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Labour migration for Thailand is a complex situation of internal migration from rural to urban areas, migration of Thais to overseas countries supported and promoted by the government, illegal migration of Thais to overseas countries, immigration of peoples from Burma, Cambodia and Laos. The types of migration are also complex and varied, including legal, illegal and forced migration, refugees, political exiles, and trafficking. While the distinction between the types of migration can remain blurred even on close examination, there is often little attempt made to distinguish between them. Without these distinctions, stereotypes and prejudices are fuelled, rights are abused and policies cannot address the real issues.

Incoming migration

Thailand receives migrants workers from the neighbouring countries of Burma, Laos and Cambodia. It is estimated that there are at present over one million migrant workers in Thailand. As there are no bi-lateral or multi-lateral agreements on labour migration, the migrants enter Thailand illegally. Once in Thailand there is a system of registration for a small quota of migrant workers.

Since the vast majority of migrant workers in Thailand are from Burma, it is necessary to look more closely at this situation. In an international symposium on migration hosted by Thailand in April 1999, the Deputy Foreign Minister Sukhumbhand Paribatra said that Bangkok’s migration problems could not be solved without a political resolution in neighbouring countries. Prime Minister Chuan Leekpai called for an effective preventive strategy by fostering "a conducive environment for peace, democracy, and development" in the country of origin of the illegal migrants.

The incoming migrants from Burma come from areas where forced relocation, forced labour and human rights abuses are common. They come because there are no jobs, because their universities have been closed, because there are severe food shortages. Migrants from Burma cannot make any preparation for their journey as economic migrants in other countries do. Due to the lack of freedom of information, people in Burma cannot get access to any information about the country of destination, they cannot find out about the work opportunities and the laws in Thailand. Coming from a country where forced labour is institutionalised they migrate completely unaware of their labour rights. These so-called economic migrants migrate as family groups with their elderly and their children but there are no formal services available for those outside working age, and health and education services are left to the discretion of the local authorities. A National Radio station in Thailand broadcasts in the ethnic languages of Thailand, some of these languages are common to ethnic groups in both Thailand and Burma. The Shan radio receives letters every week from Shan migrants trying to locate members of their families from whom they have been separated during the migration.
process. A letter was recently received with a list of the names of all the people in one village who had had to move to Thailand for their survival, the listener was desperately hoping that she would be able to locate at least a few of her relatives.

Thailand has offered temporary asylum to refugees fleeing conflict in Burma for nearly two decades. The escalation of human rights abuses in Burma in the last decade has caused a further outflow of people fleeing not only conflict, but also its effects. These refugees are not covered under the Thai government’s humanitarian policy and have had to enter Thailand illegally and seek work to survive. While Thailand accepted the workers during the economic boom years, the attitude changed dramatically as the economic crisis hit and policies were put into place to severely limit the number of registered migrant workers and to deport all those who were unregistered. Having fled fear, the migrants continue to live in fear of arrest and deportation.

Migrant workers from Burma work all over Thailand, in the fishing industry in the South, the new industrial zones outside Bangkok and along the border in Tak province, in agriculture and the service industry. Middle and upper-class Thai families employ maids and gardeners from Burma all over Thailand, however being a maid is not a job recognised in the registration so all the maids work illegally without any recognition in law, it is almost impossible for them to take action in case of abuse or exploitation. Totally isolated, even NGOs working directly with migrant workers find it very difficult to make any contact with maids. Thai families continue to trust their homes and their children to women from Burma, but apart from a handful of NGOs calling for their recognition in the labour registration, no-one speaks on their behalf or gives them a voice.

This migrant labour policy of registration/deportation reflects the “tug of war” over migrant labour between powerful business interests and government forces that evolved in the mid 1990’s and continues unresolved today. It is based on the argument that undocumented migrants living and working in Thailand cause social and security problems for Thailand and take jobs from Thais at a time of high unemployment.

Opposing the Thai government policy to deport migrant labour are strong business interests. Many industries in Thailand, including fishing, canning, garment production, rubber and fruit orchards not only used migrant labour to fill labour shortage gaps in times of high growth, but developed precisely because of the profits made by employing cheap exploitable labour.

The situation is all the more complex since whatever measures Thailand puts into place to curb illegal migration are unlikely to be successful while it is impossible to make agreements on legal labour migration with a regime which only reluctantly admits that migrants leave the country and at times refuses to accept them back. To look briefly at the situation over the past four years may help to show the complexity of the situation.

TIME-LINE

1996 An estimated 600,000 migrant workers from Burma in
Thailand:

June

Cabinet resolution passed allowing migrants from Burma, Laos and Cambodia to be employed as unskilled labourers in 43 of 72 provinces, in 7 types of work in 11 sectors, including agriculture, fishing, and its downstream industries, construction and quarries, pottery and brick industries and domestic labour.

September:

90 day registration of undocumented migrant workers Registration fee: 2510 Baht

Nov 96 – Aug 98 303,088 migrant workers registered for two-year work period

263,782 or 87% of registered migrants are people from

Burma

November:

Registration of migrants workers closed.

1997

July

The collapse of the Thai economy causes a sudden surge in unemployment among Thai workers.

The Thai government promotes the export of Thai labour.

Increased flow of migrants into Thailand due to increased land confiscation in Burma and the shortage of jobs due to restrictions on military expenditure.

1998

January

National Security Council and Labour Ministry announce policy to deport 300,000 undocumented migrant workers by May 1st and no renewal of the permits of the 303,088 registered migrants.

May

Date for mass deportations extended to June 1st.

Continuous flow of migrants into Thailand as the economic crisis and economic mismanagement in Burma worsens food shortages.

June 1 – 21

Joint metropolitan immigration crackdown on over 200,000 illegal immigrants in Bangkok.

August

New registration period starts for migrants in 37 provinces, performing 18 types of manual labour.

Employers requested the registration of 233,346 workers.

Aug 98 – Aug 99 159,902 work permits allocated, 70,000 of which were allocated to the fishing industry. Only 90,472 work permits granted for one year work period, 70,057 from Burma, 10,593 from Cambodia and 1,261 from Laos.

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4 National Labour Development Agency, p. 3.
5 The Bangkok Post, “300,000 to be Repatriated”, Bangkok Post, January 16th, 1998.
9 Ibid., p. 13.
November
Registration of migrant workers closed.

1999
January
Campaign to repatriate all migrant workers by August 1999 begins.

February
Ministry of Labour claims that there are 657,654 migrant workers in Thailand.11

June
A damaging public awareness campaign, launched by the Ministry of Labour equated migrant workers with poisonous snakes in the backyard. NGO and public pressure halted the campaign. Meanwhile the Prime Minister embarked on a campaign to pressure Thai employers to upgrade working conditions.

July 27
A new round of migrant labour registrations announced for after the August 4th deadline.12 Employers requested 355,050 workers in 51 provinces in 82 different types of work.13

Aug 3
New 90 day registration period starts14

August 4
Ministry of Labour and Social Welfare released policy for deportation of all undocumented migrant workers at the end of the registration period on November 2nd.15 Steady flow of migrants arriving in Thailand due to increasingly deteriorating economy.

Aug 99 – Aug 00
86,895 work permits allocated for 37 provinces and 18 types of work for one year period.16 Women dominated fields of work, including domestic work, restaurant and retail jobs, were excluded.

October
The regime in Burma closes all borders with Thailand in protest of Thailand’s handling of the Burmese embassy incident.

November
Registration of migrant workers closed.

November
Mass deportations of unregistered migrant workers begins. The Burmese regime keeps the borders closed for the first week creating confusion as migrants are pushed back and forth with nowhere to go

2000
January
Resumed flow of migrants returning for work and survival
August 4th
Official date of work permit expiry extended to the end of August
August 6th
Burma-Thai Joint Trade Commission meeting held in Rangoon. Thailand encourages more Thai investment in Burma, currently the third largest investor with over 1.252 billion dollars invested in 46 projects, in natural gas, hotels and tourism, livestock and fishery, industrial estate and transport.

11 National Labour Development Agency, p.23,
13 Institute of Research, Chulalongkorn University, “Summary of the and Follow-Up of the Ministry of Labour Meeting, April 21st, 1999”, a report commissioned by the Department of Employment, Ministry of Labour and Social Welfare.
15 Institute of Research, Chulalongkorn University.
August 9th

In a repeat of last year, the Burmese regime closes the border at Mae Sot and refuses to allow the return of migrant workers.

August

Migrant workers and employers wait in uncertainty about the future for the new migrant worker policy to be announced.

There are many issues of concern for the undocumented migrant workers. Health issues and access to information and care are major concerns. While hospitals treat all patients on a humanitarian basis, actually getting to the hospital is dangerous as migrants can be arrested on their way, language problems mean that migrants cannot communicate with the doctors and following the economic crisis access to free or cheap treatment is becoming increasingly difficult. Isolated, and with self-esteem diminished by the lack of control over their lives both in Burma and Thailand, promoting protection against HIV is fraught with difficulties.

As campaigns against illegal migration also target the employers, house-owners who rent to illegal migrants, the number of people of the host population prepared to assist migrants in need diminishes and they become further isolated from mainstream society.

The illegality of the migration process increases the opportunities of the traffickers and the agents to exploit the workers.

The education of children of migrants is a major human rights concern. Only a small percentage of these children are getting any education, the rest are left to look after themselves on construction sites and in factories. For young people, bored and isolate, they are extremely vulnerable to drug dealers or traffickers. Violence against migrant women is just starting to be addressed and the government has shown support for women’s call for justice against abuses. It is still however very difficult for migrant women to use the legal system, when they are liable to deportation and have no protection from intimidation. Women are particularly vulnerable during the deportation process.

Media reports focus mainly on the negative aspects of the migration, for example the rise in certain diseases in Thailand without any questioning or explanation of why a neighbouring country has such a different level of health care and health education. Following the take over of a hospital in Ratchburi by a very small armed splinter group, the image of all Burmese, whether they be migrant workers working long hours for their survival and for the benefit of the Thai economy, or non-violent political exiles working for the peaceful transition to democracy in their home country, or refugees living, but not being allowed to support themselves, in camps on the border, they are all branded with the same brush. The consequences of such stereo-typing are likely to have long-lasting and dangerous effects. In one incident recently, a young Burmese woman was picked up at the market with the promise of a job as a maid, drugged and put into a car which was then set on fire, she was the victim of an insurance scam. The life of a Burmese seemed to be expendable. Local business people and general population demonstrated recently against the proposed re-location of refugees to their area in Mae Sot.
Migrant workers are continually blamed for the unemployment of local people. Despite numerous failed attempts by the government to fill the jobs of deported migrant workers by local people, it is the migrants who are blamed for taking away the jobs. The promotion of cross-border trade and investment in Burma, Thailand is now the third largest investor in Burma, is treated as a completely different issue. Though some of the investment projects themselves are responsible for the displacement of people, the loss of their lands and their need to migrate as with the Yadana natural gas pipeline project. Thailand has committed itself to helping promote tourism in Burma, but Thailand’s own experience fifteen years ago shows clearly that expanding the tourist industry without the participation, cooperation and guidance of the local people can have devastating effects on the environment, culture and livelihoods of the indigenous people. As a dictatorship, it is already clear that the people of Burma will not be represented in the tourism plans. Ironically, Thailand is contributing to the flow of migration which it continuously tries to send back.

Outgoing migration
While the incoming labour migrants have been blamed for a multitude of sins for the last two years, the export of Thai migrant workers has been promoted and supported by the government. Following the economic crisis in 1997, the Royal Thai Government promoted the export of Thai labour to cope with the increasing domestic unemployment. By June 1999 the policy seem to have met with some success. The number of Thai overseas workers rose by 4% from 1997. The Labour Ministry disclosed that 191,735 Thais left the country to work abroad and remitted 65.2 billion baht in the year 1998 - 99. The government hopes to send 210,000 workers overseas in the year 1999 - 2000. The major destination for Thai workers is Taiwan with around 100,000 Thai migrants, other major destinations are Singapore (17,067), Brunei (15,246), Japan (10,790), Israel (10,644), Malaysia (9,031) and Hong Kong (4,709). There are 1.8 million jobless in Thailand.

A process of health check-up, job selection and pre-departure programmes exist for Thai workers going overseas. There are still however many loopholes. Many of the migrant workers come from rural areas and do not have experience with bureaucracy. Feeling intimidated by government offices and officials they prefer to get the help from a recruitment agency to facilitate the process. Unscrupulous agencies can also exploit the lack of self-confidence and awareness of rights of the potential migrants, and charge exhorbitant fees. The Thai Labor Department recently blacklisted 11 placement agencies; 50 more are at risk of losing their permits next month due to unscrupulous practices. In January 1999 members of the Needy Northeastern Farmers Assembly turned up at the Employment Department to ask for help in the arrest and the persecution of illegal recruiters who duped them into paying thousands of baht for work abroad. According to the farmers, the recruiters promised them employment overseas in exchange for

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17 Edward Tang, "Overseas Thais remit $3b home," The Straits Times, 24 June 1999
18 Foreign Workers News Agency, "Thailand Labor Department Blacklists Agencies,"
brokerage fees. However, it turned out the recruiters were frauds who ran away with their hard earned money, leaving the farmers with huge debts. 19

The high costs of the recruitment agencies mean that the migrant workers have to take out loans (often also arranged by the Recruitment Agency) or sell or mortgage their house or land. It is therefore essential for them that they can fulfill their contract overseas and make the necessary money to repay their loans. In the case of the work not being as expected, the conditions being too exploitative, or sickness they will return to an even more desperate situation than that which they left. As yet, there is little recognition or acknowledgement of their newly acquired skills and experience which could benefit their home country.

There are limitations on legal migration which mean that some workers migrate through illegal methods, or migrate legally but overstay their visas. Some countries, such as Taiwan only allow migrants to do one term of work there, health requirements exclude people most in need such as healthy HIV positive people who need to make some savings before the onset of illness. Although it is difficult to get figures, at the end of 1997 there were 38,000 Thai overstayers in Japan, 6,000 in Taiwan and 8,000 in Malaysia and from reports around the world it is clear that Thai women are often working in slavery-like conditions.

Internal migration

The internal migration of Thais from rural to urban areas was very much the focus of the media in the 80s. With the economic boom years of Thailand, the development of hotels, resorts, golf courses, dams, roads people in the rural areas lost their traditional livelihoods and looked to Bangkok for work, returning to take on farm work in the harvesting season. The root causes of the migration were examined, the problems migrants encountered in Bangkok were enumerated, the social problems of villages without their young people were explored. Although internal migration has increased again in response to the economic crisis there is little information available about the current opportunities or problems for Thai migrants.

While the reasons for internal, incoming and outgoing migration may differ there are similarities in the situation which could be explored to create more solidarity between migrants of different countries and more compassion in the host countries. The voice of migrants, whether they be Thai, Burmese, Cambodian or Laotian are rarely heard. They are rarely invited to represent themselves, to be part of the decision-making processes about their problems and their opportunities. They do not have any self-help or support groups. They lack experience and training in knowing and calling for their rights.

It is clear that the Government, NGOs and the media must work together to give a voice to the migrant workers and to approach the issue from a human rights framework. Media

19 Penchan Charoensuthipan, "Victims Seek Action Against Bad Brokers," Bangkok Post, 21 January 1999
is important not only for the host population but also for the migrant population. Discrimination tends to breed discrimination and both the host and migrant population need information to help understand the situation, the culture, the rights of all. The new constitution of Thailand mandates that all airwaves and media belong to the public - as opposed to being state-owned as in the past - and their utilisation must be fairly distributed among all segments of society. Migrants too are an important segment of the society.