantages brought by hiring cheap labor, but it also implies the need to address this economic shift through the delineation of strategies aiming at defining the role of skilled labor migration into economic market integration (*cf.* Issues section).

From the point of view of the sending countries, migration is the result of a domestic economy that cannot absorb its labor force and deal with its surplus in a young, working age population. Even though there is little evidence to affirm that out-migration lowers the unemployment level, as stated by Soda (2009), migrants would not migrate if it were not necessary.

The direct economic benefit of out-migration resides in the remittances sent home, which make it worthwhile not only for migrants, but also for their families left behind. When these remittances are invested into productive activities or education, this benefit extends, at medium term, to the domestic economy.

Remittances

Intra-GMS remittances are mostly informal and therefore hard to quantify. Migrant workers use well-organized networks that channel remittances to their country of origin, or take the monies home during their visits, when this is possible.

Household surveys exist, but they mainly give information on the average amounts remitted by international and internal migrants. For instance, Cambodia Socio-Economic Survey 2009 highlighted that among the 11,971 households surveyed, yearly remittances from Cambodia ranged from KR0 to KR82,000,000 (\$20,322), with an average of KR83,077.8 (\$20.6), while remittances from outside Cambodia ranged from KR0 to KR72,000,000 (\$17,750), with an average of KR90,990.2 (\$22.5). Even if these data do not tell us precisely the share of GDP represented by remittances, nor their total amount, they nonetheless show that these represent a small fraction of the mean household incomes. In fact, according to the same survey, mean monthly income is \$182 in Cambodia, mostly related to self-employment (\$118). However, these data represent a mean, without differentiating households with migrant workers sending remittances from those without migrants sending remittances. Another survey (Deelen et Vasuprasat 2010), focusing on remittances showed that the actual share of remittances

is much higher if only remittance-receiving households are taken into account. In the case of Cambodia, yearly remittances sent from Thailand to landless households (sample of 123) represent \$380 out of the household's \$1,019 of yearly income (37%), while these sent to households owning land (sample of 76) represent \$496 out of \$1,098 of yearly income (45%). Similarly, in the Lao PDR remittances sent from Thailand (sample of 187) represent B27,600 out of B50,600 of yearly income (54%). Therefore, even if these data were acquired through relatively small samples of the population (less than 200 households), they show the importance of remittances for the receiving families, while, if combined with households that do not receive remittances, they show their small share in the overall economy of the households.

According to World Bank data,¹² remittance inflows in the GMS in 2011 range from \$8.6 billion in Viet Nam, where they account for 5.1% of GDP, to \$45 million in the Lao PDR (0.6% of GDP). However, these data are based on formal remittances, mostly from outside GMS, and thus do not reflect the reality of remittance transfer in the subregion. Rather, they are concordant with out-migration policies, showing Viet Nam's preference for extra-GMS migration.

The widespread use of informal channels is related to several factors. The mostly irregular nature of migration in the GMS is one of these factors, combined with the transfer costs associated with remittance sending. Moreover, accessibility to formal transfer mechanisms in Myanmar, where most of the intra-GMS migrants come from, make it uneasy to use them to transfer funds.

Considering that informal remittances could easily represent 50% of the total remittances in the subregion, the actual share of GDP involved is difficult to quantify. Indeed, favoring affordable and accessible formal remittance transfer mechanisms, together with favoring regular migration, would be beneficial in collecting better data on the value and use of remittances in the subregion.

As for intranational remittances, remittances from international migration are mainly used for household expenses, education of the children, agricultural production and, sometimes, for community development (Soda 2009). Another important role of remittances, at least in the subregional sociocultural framework, is the use of remittances to improve the social status of households with migrant members by acquiring goods aimed at demonstrating the successful nature of the family member's migration. This responds to a social pressure that implies expectations not only from the households, but also at a community level, and which can lead, in cases where remittances are insufficient, to debts. These are contracted to keep the expected social status and saving the household's "face." This is especially true in northeastern Thailand, where women migration for marriage is widespread and brings high expectations concerning the amount of remittances to be received. This is related to the perception that foreigners, especially from western countries, are wealthy, but also to the duty of filial piety expressed in the so-called milk-debt, which implies that children were born with a debt to their parents.

Therefore, the understanding of the use and meaning of remittances in the GMS context has to take into account not only economic issues, but also sociocultural patterns that drive them at the household level.

¹² [http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1110315015165/RemittancesData_Inflows_Apr12\(Public\).xlsx](http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1110315015165/RemittancesData_Inflows_Apr12(Public).xlsx)

Issues

Gaps continue to remain as the expansion of economic corridors further progresses. This is particularly so amid the subregion speeding up toward the economic integration of ASEAN. The subregion will observe more labor mobility to compete at the global labor market. Skills recognition among the region is inevitable to support ASEAN's concept of liberalization of the movement of people with higher skills.

Human resource development in the GMS remains as a main gap. ASEAN member states are moving toward increased mobility of skilled labor, as one component of the ASEAN Economic Community. This component will come into effect in 2015. Handling issues related to skills competencies is a key to labor migration in the subregion. Considering labor migration from an extended regional framework is vital. Conversely, the subregion needs to overcome issues relating to lower-skilled workers, particularly in the context of irregular migration, to move forward in this direction. Minimizing the irregular status of migrants requires strategic policy direction.

The subregion lacks coherent labor migration policies. Hence, the subregion has poor legal procedures, which do little to attract legal labor migration. This becomes a root problem contributing to irregular migration. Legal procedures of labor migration still remain costly, time consuming, and bureaucratic. Meanwhile, the labor migration policies in the subregion do not respond to dynamic and fast-changing migration trends. For instance, countries in the subregion such as Cambodia and the Lao PDR also carry irregular migrants from other countries of GMS. However, no policies exist to address this issue.

The development pattern of GMS implies that leading economies will have to speed up their transition toward a knowledge-based economy to create a competitive role within the subregion. This is especially true in a context where the opening of Myanmar is likely to lead to a decrease in migration toward Thailand. If Thailand's development policies are directed toward this shift, the short-term advantages of benefiting from cheap low-skilled migrant workers will delay the process (IOM 2011). The presence, within the region, of economies such as Singapore, or Taipei, China, makes it important for the GMS countries to ensure their economic market integration. Labor migration is a key component of this integration, as the competition for global talent is central to it.

Economic Integration and Labor Mobility

Labor migration policies need to facilitate skilled and highly skilled migration, which will eventually widely contribute to the shift toward a knowledge-based economy. To lower the risk of brain drain induced by skilled migration, GMS should aim to create an environment which, while attracting foreign talents, also enables subregional skilled labor to enjoy attractive conditions within a labor mobility framework. The realization of ASEAN Economic Community (AEC) by 2015, aims to substantially increase the region's economic, cultural, and political integration, while the AEC

blueprint explicitly mentions the need for increased labor mobility, focusing on skilled professionals.

In this framework, GMS must be considered as a whole within ASEAN and within AEC. While Thailand is the economic pole of the subregion, and thus the country that is most likely to attract highly skilled migrants, the challenge of economic integration is not only national, but also subregional. The competition for global talents in Thailand, while increasing the country's competitiveness, risks widening the gap with the other GMS economies if a subregional strategy is not designed to address the forthcoming AEC. Therefore, investment by strong economies into weaker economies should accompany the transition of stronger economies toward a knowledge-based market. Similarly, in the aim of increasing subregional competitiveness, the training of skilled labor all over the region should be encouraged, in the effort to bring about long-term economic advantages.

Skills Recognition and Skills Competencies

Skills recognition outside the framework of foreign direct investment is one of the challenges in moving toward regional integration. Recognition of skills is one of the major barriers to the movement of independent skilled migrants, a factor that often leads to employment in sectors well below the workers' skill level. As mentioned by Iredale (2009), one of the major reasons for this is the lack of national accreditation bodies and processes in both sending and receiving countries (Iredale 2009, 44). This is especially true in the GMS and in Asia in general, where technical skills are often acquired on the job or informally, making it very difficult for a country to know how many skilled workers they actually have. This does not favor internal occupational mobility but also makes it impossible to recognize these skills in another country.

When it comes to highly skilled migration, attractiveness of the destination country is also a major issue. In the competition for global talents, the choice of the country of destination is not only dictated by the opportunities offered in terms of career, but also in terms of social environment. The portability of social benefits is an important part of this environment, as is the possibility to acquire land and to bring the family together, as talented workers will always choose the more convenient location. The economic dynamism of the country of destination is also an important factor, and this is why the development of an attractive research sector is fundamental to pull migrants. In this framework, the development of excellence poles within the subregion could lead to increased competitiveness and attractiveness.

The design of skill recognition mechanisms, both within and outside the countries, is thus essential, whether through bi- or multilateral agreements or the establishment of skill assessments. Skills recognition mechanisms common within all GMS countries could also decrease the risk of widening the gap between these countries, allowing intra-GMS skilled labor mobility and intra-GMS investment to strengthen the subregional competitiveness.

Some pilot programs address skill certification at a subregional level (Iredale 2009). For instance, after having considered the possibility to develop ASEAN-wide skill certification systems (difficult due to the discrepancies that exist between the countries), the focus was put on Cambodia, the Lao PDR, Myanmar, and Viet Nam, together with Thailand to develop core sets of regional competencies in five occupational areas (poultry production workers, air conditioning and refrigeration technicians, welders, concreters, and tour guides). This common approach seems effective in the case of countries that are starting from a lower base of skills development and allows the sharing of costs and

experiences toward developing common standards and increased mobility. Moreover, where neighboring countries already developed sets of competencies for some occupational areas, these best practices can be used as a base, making the process quicker. Once the standards are agreed and shared, and once it is ensured that workers are trained at the same level in each country, certification mechanisms can be put in place (Iredale 2009).

Brain Drain

If brain drain and the widening of the gaps between GMS countries are among the risks of economic integration, its achievement implies a wide range of challenges aimed at effectively encouraging skilled and highly skilled labor migration and attracting foreign talents. Many countries in the subregion have not openly addressed the issue of brain drain. However, brain drain becomes a natural consequence of outgoing migration. This is due to a lack of national policies to improve the situation of high unemployment rates and unstable economic and political situations in the subregion. In Viet Nam, efforts to attract highly skilled migrants, including skilled members of the Vietnamese diaspora, have not been successful in addressing the complex relationships between social and economic factors that drive migration decisions (Ministry of Foreign Affairs, Viet Nam 2012, 10).

Skill mismatch is created in Thailand where many skilled workers entering the workforce do not possess the skills needed by the industries (Hall, Migration and Thailand: Policy, Perspectives and Challenges 2011, 31). People with higher skills often work in lower skilled jobs in main destinations such as Thailand or other countries out of the subregion.

Irregular Migration

Irregular migration has been a major concern of labor migration in the subregion. This is largely due to cross-border movement in the subregion, which makes the regulation of people's movements more difficult. The subregion's unique characteristics, which are observed under the border mobility, require reviews of border management in the subregion. Recruitment practices which use informal networks through family, friends, and informal agency and brokers add to this factor. Irregular migration in the subregion through smuggling or trafficking is a feature of migration as stated in the previous sections. For instance, a large number of irregular migrants from the PRC seek to work in various countries in the subregion (Soda 2009, 14). As for female migrants, restrictions on entry and work permits also affect the genders differently, as most opportunities for regulated migration are in male-dominated sectors. Such a situation leaves some women with no alternative but to migrate irregularly (Soda 2009, 17) (See also women migration).

Human Trafficking and Smuggling

Human trafficking and smuggling are one form of irregular migration in the subregion. There are cases of trafficking between virtually all countries in the GMS, although the predominant trends that have been observed are from Cambodia, the Lao PDR, and Myanmar to Thailand and from Viet Nam to Cambodia (Soda 2009, 24). Human trafficking in the subregion is closely connected with irregular labor migration. The IOM report, *Trafficking of Fishermen in Thailand*,¹³ describes the situation of trafficked persons

¹³ http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=41_7&products_id=720

engaged in the Thailand fishing industry. Additionally, Thailand, as a regional hub for trade and transportation, becomes a transit and destination of human trafficking. There are cases of women and children who are trafficked for sexual exploitation. There are a number of smuggling cases of migrants from Cambodia, the Lao PDR, and Myanmar to Thailand seeking jobs.

To date, studies on migration in the subregion emphasize intra-GMS migration to Thailand. However, this trend fails to capture other migration flows in the subregion, which are mainly irregular. For instance, workers, often skilled persons and trades people, are known to migrate from Viet Nam to Cambodia, the Lao PDR, and border areas of the PRC (Soda 2009, 13). Most of these movements are irregular (Soda 2009, 13). It is estimated that a large number of Vietnamese reside in Cambodia, the border areas of the PRC, and the Lao PDR for work, many of whom migrated through unofficial channels. This type of migration from Viet Nam often occurs in an irregular way, which makes accurate estimates of the total difficult. However, the numbers of Vietnamese labor migrants in Cambodia alone are thought to be in the hundreds of thousands (Regional Thematic Working Group on International Migration including Human Trafficking 2008, 107).

Migrants to the Lao PDR are primarily ethnic Chinese working on projects funded by the PRC. The migrant stock in Cambodia is relatively large because there are many long-term Vietnamese residents there who are not yet Cambodian citizens. One-half to two-thirds of the 1 million Vietnamese estimated to be living in Cambodia belong to this long-term migrant group. Other Vietnamese migrants may have followed their kin into Cambodia where they work in skilled and low-skilled jobs.

Rights and Protection of Migrant Workers

Promotion and protection of rights of migrants and improving their working and living conditions still remains a significant gap. This is often the case with intra-subregional migration. Thailand recorded over 1.3 million registered migrants from Cambodia, the Lao PDR, and Myanmar (Huguet, Chamrathirong, and Richter 2011, 12). They are low-skilled migrants working in sectors such as agriculture, fisheries, construction, and domestic work. Included are also tradesmen from Viet Nam. The most common complaints among workers are the “3D” nature of the work, and the low pay the workers receive. (Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University 2007, 3). For instance, migrant workers from Cambodia to Thailand undergo withholding of travel documents, delayed payment or underpayment of wages, harsh working conditions (long work hours, unhygienic environments, extreme temperatures), lack of freedom of movement and communication, confinement in factories or employers’ premises, limited access to health services, harassment by security authorities and sexual harassment (Maltoni 2011, 4). In Thailand, fishery is one of the sectors that employ high numbers of migrant workers especially for work on small- and middle-sized boats (Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University 2007, 15). This work is considered one of the hardest and most high-endurance jobs because it requires night shifts, short breaks, and outdoor work in the middle of the sea (Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University 2007, 15).

Access to Social Welfare

For migrants in the subregion, lack of access to social welfare, including health care and education, still remains a problem. This becomes particularly serious when it comes to accompanied and unaccompanied minors. Thailand, as a country of destination from

other parts of GMS, developed policies to tackle these problems. For instance, Thai law provides registered migrants with rights to basic social services and labor laws (World Bank 2006, 11). However, studies show that the majority of migrants do not have access to social services due to poor quality of services provided to migrants and the fear of deportation (World Bank 2006, 11). This applies specifically to irregular migrants.

The lack of access to health care and education, particularly for migrants' dependents, remains problematic. In principle, all children in Thailand are eligible to receive free vaccinations against tuberculosis, diphtheria, pertussis, tetanus, oral polio virus, and measles. However, for the same reasons that migrant adults rarely receive health treatment, migrant children rarely receive vaccinations (World Bank 2006, 11).

Access to the education system for children of migrants still needs to be improved. The Government of Thailand passed a resolution in July 2005 to provide free and universal education for all children despite their status. Yet, various studies show that there are high percentages of migrants' children who are not enrolled in public schools. Additionally, there are also growing concerns that work-related injuries, fatalities and disabilities incurred by both male and female migrant workers are not reported, given the irregular and vulnerable status migrants face in destination countries. Few migrant workers are covered by national social security schemes or workplace compensation funds in host countries; thus, migrant workers—both male and female—tend to receive limited compensation from employers for workplace fatalities and injuries (Maltoni 2011, 4).

Regular migrants are entitled to access the social security scheme (SSS). The SSS offers benefits such as injury or sickness benefits, unemployment benefits, maternity benefits, invalidity benefits, death benefits, child benefits, and old age benefits. There are certain challenges associated with the SSS—for instance, the 3-month contribution time frame before migrants obtain the ability to access related benefits. Some of the benefits are either inappropriate or inaccessible for migrant workers. The informal sectors are excluded from SSS (60% of migrants work as domestic workers, in the fisheries, or in agriculture). There are also compliance problems associated with the SSS. The employers might not make regular monthly contributions, thus rendering migrants unable to access the SSS. Additionally, the employers may fire employees who are entitled to the SSS to avoid paying, or they may simply opt not to hire eligible migrants in the first place.

Irregular migrants can expect fewer benefits. Registered, irregular migrants can access the Compulsory Migrant Health Insurance Scheme (CMHIS) for B1,900 per migrant per year. The CMHIS provides health promotion and illness prevention as well as limited dental care. In practice, it is not truly compulsory. Unregistered migrants are not covered at all, although they are at the greatest risk for injury, disease, and illness. Unregistered migrants are the most vulnerable group to be exploited, extorted, trafficked, or confronted with other human rights violations.

There have been informal approaches to health care for irregular migrants. In Ranong province, an informal health insurance scheme for migrants without full work permits was established. The purpose was to cover these very vulnerable migrant workers. The cost of the card came to B500.

There are several gaps and challenges related to these migration issues. In theory, irregular migrants are covered by some labor protection, compensation, and human rights legislation. In reality, they have little-to-no access to social security or human rights protection. Currently, the majority of migrants cannot access social security benefits or

human rights protections. These issues exacerbate the vulnerabilities of migrants. These issues also pose a threat to health security and development of Thailand and the GMS.

This means that migrants rely heavily on support provided by nongovernment organizations (NGOs) and international organizations. IOM has been providing direct support to extremely vulnerable migrants over the last 2 years; a majority of those cases are health-related.

Women and Children

Subregional migration sees increasing numbers of women migrating in and out of the subregion. This is particularly true concerning migration to the capital of Thailand and its peripheral provinces. According to Thailand's Ministry of Labor, the total number of registered women migrant workers from Cambodia, the Lao PDR, and Myanmar reached 36.7% of total registered migrant workers (Huguet, Chamrathirong, and Richter 2011, 12). This is due to restrictions on entry and work permits, which affect men and women differently, as most opportunities for regulated migration are in male-dominated sectors. Such a situation leaves some women with no alternative but to migrate irregularly (Soda 2009, 17). Given gender-based discrimination and women's typically low skills and education, women are generally more vulnerable to abuse and exploitation than men (Kingdom of Cambodia 2010, 14).

Women migrants also face challenges in outgoing migration. In Cambodia, the underage recruitment of female migrant workers to Malaysia through licensed recruitment agencies is a major concern (Maltoni 2011, 4). These migrants are often subject to mistreatment and malpractice in recruitment training centers in Cambodia and face abusive situations once in the receiving country (Maltoni 2011, 4).

The negative consequences of the feminization of migration can also be seen in so-called "marriage migration." In Viet Nam, the number of women and children who migrate has increased due to marriage and family reunion (Ministry of Foreign Affairs, Viet Nam 2012, 10). Some Vietnamese women who married South Koreans have become stateless because, after renouncing Vietnamese in favor of Korean nationality they did not receive Korean nationality. These women therefore lack legal protection (Ministry of Foreign Affairs, Viet Nam 2012, 19).

Regulating household work as housekeeper, baby sitter, and care taker is a challenge. Thailand is known to carry over 129,790 registered domestic workers (Huguet, Chamrathirong, and Richter 2011, 12). Women occupy more than 80% of the total registered domestic workers (Huguet, Chamrathirong, and Richter 2011, 12). Domestic workers tend to work in private homes and depend on their employers for shelter, food, and other support. With limited knowledge of the local language and limited protection under the labor law, they have little or no recourse in making claims regarding their legitimate rights at work (Kingdom of Cambodia 2010, 15). With limited knowledge of the local language and little or no protection under the local labor law, migrant domestic workers lack sufficient access to redress and complaint mechanisms to ensure their legitimate rights at work (Maltoni 2011, 4).

Knowledge Gap

Numerous literature points to knowledge gaps of labor migration in the subregion. The dearth of data makes it very difficult to identify trends and patterns over the last 2 decades and to formulate policies and strategies that would enhance subregional development. Intra-subregional migration has intense cross border movement (Soda

2009, 16). Such migrants cross borders to work in neighboring industries such as agricultural enterprises, factories, construction, trading, and sales. They then return to their own country at the end of their work day (Lewis et al. 2010, 28).

Migration between Yunnan Province and Myanmar also occurs. However, little is known about the number and demographic characteristics of these migrants (Soda 2009, 15). The lack of data focusing on women migrants should be addressed. Migration practitioners believe that the number of women migrants in the GMS may be underreported. A greater percentage of women are employed in informal sectors, such as domestic work and the sex trade, that are not included in registration processes (Soda 2009, 17). The lack of regulation in these sectors tends to put women in vulnerable situations, subjecting them to more abuse and exploitation than their male counterparts, and restricting their freedom of movement while offering them fewer legal rights (Soda 2009, 17).

Additionally, information collected on labor migration from various ministries requires consistent consolidation by sharing definitions of terms and through smooth coordination. For instance, the assessment showed that the data on Vietnamese nationals migrating abroad is scattered among the various ministries and agencies (Ministry of Foreign Affairs, Viet Nam 2012, 14). Data compiled by different ministries and agencies are inconsistent in terms of definitions, content, structure, and collection processes (Ministry of Foreign Affairs, Viet Nam 2012, 14).

The dynamic and fast-changing nature of migration within GMS, as shown by the existence of border mobility, implies social mechanisms that go well-beyond purely economic or demographic consideration. A deep, qualitative, understanding of the social structures that drive migration and of these that are driven by migration, as well as of the way borderland functions, is therefore necessary to address the issues at a subregional level. This would also allow understanding an unquantifiable, though fundamental, component of the relationship between economy, demography, and migration.

Partnerships and Legal Framework of Migration in the GMS

Cooperation to address issues in the labor migration in the subregion is crucial. Partnership on labor migration exists in the form of regional cooperation and the different programs that international organizations and NGOs conduct. The partnership is built on agreed-upon global and regional legal frameworks.

Regional Cooperation and Networking Programs

Cooperation in the subregion is built under the layers of global actors, regional actors, and subregional actors. Global actors such as the United Nations and other international organizations work under the global mandates as described in the following sections.

Global Organizations/Agencies

One principal element of the regional cooperation in the area of labor migration is the international framework which is set by global actors. The actors are the United Nations and the international organizations that operate to support international conventions, including the Convention on the Protection of the Rights of all Migrant Workers and their Families.¹⁴

Global actors in the subregion work according to the international framework that consists of international conventions and instruments. Conversely, the subregion does not enjoy much of conventions that are underlined in the international framework. Cambodia is the only country in the region which has signed the UN Convention on the Protection of the Rights of all Migrant Workers and their Families. GMS member countries have not signed the International Labour Organization (ILO) Convention concerning Migration for Employment (No. 97)¹⁵ or the ILO Convention concerning Migrants in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers and Members of their Families (Supplemental Provisions) (No. 143).¹⁶

¹⁴ This convention was adopted in 1990 and entered into force on 1 July 2003. <http://www2.ohchr.org/english/law/pdf/cmw.pdf>

¹⁵ ILO Convention 97 (1949) establishes standards for foreigners employed in permanent jobs. http://www.ilocarib.org.tt/projects/cariblex/pdfs/ILO_Convention_97.pdf

¹⁶ This convention entered into force on 4 June 1978. http://www.unesco.org/most/migration/full_conv_ilo143.htm

The UN Thematic Working Group on International Migration including Human Trafficking aims to consolidate the UN's actions on international migration issues in Asia and the Pacific. The working group was established in 2005, under the auspices of the Regional Coordination Mechanism of the United Nations. The Group includes 16 regional offices of the United Nations agencies, programs and relevant intergovernmental organizations in the Asia-Pacific region, namely, ESCAP, IOM, ILO, OCHA, OHCHR, UNAIDS, UNESCO, UNFPA, UNHCR, UNIAP, UNICEF, UN Women, UNODC, UNDP, WHO, and the World Bank. It is currently co-chaired by ESCAP and IOM (Regional Thematic Working Group on International Migration including Human Trafficking 2008). The working group has conducted numerous activities to increase awareness of the governments and civil societies on global mandates as well as to consolidate an approach to address issues with international migration. The thematic working group also organized a regional preparatory meeting for the Global Forum on Migration and Development in year 2010 and came up with a series of recommendations. Governments at the meeting also came up with a set of recommendations.

The UN organizations and international organizations have regional programming for labor migration. UNIAP¹⁷ is a networking program with a central focus on trafficking in persons and a mandate to facilitate a stronger and more coordinated response to trafficking in persons in the GMS. ILO's Tripartite Action to Protect Migrants within and from the GMS from Labor Exploitation (TRIANGLE) is a 5-year project to strengthen the regulation of recruitment practices and improve workplace protection. The project aims to strengthen policy, build the capacity of key stakeholders (tripartite constituents, recruitment agencies, civil society organizations, migrant workers), and provide support services to women and men migrant workers, and potential migrant workers. UN Women also runs migration programs in the GMS to promote the rights of women migrants.

The International Organization for Migration (IOM) conducts labor migration programming in Cambodia, the Lao PDR, Thailand, and Viet Nam. They also support ASEAN nations in advancing the liberalization of highly skilled migration, which targets the 2015 regional integration. IOM acts as a secretariat for the Colombo Process.¹⁸ Thailand, Viet Nam, and the PRC are currently members of the Colombo Process, and it may be expanded to include other countries in the subregion. The Colombo Process is a regional consultative process on the management of overseas employment and contractual labor for countries of origins in Asia. The Colombo Process platform was initiated with the primary objective of facilitating greater regional dialogue and cooperation on the management of labor migration among the major labor sending countries (IOM 2012). The process covers interregional migration, mostly with the Middle East and Europe. Colombo Process member states agreed to enhance welfare support provided at destination, particularly through strengthening diplomatic missions and partnering with destination countries at the April 2011 Colombo Process Ministerial meeting, which was held in Bangladesh.

Similarly, Ministerial Consultations on Overseas Employment and Contractual Labor for Countries of Origin and Destination in Asia (Abu Dhabi Dialogue) is another forum that was expanded from the Colombo Process. This forum promotes action-oriented partnerships between countries of origin and destination for development in the areas of temporary contractual labor. This is based on a notion of partnership and

¹⁷ UNIAP is the United Nations Inter-Agency Project on Human Trafficking. <http://www.no-trafficking.org>

¹⁸ <http://colomboprocess.org>

shared responsibility (IOM 2012). The 2008 Abu Dhabi Dialogue¹⁹ raised common issues affecting countries of origin, transit, and destination. The dialogue came up with recommendations to increase cooperation to prevent illegal recruitment practices and to promote welfare and protection measures for contractual workers, to support their well-being, and to prevent their exploitation at origin and destination.

Regional Organizations and Agencies

Regional organizations such as the ASEAN provide the framework to the region, which includes most of the GMS. ASEAN established the ASEAN Labor Ministers (ALM) Work Programme²⁰ to enhance their human resource development. The ALM Work Programme provides the framework to prepare the region's labor force to face the challenges of globalization and trade liberalization. The five broad priorities initially set in the work program are in job creation, labor market monitoring, labor mobility, social protection, and tripartite cooperation (ASEAN 2009).

The ASEAN Declaration of Promotion and Protection of Rights of Migrants needs gradual implementation. The ASEAN Forum on Migrant Labor has been organized annually for the past 5 years. This forum promotes dialogue and cooperation among different stakeholders, including ASEAN member states, civil societies, trade unions, the UN and international organizations. The recommendations from this forum suggest how to improve the situation of migrant workers as well as how to strengthen protection mechanisms for migrants.

ASEAN member states signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers.²¹ This declaration was created with the intent to improve the protection and promotion of the rights of migrant workers of the ASEAN countries. The ASEAN member states also signed the Declaration against Trafficking in Persons, particularly Women and Children²² (Regional Thematic Working Group on International Migration including Human Trafficking 2008, 131–132). This Declaration mandates ASEAN countries to promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers. To ensure the implementation of the Declaration, an ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) started to convene the annual ASEAN Forum on Migrant Labor in 2008.²³ The fourth forum²⁴ was organized in Bali, Indonesia in 2011. Its joint recommendations identified the need to promote understanding, harmony and rights of migrants, and to develop strategies for more effective return and reintegration and sustainable alternatives.

¹⁹ In addition to 11 Colombo Process member states, the Gulf Cooperation Council, Yemen, Malaysia, and Singapore attended this forum.

²⁰ <http://www.aseansec.org/19605.htm>

²¹ <http://www.aseansec.org/19264.htm>

²² <http://www.aseansec.org/16793.htm>

²³ <http://www.aseansec.org/23062.pdf>

²⁴ More information available at http://apmagnet.ilobkk.or.th/resources/recommendations-4th-asean-forum-on-migrant-labour/at_download/file1

Subregional Actors

Representatives of the six governments²⁵ in the GMS have established the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)²⁶ (Regional Thematic Working Group on International Migration including Human Trafficking 2008, 132). The UNIAP in the Greater Mekong Subregion serves as the secretariat for COMMIT. COMMIT process is a subregional cooperative framework to combat human trafficking. In 2004, representatives of the GMS countries signed a memorandum of understanding (MOU) to cooperate against human trafficking. In support of this MOU, a follow-up subregional action plan was developed and the Coordinated Mekong Ministerial Initiative Against Trafficking (known as the “COMMIT” process) was established, aimed at facilitating cooperation among GMS governments in counter-trafficking activities and implementing the principles outlined in the MOU. The major strength of the COMMIT process has been its strong acceptance by the governments involved (Soda 2009, 22).

The Mekong Institute²⁷ is an intergovernment organization, which constitutes member states from the GMS. Its aim is to promote standard and on-demand human resource development programs with focus on regional cooperation and integration issues. The Mekong Migration Network (MMN)²⁸ is a subregional network of migrant support NGOs, migrant grassroot groups, and research institutes that have been collectively promoting the recognition and protection of migrants’ rights (Mekong Migration Network 2008, 1).

Throughout the subregion, civil societies and NGOs are active in promoting the rights of migrants. In Cambodia, the NGO community has established the Migration NGO Network (MNN), comprising 30 member organizations working on migration and human trafficking issues. The Association of Cambodian Recruitment Agencies (ACRA),²⁹ set up in 2008, promotes the orderly and safe migration of Cambodian migrant workers (Kingdom of Cambodia 2010, 18).

National Legal Framework to Manage Migration

National migration policies in the subregion have two categories: promotion of employment overseas and regulation of irregular migration. Objectives of promoting labor migration depend on each country’s social and economic situation. Conversely, factors such as high unemployment and poverty reduction are an underlining factor to the promotion of labor migration. Migration policies of Cambodia, the Lao PDR, Myanmar, and Viet Nam focus on promoting employment overseas, while Thailand focuses on the regulation of irregular migration.

Promotion of Labor Migration

The PRC, Thailand, and Viet Nam have specific policies to promote labor migration outside of the GMS. These countries are members to the Ministerial Consultation of Colombo Process where they are exposed to dynamics of labor migration in the Asia

²⁵ These six countries are Cambodia, the PRC, the Lao PDR, Myanmar, Thailand, and Viet Nam.

²⁶ More information available at <http://www.no-trafficking.org/commit.html>

²⁷ More information available at <http://www.mekonginstitute.org/>

²⁸ More information available at <http://www.mekongmigration.org>

²⁹ More information available at <http://www.acramanpower.org>

and Pacific region. Viet Nam promotes labor migration outside of the subregion. The country has signed labor arrangements with over 14 countries.³⁰

In Myanmar, the Ministry of Labour provides service under four labor laws.³¹ These policies serve to establish employment exchanges to provide free employment services to employers and workers in various townships and labor offices, to open the training center for local and overseas workers and to administer overseas employment services (San 2008, 9). The Overseas Employment Law³² was established in 1999 to help those seeking overseas jobs to secure employment opportunities systematically, and to ensure that there is no loss of rights and privileges of the workers (San 2008, 9). The law regulates recruitment agencies through licensing (San 2008, 9).

In Cambodia, Sub-decree 57 on Sending Khmer Migrants to Work Abroad, issued in 1995, is the primary legal framework that aims to regulate the deployment of Cambodian workers abroad (Kingdom of Cambodia 2010, 17). In 2011, Sub-decree 57 was replaced by *Sub-decree 190 on the "Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies"*³³ (Maltoni 2011, 7). The PRC has encouraged skilled migration and the return of skilled migrants, but has not focused on the export of low-skilled labor.

Regulation of Irregular Migration

Countries of destination aim to regulate irregular migration for reasons of national security. For instance, Thailand's migration policies have been strongly shaped by national security ideologies (Huguet, Chamrathirong, and Richter 2011, 67). This policy is reflected on the MOU between Thailand and other countries in the subregion. Recently, Thailand has announced that migrant women will be repatriated to give birth in their countries of origin before returning to work, leaving their children at home (Nation 2012 accessed on 15 August 2012). This announcement brought big discussion and criticism. Following these reactions, the Department of Employment under the Ministry of Labor has announced that they plan to allow illegal female migrant workers who become pregnant while working in Thailand to stay and give birth.³⁴ Their babies could then stay legally with their mothers (Nation 2012 accessed on 15 August 2012). Yet it is unknown when the change will be put into practice (Nation 2012 accessed on 15 August 2012).

Health

Cambodia issued Prakas 108, an official notification on Education of HIV/AIDS, Safe Migration and Labour Rights for Cambodian Workers Abroad (Kingdom of Cambodia 2010, 18). Its aim is to promote pre-departure training for migrant workers on health issues, safe migration, and labor rights, to reduce their vulnerability to health problems (Kingdom of Cambodia 2010, 18). Cambodia has made efforts to increase interministerial coordination as well as to increase collaboration between stakeholders.

³⁰ Canada, the PRC, Bulgaria, Czech Republic, the Lao PDR, Malaysia, Kazakhstan, Republic of Korea, Qatar, Russian Federation, Slovakia, Sultanate of Oman, Ukraine, United Arab Emirates.

³¹ The Employment and Training Act, 1951; the Employment Restriction Act, 1959; the Employment Restriction Rules, 1960; and the Overseas Employment Law, 1999.

³² http://www.notrafficking.org/content/Laws_Agreement/laws_agreement_pdf/law%20relating%20to%20oversea%20employment_eng.pdf

³³ http://www.no-trafficking.org/reports_docs/cambodia/subdecree190_eng.pdf

³⁴ More information available at http://www.thailandnews.net/index.php?sid/207697956/scat/7eb51d3138244bed#index.php?&_suid=135210489638605765589661621897

The Inter-Ministerial Taskforce for Migration (IMTM) coordinates migration issues and provides recommendations to the government. The Inter-Ministerial Working Group for the Implementation of the MOU with Thailand is a body formed to oversee the implementation of the employment MOU (Kingdom of Cambodia 2010, 18).

Bilateral MOUs on Cooperation in the Employment of Workers

There are two kinds of labor migration policies in the subregion: labor migration within the GMS and labor migration from the subregion to external GMS. Labor migration policies within the GMS follow the migration flow to Thailand. This is framed under the bilateral MOUs. The main features of these MOUs are a national verification system and work permit renewal. This registration allows migrants from Cambodia, the Lao PDR, and Myanmar who are already working in Thailand to obtain work permits.

Over the last 10 years, the subregion increased international cooperation between the nations through establishing bilateral labor arrangement. Thailand signed an MOU on Cooperation in the Employment of Workers with Cambodia, the Lao PDR, and Myanmar, in October 2002, May 2003, and June 2003, respectively (Mekong Migration Network 2008).

Because the formal recruitment of migrant workers through the MOU process was relatively ineffective, the Government of Thailand decided that migrants from the three neighboring countries who were already in Thailand could be regularized and become eligible to obtain a work permit if their nationality was verified by the government of the country of origin (Huguet, Chamrathirong and Richter 2011, 11). This requires a joint effort of the origin and the host countries to verify the nationality of migrants, to issue the certificate of identity or temporary passport, to process the travel documents, and to approve resident and work permits. These are arduous, time consuming, and costly processes, which the migrants themselves and their employers find burdensome (Vasuprasat 2008, 4). As a result, many migrant workers become indebted and inadvertently bound to their employers to work out their debt (Vasuprasat 2008, 4). In June 2004, instead of requiring migrant workers to register with an employer for a 1-year migrant worker's card, the policy allowed migrants and their families to register for a temporary residence ID card (Tor Ror 38/1) (Mekong Migration Network 2008).

The subregion further requires active cooperation and support from their governments of origin, as these contracts tend to be signed in the country of origin. The MOU process favors potential migrants in urban areas. For people coming from border areas, crossing the border is the most convenient and pragmatic way to migrate. So far, no flexible methods of regularization are being proposed, such as border booths to issue temporary cards or mobile units offering regularization on site.

Approaches to migration between the different types of workers have been inconsistent. Some workers have been given privileges to move with greater ease, fewer costs, and more speed. Other workers are required to get increasingly more documents and to go through increasingly more processes. This makes migration more costly and slow for these workers. Those who can afford to move and are generally paid good salaries have less cost associated with moving. Those vulnerable migrants who survive day-to-day are expected to spend days applying for documents and to pay more while they receive much less.

There has been increased exclusion of people who cannot obtain the necessary documents. They may have difficulty accessing the documents if they cannot afford them, if they cannot access the proper authorities, or if they cannot get work permits

for the specific type of work they engage in, such as entertainment work. While there have been discussions on increasing cross-border trade and tourism, the dialogue on cross-border labor migration has been lacking. None of the economic corridors appear to be corridors through which migrant workers may pass.

Still, there are some trends related to migration that resist change. Few of all migrants work and live in conditions that comply with laws and standards. A small percentage of all migrants are trafficked. A slightly larger percentage of all migrants work in highly exploitative and dangerous conditions. The vast majority of migrants work in substandard conditions that violate the laws, but which could be improved with the enforcement of labor and occupational health and safety laws, sanctions on employers who consistently violate the laws, and commitment to decent work and living standards for migrants.

Migrant workers find a lack of support to organize themselves into unions. This would require ensuring that migrants *can* be active members in unions. When one group of union members is excluded from leadership positions, it challenges the central premise of unions—the equality and rights of all workers. There seems to be a lack of recognition that migrants can organize themselves, as they are increasingly seen as victims in need of help rather than solidarity.

Recommendations and Ideas Toward Strengthening Subregional Approaches

The GMS needs a strategic subregional policy that addresses issues raised in the previous section. Capacity building of national governance in managing migration is fundamental for the subregion to manage migration. For that, increasing synergies between global governance and national governance is key to strengthening national governance with respect to international labor migration (Hamada 2012). Possible actions should be built on strong subregional cooperation taking into account international conventions as well as regional framework to promote migrants' rights and free flow of labor mobility.

Most of the countries in the subregion do not have a structured system in regulating private recruitment agencies. Regulating recruitment agencies to reduce the costs of migration and promote ethical recruitment practices will also serve as a step to reduce irregular migration. Monitoring recruitment agencies as well as establishing compliant mechanisms is inevitable in strengthening migration management systems in the subregion.

Partnerships for strategic cooperation are required. The broader global, regional, and subregional frameworks, such as the international conventions, ASEAN, COMMIT and other regional consultative processes (the Colombo Process, Abu Dhabi Dialogue, Asia EU Dialogue, and the Bali Process) are necessary for actual implementation of these recommendations. The partnership should be built upon cooperation amongst all levels of stakeholders' resources, experiences, knowledge, and technical skills for effective implementation of these recommendations. Furthermore, engaging the private sector is necessary to promote the corporate social responsibilities of employers and other private entities.

To provide realistic recommendations, it is necessary to take into account the actual stakes and stakeholders involved in migration. Governance is a serious issue, and even if laws exist, their enforcement seems difficult to enact. It is thus necessary to consider the fact that not only migrants and employers are involved, but also other actors. Brokers, recruitment agencies (legal as well as illegal) and smugglers are all part of the migration landscape, and the lack of enforcement of existing laws also shows that the stakes also reach the governance level. Police and other civil servants involved in the regulation of labor migration and in law enforcement also have to be taken into account. This is part of a reality that goes well beyond labor migration and it is therefore difficult to formulate realistic recommendations aimed at addressing it.

The following recommendations should target precise issues, where implementation of projects can make an actual difference, while also trying to provide a framework in which slower changes can take place in the long term.

Increase protection mechanisms for migrants in cross-border settings

- Conduct labor awareness campaigns for potential migrant workers in three districts of Cambodia and the Lao PDR and other countries in the subregion
- Set up monitoring and evaluation mechanisms that involve representatives from different stakeholders to provide safety nets for migrants across borders in the subregion
- Provide pre-departure and pre-employment orientation through the migrant resource centers and other existing public and private facilities
- Develop user-friendly information materials on existing legal instruments including MOU and bilateral agreements to help migrants to understand migration procedures

Strengthen capacity and legal framework in managing labor migration in the GMS

- Conduct expert-level review in analyzing implementation of existing MOU in the subregion
- Conduct capacity building training to improve understanding and knowledge of government officials dealing with migration issues
- Introduce monitoring system at the migrant workers' work places to minimize exploitation at the work place
- Review inspection capacities of relevant ministries and develop standard operating procedures
- Develop a guide to improve coordination mechanisms among different ministries dealing with migration
- Develop a subregional labor market information system to capture and analyze market trends
- Review the effectiveness of cross-border provincial agreements between Cambodia, the Lao PDR, and Thailand
- Design and implement gender-sensitive migration policies to facilitate safe migration and reduce vulnerability of women migrants, especially those engaged in domestic work

Enhance social protection for migrants and their families

- Review access to basic social services for migrant workers and their families in countries of destination
- Develop network support systems for migrants and their families
- Conduct information campaigns for migrants and migrants' families
- Conduct awareness-raising programs for migrant workers with regard to the right to create associations and unions to claim their rights

Promote ethical recruitment and employment

- Review existing framework to regulate recruitment agencies and identify key obstacles to minimize migration costs
- Assess lessons learned to identify good practices in the subregion that reduce costs incurred through recruitment phases
- Organize workshops for representatives of private recruitment agencies to promote ethical recruitment practices

Strengthen return and reintegration support to migrants

- Review support mechanisms for return and reintegration
- Develop schemes to recognize skills obtained from countries of destination
- Conduct a pilot project to provide counseling and vocational training assistance to migrants upon their return, which allow countries of origin to harness the skills that migrants acquire while working abroad
- Provide a certification program for migrants to obtain certified skills while working

Increase knowledge management mechanisms

- Organize an expert-level meeting to identify research gaps in understanding and analyzing the socioeconomic impacts of migration such as those impacts upon demography, labor market information, and political drift
- Assess the impact and utilization of remittance and knowledge sharing on products and services related to remittance channeling and utilization in the subregion
- Analyze the impact of border mobility and suggest policy recommendations
- Develop information system to capture migration flows on cross border mobility

Effective use of remittance

- Assess money transfer mechanisms in the subregion and identify challenges in irregular ways of money transfer
- Increase awareness and knowledge about the effective use of remittances by conducting financial literacy programs targeting migrants' households.

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Facilitating Safe Labor Migration in the Greater Mekong Subregion

Issues, Challenges, and Forward-Looking Interventions

The Greater Mekong Subregion (GMS) Economic Cooperation Program has adopted a multisector approach to economic corridor development, requiring multisector investments, increased inter-sector coordination, and enhanced knowledge platform. An area of concern is facilitating safe labor migration.

This report, prepared by the International Organization for Migration and funded by the Asian Development Bank (ADB), highlights issues on labor migration in the GMS and offers recommendations toward increasing social protection for migrants, strengthening capacity and legal framework, and enhancing knowledge management mechanisms. The report provided inputs into the formulation of a new strategic framework and action plan for the human resource development sector.

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