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# Plenary 4

## Impact of Development Policies on Migration in the GMS

*Moderator: Mr Rex Varona, Asian Migrant Centre*

### Presentations

#### **Development Policies in Thailand versus the Economy of Migration: Who Cares for Women Migrant Workers and Their Children?**

*By Dr Kyoko Kusakabe, Associate Professor of Gender & Development Studies, School of Environment, Resources & Development, Asian Institute of Technology*

#### **Regional Development Policies**

Dr Kyoko Kusakabe's presentation commenced with a brief analysis of the impact that regional development policies have had in the Mekong. She said that ADB interventions that have helped to create economic corridors, infrastructure, and the development of border towns had indeed brought about increased flows of goods and people. However, she questioned the extent to which these movements had achieved their underlying aim of reducing poverty in the subregion. Dr Kusakabe suggested that the ADB's regional development policies have negated issues of social reproduction by harming Mekong countries' ability to provide the necessary childcare, health and education to their increasingly mobile populations.

#### **Development Policies in Thailand**

With reference to Thailand, Dr Kusakabe illustrated the manner in which economic integration strategies had increased interregional trade. She said the Thai government had learned from the 1997 economic crisis and the dangers of an over centralised economy heavily reliant on Bangkok, by adopting policies that have led to increased development



Photo courtesy of MMN

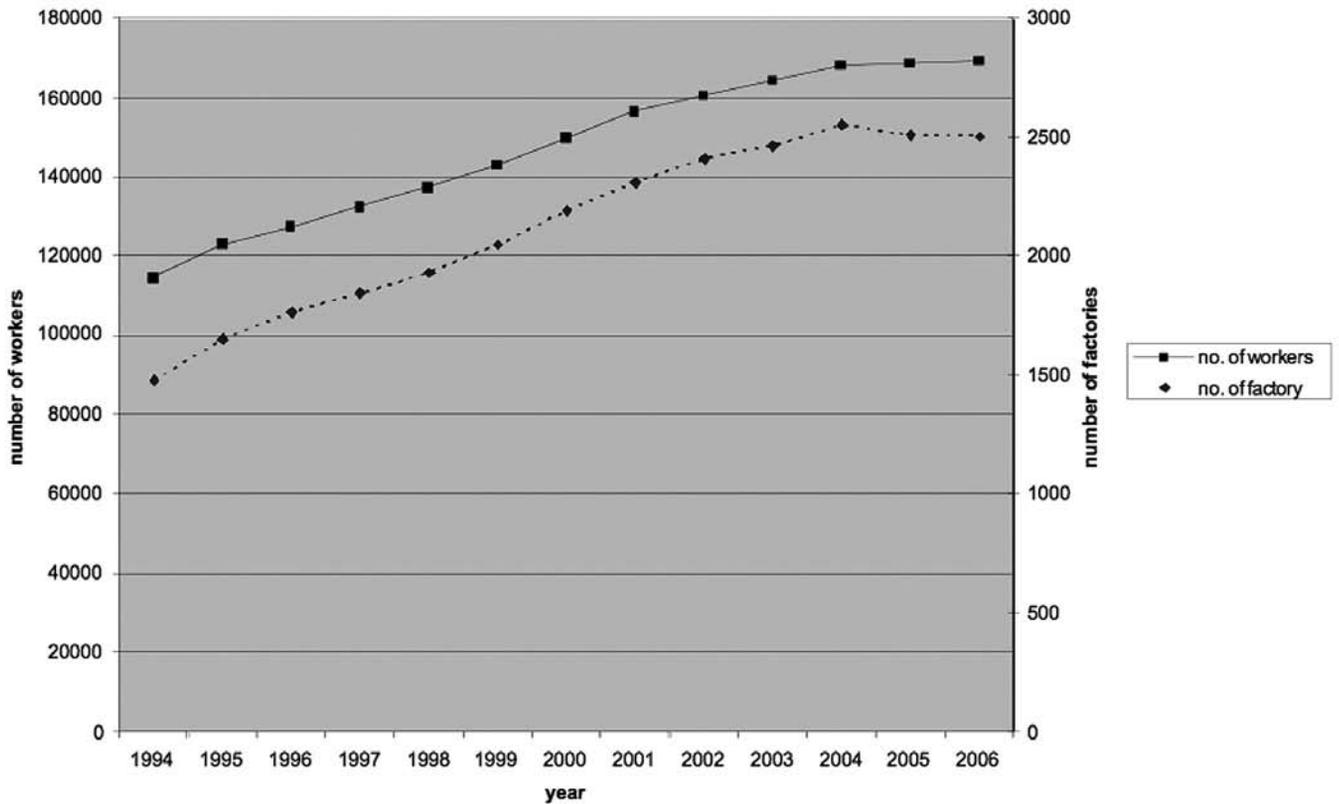
Ms Kyoko Kusakabe

in border and hinterland areas. She graphically illustrated this process of decentralisation and its impact on immigration and labour controls through two charts. Chart 1 shows how the number of textile/garment factories and their employees in Bangkok has levelled off and even decreased in recent years. Chart 2 showed the corresponding trend of rapid increases in factories and employees serving this sector in Tak province along Thailand's border with Burma (*Please see charts on page 52*).

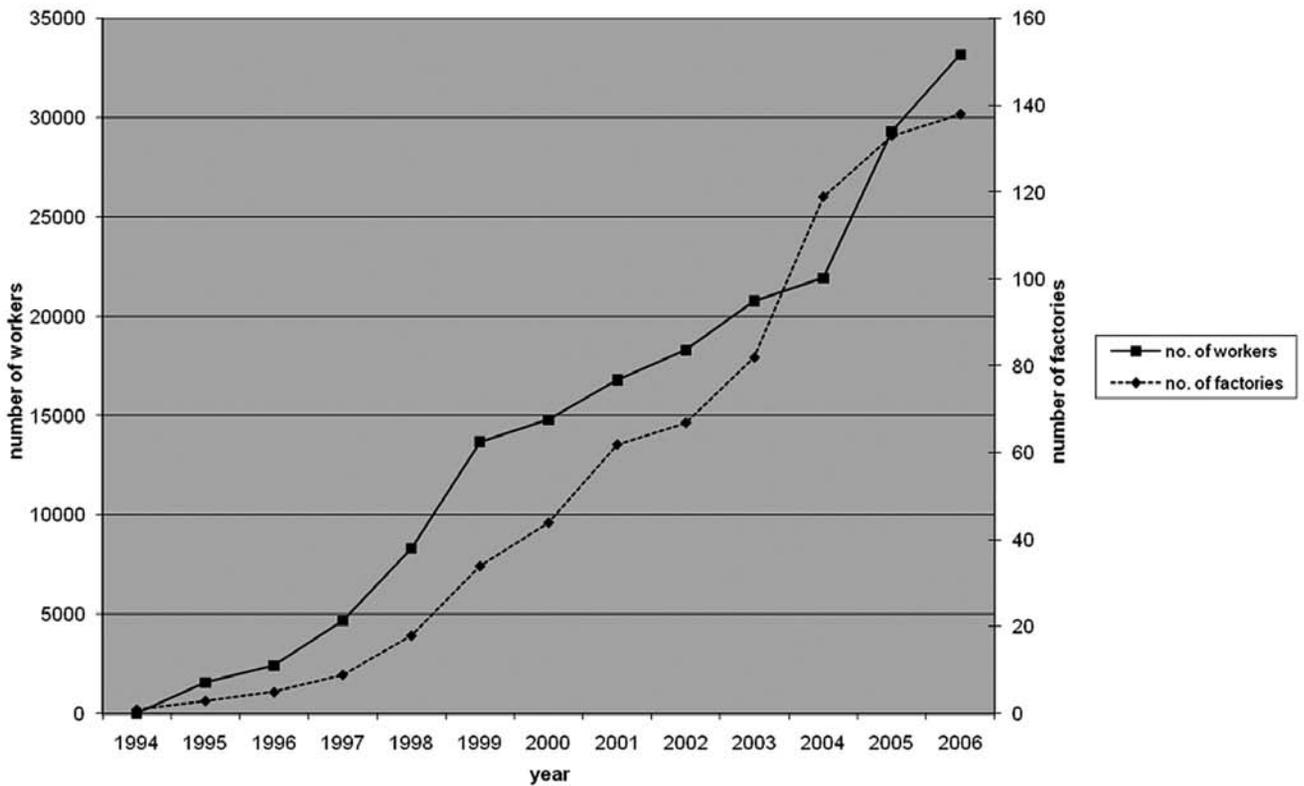
#### **Working Conditions in Border Factories**

Dr Kusakabe said that real wages had increased by an annual average of 5% from 1991 to 1997, a period which coincided with shifting production to the Northeast and Northern provinces from Bangkok and its vicinity. However, since the economic crisis of 1997, this shift to the border areas in the North, West, and Northeast of Thailand has been increasingly pronounced largely to

**Chart 1: Number of Textile and Garment Factories and Workers in Bangkok by year**



**Chart 2: Number of Textile and Garment Factories and Workers in Tak Province by Year**



facilitate easy access to migrant workers. Dr Kusakabe said that there are approximately 2-2.5 million migrant workers in Thailand, 60% of whom are Burmese. These numbers have been fueled by the decentralisation of labour intensive industries, especially in the garment sector of which there are an estimated 210 establishments in Mae Sot alone, employing 124,000 registered workers. Factories of this sort typically employ on average 144 migrant workers per unit (from more than 1,000 workers) on wages as little as THB 50-70 per day. She said that the management regimes of such factories are frequently both racialised and gendered. The predominantly female Burmese migrant workforces are subject to numerous controls which affect their mobility both inside and outside of the factory.



Photo courtesy of Kyoko Kusakabe

### **The Economic Effect of Migration**

Dr Kusakabe said that the economic effect of this type of migration has become increasingly stark. According to the ILO's 2007 figures, the income disparity between Thailand and Burma is now more than nine times and widening. According to Chalamwong (2004) the scale of savings in labour costs by employing migrant workers amounts to USD 0.3 billion per firm per year. However, Thai Development Research Institute (TDRI) pointed out the wage effect on Thais is not significant, and the effect is felt more profoundly on migrant wages. (TDRI

2002 quoted in Wansiripaisan 2002.) According to their calculations, a decrease in the migrant population by 480,000 would only result in an increase in Thai wages by 1.12%, while migrant wages would increase by 40.28%. Their calculations also suggest that an increase in the migrant population by 100,000 (10% of the current estimated number of migrant workers) will result in a reduction in migrant wages by 11% and a reduction of just 0.25% in Thai wages.

Dr Kusakabe said that the TDRI (quoted in Wansiripaisan 2002) pointed out that the use of migrant workers in labour intensive industries will help maintain the international competitiveness of Thai industry, which in turn will benefit related sectors that employ Thais. However, there are concerns that dependence on cheap migrant labour will slow down

technological development which is meant to be the main stay of the country's future economic strategy. Charoenlert and Thanachaisettavuth (1997) cautioned that allowing the employment of irregular migrants without any protection could lead to the destruction of the labour protection system as well as the wage structure of the Thai labour market.

### **Maintaining International Competitiveness of Thai Industry**

Dr Kusakabe explained that textile and garment products were, for over three decades, the largest export item coming out of

Thailand. However, in recent years, its share of the export market has fallen. In 2003, garments were the fifth largest export in terms of values, while by 2006 they did not even feature in the top 10 (Department of Trade Negotiation, Ministry of Commerce in EXIM website). In terms of contribution to GDP, production of textile and garments peaked at 9% in 1990 and has since declined to 8% in 1998 (Chalamwong and Amornthum 2002).

The garment and textile sector before the economic crisis was experiencing growth. Today,

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this sector remains one of the major sources of employment in Thailand, accounting for 1.1 million workers – i.e. 20% of the industrial workforce (Barinbun 2006). She emphasised that the vast majority of these workers (75-80% in 1991) are women; a ratio which has remained remarkably stable in the face of changes in overall employment within the sector. (Chalamwong and Amornthum 2002). Dr Kusakabe said that there was a worry that the Thai textile and garment industry would be severely damaged by the abolition of the import quota (Multi Fibre Agreement) from January 2005. This fear was seen in the strong exports of 2004. However, because of the US Government's safeguard policy regarding China (quota between July 2006-2008), exports did not decline. She explained that most Thai garments exports (90%) are Original Equipment Manufacturing (OEM) rather than Own Brand Manufacturing (OBM), thus the margin is lower (10-35% mark-up price compared to 50-75% from OBM). She said that the Thai garment industry aims for the middle market, a difficult segment that can face competition both in high end markets such as Italy, France and Hong Kong, and low end markets such as China, India and Vietnam.

### **Are Migrant Workers a Burden on Health and Education Services?**

Dr Kusakabe said that a study by Wansiripaisan (2002) calculated that the cost of healthcare treatment for migrants between October 2001 and September 2002 had found that the cost of medical services provided by Thai hospitals to migrant workers had not created any significant financial burden on Thailand's healthcare system. During this period the total out-patient costs was THB 100,837,435, while total in-patient costs were THB 192,742,964. She said that the study showed 21.8% of out-patients and 48.3% of admitted patients did not pay for their treatment. However, these unpaid costs could be covered by the revenue generated through the migrant registration scheme. She explained that the fees collected from registered migrants were sufficient to cover the health expenses of unregistered migrant workers who do

not have health insurance. Upon registration, migrant workers were required to pay THB 1,300 per year for health insurance. She said it was important to note that many migrant workers do not go to hospitals when in need, but instead treat themselves, or go to NGO clinics where available (Ling 2007).

In terms of educating migrant children, Dr Kusakabe said that there are 52 migrant schools in Mae Sot to serve the estimated 30,000 migrant children in the town. She said that of these, only 8,000 actually attend school, two-thirds of whom are from Mae Sot, while the others travel across the border to study.

### **Women Migrant Workers as Bearers of Regional Economic Development**

Dr Kusakabe explained that most remittances in the subregion are arranged by women, in particular unmarried women. She said that men also contribute but once married the common expectation is that they will focus their resources on their new family rather than their extended family. She said that it sometimes comes as a shock for family members when their son who was providing for the whole family gets married. The common perception is that they cannot depend on him anymore, even though he might still be supporting the family. However, for daughters, even when married, they are frequently expected to continue supporting their extended family. Since family finances are often managed by women, they typically manage to squeeze out money to send back home.

### **Reasons for Selection of Place of Childbirth**

Dr Kusakabe next compared some of the reasons behind the selection of place of childbirth for migrant children. From her own research in Mae Sot, she said that she had come across a variety of problems facing expectant parent migrants. Abortion and the various arrangements for childbirth were major factors to consider. In Mae Sot, expectant parents said that they were able to take advantage of the better medical services available in Thailand as well as the cheaper rates for registered migrants (THB 30) compared to THB 3,000 if unregistered. She said that it is often the case that transportation costs and the fact that

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there is often nobody to return to, can discourage expectant mothers from giving birth in Burma. Many said that the ease in which a Burmese birth certificate can later be obtained if required was another factor to consider. Other migrants said that they wanted to return to Burma to deliver their baby, close to their family and people they know, while other migrants said they were scared of being arrested and detained by the authorities if they returned to Burma.

### **Reasons for Selection of Place of Childrearing**

The factors that migrant parents consider when deciding where to raise their children are influenced by numerous factors which in practice often involve complex inter-generational care arrangements for their children. Dr Kusakabe outlined other factors including the fact that remittances are not always sufficient to cover the cost of raising their child back in Burma. Other migrants interviewed complained that they had been invited to Mae Sot to visit their children and have ended up becoming the full time carers to grandchildren. She also noted a pattern of children being raised by older siblings. Reasons provided by interviewees in favour of bringing their children up in Mae Sot included the need to keep the family together, the availability of good affordable schools, flexibility both in the labour market and home life as well as the future economic prospects and fact that the child's birth can be registered with the Thai authorities. On the other hand others expressed the desire and need to maintain links with Burma.

### **Women Migrant Workers and Their Children: Who Cares?**

Dr Kusakabe said that female migrant workers are in fact the real bearers of regional economic integration. She argued that because of the total neglect by government regarding issues relating to social reproduction and citizenship, it has fallen to migrant women to meet all of their social reproductive needs. She said that as migrants they are in a position of ambivalence in terms of their relationship with both the Burmese and Thai states. They are therefore left to negotiate their social reproductive direction with minimum state intervention. She said that the lack

of state and employer support mean that they benefit from these women's labour and also get a free ride on the back of poor migrant women workers and rural women in Burma who are left to pick up the pieces in terms of meeting social reproductive needs.

She explained that migrant concerns over their children's futures and citizenship often override their own situations, which is one of being stuck between not having citizenship or entitlements to remain in Thailand and no meaningful citizenship or entitlements in Burma. They said that investing in Mae Sot as a place for themselves and their families may be their only other alternative albeit an insecure and contingent one.

The implication of such a burden is not only physical (lack of access to services etc), but stretches way beyond practical arrangements and includes psychological uncertainty surrounding their identity and a lack of rootedness in their environment.

In conclusion Dr Kusakabe emphasised that the range of choices open to female migrant workers in Thailand are severely limited by their partial citizenship and a lack of associated rights. She described their position as a permanent-temporary one, which is incredibly precarious given that many migrants face legitimate fears for their safety in Burma. She said that the contribution made by migrant workers in Thailand desperately requires further research, which can also act as a means of increasing visibility. Finally she said that there was a need to link the labour rights of workers in informal employment with access to their social reproductive needs particularly childcare support.

### **“A Road to Migration: Cambodian Villagers’ Experiences with an ADB-Funded Development Project”**

*By Mr Toshiyuki Doi, Senior Advisor of Mekong  
Watch/Mahidol University at Salaya, Thailand*

#### **Introduction**

Mr Toshiyuki Doi began his presentation by explaining that he hoped to contribute to this workshop by providing an in-depth example of how one large-scale development project has led to



Mr Toshiyuki Doi

some Cambodian villagers being forced to migrate as a means of survival. Towards this end, he said that his presentation would primarily report a case study on a road improvement project in Cambodia, which was funded by the Asian Development Bank (ADB).

Mr Doi said that his presentation will draw from his personal experiences and data collected from 63 families living in two semi-urban communities, who were involuntary resettled by a road project in 2000. He said that he has known some of these people since 2002 and so can describe how they started to work outside of their communities as a result of impacts stemming from the project. He said that although his study covers only part of the project area he hoped that from the experiences of these 63 families the principles can be applied to other similar contexts in the Mekong subregion.

### The Project

Mr Doi said that his research focused on the Cambodian stretch of the road improvement project which is officially named the Greater Mekong Subregion: Phnom Penh to Ho Chi Minh City Highway Project, and locally better known as the Highway One (HW1). He said that the ADB's Board of Directors approved a USD 40 million loan

in 1998 to improve a 105.5 km section of the national road that links Phnom Penh with the Cambodia-Vietnam border (*See map on page 57*).

He said that this road improvement was the first Greater Mekong Subregion (GMS) Economic Cooperation project and also part of the Southern Economic Corridor, one of ADB's GMS flagship projects. He said that the road was originally built during the French colonial period. Many Cambodians had come to live along the highway after the collapse of the Pol Pot Regime. Most of them did not possess formal land title. The biggest challenge facing the project, in terms of mitigating social impacts, was how to resettle and compensate these

villagers, who, according to ADB's 1997 estimate, numbered 5,920 living in 1,184 households.

Mr Doi explained that the ADB established their Policy on Involuntary Resettlement in 1995. The policy included some important provisions to protect people affected by the HW1 Project, including 1) project-affected people without formal land title should not be barred from compensation, 2) resettled families should not end up economically and socially worse off, and 3) the compensation provided should be sufficient to replace affected properties. In short, the ADB's resettlement policy was to safeguard some 6,000 Cambodians from the negative impacts of the resettlement of the development project.

### Policy Implementation

Mr Doi stated that unfortunately and for all their good intentions the ADB's policy was never fully implemented. In 1999, when the Cambodian government drafted a resettlement implementation plan, they mistakenly made undocumented villagers ineligible to land compensation, a fact clearly contrary to the ADB's resettlement policy. However, the ADB management did not spot this error, but instead approved the government's plan.

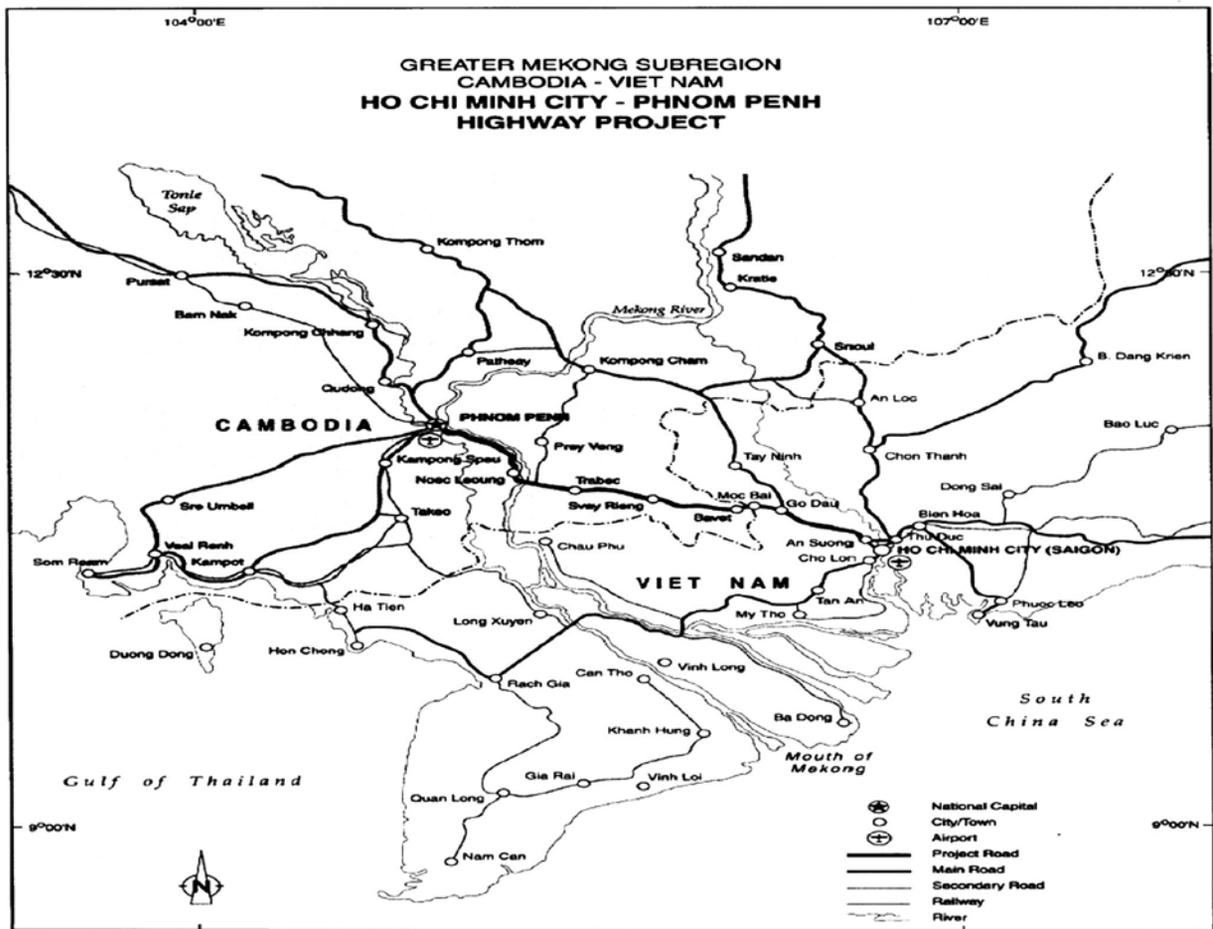


Photo courtesy of Mekong Watch





Residents refusing to relocate face harassments.



Many villagers have a small shop attached to their house.

He said that in addition to this omission the government's resettlement plan was not entirely followed. In 2000, when project-affected families were resettled, they were not given the replacement cost for their house and other property. Affected structures were devalued. Most villagers received only about 30% of what they were entitled to receive. He said that this was yet another instance of complete

disregard of ADB's policy, while the bank's management failed to monitor the implementation of its own policies.

In sum, Mr Doi explained that many resettled households received no compensation for lost land and only partial compensation for their affected structures. As results, many villagers became landless, homeless and also jobless. This triple impact was due to the fact that they often owned a small shop where various goods were sold to travellers along HW1. Their house was therefore also in effect their workplace. When they lost their land and house, their means of livelihood was also destroyed. This pushed some families into finding other means of livelihood outside of their original locality.

### **The Resettlement Audit**

In February 2002, two Cambodian NGOs submitted a report to the ADB and the Cambodian government. Mr Doi explained that the NGOs had interviewed 99 families who had been affected by the HW1 Project and documented their problems concerning resettlement. They proposed that the ADB should take necessary measures to ensure that the

project was brought back into compliance with its own resettlement policy by assessing resettled villagers' situations for the entire project area and re-compensating them accordingly. The ADB has admitted to failures but did not immediately conduct a systematic investigation.

In late 2004, the ADB finally audited the HW1 Project. An audit report was drafted in early



Villagers discuss the impact of the road project.

2005. This report, among others, 1) confirmed the problems pointed out in the 2002 NGO report over the entire project area and 2) recommended that affected villagers should be re-compensated. In 2006, many resettled villagers were repaid both for lost land and affected structures.

### Unsolved Problems

However, Mr Doi said that this was not the end of the issue, as the 2006 re-compensation still did not put the HW1 Project into full compliance with ADB’s Policy on Involuntary Resettlement. More than 300 families complained that they had not yet been appropriately compensated.

One of the most serious problems was the heavy debt that some villagers had shouldered since being forcibly resettled. For six years between 2000 and 2006 many project-affected families were landless. They had to live temporarily on somebody else’s land. They were sometimes told by the landowner to move. They often could not afford the rent of the land and decided to move elsewhere. Mr Doi presented Table 1, which shows the number of times

some villagers relocated between 2000 and 2006. These results were based on 23 samples among 63 households living in two communities in Prey Veng Province. Among the 23 families, 16 (more than two thirds) had to move at least once more after the 2000 resettlement. Two families moved as many as four times.

Every time these families relocated, they had to spend money dismantling, transferring, and

**TABLE 1: How many times villagers relocated (N=23)**

# Relocation	1	2	3	4
# Household	7	10	4	2

rebuilding their house.

Mr Doi said that because of this kind of instability, livelihoods were negatively affected. The figures in Table 2 indicate how much less the 23 families earned in 2007, when compared to the pre-project stage in 2000. Fifteen households reported that their income had dropped less than

**TABLE 2: How much less resettled villagers earned (N=23)**

% Income (2007/2000)	<20	<40	<60	<80	<100	100<	UK
# Household	6	4	2	3	2	3	3

**TABLE 3: How much resettled villagers owed (N=23)**

Reported debt (USD)	<200	<400	<600	<800	<1,000	<1,200
# Household	4	7	7	2	2	1

80% since resettlement. For only three families, the income level was equal to or better than what they used to earn.

Mr Doi explained that the expenses related to frequent relocations coupled with a loss of cash income, resulted in villagers borrowing money in order to survive. Because they had little or no access to commercial loans they ended up borrowing from local private lenders who charged monthly interest rates of 10, 20, and sometimes 30%. Table 3 shows how indebted the 23 families were in 2007.

A reported average income of the 23 families was USD 1.92 a day, which amounts to approximately USD 60 per month. With this income level, they can barely pay 10% monthly interest on a USD 300 loan and will never be able to return the principal capital. It would be impossible for these households to pay even a 10% monthly interest of the debt of more than USD 500. Such debt would in fact double within a few years.

Mr Doi said that when ADB's audit report was issued in 2005, NGOs proposed that affected villagers should be paid extra to make up for the period when they had not been fully compensated. However, ADB refused to accept this NGO recommendation.

### Migration Profile

With such long and devastating economic and social instability, Mr Doi said that more villagers started to look for alternative sources of income away from home. He presented Table 4 which

shows the most recent migration patterns among the 63 families. The data is based on the interviews with community leaders in Kraing Kaok Commune and Steung Slot Commune in July 2008. Of the 63 families, 21 or about one third of the households migrate to work. In seven cases, the entire family migrates.

Mr Doi next presented Table 5, which shows

**TABLE 4: Migrant families in two communities (N=63)**

Community	KKC	SSC	Total
Total No. of households surveyed	41	22	63
No. of households where family members have migrated	13	8	21
No. of households whose entire family has migrated	4	3	7

that five families started to migrate in 2000. This was probably linked to their resettlement relating to the project. Ironically, more villagers became migrant workers in 2006 when they were re-compensated. Leaders of the two communities explained that these families had bought cheaper land elsewhere with the cash they had received as compensation.

He said that all of the 21 migrant families

**TABLE 5: Timing of migration (N=21)**

Community	KKC	SSC	Total
# Migrant Family	13	8	21
Timing 2000	5		5
2006	8	8	16

surveyed continue to maintain ties with members of their home community. These families regularly come back to their communities, despite many no longer having any home or property within the communities.

Table 6 shows where the 21 families have migrated. Many remained in Prey Veng Province, while an equal number of families, nine, work in larger cities, such as Phnom Penh and Siem Reap. Many of those in Prey Veng work on their relatives' farms. Those working in cities tend to labour on construction sites, collect recyclable materials, or are employed by garment factories. Three families have crossed national borders and now work in Thailand. Two of these families labour on sugarcane and rubber farms. One works in marine fishing.

Mr Doi reported that the two community leaders interviewed predicted that the number of families

**TABLE 6: Location of migration (N=21)**

Community	KKC	SSC	Total	
# Migrant Family	13	8	21	
Area	Prey Veng	9	9	
	Phnom Penh	2	5	7
	Siem Reap	2		2
	Thailand		3	3

who will migrate would increase. This is mainly, but not exclusively, because of unsustainable levels of personal debt. Unless some measures are taken to solve this problem, community members will give up their land and house to the creditors and become landless, houseless, and jobless again. They will

start to leave the communities, which will further weaken community ties. The communities currently function as a mutual support system for the 63 families, as the fact that the migrating families, including those who have left with all the family members, still come back suggests. He said that if the communities disintegrate, it will become harder for families to restore their life and livelihood and they will end up being trapped in a vicious cycle.

### Final Remarks

Mr Doi ended his presentation by explaining that he has tried to present an example of how large-scale development projects such as the HW1 can push affected people into migration.

He concluded that, concerns remain that development-induced migration, of the type reported are likely to increase. Large-scale infrastructure development, not only roads but also dams, bridges, and railways, frequently coincide with massive displacement of local villagers. This remains an on-going occurrence in many parts of the Mekong subregion. He said that many of these large-scale investment projects are backed by banks and corporations from China, Thailand and countries outside the subregion, which often do not have adequate social and environment assessment mechanisms. Neither funding nor implementing agencies have sufficient resources to adequately safeguard project-affected families. He said that it is extremely difficult to restore resettled people's life and livelihood to the level of the pre-project stage. He said that many advocacy NGOs criticise the ADB for its attempts to weaken its three safeguard policies, including the 1995 Policy on Involuntary Resettlement. He said that this workshop is not the place to reiterate NGO recommendations regarding the ADB's safeguards policy revision. However, based on the experience of the HW1 Project, he strongly encouraged the ADB not to weaken its resettlement policy but instead to strengthen the institution's abilities to fully implement it, especially in the area of participation by project-affected people.

For his final point, Mr Doi said that the two

communities discussed in this presentation did not passively wait for someone to come to their rescue. In July 2007, they filed an official complaint through the ADB's grievance mechanism. Their case was declared eligible and the ADB assessed the 63 families' situations in November 2007 and has recently proposed a livelihood stabilisation program to help the 63 and other HW1 Project affected villagers restore their lives and livelihoods. He explained that he was currently working with the 63 families and Cambodian NGOs, to assess if and how ADB's proposal can redress the current situations facing these families and other Cambodian villagers. He expressed the hope that in the not too distant future he would be able to report back the end of this story, which hopefully will not be one of migration for survival.



Photo courtesy of MMN

Dr Dang Nguyen Anh

### **“Labour Exportation from Vietnam: Socio-economic Development Impacts and Current Policies”**

***By Dr Dang Nguyen Anh, Vice-Director, International Department, Vietnam Academy of Social Sciences***

Dr Dang introduced his presentation by pointing out that international labour migration has since

the 1980s been an important attribute to economic development throughout Asia. He said that migration flows are typically from low to high wage earning countries and have become increasingly feminised in both the formal and informal sectors. He said that it was unfortunate that migrant workers are now more often perceived as “income-generating units” by sending and receiving countries, rather than sojourners or settlers. Furthermore, he said that regardless of the receiving society, foreign female workers are typically seen as commodities and bearers of services. Contemporary migration has also changed to the extent that large proportions of migration flows are now much more impermanent than they were 100 years ago. He said that migrants today make up 3% of the world's population (195 million people), with the majority migrating from developing to developed countries.

With these global trends in mind, Dr Dang said that the objectives of his presentation were to share his experiences and the lessons learned regarding migration within Asia and the GMS. He also wished to approach the subject of managing labour migration from a Vietnamese perspective and examine some of the multi-level impacts that have affected the country.

### **Labour Exportation *(Xuat Khau Lao Dong)***

Dr Dang said that Vietnam had entered the international and Asian labour markets relatively late and was not yet a major exporter of labour compared to countries such as Indonesia, the Philippines and Thailand. He said that Vietnam only began sending workers abroad in the 1980s and in no significant numbers until the 1990s and 2000s. Vietnam's labour exportation policies have to-date been extensively shaped and regulated by the central government.

He explained that Vietnam's large underemployed workforce has encouraged the government to follow other Asian countries in actively promoting labour



Photos courtesy of Dang Nguyen Anh

exportation, most recently under the terms of the new Vietnamese Law on Labour Export (2007). The central government has numerous interests in developing their strategy of labour exportation, including easing domestic under- and unemployment, increase national revenues through hard currency remittances and encouraging the national labour force to acquire technical skills and know-how that will facilitate the modernisation and industrialisation of Vietnam's economy.

Vietnam's national labour exportation program is evaluated annually and has seen a steadily increased target of the number of workers sent overseas. This labour exportation is subject to licensing with private sector companies who are responsible for overseeing the recruitment, training and dispatch of workers. Recruitment agencies of this sort are also responsible for securing work

contracts and monitoring overseas labour markets. Dr Dang said that with the increased organisation of the process the numbers of labour migrants leaving Vietnam has increased year-on-year, from 28,372 in 2000 to an expected 84,000 this year (2008). These workers fill positions overseas in a number of sectors including construction, electronics, healthcare, domestic work, textiles, agriculture, fisheries and the general service sector.

#### **Government Policy and Destination Countries**

Dr Dang next outlined how Vietnamese government policy has changed over time. He said that during the 1980s they engaged in labour cooperation programs which saw approximately 300,000 Vietnamese workers going to the Soviet Union and other Eastern Bloc countries. Due to the breakup of the old Soviet Union, the Vietnamese government

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through its state owned enterprises turned its attention during the 1990s to exporting labourers to other countries in the Middle East, South East and East Asia. However these labour exportation licenses remained relatively modest in scale with just 87,000 workers migrating in this way. From 2000 onwards, the Vietnamese government opened up their labour export licensing to all types of business. This has seen a dramatic rise in the number of labourers going abroad, an estimated 500,000 so far this decade. The scope in terms of destination countries has also widened and now includes some new countries in Asia and trial markets such as the UK and US.

### **Economic and Social Impacts**

Mr Dang said that the developmental impact resulting from this rise in labour exportation has had both positive and negative impacts. In receiving countries, national economies have benefited from the increased productivity brought about by the addition of highly skilled immigrants, while low skilled immigrants have filled vacancies in so called 3D jobs (Dirty, Dangerous and Degrading). He said that there is little evidence that immigration increases unemployment in receiving countries though he recognised that there are some negative impacts particularly on the social and cultural level. He said that Vietnamese migrants often face discrimination, racism and xenophobia from host communities. He also said that women and children migrants are particularly vulnerable to suffering labour exploitation, trafficking and arrest and detention at the hands of foreign immigration authorities.

Regarding the developmental impact in Vietnam as a sending or source country, Mr Dang said that the country benefits from improved living standards and reduced poverty due to the remittances sent to migrants' families and the subsequent trickle down effect into the local and national economies. He said that the production and investment that this promotes reduces unemployment through job creation, while sending migrants abroad in itself reduces an oversupplied labour pool. He said that

Vietnam's labour exportation process also benefits the domestic economy in the long term, since migrants return with improved skills and education that are transferable to the local market. On the downside, Mr Dang pointed to some of the negative impacts, including increased income disparities, loss of skilled workers and young people (so called "brain drain"), increased inflation, remittance dependency and affects on other social issues such as family breakdowns, changing lifestyles, child health and feelings of general well-being. Mr Dang said that there was a need to study the long-term impacts of migrant remittances and the effective employment of returnees before any definitive conclusions could be drawn.

### **Exportation or Exploitation?**

Next, Mr Dang discussed some of the legitimate worries concerning the treatment of individuals subject to labour exportation processes. He explained that migrant workers are required to pay for a wide range of services and placement fees to various brokers and associated agencies before being deployed overseas. There are dangers that various individuals and companies are making considerable sums of money from the labour exportation process often by taking advantage of the unrealistic expectations of low income individuals. He said that without sufficient safeguards to protect against irresponsible, poorly managed and false recruitment agencies, many people who wish to work overseas will be deceived, and left with large debts.

### **Gaps and Responses**

Mr Dang explained that the numerous policy gaps that currently give rise to these problems must be speedily addressed by the Vietnamese authorities. He said that there is an urgent need for them to guarantee a national labour exportation programme, which properly integrates migration into national socio-economic development strategies and protects the rights of guest workers in destination countries. He said that policies to avoid victimising, stigmatising and discriminating against guest

workers were needed. A multi-sector approach which engages the responsibility and goodwill of all stakeholders is required.

To conclude, Mr Dang called for further studies into the labour exportation process so that its impacts and consequences can be properly measured and analysed. Firstly, he said that the effectiveness of the role remittances play in reducing poverty and promoting productivity needs to be properly understood. As does the assumption that labour migration automatically results in transfers of technology and knowledge. He ended his presentation by calling for attention to be paid on the role migration plays in poverty reduction, income distribution and disparities within the GMS and between individual country members.



Photo courtesy of MMIN

Mr Adisorn Kerdmongkol (in the centre)

### **“The Impact of Thai Contract Farming Projects in Burma”**

*By Mr Adisorn Kerdmongkol on behalf of the Peace Way Foundation*

Mr Adison Kerdmongkol’s presentation on the subject of contract farming in Burma focused on the agro-business that has emerged under the auspice of the Ayeyawady - Chao Phraya - Mekong Economic Cooperation Strategy (ACMECS).

### **Background**

Mr Kerdmongkol began by providing some information about the ACMECS and its project-based framework which provides for cooperation in five strategic areas covering agriculture, industry, trade and investment, transport, tourist and human resource development. He said that the participating countries (Cambodia, Laos, Burma, Thailand and Vietnam) have agreed a plan of action that places emphasis on practical projects that are both implementable and provide tangible benefits to all concerned parties. He explained that the aims of ACMECS is to reduce the development gap between member countries and enhance sustainable development through programmes and projects which create jobs and income especially in border areas.

Mr Kerdmongkol said that the mandate of ACMECS includes contract farming projects under an agreement to widen agricultural cooperation between member countries. This development was first proposed at the Second ACMECS Summit held in Bangkok, Thailand in early November 2005. In December 2005, Burma and Thailand entered into a number of MoUs between their respective Ministries of Agriculture. These agreements cover the cultivation of many different types of industrial, and bio-fuel crops such as; sugarcane, corn, soybean, castor oil, and palm. He said that these contract farming agreements were also expected to effectively solve the issue of migrant workers who illegally cross the border from Burma

into Thailand to work. In exchange for the land and labour required for these projects he said that the Thai government has made commitments to invest in the necessary infrastructure inside Burma.

Mr Kerdmongkol explained that these cooperation agreements were negotiated on the premise that the Thai market’s demand for cash crops is expected to soar given the global trend towards alternative energy sources such as bio-fuel. He said that the MoUs under ACMECS can be seen

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as a measure to satisfy this demand by expanding areas of cultivation. According to the agreement, the Burmese government will initially provide 44 million *rais* (7 million hectares) of cultivatable land. This land is mostly in the Bago Division and Irrawaddy (Ayawaddy) river delta, as well as along the border of the Shan, Karen and Mon States, where the fertile land is suitable for growing all number of crops including oil palm, tapioca and sugarcane.

He said that in 2006, Thai investors in coordination with government authorities proposed that the Burmese government set aside more land to contract farming projects for bio-diesel crops in Burma's border regions. Meanwhile, these contract farming projects are being linked with the establishment of special economic and industrial zones in many major cities of Burma. Three zones are proposed in Myawaddy, Pa-an in Karen state and Moulmein in southern Mon state and are part of the economic cooperation strategy program between Thailand and Burma. Under the terms of this strategy, Thai factories planned to move to the zones and both countries are expected to benefit economically and socially from the development. This type of project has attracted a significant number of private Thai investors, who have urged their government to negotiate further with the Burmese authorities so that greater support and business facilitation is forthcoming.

### **Situation Inside Burma**

Mr Kerdmongkol explained that the Thai government's expectations upon entering into these projects was that they would bring significant economic benefits including job opportunities for the people of Burma, while expanding the solid agricultural cooperation between the countries.

However, the reality inside Burma is very different, where internal conflicts between the authorities and various ethnic groups continue, particularly in border areas. Reports coming out of Burma show that the human rights violations perpetrated by the military junta are getting worse, with many of them directly related to foreign investment projects. Forced and free labour is

frequently used in the contract farming business which has so far relied on forced land confiscation to obtain land suitable for production. The contract farming projects have created very serious problems for the communities living within the project zones.

He said that looking at events inside Burma from the outside is not easy but reliable information shows that the eastern borders continue to face a humanitarian crisis as the military junta continues their "Scorch Earth Policy" to forcibly move Karen and Karenni populations from their homelands by destroying their crops, food and livelihoods. Additionally the junta continues to perpetrate human rights abuses throughout the country. These abuses include forced labour, land confiscation, arbitrary taxation, rape and other gender based violence, arbitrary detention, torture and extra-judicial executions to name but a few.

### **Land Confiscation and Forced Labour in Ethnic Areas**

Mr Kerdmongkol then elaborated further on the junta's role in land confiscation and forced labour in various parts of the country. He said that these kinds of human rights violations were being used as a strategy against ethnic minority groups to further the contract farming business and to assert control over the population.

### **Shan State**

He said that according to the *Deserted field*, report released in 2006 by the Shan Relief and Development Committee (SRDC), the Burmese army has seized villagers' land without compensation and forced them to work in Nai Township, southern Shan state on contract farming projects. The report also reveals that the Burmese military operations against local villagers cause extreme suffering to their lives. He said that before 1994, this area was rich in natural resources. Today the area has been devastated with only 25 of the 57 villages remaining. The population that has stayed behind (around 25,000) is made up from the Burman, Shan, Pa-O, Lisu, Lahu, Kokang and Paluang ethnic groups. Approximately, 30

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percent of the population has migrated to Thailand because of the forced relocation programs and the fact that they have been denied the opportunity to work on their own land. These policies have caused more than 25,000 *rais* of fertile land to become deserted fields. The abandoned fields have later been confiscated by the Burmese military who force other villagers and companies to rent them for cultivation.

### **Tenessarim Division (Southern Burma)**

According to a Burma Issues field research team, since 1997 several villages in Tenessarim Township, Mergui-Tavoy district (Tenessarim Division) were destroyed in an State Peace and Development Council (SPDC) offensive. He said that the majority of the villagers in this area traditionally earned their living through slash and burn cultivation and market gardening. Since the 1997 offensive the villagers have been forcibly moved to relocation sites and no longer have access to their villages or to tend their crops. Many years have now passed and all of their farm and gardens have become forest.

The Tenessarim area is very suitable for growing palm oil. The SPDC recognise this and has rapidly expanded plantations in this area. To implement this plan the government has asked agricultural companies to come into the Tenesarim Township to open operational offices. The companies have to follow and implement the plans laid down by the SPDC. These companies now work across wide areas of the Tenessarim Township. In effect the villagers have had their land confiscated by the companies. Since they have no land title to prove ownership it is impossible for them to seek redress.

In this instance the land confiscation did not come directly from the SPDC troops but from the companies who were following and implementing the plans of the SPDC. On the surface it seems like the companies are confiscating the land of the people but standing behind them is the SPDC. For instance; the SPDC set up a place for the Wate Company at Bawkrokee where they have up to 3,000 acres for cultivation. The SPDC did not take the land but granted full authority to the companies to do so. In

other places the SPDC set up companies to take over farming the paddy fields and pastures belonging to villagers. To be able to timely implement the plans of the SPDC, the companies try to expand the land for plantation by taking further land belonging to the people. He said that affected people are left with no way of redress. Villagers clearly do not want these companies to operate in these areas. They have requested help to get their land back but unfortunately there is little that can be done.

### **Karenni State**

Mr Kerdmongkol gave the following examples to illustrate the kind of human rights violations that have been perpetrated against villagers in the Karenni State in relation to development and contract farming projects:

In 1969-70 at the Lawpitat water falls the government built a dam named "Moe Bwe". At the time of construction there were 24 villages located in this area and many thousands of acres of land that were eventually lost to the project. Some land owners received 200 kyats per 5 acres of land as compensation but many others received nothing and were left homeless and landless.

In 1991-92 a rail road was constructed between the Shan and Karenni States. This rail road construction destroyed many thousand of acres of villager's land. The villagers received no compensation and they were even forced to work on the rail road construction without pay.

In 2006-2007 the junta started another castor plantation project. The government forcefully took land along the road that runs from Loi Kaw to Taung Kyi and Loi Kaw to Prusoe in addition to substantial tracts of other land belonging to villagers. The villagers received no compensation and were force to work on their land that had been confiscated by the government. If they failed to do so they were fined and punished.

In 2007 the government planed to build an industrial zone in the south of Loikaw, Nwalabo village and again the government confiscated land from villagers. After the government forcefully confiscated the land they called the villagers and gave

them 100,000 kyat for each acre of their land and gave 50,000 kyat for each garden. The villagers had to accept their offer even if the price was unfair. Next the government divided the land into plots of 100 square feet, each of which was sold for 500,000 kyat to businessmen. All of the factories in town were required to move to this government created industrial zone.

### Conclusion

In conclusion Mr Kerdmongkol said that the Burmese army continues to seize the land of local villagers particularly in ethnic minority areas. The SPDC are using their national development policy as a strategy of ethnic cleansing by forcing minorities to move to relocation sites controlled by the Burmese army. Widespread human rights abuses and forced labour are still systematically practiced by the army in ethnic minority areas. Villages under army control do not have any opportunity to improve their standard of living. The severe repression inflicted by the Burmese military has caused many villagers to flee their homes. Many of them are hiding in the jungle and living as internally displaced persons (IDPs). Many others who have been forced from their homes have fled the country and are seeking refuge in Thailand. He ended his presentation by presenting the latest statistics obtained by the Thai Burma Border Consortium in their report of June 2008. Half a million people now live their lives as IDPs in Eastern Burma, while the population in refugee camps along the Thai-Burma border is around 138,970.

### “Migrant Women’s Experience in Migration and Development”

*By Ms Hseng Moon, Coordinator of the Shan Women’s Action Network (SWAN)*

Ms Hseng Moon commenced her presentation by lamenting the fact that Burma continues to be ruled



Photo courtesy of MMN

Ms Hseng Moon

by an unelected military junta. She said that the junta is responsible for completely mismanaging the country’s economy, due in no small part to a system riddled with corruption. She said that as a result of mismanagement on an unprecedented scale the country is now one of the least developed countries with an impoverished population, the majority of who struggle to survive below the poverty line.

She said that the military junta’s grip on power has been maintained through brutal militarisation and frequent campaigns and crackdowns particularly in the Shan State and other ethnic minority areas. She concurred with Mr Kerdmongkol’s views that the junta routinely use force to consolidate control over the county’s rich natural resources, which they are exploiting in the name of development. She explained that this militarisation has resulted in innumerable human rights abuses such as forced relocations, land confiscations, forced labour, extortion, arbitrary arrest and detention, extrajudicial killing and sexual violence.

Ms Hseng Moon then spoke briefly about some of the major development projects currently being pursued by the military junta inside Burma.

### Hydroelectric Dams

Seven major dams are planned along the Salween

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River. These large hydropower dams are being constructed with the aim of exporting power to neighbouring countries. A consortium of Chinese and Thai companies is also constructing the 7,110 megawatt Tasang Dam (288 metre high) on the Salween River in Shan State. When completed it will be one of the biggest and most expensive dams in Southeast Asia. The project costs are expected to be in excess of USD 6 billion, with all profits going directly to the junta and foreign companies. The local population that bears all of the negative impacts will receive nothing despite having suffered large scale forced relocation and other abuses such as rape. She said that logging around the site of the dam has also resulted in the destruction of one of the world's largest teak forests.

### **Mining**

The Mining of coal and other minerals by Chinese and Thai companies has been forcing local communities off their traditional land. The military junta continue to partake in campaigns to forcibly confiscate farmland for the purpose of establishing mines and other mineral extraction plants. Mining inside Burma is responsible for widespread environmental degradation. The vast majority of the minerals mined are for the export market and offer no significant benefits to local people.

### **Agro-Business**

Large scale commercial plantations set up by Chinese companies are being permitted and supported by the junta. Profits go directly to foreign investors while local people suffer land confiscations and related human rights abuses. Nationwide farmers are being forced to plant bio fuel crops (*jatropha*) to supply the ever increasing market for bio-fuels. There have been compulsory orders for all households including those working in government services to grow *jatropha*. This takes time and land away from planting the crops that meet their daily survival needs.

### **Oil & Gas**

In 2007, foreign direct investment (FDI) in Burma's

oil and gas sector accounted for about USD 470 million, or 90% of all FDI. Gas exports to Thailand reached over USD 2 billion last year, while Burma's largest city Rangoon cannot generate enough electricity to meet demand. The military gladly exports its gas and electric power to Thailand, where 20% of electricity generation is dependent on Burmese gas.

Ms Hseing Moon concluded that development projects such as these are being forced on local people. There is no local participation, and human rights abuses are being perpetrated to guarantee compliance. She said that the projects are causing increased landlessness and poverty, and causing increasing numbers of people to migrate.

Finally she made a plea for Burma's neighbours in the GMS not to promote investment in this kind of exploitative and unsustainable development. She said that these projects may appear to offer short term investor gains but they bear long term social costs that are impoverishing a population and forcing them from their homeland.

### **Open Forum**

The following section is an edited selection of some of the questions, queries and comments that followed the presentations in plenary four:

Mr Tin Tun Aung, Secretary from the Federation of Trade Unions-Burma (FTUB), began the open forum by asking Dr Kusakabe for some further information regarding the migrant schools in Mae Sot that she spoke about in her presentation. In particular he wished to know the language of instruction in the schools and how compatible their curricula are with those in neighbouring countries.

Dr Kusakabe said that the migrant schools which she has visited and studied are wholly supported by civil society groups. She said that the language of instruction is mostly in Burmese with some instruction in Thai from time to time.

Mr Htoo Chit, Director of the Foundation for Education Development said that his organisation run schools for Burmese migrants in Southern



Mr Htoo Chit

Thailand. He said that their schools are teaching migrant children in Burmese, Thai and English and in the social science subjects. He said that their schools provide their students with a certificate but unfortunately their qualifications are not accepted by the Thai authorities. He said that this prompts many migrants to do their best to try and send their children to Thai schools. He said that migrant teenagers often slip through the education net and that their schools try and provide them with some of the necessary Thai language and vocational skills. He confirmed that the majority of the foundation's funds are raised through donations from within the Burmese migrant community.

Ms Supatra Macapew, Director of the Foundation for AIDS Rights, said that the Thai authorities should provide education for every child in the country irrespective of their immigration status. She said that her organisation provides classes to help migrant children learn basic Thai so that they can be sent to local schools.

Dr Sciortino next asked for some further

clarification from Dr Kusakabe concerning the problems faced by migrants accessing healthcare services in Thailand. In particular she wished to know more about the use of health insurance as a financing mechanism to subsidise migrant healthcare. As far as she is aware, under the current system migrants registered with the Thai authorities pay into a compulsory healthcare fund, therefore it is wrong for the Thai government to claim that they are shouldering the burden of treating sick migrants. In effect registered migrants are already paying for those who fall sick or are injured. She said that she would like to know whether or not this fund is going directly into the healthcare system or whether or not it is being diverted for other purposes. She said that there needs to be closer examination of how the money obtained through the registration process is being spent.

Dr Kusakabe responded by agreeing with Dr Sciortino's point that generally speaking migrant workers in Thailand face numerous difficulties accessing healthcare that they have in effect already paid for. She said that from both the data she has collected as well as from previous studies by other academics, migrants are not using the Thai healthcare system and are self medicating. Regarding Dr Sciortino's question concerning how the funds raised from the migrant registration process are being directed, Dr Kusakabe confirmed that some of the registration money does not go directly to hospitals and the healthcare system. She said that this was proving problematic as hospitals such as the one in Mae Sot that she visited are not getting this money and are instead funded by a different system in relation to the number of Thai residence present within its catchments area.

Next a participant asked Mr Doi what he thinks are the best ways to resolve issues of resettlement and migration created by Chinese and Thai development projects in Cambodia.

Ms Han Jialing, Director of Migrant Workers Education and Action Research Centre added that she would like Mr Doi to clarify his statement that Chinese investment lacked the protections of social and environmental assessment. She said that there

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is a recently passed Chinese law that stipulates that development projects should have both environment and social assessment mechanisms.

Mr Doi said that before answering this question he would like to say that he does not have any ready made solutions to these big issues, nobody has complete answers. As to the influence of Chinese investment in Cambodia, he said that he was sorry that he had to single out China, but this was a serious issue and China as the big brother and sister of the Mekong has a responsibility that it has to shoulder. He said that NGO colleagues in China are making efforts to reduce the negative impacts of Chinese development. Civil society in Cambodia is trying to work together with their Chinese counterparts. He added that during his presentation he did not say that Chinese projects have no social or environmental assessments, they do. For example the Bank of China has introduced guidelines. This is certainly an improvement compared to the situation in the past. He said that there have been moves to contact relevant authorities to insure that guidelines are introduced and enforced.

Mr Ya Navuth of Coordination of Action Research on AIDS and Mobility (CARAM) Cambodia wished to ask Mr Doi more about the impact of the redevelopment of HW1 on migration. Mr Ya asked Mr Doi what recommendations he had for the ADB and other stakeholders to mitigate the negative impact of this type of development projects.

In response, Mr Doi said that solving issues like those that emerged from the development of HW1 is very difficult. He said that he was fortunate that he had been able to do his work on development issues in a country like Cambodia where there is political space to voice concerns. He said that his organisation's approach is to work closely with local communities and people on the ground. He said that it was not the role of NGOs to do everything for affected people but to work with them. NGOs try to work with them to see what is really changing and happening and when they voice their concerns they try to package them to decision makers whether it is local government, donor countries or the ADB.

**“ We are fortunate that we are able to work on development issues in a country like Cambodia where there is political space to voice concerns. ”**

**– Toshiyuki Doi, Mekong Watch**

He said that the primary aim behind his research was to present some migration push factors, namely development induced migration and how people end up leaving home as a means of survival.

On the issue of social assessment in the development process, Dr Sciortino stressed that the Mekong is at an extremely important stage in its development. She asked the panel if they could specify when social assessments should be carried out. Next, referring to the presentation on the Savan-SENO SEZ, which will involve the giving of beautiful houses to affected individuals, she asked what this actually will mean in real terms.

Mr Doi responded to the first point by explaining that a feasibility study commenced before work on the HW1 project started, but as the project changed nobody re-wrote the assessment plan. He said that there are clearly implementation problems and that today development projects have more stringent requirements in terms of coverage and information disclosure. For example the ADB is required to disclose 120 days prior to making a board decision. However this is not reflected in the process of social impact assessments, which have no stringent requirement for disclosure. He said that unfortunately advocates need to keep returning to the gap that exists between policy and implementation. This is one of the biggest issues that need to be tackled. On paper everything appears fine; however it is at the implementation level that it all falls apart. This is the case with the ADB and their social impact assessments.

Mr Doi went on to add that during a recent visit to assess the redevelopment taking place in tsunami affected areas of Ache he found a very

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**“If you look at staffing within the ADB, they have far too many economists and far too few social scientists.”**

– Toshiyuki Doi, Mekong Watch

different story to the one reported by the ADB. In their assessment they said that there were just three families living in an affected area but when he visited the site there were actually 99 families living there. He said that the ADB’s failures in the area of social and environmental impact assessment are due to structural imbalances in the makeup of their organisation. He said that if you look at staffing within the ADB, they have far too many economists and far too few social scientists. The emphasis of the institution is not on this aspect. He recommended that in countries such as Cambodia they should have at least one specialist stationed at the ADB country residence mission. To be fair, the ADB created an NGO centre within the Regional and Sustainable Development Department in 2001, so there are some windows that NGOs can access. However, it is important that each country residence mission has a person of contact in charge of social assessments, as these missions are the ones most connected to the local communities. They should place far more emphasis on creating more people friendly missions.

There was then a question addressed to Dr Dang regarding whether the Vietnamese embassies and consulates in countries such as South Korea and Taiwan have labour attachés on their staff. The participant said that having such an individual significantly improves the relationship between employers and employees and creates a channel to address migrant worker concerns.

Dr Dang confirmed that the Vietnamese government employs labour attachés in countries where there are large populations of Vietnamese migrant workers, such as Japan, Taiwan and South Korea. He added however that their effectiveness

in resolving disputes becomes questionable as the migrant worker population increases. He said that labour attachés are just one channel. Migrant groups overseas need to be established to provide assistance, which can be far more effective. He therefore would like to encourage more people to set up groups advocating for Vietnamese migrants overseas who can co-ordinate with the authorities.

Dr Huynh Thi Ngoc Tuyet from Southern Institute of Social Sciences, Ho Chi Minh City responded regarding this issue of coordination between civil society and the Vietnamese authorities. She asked Dr Dang how he would recommend civil society groups to go about coordinating with the authorities. She questioned the current structure of government agencies to effectively coordinate with civil society regarding migration policy saying that they have never been invited by the authorities to present their findings prior to changes in migration policy.

Dr Dang responded by saying that it was unfortunate that there is currently no single agency in Vietnam that is responsible for all aspects of the migration process. The Ministries of Labour, Health, Public Security, Finance, and Information all contribute to the emigration procedure, from the setting of exams, issuing of health certificates and passports, to assigning positions of employment overseas. He said that the current system relies heavily on the passing of information between ministries and unfortunately Vietnam does not yet have adequate co-ordination mechanisms. He was of the view that the necessary laws are in place but that they would take some time to be effectively implemented. He said that he would like to take this opportunity to encourage greater advocacy from all stakeholders including the mass media who have a role to play by documenting the dangers of migration as well as supporting victims overseas. He said that there needs to be far greater awareness amongst the general public about the discrimination they can face abroad and the other negative aspects of the migration process.

The discussion then turned to the subject of mandatory HIV tests for returning migrants.

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Dr Dang confirmed that at present Vietnam does not force returning migrants to undergo mandatory HIV tests. He said that testing does take place on a voluntary basis and if a migrant is found to be HIV positive, anti-viral drugs are available. However in order to receive treatment, individuals must be able to document their status and unfortunately many people keep their diagnosis secret or choose not to be tested. The fear of social stigmatisation unfortunately acts as a barrier to treatment.

Dr Tuyet added that in her experience local Vietnamese today feel far less anxious concerning HIV/AIDS than they did say 10 years ago. She said that in large cities the government has implemented effective plans to prevent the spread of STDs by working with other social agencies. However she said that closer to the Cambodian border, and in other remote areas, the lack of such initiatives including anti-discrimination campaigns means that there remains ineffective treatment and widespread stigmatisation of those suffering with HIV/AIDS.

Ms Supatra Nacapew from Foundation for AIDS Rights, added to the debate by informing the workshop that in Thailand, the healthcare system provides treatment for HIV/AIDS, TB, and malaria to non-Thai nationals. She said that the next challenge is to find ways to ensure that patients continue their treatment upon their return to their country of origin.

Ms Barbara Susan Bale from PATH-Cambodia also added that from her experience as a clinician working in Vietnam and Cambodia, health services differ very little between nationals and non-nationals. She said that the basic fact of the matter is that poor people receive poor treatment.

Next, Mr Ya Navuth asked Mr Doi more about the affects on the Cambodian people living along HW1. He said that he was aware that many Cambodians did not receive compensation from the government and that many believed that government corruption was the real reason.

Mr Doi said that during the course of his research he asked the ADB about the issue of corruption after explaining that some villagers had not received their compensation. He said that the

ADB got back to them and said that the government had provided them with signed receipts. The ADB presented the NGOs with copies of these receipts which Mr Doi's organisation took to the individuals concerned. It turned out that the villagers had never seen these before and knew nothing about them. Mr Doi said that corruption was an issue but said that it was very hard to quantify and combat on a practical level. He said that on the other hand corruption has become the new buzz word to explain all sorts of wrongs, so in that sense we must be wary to say the villagers did not get their money because of corruption.

Regarding the affects on the people living along HW1 Mr Doi said that the impacts were both short and long term. For example the debt issue only emerged after five years and only now is it really possible to study the migration issues. He said that his research on the impacts of HW1 presented many theoretical and practical concerns. For example it raised the question as to how much intervention we should do as NGOs, researchers and individuals. He said that he is now of the opinion that we should not do too much, because many of the most successful response programmes emerge organically by affected groups while large organisations such as the ADB can have significant funds for such projects. For example the ADB had a budget for USD 63,000 for the social assessment of the HW1 project. He said that if civil society does all the work the likes of the ADB would be very happy because they would not need to do anything. Institutions such as the ADB really need pressure to be asserted upon them otherwise it is likely they will not do anything and put their money into other things. He said that with this in mind, both researchers and activists must balance both time and resources to achieve the most effective outcome. Working hard at the early stages is usually more beneficial as the longer you wait the harder it becomes to get a positive response or to bind institutions such as the ADB. Working harder at the outset also prevents difficulties from arising later on in the process.

Turning to the situation inside Burma as presented by Ms Hseng Moon and Mr Kerdmongkol,

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Ms Reiko Harima asked them whether SWAN or the Peace Way Foundation plan to follow up on the projects that they presented. She also asked them more specifically about the impact and challenges facing Burma's Shan community.

Ms Hseng Moon said that she hoped to be able to do some follow up work. She explained that SWAN focused most of their efforts on issues affecting women and children with less of an emphasis on development projects. She said that SWAN discusses other issues through its network and has been working in collaboration with other groups on projects related to gas and oil exploration taking place in or close to the Shan State. She added that participating in this workshop has been an eye-opening experience as she now realises that a number of other organisations are undertaking projects that are similar and complementary to her own work.

Mr Kerdmongkol added that the work of the Peace Way Foundation will try to keep its focus on the development of the contract farming projects but emphasised the difficulties and said that there are very serious security concerns. He said that in conducting their research wherever possible they try to focus efforts on the Thai side of the border, for example tracking the Thai financing behind these projects as well as gaining information from recently arrived refugees and migrants.

Dr Sciortino encouraged both presenters to continue with their important research and advised them both that they should consider collaboration with a university or research institute. She said that if they can systematically trace investment and reveal where the money behind such projects is coming from and how exactly it is being invested their work will be of immense value.

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# Plenary 5

## Migration & Development: Future Vision in GMS and the Importance of Human Development

*Moderator: Reiko Harima, MMN Secretariat and AMC*

Photo courtesy of MMN



Ms Jackie Pollock

### Presentation

#### **“Can Migration and Development Go Hand in Hand with Human Development in the GMS?”**

***By Jackie Pollock, Executive Director of MAP Foundation***

Ms Pollock explained that the purpose of her talk was to raise some of the pertinent questions relating to migration, development and human development in the GMS.

She began by pointing to the fact that the right to development as enshrined within the United Nations Declaration on the Right to Development (UNDRD) aims for the constant improvement in the well-being of the entire population and of all individuals, including migrants. She said that the basis for the right to development is provided for within the

International Covenant on Economic Social and Cultural Rights (ICESCR) and that access to resources, education, healthcare, food, housing, employment and the fair distribution of income are all fundamental human rights within Article 8 of the UNDRD. As far back as 1994 at the Cairo International Conference on Population and Development, 179 countries met and agreed that respect for migrants’ human rights is essential to achieve greater socio-economic development. She said that the conference was among the first to raise the issue of global migration onto the international agenda by making commitments to challenge the root causes of irregular migration, eliminate discriminatory

and xenophobic policies and encourage the general welfare of migrants particularly women, children and the elderly.

Turning to the Mekong, Ms Pollock said that it was unfortunate that work on migration in the subregion responds to certain issues such as those affecting women and children, while on the other hand, issues such as the problems facing elderly migrants have received far too little attention and response. She said that the data available shows that people in the Mekong are migrating as family units and according to the figures from the Thai Ministry of Labour 10,000 out of the 100,000 who registered as part of their migrant registration scheme in 2004 were elderly. She said that migrant workers in the Mekong continue to face difficult working conditions and problems unionising. These issues remain top priorities.

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Unfortunately efforts to address these problems tend to focus too heavily on receiving countries but she said that sending countries also have a leading part to play, through good practice in the pre-departure phase by providing information and orientation that empowers would-be migrants. This is not happening in the Mekong largely due to the fact that most migration in the subregion is undocumented through informal channels.

Ms Pollock said that another major issue in the Mekong is that there are no labour attachés in the embassies of sending countries, thus the authorities of migrant sending countries do not offer routine assistance to their nationals abroad. She also said that both sending and receiving governments should focus more closely on the activities of employment recruitment agencies. Official recruitment agencies have begun operating following the signing of MOUs on Employment Cooperation between Thailand and neighbouring countries. The reality of the situation however is that official recruitment agencies are charging three times as much as unofficial brokers for their services but there is no way that they are providing three times as much protection. She said that there is no accountability in the actions of these agencies and migrants are being cheated with little or no prospect of redress.

On the issue of healthcare as part of social security systems in Mekong countries, Ms Pollock observed that in Thailand, migrant workers from neighbouring countries are not entitled to join the social security system, while other temporary migrants such as professionals can join. For most social security schemes, responsibility is divided up between employers, governments and workers. Currently, employers benefit from the contribution of migrant workers' labour. In Thailand, the minimum wage is less in areas where most of workers are migrant workers. Thus, even if employers assent to paying the legal minimum wage, they still benefit. Thus, there appears to be no problem with them paying into the Thai social security scheme. Since migrants are not using the services of their home country and are excluded from accessing services abroad, Ms Pollock floated the possibility of a Mekong wide

social security scheme. She said that it is also in sending countries' interest to pay into such schemes since they will be the ones who will have to deal with the consequences given the temporary status of migrants and the strong likelihood that workers will return home exhausted, disgruntled, disabled, and unable to work.

Ms Pollock said that there is also a strong case for greater mutual-recognition in the field of education, as at present there is absolutely no recognition of other Mekong countries schooling systems, leaving many migrant children unable to pass through primary school. The cooperation of all countries concerned is required in order to address this problem. She said that these problems could be eliminated by subregional reciprocal recognition of qualifications and possibly introducing a more standardised education system. She posited the idea of creating a Mekong Baccalaureate and the possibility of making the second language of all children in the Mekong another regional language. She said that learning languages is a way of understanding cultures and by giving children the opportunity to grow up bilingual in the languages of the Mekong, language barriers will be broken down.

Briefly on the subject of migrant housing in the Mekong, Ms Pollock said that currently migrants move into areas where they are needed by employers only to find that no adequate housing provision is in place. In many cases they have to survive in areas where there are no public services such as sanitation and garbage collection. Consequently migrants often get blamed for being dirty when in fact they have no other choice than to make the best of squalid conditions. Ms Pollock advocated that a system could be put in place whereby employers are required to check whether or not there are reasonable housing provisions in the area of employment to accommodate their workers.

Ms Pollock said that a disproportionate amount of resources in the Mekong are focused on helping victims of trafficking rather than other migrants who have suffered trauma. She gave the recent example of the death of 54 Burmese migrants in Ranong. She said that the vast majority of survivors were not considered victims of trafficking but illegal immigrants, and

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given no protection whatsoever. Instead of receiving assistance they were inflicted with more suffering by being placed in police detention for up to one month. She said that there needs to be better protection of the rights of migrants who suffer trauma as determined by psychologists not the police.

Ms Pollock ended her presentation by discussing some of the emerging issues that are likely to affect the subregion. She said that the problems caused by environmental change and natural disasters are likely to have an increasing effect on migration flows. Unfortunately, migration will never offer a solution since it is often the case that those most affected will not be able to find an escape through migration. Migration requires considerable resources and only those with a buffalo or land to sell can afford to migrate.

She said that a recent report by the UNDP stated that rises in sea level are likely to have a disproportionate effect on South East Asia, with six major Asian cities at risk. At present we do not do much to actively prepare for future migration when perhaps we should given the likelihood of migration on an unprecedented scale becoming a very real likelihood. Today we discuss issues such as rural-urban migration as people move to Bangkok, but in future we may well be talking about the inverse as people flee a flooded Bangkok. She said that we are already seeing these scenarios playing themselves out within the subregion. One only has to observe the impacts of the 2006 tsunami and the devastation wrought by cyclone Nargis. She explained that many groups representing Burmese migrants in Thailand have mobilised in response to this latest humanitarian tragedy and have even asked the Thai authorities for a moratorium on forced returns to Burma. The Action Network for Migrants (ANM) and MMN have also asked the Thai government for a flexible policy to allow Burmese migrants to return home temporarily to take care of their relatives. She said that the ANM and MMN are yet to receive the courtesy of a response to their request. Ms Pollock ended her presentation by stating that these are just a couple of situations where migrant's rights are not being protected and where people are being forced into circumstances where they cannot access services.

## Open Forum

Ms Sutthida Malikaew, suggested we focus on the right to development with reference to development projects currently taking place in the Mekong.

In response, Ms Pollock said that the UN DRD emphasises participation and that we have to look at this issue in relation to migration. The word "temporary" is often put in front of the word "migrants". However, we know that this "temporary" status in fact lasts 20 or 30 years. Thus we must not use migrants' "temporary" status as an excuse for not facilitating their participation in development.

Ms Tussnai Kantayaporn from PATH-Thailand said that she was happy to see the presenter's focus on human development. She then referred to the terms "unskilled labour" and "professional labour". She said we should use forums such as this workshop to get rid of these words and just talk about "migrant labour". The official word in Thailand is an "alien worker", which is extremely offensive.

Dr Rosalia Sciortino responded saying that she agrees with Ms Kantayaporn but at the same time we need to show that there are differences in the treatment people receive. It is not as simple as just calling people "people". We should not concentrate on creating politically correct names without first challenging the underlying issues. The real issue is one of fairness. There should be no dual treatment of migrants.

Mr Jerrold W. Huguet said that he agreed that the rights Ms Pollock outlined in her presentation should be owned by migrants. He said that the difficulty however is that most of the population in the GMS (whether or not they are migrants) do not have these rights and entitlements. Most of the world's population do not have access to education, health care, labour protection etc. Until these rights are understood and accepted by wider society, it is hard to assert that they are given to migrants. Perhaps MMN needs to reach out to other organisations who are advocating for the same rights for nationals so that there will be recognition across the board.

Ms Pollock responded that she understood the point completely but said that migrants could be a



Participants report back to the workshop following small group discussions.

force for change. For example in Hong Kong, migrant domestic workers pushed for policy changes which led to certain protection such as the minimum wage. Local workers in Hong Kong do not have the minimum wage. Ms Pollock said she agrees that it is difficult when rights are not there for everyone but we should not discard the role migrants can play and that they can be a force for change. She also talked about the issue of terminology. Ms Pollock said that, the underlying issue is that that some work is valued and other work is not valued. She said that in her organisation, they sometimes use the term “valued” and “non-valued” work. She said that it sounds very rude but that is the reality that people need to face.

Dr Sciortino said Thai NGOs are facing a lot of challenges. Referring to the provincial decrees in Thailand, she said that migrants are not allowed to go out of the province and such regulations are totally unfair. She said that this is a much worse issue than calling people whatever. The problem is somehow we are tolerating the fact that there is dual treatment. We move around the issue but often do not go to the heart of the matter. Regarding the Ranong incident, these migrants were not just crossing international borders but were traveling between provinces in

Thailand. NGOs should take a courageous step and challenge some of these things. She said that earlier in the workshop, we heard a presentation on Vietnam’s labour exportation processes. Some participants said it is a great program, but Ms Sciortino questioned if this really is the case. She said maybe we need to discuss more fundamental values before we can discuss the details such as living conditions.

Ms Kusakabe made a comment regarding the social security scheme as discussed by Ms Pollock. She said that the scheme is very much linked to employment and nationality, and asked if that is the best way to run social security schemes. She said in Japan they have been doing that and now the whole system is bankrupt. Ms Kusakabe said we need to learn from these examples so that social security schemes can be run in much better ways.

### Small Group Discussions

Following Plenary 5, participants split into four small groups to discuss priority action and advocacy areas in relation to migration and development in the GMS. After these discussions, each group presented their key points to the plenary.

The points are summarised in the table below:

### Priority Action and Advocacy Areas

Category	Particular
1. Law enforcement	<ul style="list-style-type: none"> <li>*Withdrawal of discriminatory policies such as Thai provincial decrees</li> <li>*Strengthen legal migration channels by reducing the cost, making the process faster and decentralising the documentation process</li> <li>*Ensuring that migrant workers receive a fair wage, and at the very least receive the minimum wage</li> <li>*For the ASEAN committee to enforce their Declaration on the Protection and Promotion of the Rights of Migrant Workers</li> <li>*Review MOUs on Employment Cooperation and deepen understanding of their content, while advocating for change if necessary</li> <li>*Continue to advocate for the ratification of the UN Convention on the Protection of Migrant Workers and Members of Their Families</li> </ul>
2. Reform of laws	<ul style="list-style-type: none"> <li>*Allow migrant workers to form trade unions</li> <li>*Introduce reciprocal vocational qualifications and GMS school curricula</li> <li>*Develop pre-departure programs including vocational training, language training, orientation on law and regulations of destination countries, information as to where to get help in destination countries, and provide migration life skills</li> <li>*Standardise contracts of employment</li> <li>*Protect domestic workers and workers in fisheries under national labour laws</li> <li>*Establish labour attachés as the focal point in coordinating migration issues in destination countries</li> <li>*Abolish mandatory HIV tests</li> </ul>
3. Impact of mega projects	<ul style="list-style-type: none"> <li>*Research the social impacts of ADB programs and other mega projects</li> </ul>
4. Building solidarity	<ul style="list-style-type: none"> <li>*Further exchange of information among MMN and other concerned NGOs</li> <li>*Develop regional advocacy strategies for MMN</li> </ul>

After the reporting by all four groups, participants engaged in some further discussion as summarised below.

Ms Puckmai from EMPOWER, advocated that sex work should be recognised as “work” and that sex workers be allowed to register under the periodic migrant registration schemes in Thailand. She said that such official recognition would reduce exploitation and prevent trafficking.

Several participants made the point that this would prove difficult since recognising sex work

conflicts with numerous domestic laws.

Ms Puckmai responded to these comments by stating that sex workers have employers, a work place, and receive wages. This suggests that what they are engaging in is actual “work”. She said that because sex work was never included in the list of occupations for which migrant workers can register, they have had to register as domestic workers, which leaves them vulnerable to arrest and detention.

Ms Malikaew added that in Thailand, the word used is “de-criminalise” and not “legalise”. She said

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it is important not to treat sex work as a crime.

Ms Pollock also commented that protecting sex workers may help to change the culture. She said that when talking about domestic workers, protecting them also changes the culture as they did not used to be covered under national labour laws. However, she said that we are now advocating for a broader change in culture, which may lead to the creation of movements such as Housewives for Wages in the UK.

On a separate issue, Ms Harima suggested that she would like to add a recommendation to promote greater recognition of the positive contributions made by migrants to the development process and push for mechanisms where migrants can participate in development.

The two day workshop ended with some final remarks from representatives of the Lao Women's Union and the Rockefeller Foundation.

Ms Ninpaseuth Sayaphonesy of Lao Women's Union thanked all of the participants on behalf of the workshop organisers and wished success to MMN member organisations' in their future work.

Mr Alan Feinstein of the Rockefeller Foundation said that he had learned a tremendous amount over the past two days and that the workshop provided an excellent opportunity to discuss, debate and share ideas.

He noted that the linking of the subject matter

discussed at the conference was unusual yet a success, as the interlinkages of these three issues [migrants, migration and development] are far too seldom given the attention they deserve. The governments of this subregion have certain assumptions regarding development and how it is supposed to work. Their assumptions on growth and development too often negate the human consequences.

He said that the terms we use to describe migrants reflect broader ideas and our use of language is loaded with presumptions, which are all related to our assumptions on economic and human development. These are important concepts to keep in mind when we analyse what is happening and ways to improve the situation. The data clearly suggests that there is a long way to go to make migration a safe process.

Beyond understanding issues through data collection and information exchange the next step requires an advocacy element, and that is why a network like MMN appears to be so crucial. He said that the MMN has an important role in the region in terms of its work promoting education, advocacy and accountability. He said that change is a slow process because it involves re-training public officials and making the public conscious of the inequalities and unfair ways in which laws are interpreted.

Finally he thanked the co-organisers of the workshop and all the volunteers and interpreters for their hard work.

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