

ASEAN Community 2015: Model for managing international labor migration in Thailand

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Abstract

To enter to ASEAN Economic Community (AEC) by 2015, human resources would be one of weaknesses for Thailand. There are more than 3.5 million persons from other ASEAN countries without Thai nationality living in the country, more than 3.0 million of them are working in the country, and approximately 1.4 million of them are not registered. Thailand has been attracting low-wage workers from neighboring countries, such as Cambodia, Laos and Myanmar, since at least the early 1990s. There is a policy to register workers from Myanmar in ten provinces along the border in 1992, which has expanded to include workers in low-skilled occupations from Cambodia, Laos and Myanmar in every province in Thailand. The Thai government has been attempting to put in place a system to recruit all migrant workers from the three neighboring countries through formal procedures, Memoranda of Understanding, which signed with the three countries for that purpose in 2002 and 2003. By the end of 2010, however, fewer than 80,000 migrant workers had entered the country through that formal process. This research aims to study patterns of labour migration in Thailand and related policies and institution arrangement for managing international laborers towards ASEAN Community 2015 as part of regional cooperation initiatives and bilateral agreements. The policy challenge is to design an effective model and implementation. The data used for the analysis will come from primary data on possible solutions and strategies, interviewing scholars or related governmental instructions and etc.

Keywords: ASEAN Economic Community, international labor migration, labor policy, Thailand

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Introduction

It has been estimated of 1.5 million people in ASEAN move each year to work abroad; about 13.5 million are working in other ASEAN member states, and more likely to increase due to closer economic integration within the region (Kneebone, 2010). Migration policies in Southeast Asia have been generally shaped by “narrow national security interests” (Doneys, 2011). Migration is one of the most controversial topics in national policy agenda stage among economists and policy-makers in most countries, including Thailand. Thailand has been faced a large scale of illegal migrant labors from neighboring countries like Cambodia, Myanmar, and Laos over the past several decades. This issue has been created the impact on social and economic development in Thailand (Pholphirul, 2012). However, some scholars argue that labour migration is actually a substantial contributor to economic growth in both the sending and receiving countries (Hugo, 2012).

Paitoonpong and Chalamwong (2012) give a definition of a migrant worker that can be referred to “alien” or “foreigner” which means a natural person who is not of Thai nationality and “working” or “employment” by physical strength or knowledge whether or not intended for wages or any other benefits. Therefore, a migrant worker is an alien or a foreigner who temporarily comes to the Kingdom of Thailand and work legally or illegally. Type of migrant workers in Thailand is mostly unskilled and semiskilled workers, and 40 per cent of them are irregular migrant workers which are at risk of exploitation and trafficking (Kneebone, 2010).

Cross-border migration in Thailand has been seen as a major net importer of foreign migrants (Doneys, 2011). Thailand has transformed from a net labor emigration to net labor immigration country when Thai economy achieved remarkable development during the mid-1980s and early 1990s. In these periods, the rapid growth in the manufacturing sector was contributed by foreign direct investments (FDI) from Japan, Europe, the United States, Taiwan and Singapore (Paitoonpong & Chalamwong, 2012). Thailand’s economy grew rapidly in the 1980s led to liberalization of trade accompanied by heavy infrastructural investment from the public sector. It resulted in a growing gap in GDP per capita with neighboring countries which were governed by its military like Myanmar, or state socialist regimes like Cambodia, Vietnam and Laos. It resulted to a rapid increase in number of migrant workers from Myanmar in the last two decades, especially in a feminization of migrant labor flows in a manufacturing sector. Employers in the manufacturing sector preferred female labors which had seen to be more disciplined, less troublesome and quicker for certain tasks and lower rate wages than male migrant workers (Doneys, 2011).

Therefore, the increase in number of migrant labors from neighboring countries began between the mid-1980s and early 1990s, resulting from the country’s transition from a low-end labor-intensive economy to a more capital or technology intensive. Thai labors became a skilled-worker in a labor market due to economic growth. On the other hand, the country faced a labor shortage issue at the low-skilled level instead. As a result, the private sector put pressure on the Thai government at that time to allow Thai employers to hire migrant workers from neighboring countries (Chalamwong, Meepien & Hongprayoon, 2012).

The push and pull factors

To explain a massive number of migrant workers in Thailand, can use “the push and pull factors” explanation (Chalamwong, Meepien & Hongprayoon, 2012).

Table 1: The push and pull factors explanation of migrant workers in Thailand

Push		Pull	
Factors	Results	Factors	Results
- Political instability	- Political unrest – lack of employment (major push factors for migrant workers from Cambodia and Laos)	- The different in wages between an the countries of origin and destination	- Cross-border migration (can earn more in Thailand than their countries even below the Thai national minimum wage standard)
- The economic situation in the regional countries	-Lack job opportunities (major push factors for migrant workers from Myanmar)	- Social networks and personal relations	- The availability of information received from family or friends who work in Thailand has pursue them to go to Thailand in willing to earn money morn than working in their countries
		- Economic growth and infrastructure development	- The availability of jobs which Thai people do not wish to perform

Negative/Positive effects of migrant workers

Thailand did not recognize or register unskilled migrants until the mid-1990s. As a result, there has been over a million of illegal migrants (being undocumented or no work permits) from neighbouring counties in Thailand in 2009. In 2010, 17 percent of migrant workers or about 1,093,237 registered for work permits, but there are probably 2-3 million still work in Thailand illegally (Doneys, 2011).

Therefore, Pholphirul (2012) gives some negative effects from migrant workers as following;

1. Native workers are economically jeopardized from declining in wages for Thai workers.
2. Unregistered migrant workers do not contribute to the pool of social services (healthcare, and child education).
3. To employ low-paid migrants might help Thailand in terms of output growth and reduce labour shortages, but this can be observed only in the short-term.

Employing unskilled immigrants would pose challenge Thailand for a long term economic and social development.

However, some scholars argue that migrant labours actually benefit Thai economy in terms of the contribution to overall GDP growth. It increases in economic output, so-called “the macro-economic benefits of employing immigrants”. This raised the Thai GDP by about 0.55 percent in 1995 and increased to 1.25 percent in ten years later (approximately 760 million Thai Baht per year). It might help business sectors and increase opportunities to Thailand, bringing prominent in sectors and industries with labour-intensive productions and rectifies market failures from the uncertain output productions. To employ migrants might help to stabilize the labour supply in these sectors and also preventing uncertainties arising from production and unfilled vacancies (fill vacancies and smooth out their productions). To employ unskilled migrants also helps to increase production in labour-intensive sector as well. For example, there were increased 1.33 per cent in agricultural production, 0.9 per cent in manufacturing sector, and 0.53 per cent in service sector in 2007. Low-paid immigrants help Thailand to maintain price and cost competitiveness in global market, and also help in terms of attracting foreign investments, hence, it promotes domestic employment and drives economic growth. To employ low-paid migrants helps producers or employers to maintain lower prices on their productions, and also maintain a low inflation rate, thus, Thai consumers are benefited.

Chalamwong, Meepien and Hongprayoon (2012) also support that it results in lower labour costs; this makes Thai exports more competitive, and contributes to Thailand’s national output in both agricultural and construction sectors. For example, Thai agricultural exports increased by 75 per cent in 2005. Furthermore, Thai employers are more convenient in finding a worker to work on jobs that dirty, dangerous, and difficult or so-called “the 3Ds” at a low wage rate.

Available policies and agreements on managing international labor migration in Thailand

1. ASEAN region’s policies and agreements

2.

Between the 1980s and 1990s, most Southeast Asian countries perceived migration in negative terms or ‘national shame’, and as a short-term approach in dealing with labour shortages or surpluses. ASEAN had few efforts to facilitate regional multilateral or bilateral cooperation on migration issues in the region. There was very little consideration of international labour migration within the ASEAN framework. The characteristics of regional migration policies between the 1980s and 1990s were restriction of rights, unrealistic policies, and growth of undocumented migration system and negative stereotyping of migration workers. Nowadays, ASEAN has cooperation between ASEAN member states, many of bilateral agreements have been signed and operationalized, such as the Memorandum of Understanding or MoUs. Pattern of international labour migration with Southeast Asian region adopted from Europe during the colonial period, and contemporary contract labour migration occurred during the 19th and early 20th centuries when European colonists brought their exploitation of the material resources to their colonists (Hugo, 2012).

There are two main regional institutions in dealing with migrant worker issues. First is the International Labour Organization (ILO) which was established in 1919 in willing

to promote social justice and human, and human rights with 181 member nations. An ILO's main role is to set labour standards and to protect vulnerable workers with a concept of "Labour Market Governance in Asia" in 2000. This concept has been adopted by 14 Asian nations, including Thailand, as a non-binding framework; hence, member nations will determine their own migration policies. In Southeast Asian region, ILO promotes the use of bilateral and multilateral agreements between destination and origin together with development assistance, tripartite consultations, and agreements between workers' organizations. Therefore, the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was established. ILO also does an activity in raising awareness of issues rather than engages directly with member states, thus, it provides forum for discussion and promotes particular agendas by using bilateral agreements like MoUs.

Another regional institution is the International Organization for Migration (IOM) which was established in 1951 as the Inter-Governmental Committee of Migration with 120 member nations. IOM has a main key of thought that international migration can be effectively managed and contribute to economic growth.

Both organizations are willing to fill a gap of governments in ASEAN in terms of the protection of migrant workers. IOM works together with ILO for ASEAN's role on supporting migrant's rights because ASEAN need to be accompanied by normative and institution change at the national level together with a strong support from regional processes. Therefore, the gap in managing regional migration worker issues cannot be done at the regional level alone but those progresses at the regional level can influence at the national level (Kneebone, 2010).

1.1 Memoranda of Understanding (MOUs)

According to Memoranda of Understanding between the government of the Kingdom of Thailand and the government of the Union of Myanmar on cooperation in the employment of workers (2016, p.127), Thailand and Myanmar have signed a memorandum of understanding (MOU) to allow migrant workers from Myanmar to work legally in Thailand on 13 February 2016 at the Thailand with objectives; 1) proper procedures for employment of workers; 2) effective repatriation of workers, who have completed terms and conditions of employment or are deported by relevant authorities of the other Party, before completion of terms and conditions of employment to their permanent addresses; 3) due protection of workers to ensure that there is no loss of the rights and protection of workers and that they receive the rights they are entitled to; 4) prevention of, and effective action against, illegal border crossings, trafficking of illegal workers and illegal employment of workers.

To be understood, the MoU itself aims to promote cross-border cooperation for migrant worker employment and alleviate human-trafficking activities with the neighboring countries. The problem of using the MoU is that it lacks in terms of implementation because of a lack of political will and capacity. The MoU for migrant workers has been ineffective in many ways because migration issues are very sensitive and complicated, hence these issues cannot be resolved by one approach or framework, or by the Thai government alone, international cooperation is needed.

1.2 The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers

The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers is the outcome of the 10th ASEAN Summit. It was signed in willing to share data, promote ‘decent humane, productive, dignifies and remunerative employment for migrant workers’, control smuggling and people trafficking and extend assistance to migrant workers caught in conflict situations. However, there are questions about the effectiveness that ASEAN alone is the right body to move the issue of the governance and protection of migrant workers forward, thus ILO and ASEAN can work effectively together? (Kneebone, 2010 ; Hugo, 2012).

3. Thailand in dealing with migrant workers

Migration policy in Thailand has been seen as the outcome of a gender-unequal society from “political establishment dominated by men” or “neutral policies” (reflecting men’s interests and experiences). This affects in terms of migrants’ security, especially to female migrants. With this type of policies, state restricts migrants’ entry, mobility, status, or benefits, because state believes that migrants can undermine national security or economic interests, such as supposing destabilizing impacts on the labor market, spreading of contagious diseases, increasing burden on state resources or a higher crime rate (Doneys, 2011).

To improve Thai migrant worker policy has been obstructed by the concerns of national security, human security and human rights, and social protection by the Thai authorities in the past. In fact, legal migrant workers have so much fewer problems than illegal migrant workers. Therefore, The Royal Thai Government (RTG) introduced “the Anti-Trafficking in Persons Act B.E. 2551 (2008).

It aims to prevent and suppress that trafficking in persons, creating new trafficking offenses, focusing upon “exploitation”, including long working hours for low pay, sexual abuse, physical violence, and hazardous conditions without adequate protection. It also sets up committees to administer the Act and provide for solutions and protection to victims (physically and mentally abused, lack medical treatment, healthcare and social services) because irregular migrant workers have been vulnerable to human trafficking. For example, 103 human trafficking cases were reported in 2009.

Thailand’s past migration policies was a lack well-planned immigration management. Thailand’s past migration policies has never been any programme for the integration of migrant workers into its social, cultural and working environments, hence, when the number of migrant workers has dramatically increased, Thailand was unable to put them into the national social security programme. Therefore, the government offered mistreating migrants because of a lack of understanding about migrants workers’ basic rights. Most Thai people have had a negative point of view about migrant workers and misunderstood about the differences statuses of legal migrant workers and classified all of them as “illegal aliens” who cause many troubles, and do not recognize that migrant workers actually contribute the growth of Thai society and economy (Chalamwong, Meepien & Hongprayoon, 2012).

Table 2: The Development of Cross-border Migration Management in the Thailand.

Stage	Key Policy
<p>Stage 1 (1990–2000) Acknowledgement of irregular migrant workers</p>	<ul style="list-style-type: none"> • First acknowledgement of the existence of low-skilled migrants from neighboring countries in Thai society. • The Thai government used the ‘quasi-regularization’ of migration which responded to concerns about national security, economic necessity and employer demand. • In 1992, Thailand first used the “registration policy.
<p>Stage 2 (2001–2003) Regularization migrant policy</p>	<ul style="list-style-type: none"> • The Ministry of Labor was assigned to develop policies towards regularization of irregular migrant workers. • Thailand signed Memorandums of Understanding (MOUs) on employment cooperation with three neighboring countries, Myanmar, Lao PDR, and Cambodia. • The development of the “half-open door” policy; the government extended the registration policy (but only some sectors and provinces).
<p>Stage 3 (2004–2005) Amnesty Policy</p>	<ul style="list-style-type: none"> • The government tried to legalize irregular migrant workers who were acknowledged as an invisible group. • The government used two major measures toward legalization of irregular migrants, which were the “Nationality Verification (NV)”, and to import migrant workers directly from neighboring countries with a temporary visa.
<p>Stage 4 (2006–2008) Sticking to the “regularization” policy</p>	<ul style="list-style-type: none"> • The use of the Nationality Verification (NV) process with legal\regular workers from Cambodia and Lao PDR in 2006, and Myanmar in 2008, respectively. • The constraints on implementing the NV process included; (1) an inefficient system; (2) complex NV process and absence of ‘one-stop’ services; (3) lack of information among employers and migrants; (4) high costs from unregulated brokers; (5) problems with return of migrants from Myanmar (particularly ethnic minorities reluctant to return home) and (6) delays caused by reciprocal NV process in Myanmar.

Stage	Key Policy
<p style="text-align: center;">Stage 5 (2009–Present) “More open door policy”</p>	<ul style="list-style-type: none"> • The Improvement of a “more open door” policy, which broadens the government cooperation with neighboring countries. • The policies at this stage are about to protect the rights of migrant workers, to ensure safety migration and return, to encourage potential workers to use legal channels to come to Thailand, to expedite the process of regularization of migrant workers as well as guaranteeing humane treatment of all workers, especially those with health problems. • A draft amendment to the Alien Employment Act 2008 was proposed. • In 2011, the Illegal Alien Workers Management Committee and its subcommittees concluded their deliberations and recommended the opening of a new migrant worker amnesty/registration scheme to address serious low-skilled labor shortages reported by employers. The government agreed to re-open migrant worker registration to all workers from neighboring countries, including those who were not previously registered.

(Muntarbhorn, 2005; Hall, 2011; Chalamwong, Meepien & Hongprayoon, 2012)

Discussion and Suggestion

1. Discussion the problems of the use of policies and agreements

There have been a number of reports about a lack the protection of basic labour and human rights under the laws and policies of both countries of origin and destination. It results from a lack of coherent national migration policies and institutions in most ASEAN members states, except Singapore (Kneebone, 2010). The process of ASEAN Economic Community only includes some provisions in facilitating the flow of skilled workers and students, and still has not recognised the potential of migration to assist development in origins (Hugo, 2012). There has been many problems from the use of policies and agreement on migrant workers.

Firstly, Doneys (2011), and Chalamwong, Meepien and Hongprayoon (2012) mention problems from the use of the MoUs that the process requires a recruitment agency and registration before travelling to Thailand. For the registration itself, migrants have to pay 15 percent of their wages back to the Thai government when they go back to their origins. Recruitment agencies also charge fees and a percentage of the migrants’ income around 15 percent by deducting from of the migrants’ salary. Therefore, they tend to choose another cheaper options, such as paying for a daily pass at the borders and then remaining in Thailand illegally. There is a long and complex procedures in processing documents within and between the receiving and the sending country. The duration may take less or longer depending on how long it takes to process the recruitment in each country especially the identity verification, passport and other documents. The lack of support services at the provincial levels of both the host and the origin country makes employers uncomfortable and government agencies to not be able to control the activities of sub-agents and other recruiters. More importantly, agencies in the origin country do not have networks in the local areas to identify and

screen the prospective workers from the villages. Another reason that the MoUs is not effective is that Thailand's immigration laws do not support international unskilled labor, while the demand for international unskilled labor from Thai employers is high, thus Thai employers tend to not follow the laws.

Secondly, the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers does not provide for irregular migrant workers in the ASEAN region. It therefore fails to provide a common approach to labor migration, and for low and semi-skilled labor migrants in particular, which includes those who are forced to migrate out of necessity. In 2007, ASEAN established the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) to conduct the annual ASEAN Forum on Migrant Workers, develop an ASEAN instrument on migrant workers' rights, prepare pre-departure information for ASEAN migrant workers, collaborate with relevant international organizations on 'Safe Migration' campaigns and pre-departure literature for migrants, as well as strengthen the dialogue between the ACMW and those working on human smuggling and trafficking. However, the ACMW has been making very slow progress in fulfilling its mandates due to the sensitivity of the issue and the lack of consensus among its members (Petcharamesree, 2016).

Lastly, the problems and obstacles have been occurred in implementation from the registration system from many reasons. Registration fees are expensive, hence many employers are not willing to pay. In 2009, the registration fees for a migrant worker was 3,780 baht, which includes fees for medicals and so on. Many employers are not willing to pay these costs and so they usually deduct monthly instalments from their employees to cover them. Awareness of the registration system from employers is low. It has been very difficult for the migrant workers to access to information due to language problems and lack of knowledge. As a result, workers are dependent on the employers' decision to register. The Ministry of Labor of Thailand has promoted a campaign to raise awareness of the process through the media, in hoping to increase a number of registrations. Inconsistent registration policy has been another problem, from 1992 to 2009, the Thai government policy on registration continued in different measures and no standard on all areas in Thailand. There were only specific on industrial occupations in some area, thus migrant workers were spread throughout Thailand, and difficult to control. For instance, in 2006, there were about 500,000 of illegal migrant workers from Cambodia, Laos and Myanmar crossed the border to Thailand, and increased to 1.31 million migrant workers in 2009. Corruption among government officials has been one of the most serious problems for running the registration policy, because it allows some employers who hire illegal migrant workers have been ignored by the government's investigation by bribery. The last reason that the use of the registration policy is still ineffective, comes from ineffective regulation of the registration process. The mandated registration period creates inefficiencies by the fact that there have been registrations over and over. It creates more opportunities for corruption among government officials and employers (Paitoonpong & Chalamwong, 2012; Chalamwong, Meepien & Hongprayoon, 2012).

2. Suggestions

From the discussion the problems of the use of policies and agreements, Thai migration policy frameworks have seemed to make migrant workers more vulnerable and force them to choose illegal ways which may lead them to be victims of human trafficking. For that reasons, the Thai government need to protect legal migrant workers rather than limit their rights and freedoms, and promote human security implications (Doneys, 2011). Those approaches and agreements need to cooperate at international, bilateral, regional and multilateral levels, hence, number of international meetings on international migration and development policies are essential. However, international cooperation in the region is stilled limited on core migration and development issues, recruitment of migrant workers, protection of the migrant workers' rights, facilitating circular migration, facilitating remittance flows, and harmonization of migration information collection and policies (Hugo, 2012). Hence, Thailand and its neighbouring countries like Cambodia, Laos and Myanmar may need to seek for cooperation together rather that rely on ASEAN regional cooperation and policies. Thai migration policy should be based on long-term objectives rather than short-term response. Thus, the Thai government should work with long-term development policy to create a knowledge-based economy which should be strongly promoted. The Anti-human trafficking framework is still not fully complied with, as laws and regulations are not fully enforced. The Royal Thai Government (RTG) lacks the ability to enforce laws and standards against actors (Thai employers and agencies). Therefore, Thailand should reform its laws and policies that do not meet international standards, especially laws in managing cross-border migration and migrant workers in Thailand should be seriously enforced. Judicial processes should be provided for migrant workers who seek legal assistance, and criminals from trafficking of foreign workers must be seriously punished and eliminated. The Thai government should upgrade technical skills to domestic workers, this will help to sustain global competitiveness, and to promote productions rather than rely on low-wage labor of migrant workers. Theoretically, high-skilled immigrants have unambiguous, positive effects on grow rate in the host country, hence, the Thai government should offer more flexible entry requirement and more promising long-term opportunities in order to attract skilled immigrants, such as a temporary program to employ foreign workers. Finally, the Thai government must provide both basic social protections, such as healthcare and education, and labor protection to unskilled migrants. This could prevent the documented or regular migrant labors from becoming an irregular visa status. However, if Thai authorities can provide those things to migrants, thus, Thai public services might be overloaded from a massive number of migrants. For that reason, the government has to provide enough number of both healthcare and education personnel in the migrants' areas (Pholphirul, 2012; Chalamwong, Meepien & Hongprayoon, 2012).

Conclusion

Thailand has been facing massive labour migration issues result in the growth in Thai economy and industrial sectors during the mid-1980s and early 1990s. The increases in migrant workers from neighbouring countries leads to the dramatic social, economic, political and demographic changes within the Southeast Asian region for at least half century. ASEAN itself cannot interfere in the international affairs of member states, hence ASEAN's overall policies and laws on migration frameworks in dealing with migrant worker issues are weak and ineffective because of the slow processes and implementations, and they are left to the will of national governments. Many scholars have acknowledged that migration drives economic growth and an important tool for reducing poverty in Thailand, but there has both costs and benefits. To manage migrant worker issues, Thailand must not rely on ASEAN or regional frameworks but must work with its neighbouring countries. The governments must not only consider this issue as a temporary ephemeral phenomenon because the issue needs a permanent structural feature of economies and societies. If the governments can handle this issue in the right direction, migration would actually improve the poverty issue and facilitate development in poorer countries as well. To make this happens, regional migration policies have to be in separate part of migration policies within countries of origin and destination.

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