On the Move:
Critical Migration Themes in ASEAN

Edited by

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Carl Middleton and
Michiko Ito

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FOREWORD

The Association of Southeast Asian Nations (ASEAN), without doubt, is "on the move". The creation of the ASEAN Charter in 2008 was a landmark event in terms of intergovernment cooperation, and the media often reports on how the region's economies, societies and politics are rapidly transforming and relationships on the whole growing closer. It is also the region's people, however, who are on the move – and who have been for many years. Indeed, it is precisely because people are on the move that the wider ASEAN region is also on the move with such dynamism.

ASEAN is becoming better connected in many ways that facilitate people's migration. Enhanced physical connectivity in ASEAN and beyond via land, sea and air has diversified people's mobility options. Migrants' social networks facilitate migration plans and provide safety nets and support in migrant destinations. Meanwhile, communication technologies have enabled migrants to talk with their families back at home, sometimes daily, at no or little cost. In addition, both formal and informal arrangements facilitate remittances to be sent back home.

For net migrant-receiving countries in ASEAN, maintaining current levels of economic growth will depend, to a significant degree, on well-managed importation of foreign labour. Meanwhile, for net migrant-sending countries, migration can be an effective means to ease unemployment, to diversify people's employment and income opportunities, and to increase foreign income through remittances. Yet, while migration often benefits both origin and destination countries and communities, migrants also continue to face many challenges and risks. These range from the lack of access to education for some migrant children, to the risk of human trafficking and the violation of a range of human rights. These are compounded by other deep-rooted challenges that have implications for migrants, including hazards created by natural disasters and climate change, and persistent gender inequalities. Gaps in policy at both the national and regional levels, and shortcomings in the implementation of existing policies, demonstrate that much more needs to be done to maximize benefits and reduce risks for migrants.

With this in mind, the Asian Research Center for Migration (ARCM) of the Institute of Asian Studies at Chulalongkorn University and the International Organization for Migration (IOM) have collaborated in a growing number of

public seminars and conferences, research initiatives and publications. This book is one such product of this collaboration, which itself is the result of two conferences held at Chulalongkorn University in 2011 and 2012 to mark the International Migrants Day on 18 December.

The contributing chapters demonstrate that while migration might be considered the norm rather than the exception in ASEAN, understanding its dynamism in a region on the move requires continuous reconsideration of past-held assumptions. It is our hope that this publication contributes to the deepened understanding of the critical themes in ASEAN surrounding migration, and in doing so advances public policy that has a beneficial impact on migrants and that contributes towards the eradication of marginalization and the protection of migrants' rights.

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International Organization for Migration (IOM)

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ACRONYMS

ADB	Asian Development Bank
AEC	ASEAN Economic Community
ASEAN	Association of Southeast Asian Nations
ENSO	El Niño-Southern Oscillation
IDMC	Internal Displacement Monitoring Centre
ILO	International Labour Organization
IOM	International Organization for Migration
LFA	Land Forest Allocation (Programme)
MLC	Migrant Learning Centre
MoU	Memorandum of Understanding
NV	Nationality Verification
OSSC	One-Stop Service Center
UNDP	United Nations Development Programme

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- *Poverty, Gender and Human Trafficking in Sub-Saharan Africa: Rethinking Best Practices in Migration Management* (Paris: UNESCO, 2006);
- *Engendering Human Security* (co-eds. Amrita Chhachhi and Saskia Wieringa) (London: Zed, 2006);

- Trans-local livelihoods and connections: Embedding a gender perspective into migration studies (co-ed. Des Gasper). *Gender, Technology and Development*, 12(3) (2008);
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- Migration, gender and social justice: Perspectives on human insecurity (co-eds. Des Gasper, Jeff Handmaker and Sylvia I. Bergh). *Hexagon Series on Human and Environmental Security and Peace*, 9 (Heidelberg – New York – Dordrecht – London: Springer, 2013).

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Introduction

Chapter 1
ON THE MOVE: CRITICAL THEMES IN MIGRATION IN SOUTHEAST ASIA

Supang Chantavanich, Michiko Ito, Carl Middleton, Saisuree Chutikul and Su Su Thatun

INTRODUCTION

Migration has been a fact of life for millions of people within the Association of Southeast Asian Nations (ASEAN) for decades, indeed for centuries. Migration, therefore, is central to the economic, social and political aspects of development in ASEAN, where migrants often make an important contribution both within origin and destination communities. Despite the region's long-standing human mobility, policies for the governance of migration that balance social, economic, security and humanitarian concerns are at present neither coherent nor comprehensive. Given this situation, migrants are often exposed to risks and discriminations, with limited access to justice and redress.

The reasons why people migrate are many and are often complex and interrelated, with poverty alone not the only cause. What are commonly understood as "push factors" may include: unemployment and underemployment, low wages, or lack of secure livelihood or high levels of vulnerability; environmental degradation or the risk of environmental disaster, such as severe flooding or drought; the high cost of consumer goods; and the threat or actual presence of violence, or other forms of political or social insecurity. Meanwhile, pull factors may include: the demand for workers, more opportunity, and choices for employment and higher wages in destination countries; relatively higher levels of political or social security; and better circumstances in general for a comparatively improved quality of life. In a positive way, the country of origin and the country of destination benefit from migration as do the migrants themselves, but unfortunately never without risks and cost.

This book explores new concepts and identifies critical themes in migration studies in ASEAN, with a focus on selected emerging trends, namely: various forms and degrees of environmental change and how these changes transform migration; labour, human trafficking and migration; migrant children; and gender. It presents selected papers from two conferences[1] at Chulalongkorn University hosted by the Asian Research Center for Migration (ARCM) and its partners, held to mark International Migrants Day on 18 December in 2011 and 2012.[2] The conferences emphasized the ongoing importance of recognizing and meeting the challenges of migration in both its long-standing and new forms, and facilitated discussion among policymakers, planners and representatives from national ministries of the Royal Thai Government and across ASEAN, international and national organizations, and non-governmental organization (NGOs) to explore the range of issues associated with migration conceptually and from experiences on the ground.

In the next section of this introductory chapter, an overview of migrant flows in ASEAN is presented. This is followed by a discussion on emerging forms of intergovernmental cooperation on migration in ASEAN, and successes and challenges experienced to date. In the next section, a critical analysis of existing trends in migration theory and research is made, and gaps that should be addressed are identified. The following section then provides a brief overview of the themes of the book and the chapters within it. The final section offers a conclusion on the current migration trends in ASEAN and the state of knowledge towards them.

OVERVIEW OF MIGRANT FLOWS IN ASEAN

ASEAN as a region has a total population of 600 million, which is the third largest after China and India and surpasses those of the United States of America and the European Union. It is presently ranked as the eighth largest economy in the world, and is emerging as a major global economic force; its rate of growth is expected to continue to rise with the establishment of a more integrated, interdependent regional market under the ASEAN Economic Community (AEC) in 2015, although this also will raise new environmental, social and political challenges in the process.

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[1] "On the Move: Critical Migration Themes in ASEAN," 17 and 18 December 2012; and "The Crisis Behind The Crisis? Forced Migration and its Consequence as a Result of Environmental Change and Natural Disaster in ASEAN," 15 December 2011.

[2]   International Migration Day has been an annual event since the year 2000, as designated by United Nations. It underscores the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, and seeks to protect the human rights and fundamental freedoms of migrants.

Key economic and social indicators show that ASEAN is in fact a group of countries with extremely diverse characteristics (Table 1).

Table 1: Key economic and demographic indicators of the ASEAN countries

Country	Population (in thousand), 2011[a]	Total GDP (current USD in million), 2012[a]	GDP per capita (current USD), 2012[a]	Poverty headcount in % (USD 1.25/day), 2010[b]	Total fertility rate, 2005–2010[c]	Unemployment rate, 2012[d]
Net migrant-receiving countries						
Brunei Darussalam	422.7	16,968.4	39,097.6	n.a.	2.11	2.6%
Malaysia	28,964.3	305,154.4	10,508.8	-	2.07	3.1%
Singapore	5,183.7	276,609.5	51,548.6	n.a.	1.26	2.9%
Thailand	67,597.0	366,076.1	5,679 .1	0%	1.49	0.7%
Net migrant-sending countries						
Cambodia	14,521.3	14,411.2	944.7	28%	3.08	0.2%
Indonesia	237,670.7	878,223.4	3,592.4	16%	2.50	5.0%
Lao People's Democratic Republic	6,385.1	9,412.2	1,476.2	31%	3.52	1.3%
Myanmar	60,384.0	53,998.7	848.1	-	2.07	4.0%
Philippines	95,834.4	250,619.9	2,564.2	22%	3.27	6.4%
Viet Nam	87,840.0	141,669.1	1,567.3	23%	1.89	3.6%

Sources:
[a] ASEAN, 2013a.
[b] ASEAN, 2013b.
[c] United Nations Department of Economic and Social Affairs (UN DESA), Population Division, 2013.
[d] ASEAN, 2013c.

Note: Net migrant-receiving countries in practice both send and receive migrants.

The search for a better life and economic opportunities is the primary reason for migratory movements in ASEAN. Net migrant-receiving countries in ASEAN include Brunei, Malaysia, Singapore and Thailand, and together they host over 5 million regular migrants, and an estimated 8.7 million migrants of both regular and irregular statuses. The majority of migrants in all net

migrant-receiving countries in ASEAN, somewhere between 60 per cent and 90 per cent, are from other ASEAN countries. However, for some net migrant-sending countries, such as the Philippines and Viet Nam, the ASEAN region is not necessarily migrants' main destination. The Philippine Overseas Employment Administration (POEA) estimates that in 2009 only 5 per cent of 3.8 million Filipino regular temporary migrants were located in the ASEAN region, though the percentage of irregular migrants in the ASEAN region is estimated to be a higher percentage of around 29 per cent (POEA, 2009). Viet Nam's Department of Overseas Labour reported that during the period of 2000–2010, 25 per cent of deployed workers went to Malaysia and much smaller numbers to other ASEAN countries (Viet Nam, Ministry of Foreign Affairs, 2012). Official statistics of Indonesia showed that 38 per cent of some 700,000 migrants deployed abroad in 2009 were to ASEAN (IOM, 2010). However, taking into account the large irregular migratory flows from Indonesia to Malaysia, the actual volume of intraregional migration from Indonesia to the ASEAN region is understood to be much greater.

Table 2: Estimated numbers of migrants and their percentages of the total population for net migrant-receiving countries in ASEAN, 2013

Country	International migrant stock at mid-year, 2013	Per cent of migrants in the total population
Brunei	206,173	49%
Malaysia	2,469,173	8.5%
Singapore	2,323,252	45%
Thailand	3,721,735	5.5%

Source: UN DESA, 2013.
Note: Calculated based on the population figures in the ASEAN (2013a), and the international migrant stock at midyear 2013 in UN DESA (2013).

From the perspective of the size of national economies, the four net migrant-receiving countries represent 20 per cent of the total population of ASEAN, yet they shared a total of 72 per cent of the total GDP in the ASEAN region in 2012. The difference in GDP per capita was as large as 61 times between Singapore (USD 51,548.6 per capita) and Myanmar (USD 848.1 per capita). People living under the poverty line of USD 1.25 a day are concentrated in countries in net migrant-sending countries, such that wage differentials are a key driver for migration.

Excess labour supply and high labour demands are understood to be one of the influencing factors of international migration, but net migrant-receiving

countries other than Thailand have a higher unemployment rate than some net migrant-sending countries such as Cambodia and Lao People's Democratic Republic. Furthermore, net migrant-receiving countries such as Thailand and Malaysia are still deploying labour in the hundreds of thousands. These trends suggest three propositions: 1) that people are more likely to travel across borders for better income even if there are jobs available within their countries; 2) employers may seek for migrant labour even if there is local labour available; and 3) there may be mismatch between the educational or skills levels of local labour and labour needs.

In Malaysia and Thailand, a significant share of the migratory flow is irregular. In Malaysia, the predominant number of irregular migrants comes from Indonesia, and also from Myanmar albeit in smaller numbers. In Thailand, the largest number of irregular migrants is from Myanmar, followed by Cambodia and Lao People's Democratic Republic. Cognizant of the growing cross-border, intraregional and interregional mobility, governments and other key actors alike are acknowledging the need to enhance migration management and increase bilateral and multilateral dialogue and cooperation. A number of memorandums of understanding (MoUs) on labour migration have been signed between ASEAN countries and beyond, as well as repeated amnesty measures to regularize existing irregular migrants. However, the costs and lengthy processes required for regular migration continue to make migrants resort to irregular migration means.

ASEAN INTERGOVERNMENTAL COOPERATION ON MIGRATION: PROGRESS AND CHALLENGES

ASEAN's commitments to migration and related issues are many, including its legal framework and its resolutions dealing with negative dimensions. At the international level, for example, there are: the UN Convention on the Rights of the Child (CRC), its two Optional Protocols on the Sales of Children and Children in Armed Conflict and the latest Protocol on Communication; the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); as well as other international instruments such as the UN Conventions on Racial Discrimination, on Persons with Disabilities, and on Anti-Torture. On anti-trafficking, there is also the Palermo Convention on Transnational Organized Crime, with its two Protocols on Human Trafficking and Migration. On children, examples are: the International Labour Organization (ILO) Convention No. 138, which concerns the minimum age for admission to employment and work (1973); and the ILO Convention No. 182, which concerns the prohibition or elimination of the worst forms of child

labour (1999). On migrants, examples are: the revised ILO Convention No. 97, concerning migration for employment (1949); and the ILO Convention No. 143, which is about migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers (1975).

At the ASEAN level, agreements include the following: the Declaration on Transnational Crime (1997); the Plan of Action to Combat Transnational Crime (1999); the Declaration Against Trafficking in Persons Particularly Women and Children (2004); the Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007); and the Treaty on Mutual Legal Assistance in Criminal Matters. In addition, Heads of Specialist Trafficking Units and related law enforcers have held regular meetings to work on topics such as exchanges of information and data on intelligence systems. Recently, following the creation of the ASEAN Intergovernmental Commission on Human Rights in 2009, the ASEAN Declaration on Human Rights was also signed in 2012, although this has received criticism from a variety of international and regional NGOs (Renshaw, 2013).

There are also various mechanisms created at the ASEAN level and at the subregional level, including: the Senior Officials Meeting on Transnational Crime (SOMTC); and the ASEAN Ministerial Meeting on the Coordinated Mekong Ministerial Initiative against Trafficking (TC, COMMIT). These are in addition to a range of bilateral MoUs on various topics that have also been signed.

Yet, with all of these already comprehensive agreements and commitments, why do problems persist, with a gap between these instruments and their application on the ground, and why are some issues becoming even more intense?

Institutionally, ASEAN tends away from creating binding regional laws or mechanisms, with the governments preferring instead regional soft law arrangements (in contrast to some other regional groups, for example the European Union) (Acharya, 2009). That said, with the creation of the ASEAN Charter, which came into force on 15 December 2008, and which details ASEAN's legal structure, institutional framework, and stated norms and values, ASEAN moved towards a rules-based regional organization. This was further affirmed with the subsequent creation of blueprints or road maps that were created for each of ASEAN's three pillars.[3] Yet, the ASEAN Charter

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[3] ASEAN's three pillars are the ASEAN Political-Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural Community.

also maintains a commitment to the principles of respect for the sovereignty of each country and non-interference – known as the "ASEAN Way" – that leads to consensus-based decision-making in regional agreements. Thus, while many declarations have been made on paper, indicating a normative commitment of the governments, the combination of their soft law status, together with consensus-based decision-making that can dilute regional declarations, weak regional monitoring systems, and an adherence to the principle of non-interference can limit their translation into sustained and effective action, especially on issues that are perceived as sensitive, as migration may, on occasion, be seen to be.

Between countries, there remain differences on the perceptions, requirements, demands and management systems for migration between countries of destination and countries of origin. These continuing debates also cover sensitive issues such as the need to maintain freedom in manipulating versus regulating migration and its related aspects on the part of destination countries. On the other hand, countries of origin would like to see more protective measures and equal and fair treatment of migrants, even though these countries often do not always give sufficient importance to prevention initiatives. Moreover, there seems to be an ongoing balancing act among national security measures, human rights principles and "equality" questions, especially between nationals and irregular migrants, compounded on occasion by limited political will to seriously take on these difficult questions.

Overall, there is a need for a greater appreciation of the potential contribution that rigorous and inclusive migration policies could make, together with a need to ensure sufficient capacity to carry both existing and future policies forward. At present, linkages are not sufficiently being made across different sectors, leading to the creation of policies and programmes along vertical lines, rather than a much needed coordinated horizontal approach to the various issues of migration.

RETHINKING MIGRATION WITHIN ASEAN

As demonstrated in the previous section, the issue of migration is increasingly on the national and regional public policy agenda of the governments of ASEAN. At the same time, it is also apparent that migration in ASEAN is complex, multifaceted, multidimensional and compounded by sociopolitical-economic changes, which oftentimes are unpredictable. In traditional theories of migration, migration is usually categorized according to various typologies, such as: voluntary versus involuntary or forced movements; circular, seasonal

or permanent in terms of the nature of mobility; and economic versus non-economic factors as motivation for migration (Segal et al., 2010). These classifications, however, appear increasingly inadequate to fully understand the complexity of migration within ASEAN.

The complexity, in many ways, comes from the fact that the reasons for migration cannot be neatly relegated to that of economic factors. While the overall picture appears to indicate the flow of migration from that of the less well-off countries or communities to better off countries or communities, the reality is that the causality is neither unidirectional nor simplistic. While the economic argument may buttress major flows in the overall migration context, the reasons and motives are many, and the patterns of migration, are just as diverse. Some migrate independently, while others do so in the company of peers or family. Some migrate through regular channels, while others do so through irregular means. Some undertake voluntary migration, making independent decisions, while others make decisions through discussion with or as a result of pressure from family members and others. There are also those who are forced to migrate, including those who are internally displaced or forced to flee beyond their national borders as a result of political instability or conflict, or due to well-founded fears of being persecuted. There are cases where trafficked persons knowingly and voluntarily enter into human smuggling without being forced (Mahatdhanobol, 1998; Chantavanich et al., 2013). There are also those who migrate in order to access better educational and work opportunities, due to environmental degradation (rather than disaster), to be reunited with family members or as a rite of passage to adulthood.

Push and pull factors are typically used as an analytical framework to understand processes of migration and migrants' decision-making. Push factors traditionally include lack of access to education, health, employment, loans and credit, among others. Research findings indicate that they also include discrimination, which may be based on ethnicity, caste, disability, religion, violence and abuse in the home including family breakdowns, violence in the school, as well as in the community (Chantavanich and Dang Anh, 2004). In general, push factors are indicative of negative factors that the migrant or potential migrant wants to overcome. Pull factors, on the other hand, are those that attract the migrants or would-be migrants to the country or place of destination. These factors may include either real or perceived opportunities in the area outside the place of regular domicile. While economic and employment opportunities as well as wage and employment differentials are noted to constitute a major pull factor, social and political

situation in destination communities which appear to be less restricting, less volatile and more stable make up additional factors that pull migrants to the destination. While some decisions to migrate can be clearly defined as either pull or push factors, many times the decision may be, as mentioned earlier, a combination of both. As such, it would be important to look at migration not as an either-or decision, but as a continuum. At the same time, it is important to keep in mind that both the push and the pull factors operate at multiple levels, including individual, family, community, national, regional and global levels, and the decision to migrate may be the result of a combination of various factors.

Another important issue to consider is that of the categorization or labeling of migrants. Labeling people as displaced persons, asylum-seekers, trafficked persons, economic migrants, smuggled persons or refugees, among others, while useful to a certain extent and at many times necessary in terms of specific policy and programmatic responses, does not always help. It is important to recognize that these categories are not fixed but fluid, as no one person necessarily remains immobile or in one category. Many may well move in and out of various categories. For example, an economic migrant may become trafficked, or a smuggled migrant may enter into a workforce or an irregular migrant may regularize his/her status and thus become a regular migrant. Another important aspect of migration, whether that of a child or an adult, is to recognize that the concepts of forced and voluntary migration are not necessarily poles apart but rather a continuum (International Council on Human Rights Policy, 2010), and as such, dealing with a number of protection issues around migration related to social protection, access to education, and to health, among others, need to be sensitive to this in terms of being flexible as well as holistic. As described by Castles and Miller (2009):

> Underdevelopment, impoverishment, poor governance, endemic conflict and human rights abuse are closely linked. These conditions lead both to economically motivated migration and to politically motivated flight. Many migratory movements involve both economic migrants and refugees, leading the UNHCR to speak of 'mixed flows'.

Additionally, placing categories around people that define their migration statuses with a potential for administrative, programmatic and emotive response may make migrants more vulnerable, as depending on the categories they are put in or labeled, they may be penalized or otherwise be seen as either "deserving" assistance or not. For example, those identified

as victims of trafficking are most likely to be accorded sympathy as well as support, while those who may have been victims of trafficking in actual fact but were not correctively identified as such[4] are likely to have their entitlements curtailed or worse action may be taken against them.

This complexity, therefore, raises theoretical challenges in terms of sufficiently explaining migration phenomenon; old concepts and typologies, such as push and pull factors, seem inadequate alone even as on the surface they may provide an initial assessment. Inadequate academic explanation, in turn, weakens the ability to create public policy that is both conceptually sound and based on the correct interpretation of available evidence. The example of labour trafficking in the fishing sector confirms such shortcomings (Chantavanich et al., 2013).

It is increasingly apparent that migrations that occur between the countries of the South as origin and destination, as occur within ASEAN, have some different characteristics from migrations that occur with the South as the country of origin and the North as the destination country, from which a large portion of migration systems theory is derived (Castles and Miller, 2009). Under existing migration systems theory, receiving countries' major concerns are the regulation and protection of migrants who already reached their land, and the deterrence of possible new arrivals if they have too many migrants already. They also look at the possible permanent settlement of old immigrants and their integration into the receiving society to prevent racial or ethnic prejudices and discrimination and social exclusion. Meanwhile, for countries of origin, they focus more on safe migration, access to legal status, and social welfare and protection for their people, as well as economic and social benefits from remittances and learned skills.

While the above may be useful, and often outlines research agendas that originate from institutions located in the North, there are other areas of research and conceptual problems that are rarely covered despite their importance to the countries of the South. Given this situation, it would be appropriate that academics from the South generate their own theoretical tools and use them in order to better explain selected migration phenomenon that they observe, creating "home-based theories of migration," in the process contributing significantly to domestic research

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[4] Given the strict criteria often set up to identify victims of trafficking and the reality that very often social welfare workers have extensive workload including the caseloads, the amount of attention needed for victim identification is quite challenging. As a result, it has been noted that not all victims of trafficking are identified as such.

needs. For example, while governance in labour migration management is a topic frequently addressed by researchers in the North, the emergence of individuals or networks of brokers or employment recruiters is an example of topics that pose a challenge and should be investigated and understood by researchers in the South (for example, see Chantavanich, 2008; Sakaew and Tangprapakoon, 2009; and Chantavanich et al., 2013).

Government policy formulation towards migrants without clear academic and technical understanding of mobility can create chaotic results or even failure. For example, while Thailand has had a policy to annually register migrant workers in the fisheries sector, in practice it has never succeed due to the long absence of these workers from the shore that made registration impossible within the deadline set by the authorities (Chantavanich et al., 2013). In another example, Singapore's policy to discourage the employment of less skilled migrant workers for domestic work has led to an increase the number of workers in the services sector who arrive under Singapore's tourist visa for 15 days, including sex workers from the Philippines and Thailand.

ASEAN countries, too, are in transition in terms of their categorization as sending or receiving countries. As discussed above, Singapore, Malaysia, Brunei and Thailand are net labour-receiving countries, while Indonesia, the Philippines, Myanmar, Cambodia, Viet Nam and the Lao People's Democratic Republic are net labour-sending countries. Yet, the situation is more complicated than first appears. Thailand, for example, although a net receiving country, is both a sending and receiving country. Consequently, it has to adopt policies for both inbound and outbound migrants, which are quite different. It is necessarily, therefore, for more nuanced conceptual and theoretical approaches to help better formulate national and regional migration policies. The creation of the ASEAN Economic Cooperation in 2015, which will allow for greater movement of people within the region, will create both new opportunities and new challenges. Good practices from other countries, adapted to a deeper knowledge of migration as specifically occurring with ASEAN, could help ASEAN maximize the benefits while minimize the risks associated with the region's ongoing transition.

THEMES AND STRUCTURE OF THE BOOK

Responding to the gaps in knowledge outlined above, this volume is divided into three sections, namely: environment and migration; labour, trafficking and migration; and selected critical themes in migration, namely on gender in migration studies and migrant child protection. The themes of the papers reflect a larger number of papers presented at the two conferences at Chulalongkorn University in 2011 and 2012.

Theme 1: Environment and Migration

In the ASEAN region, economic, social and political regional integration are proceeding rapidly. This has been accompanied by rising GDP, extensive industrialization, accelerating urbanization, a growing population and changing lifestyles. While many indicators of human development are improving across large areas in ASEAN, these positive development trends are accompanied by growing evidence of an increased pressure on the region's natural resources and ecosystems (ASEAN, 2009). The impacts of environmental change are most noticeable in headline-grabbing disasters that cause massive and very visible impacts to peoples' livelihoods (such as Thailand's flooding in Bangkok in 2011). Yet, forest loss, soil degradation and fish stock depletion, among other forms of environmental change, are also serious and growing challenges, especially for those who depend on the region's natural resource base most directly for their livelihoods (Lebel et al., 2009).

The relationship between environmental change and migration, and how other economic, social and political factors form this relationship, is an increasingly debated topic both in ASEAN and globally. This is especially the case over the controversial possibility that some people might be considered as "environmental refugees," for example, due to the impacts of climate change, as this form of refugee presently lacks a clear legal standing within international law under the 1951 Refugee Convention. IOM has, for example, recently defined environmental migrants as (IOM, 2007):

> "persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad."

Whether migration is permanent or temporary depends on whether adaptation is possible and desirable, and whether the environment can recover among other considerations (Black et al., 2011). Rather than focusing on environmental change alone, which risks victimizing those who are subject to it, it is also important to understand who these migrants are and their circumstances and life histories that explain why they live in risky environments in the first place, which often reflects deeper-rooted forms of inequality and social injustice (e.g. Wisner et al., 2004).

Louis Lebel, in Chapter 2, explores arguments and evidence that climate change has interacted or will interact with migration in Southeast Asia.

Lebel concludes that migration could be an important adaptation strategy to climate change, and that internal flows of migration are likely to be greater than migration across international borders. Lebel highlights that existing predictions of migration flows due to climate change, based on tools that link population projects to their geographic location and elevation above sea level, need to be further developed to account for a more sophisticated understanding of the incentives for migration.

Jerrold W. Huguet, in Chapter 3, aims to enumerate the number of environmental migrants within ASEAN. In doing so, Huguet first seeks to define environmental migration, drawing on recent international studies, before considering the relationship between total international migrant flows within ASEAN and the various forms of environmental change, including flooding and extreme weather events such as typhoons and cyclones. Huguet notes that, contrary to initial expectation, many migrant flows are towards environmental risk areas, in particular the region's largest urban agglomerations that are located in low-elevation coastal zones. Despite this, Huguet highlights that "environmental migration need to employ careful conceptual frameworks and definitions of all of the factors involved".

Rebecca Elmhirst, in Chapter 4, explores the relationship between flooding and migration in ASEAN. Elmhirst seeks to complicate simplistic understandings of this relationship that often securitize people mobility due to "disastrous flooding" and that, as a result, can lead to policies that limit people movement and thus create new forms of vulnerability, often in unjust ways. Elmhirst's framework draws on a more nuanced typology of flooding within ASEAN and adopts a political ecology approach to vulnerability that emphasizes "the ways in which vulnerability is created (or mitigated) through the sociopolitical dynamics of floods and flood hazards, through migration and migrant-based livelihoods, and through aspects of policy". The chapter highlights the need for an appreciation of the complexities of migration and mobility in policies towards both destructive and beneficial flooding across the ASEAN region, at scales ranging from local to regional.

Carl Middleton, Borin Un and Naruemon Thabchumpon, in Chapter 5, consider the human security of fishing–farming communities living around the Tonle Sap Lake, Cambodia, whose lives are intimately shaped by the ebb and flow of the lake's seasonal flooding. Middleton and co-authors examine in particular how the different types of flood regime (regular and irregular) modify fishing- and farming-based livelihoods and the role that migration plays in reducing household vulnerability, in particular in the context of

fisheries decline, agricultural intensification, and long-standing inequities in access to land and natural resources. Middleton and co-authors show that migration is, nowadays, an important means that households adopt to reduce vulnerability in the communities visited, yet both government policies and development interventions rarely recognize the significant role that migration plays. The authors highlight the need for a better understanding of the potential synergies of policies on agriculture, fisheries and migration, which at present are fragmented.

Satomi Higashi, in Chapter 6, which tackles the legacy of people movement due to village relocation policies in northern Lao People's Democratic Republic, highlights the complexity of how these policies interacted with other policies on watershed management, including the shifting cultivation eradication policy and the land forest allocation (LFA) programme. In the case study presented about a Kmhmu' indigenous ethnic group previously practicing swidden agriculture at P Village in Pak Beng district, the resulting outcome was undesirable both in terms of attaining government policy objectives to protect the watershed from forest clearance, and with regard to the livelihoods of the communities themselves which experienced a shortage of agricultural land and heightened livelihood vulnerability, leading in some cases to subsequent further domestic migration. Higashi argues that village relocation policies must consider local communities' land use on a case-by-case basis, and village participation in land-use planning processes is vital to increasing the likelihood of successful policy implementation.

Theme 2: Labour, Trafficking and Migration

The issue of human trafficking and smuggling as a new form of migration is now firmly on the agenda of the international community. However, overall, it has been understood principally from the perspective of transnational crime rather than international migration. Furthermore, far greater focus has been placed on sex trafficking over labour trafficking. Therefore, international, regional and national policies, and legal instruments have been developed, generally following a lead of the Northern countries that received trafficked and smuggled persons that aims at preventing people to become victims, penalizing traffickers and smugglers and assisting victims in their constituencies.

In contrast, little research has been undertaken to give a more in-depth understanding of human trafficking and smuggling in place of origin. Poverty and unemployment are assumed as the main drivers of trafficking of poor people who are deceived or forced to move. Yet, such assumptions have

not helped develop effective policies. Many victims of trafficking are not the poorest, and some have employment arranged before departure and then approach brokers or recruiters so that the latter could facilitate them to reach their destinations. In other words, the cliché of poor victims is not always true, even if in too many cases it is. As a result, it is also not always the case that rescued victims are willing to identify those who smuggled or trafficked them, and therefore not many traffickers are penalized.

Under the existing paradigm of human trafficking and smuggling as transnational crime rather than international migration, the emphasis of responsibility – and even blame – has been placed on countries of origin and transit for not adequately preventing people from leaving. Little has been done to understand the nature of labour exploitation in destination countries, which can also be an important determinant in trafficking acts, especially in labour trafficking. Only recently has the international community started to pay greater attention to irregular migration and its close links to human trafficking and smuggling. From this starting point, the role of private recruitment agencies, both licensed and non-licensed, the secret networks of transnational agents who facilitate migration, and the nature of debt bondage due to migrants' attempts to invest in migration through land collateral or money borrowing from local loan sharks to pay recruitment fees become new and important research topics, because understanding these phenomenon are imperative to formulating targeted and relevant policies on human trafficking and smuggling. The irregular migration process and non-economic root causes of migration – including the existence of migrants' social networks in the place of origin and destination, the cultural value of migration among the youth, and legal immigration restrictions that force migrants to choose irregular means of movement – need to be better understood to explain human trafficking and smuggling.

In Chapter 7, Ratchada Jayagupta presents the experience of developing a new anti-human trafficking tool in Thailand for Thai labourers at the pre-decision stage of international migration. Jayagupta places the tool in the context of Thailand's wider history of policies towards labour migration and human trafficking, and demonstrates the value of the tool in empowering migrants before the decision to apply for the job or to contact a recruitment agency is taken, in contrast to existing tools that focus on the pre-departure stage of migration. Jayagupta argues that the use of such tools is an important preventative measure to build the capacity of Thai migrant workers, making them more resilient to risks of labour trafficking, and offers recommendations to further enhance the effectiveness of the tool in the future.

In Chapter 8, Claudia Natali presents an analysis of the benefits and costs of Thailand's Nationality Verification (NV) process. This status-legalization mechanism of the Royal Thai Government has been implemented for irregular migrant workers from Myanmar, Cambodia and the Lao People's Democratic Republic in Thailand since 2006. Natali documents the evolving policy environment in Thailand from prior to 2003 when no migration policy existed that allowed low-skilled migrant workers to enter Thailand legally until the present time when the Royal Thai Government has been implementing the NV process through several iterations. Natali concludes that the NV process is an important step forward on irregular migration management in Thailand, as it has allowed for the possibility of irregular migrants obtaining legal status. On the other hand, challenges remain, including the high level of bureaucracy involved in the process which challenges the capacity of relevant countries, and how a largely unregulated brokerage system has turned the NV scheme into an exploitative mechanism at times.

Theme 3: Selected Critical Themes

The final section of this publication addresses two other topics that emerged as important themes in the conferences in 2011 and 2012, namely gender and migrant children protection.

Thanh Dam Troung, in Chapter 9, explores gender as a structure and as an intersectionality in migration studies. Troung first maps out how different understandings of gender have influenced the evolving discipline of migration theory and research. Through this analysis, Troung identifies a number of shortcomings in current theoretical framings based on the historical context – including that of globalization – that have framed and defined the idea of gender, development and security, and that are imbued with unequal power relations and privileged knowledge. Troung considers the implications of these insights for policymaking and practice, viewed through the lenses of human security and social justice. Troung argues that "gendered forms of engagement with power should be analysed in contextual terms, contingent on the discourses and practices of migration and security in specific places."

In Chapter 10, Premjai Vungsiriphisal, Chanita Rukspollamuang and Supang Chantavanich examines the evolution of Thailand's education policy since the early 1990s, and the successes, challenges and gaps in its implementation to date. Vungsiriphisal and co-authors highlight that while nowadays an increasing number of migrant children can access local state schools as promoted under the "Education for All" policy and others study within migrant learning centres (MLCs), some groups of migrant children are still

not able to access formal or alternative forms of education. Other challenges facing education policy and practice for migrant children include promoting a multicultural perspective within local schools, facilitating and promoting access to higher levels of education, and addressing remaining ambiguity on the registration of migrant children under the NV system. Vungsiriphisal and co-authors conclude by posing a number of policy challenges to the Royal Thai Government, for instance, whether migrant children will be viewed as part of human resources important to Thailand's future and thereby provide them with an education appropriate to the future labour market opportunities, or if only provide basic education for their survival and integration with the local community will continue to be provided.

ON THE MOVE: CRITICAL THEMES IN MIGRATION IN ASEAN

Migration has become a critical issue of our times in both transnational and domestic politics of many countries in the North and the South. The themes discussed in this book consider the complexities of migration in ASEAN from multiple perspectives. At the macro level, these complexities include the economic drivers of migration, the impact of increased environmental disasters and the impact on the movement of people and the challenges encountered, gender as an enduring but adaptive process in the discourse on migration, and the limitation of state-centric approaches while recognizing the central role the State continues to play. At the micro level, these include how decisions to migrate are made at the individual and household levels; for example, family members or individuals choosing to undertake migration for the purposes of enhancing opportunities for work and status in life offers both opportunities and risks to present and future prospects.

The sensationalization of certain aspects of migration in the media appears to greatly influence public opinion towards migrants, often in a negative sense, such as attributing a rise in crime to immigrant populations or locals' loss of or inability to get jobs due to migrant populations. The region's media in places of destination have, to a certain extent, influenced public opinion to see migration and migrants as a threat to one's way of life and to "national security". This has, in turn, in too many cases led to xenophobia and placed blinders on people, especially those living in specific places of destination, from recognizing migration positively as a socially, culturally and economically enriching phenomenon.

We hope that through the current volume and the ongoing work of the organizations and individuals involved, migration can be demystified beyond

these media stereotypes through open and proactive discussion and debate. In considering the many aspects of migrants' risks, rights, protections and opportunities, and how they interact with social and environmental vulnerabilities, it is hoped that the papers in this volume help identify important new trends, unfolding dynamics and key concerns, and propose workable approaches to their redress. It is important that policy on migration is driven by sensitivity, flexibility and adaptability as the flows, demography, and economic and geopolitical situations of migration change, and that this leads towards policies and frameworks that place the human rights of the individual migrants at the core.

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Section I: Environment and Migration

Chapter 2
CLIMATE CHANGE AND MIGRATION IN SOUTH-EAST ASIA: EVIDENCE, EXPECTATIONS AND NEW QUESTIONS

Louis Lebel

INTRODUCTION

Rising sea levels and increases in intensity of extreme events pose serious risks to people living in low-lying coastal areas (McGranahan, Balk and Anderson, 2007). The challenges are particularly acute for small island States, but also important for human settlements in the floodplains of rivers and deltas. Further inland, more extended droughts or intense rainfall with landslides and flooding could make agriculture-based livelihoods increasingly difficult (IPCC, 2007). Ecological changes arising from climate change may drive migration by increasing the vulnerability of places and people to natural hazards or by influencing availability of ecosystem goods and services (Adams and Adger, 2013). Over both the short and long term, a possible response is to move. Decisions to migrate, however, are influenced by multiple factors, not just by immediate climate-related events (Black et al., 2011a; Warner et al., 2010). Moreover, not all people may be able to move; some may remain trapped in vulnerable locations, while others may move but still remain highly vulnerable as a consequence of failing to adapt (Black et al., 2013).

Some commentaries have suggested that climate change will have large impacts with as many as 1 billion climate refugees, while 200 million by 2050 is a more common figure (Rhodes and Murray, 2007). Other reviews have been much more cautious, concluding that large-scale relocation is an unlikely response for a number of reasons (Raleigh, Jordon and Salehyan, 2008). They point out, for example, that environmentally induced migration is often temporary, that remittances from labour migrants help those who stay behind, and that people are creative at finding ways to cope and adapt. Others have been critical of the crudeness by which estimates have been made (Gemenne, 2011a). The Intergovernmental Panel on Climate Change (IPCC) itself has tended to downplay migration as a direct outcome, placing more

emphasis on vulnerability and indirect pathways (IPCC, 2007). Big numbers, if nothing else, have drawn the attention of policymakers to climate change and migration as interlinked issues that need to be understood better.

There are three dominant climate change and migration policy narratives. The first narrative is one of a security threat created by "climate refugees". International relations and security experts speculate about the consequences of climate-related migration across national borders. Big estimates raise fears about competition for land and other natural resources, spread of diseases, mixing of people with different cultures and religion, and what all this might mean for conflict and political stability (Reuveny, 2007; Barnett and Adger, 2007). In this narrative, migration is seen as a failure to adapt and primarily has negative consequences; migration across borders is something which should be avoided at all cost (Smith, 2007).

The second narrative is one of concern for human security, in particular, the security of the migrants, including "climate refugees". It places emphasis on the need for domestic and international policies to help those who must move, for instance, by protecting their rights in national laws and international agreements. Under this and the third narrative, internal migration is acknowledged as important alongside flows across international borders. It should be noted that there is no consensus on the terminology and definition of "climate refugees" and disputes persist on whether it would be better to use other terms like "migrants" or "displaced persons" (Biermann and Boas, 2010). Migration is sometimes inevitable, but if managed well, can be an effective adaptation strategy.

The third narrative is that migration is an adaptive mechanism – a way to build household and community resilience and deal with various vulnerabilities (Black et al., 2011a). Migrants with climate vulnerable livelihoods may move to take up jobs elsewhere, temporarily or more permanently. Their remittances, in turn, may lead to improved infrastructure and economy in source locations. Adaptive migrants cope, innovate and adapt by moving within countries and across borders. In this framing, migration is a development issue and process with potentially positive consequences. In this narrative, policies should facilitate rather than hinder migration, and help rather than discriminate against migrants.

In this chapter, the arguments and evidence that climate change has interacted or will interact with migration in South-East Asia are critically explored. The chapter begins with a concise review of current migration

flows and processes, followed by a series of sections on specific challenges arising from climate variability and change, and how they may interact with migration. The final sections consider some of the governance and research implications from the foregoing analysis.

CURRENT FLOWS AND PROCESSES

Flows and Drivers

A good understanding of current migrant flows and drivers in particular places, and of sensitivities to current climate is important in evaluating how climate change may interact with and modify these processes in the coming decades. Studies of internal and international migration in South-East Asia over the last two decades have provided many insights into migration flows, drivers and consequences. Climate-related drivers – when present – do not act in isolation but interact with other factors.

Overall, people have become much more mobile within countries. Urbanization has been both a driver and a consequence of migration (Kundu, 2009). Migration into existing and new cities in the deltas and coastlines of the region is driven by many factors, including economic policies, incentives and concentration of investments (Seto, 2011). Uneven economic development resulting in concentration of job opportunities and wage differences creates strong incentives for migration. In the Mekong Delta, Viet Nam, for instance, migration towards urban centres for work during the high flood season is already a common practice (Dun, 2011).

A lot of internal migration and some international migration in South-East Asia is into, rather than out of, vulnerable low-lying coastal areas and deltas where large cities and industry provide opportunities for employment (ADB, 2009b; Seto, 2011). Rural-to-urban migration in Indonesia, for instance, has led to expansion of low-income, high-flood risk settlements along rivers and canals in Jakarta (Douglass, 2010). This movement of both wealthy and poor people into vulnerable areas is why damage from floods and storms continues to increase despite better warning systems and other technological and organizational advances in many cities; more and more people and property are being placed at risk.

Levels of international migration from and to countries in South-East Asia vary greatly between countries. Some send more out than they take in, like the Philippines, Indonesia and Viet Nam. Other countries like Malaysia, Singapore and Thailand are important destinations.

In the Mekong region, the largest migrant flows are to Thailand from neighbouring countries. Flows vary with economic and political conditions. In 2005, it was estimated that there were about 1.8 million foreign workers in Thailand, of which about 38 per cent were unregistered (Martin, 2007). A survey carried out by Thailand's Ministry of Interior in early 2007 suggested that the number of irregular or unregistered migrants from Myanmar, the Lao People's Democratic Republic and Cambodia was around 2.8 million (Pholphirul and Rukumnuaykit, 2010).

People from the Lao People's Democratic Republic migrate into Thailand based on information from people who have already crossed the border; social networks play an important role in reducing risks of deception and trafficking (Pholsena and Banomyong, 2006). Seeing others return with money and helping their families build better and more equipped houses is a motivation to migrate (Phouxay, 2008). Men from the Lao People's Democratic Republic entering Thailand typically work in agriculture, construction and fisheries; women are largely employed as domestic workers (Harima et al., 2003). Agriculture and fisheries, it should be noted, are climate-sensitive sectors.

Consequences

The consequences of internal and international migration are significant for migrants, and their source and recipient communities.

International migrants often face problems of loneliness and difficulties with social integration, even between the relatively similar cultural and linguistic contexts of the Lao People's Democratic Republic and Thailand (Nilvarangkul et al., 2010). Moreover, migrants may not be as familiar with local flood and other climate-related risks, or with local early warning systems (Birkmann, Seng and Setiadi, 2013). These processes may influence vulnerability to climate extremes or even trigger migration.

In the Philippines, remittances from overseas workers to their families were more than USD 14 billion in 2007 (Agbola and Acupan, 2010). Remittances from migrants in Thailand play an important role for maintaining source households in neighbouring countries (Deelan and Vasuprasat, 2010; Osaki, 2003). Most funds are transferred back through informal channels like friends or family members. Women send back more money than men do (Deelan and Vasuprasat, 2010).

Studies of internal migration from northeast Thailand, however, also show that an important consequence of migration for those that stay back can be

loss of household labour critical to successful agriculture (Piotrowski, 2008). Seasonal migration can offset this disadvantage, which is also affected by size of landholdings (Vanwey, 2003).

A lot has been written in popular media about the negative impacts of international migration on destination communities, much of it prejudiced. Concerns are frequently expressed about competition for jobs, criminal activities and transmission of disease. Much less has been written about the benefits of international migration (ADB, 2009c). In 2007, migrant workers made up between 5 per cent and 10 per cent of the Thai labour force (Martin, 2007). Many take on low-skilled, less desirable, jobs (Caouette et al., 2006). Thailand is now highly dependent on migrant labour (Chalamwong and Prugsamatz, 2009). Estimating the net economic contribution of migrants is complex, as it depends on skill levels, impacts on productivity and effects of migrants on wage levels, but their contribution is potentially substantial (Pholphirul and Rukumnuaykit, 2010).

EXTREME FLOODS AND STORMS

Extreme events typically displace people internally and temporarily. The figures can be large. IOM estimated that more than 20 million persons were displaced by extreme weather events in 2008; compare this with 4.6 million internally displaced by conflict and violence (Rhodes and Murray, 2007).

Many people are displaced each year by climate-related events such as floods, droughts, storms or cyclones. According to the preliminary data of the Internal Displacement Monitoring Centre (IDMC), in 2011, climate-related and extreme weather events displaced 3.4 million people in South-East Asia (ADB, 2012).

In the past couple of years, several major climate-related events in South-East Asia have displaced more than 100,000 people (IDMC, 2011). In September 2009, tropical storm Ketsana/Ondoy displaced more than 500,000 people in the Philippines. At least four other flood and storm events in 2009 and at least three events in 2010 each displaced more than 100,000 persons in the Philippines. In August 2010, more than 240,000 people in Viet Nam were displaced by storms. The floods around Bangkok in October 2010 displaced as many as 1 million people.

After super typhoon Harurot, a super typhoon, struck Isabela, the Philippines, in 2003, many households had members which migrated semi-permanently to nearby towns and other urban centers centres for employment (Huigen

and Jens, 2006). Migration can also exacerbate risks from storms. At the end of 2004, four tropical depressions and typhoons hit Eastern Luzon, Philippines, killing more than 1,600 people. Many of those killed in upland areas were migrants buried in landslides. Landless farmers and poor fishers in lowland areas had migrated to upland sites in Quezon province in search of land and livelihood opportunities (Gaillard, Liamzon and Villanueva, 2007). This movement was enabled by the expansion of logging concessions and illegal logging activities that opened up access to land for agriculture.

Floods in the Mekong Delta in Viet Nam occur every year; regular floods are relatively benign, whereas unusually large floods have large adverse impacts. Even regular floods, however, may increase seasonal migration to urban centres for work (Dun, 2011). Loss of the main rice crop in successive flooding events can lead to households moving away more permanently and switching livelihoods. In these cases, floods interact with existing migration flows. Floods have also triggered government schemes to resettle households from highly vulnerable hard-to-protect river bank areas into protected residential clusters (Hieu, 2010).

A study of a community in Siem Reap, Cambodia, found that recurring flood and drought shocks changed people's perceptions of the risks of local agriculture-based livelihoods and became a motivation for migration to Thailand to pursue alternative livelihoods (Bylander, 2013). This change in perception was found even in households that had not suffered income losses. Particularly serious floods occurred in 2002 and 2009. Droughts occurred each year between 2003 and 2007, with the last being the most severe. The perception that risks associated with agriculture were higher than those from migration – such as difficulties in finding secure work in a new place – arose despite significant NGO-supported programmes to improve agricultural yields in the area. It should also be noted that in this case migration networks for employment predated the environmental shocks – the extreme events enhanced existing migration processes rather than creating new ones.

The 2011 floods around Bangkok temporarily displaced more than 165,000 people into shelters (Phongsathorn, 2012). The floods also resulted in the closure of many factories, affecting workers and disrupting supply chains with impacts that cascaded throughout the region and globally. At the same time, as many as 600,000 migrant labourers – many from Myanmar and unregistered – were effectively stranded in their flooded accommodation without food, water or electricity (Gois and Campbell, 2013). The Thai government's assistance focused on Thai nationals; migrants without work

permits were particularly disadvantaged at accessing relief. Burmese workers attempting to flee flood-affected areas were sometimes arrested for travelling outside provinces where they were registered to work; others were arrested for trying to leave Thailand or had to pay high fees to cross borders back to their home country (Gois and Campbell, 2013). The 2011 flooding resulted in more than 100,000 migrants from Myanmar returning to their home country through the Mae Sot border crossing in a short period (Phongsathorn, 2012). This case illustrates that individual extreme flood events have consequences for migrants themselves, for host communities that depend on their labour and economic contributions, and for source communities that depend on flows of remittances which are disrupted. Repeated and prolonged flooding events as a result of climate change would alter the role of cities like Bangkok in regional migration networks (ADB, 2012).

CHANGES IN RAINFALL REGIMES

Changes in rainfall regimes, in particular reduced overall rainfall or shifts in seasonality, could impact water availability for different uses and users, and the productivity of crops and pastures (Smith et al., 2007). Droughts and water scarcity are already important constraints under the current climate. In South-East Asia, some inland and mountainous locations may be highly sensitive to shifts that would impact already highly seasonal water resources and increase risks of fires in the dry season (Goldammer, 2007; Sun et al., 2012).

Severe drought events provide evidence of what might happen under climate change if conditions were to get drier in certain seasons (Herawati and Santoso, 2011). The severe 1997–1998 drought associated with the El Niño-Southern Oscillation (ENSO) in Indonesia resulted in crop losses as well as multiple land and forest fires, many deliberately lit, creating serious smoke-haze health and transport problems in several countries in the region (Murdiyarso and Lebel, 2007). Large-scale, government-sponsored transmigration programmes as well as spontaneous in-migration to transmigration sites were significant drivers of fire being used in land conversion (Dennis et al., 2005). Moreover, migrants in some locations were not familiar with the risks of using fires in dry periods, with the result that fires lit could not be controlled. The fires and smoke-haze also displaced people for varying periods, and disrupted tourism and migration flows, although the latter do not seem to have been well studied.

Agricultural activities in Nang Rong, Buriram province, northeast Thailand, are limited by water scarcity for a few months each dry season. Prior to the mid-1980s, seasonal migration to urban centres during the dry period was common, but, subsequently, migration became longer in duration or permanent (Garip, 2012). Remittances from migrants allow households with moderate incomes to acquire more land and become wealthier, but tend to increase the gap with landless households. More well-off, never-married and female siblings remit more (Piotrowski, 2008).

Studies in the Philippines have also shown that remittances by overseas workers contribute to higher incomes and quality of life in source households (Semyonov and Gorodzeisky, 2008). Rainfall shocks – an index comparing rainfall in the same season in different years – change the income of farmers in the Philippines. In households with members working overseas, about 60 per cent of the decline in household income is replaced by remittances (Yang and Choi, 2007). In contrast, in households with no overseas migrants, none of the decline in household income is replaced and net income is therefore much lower. Remittances from overseas migrants are a form of insurance.

Droughts may also be an indirect influence on human migration through impacts on ecosystems that make it harder to make a decent living. Shifts in rainfall patterns or seasonality might cause differences in productivity and opportunities in different places. A basic model of economic migration drivers attributes migration to differences of income levels in source and destination areas. A recent global review concluded that for the case of least developed countries there was insufficient evidence to make robust predictions on how climate change might influence this key driver (Lilleør and Broeck, 2011).

SEA-LEVEL RISE

At risk

A large fraction of the populations of several South-East Asian countries live in low-lying areas along the coast and are thus highly vulnerable to rising sea levels. A rise in sea level could lead to inundation, erosion and salinization of agricultural land (Perch-Nielsen, Battig and Imboden, 2008). Sea-level rise is a threat to deltas in the region as well as to several major cities along the coast like Bangkok, Ho Chi Minh, Jakarta and Manila (Yusuf and Francisco, 2009). Many studies have estimated the population at risk now and in the future for different sea-level rise scenarios.

Six of the top 20 countries with populations at risk from sea-level rise in 2050 are from South-East Asia; in order by population, these are Indonesia, the Philippines, Viet Nam, Myanmar, Malaysia and Thailand (ADB, 2012). This and many other studies have explored the potential impacts of climate change on migration by calculating possible inundation of populated areas under different assumptions of sea-level rise. Thus, under a 2-metre sea-level rise in the Mekong Delta, it was noted that half of the area's 28.5 million residents would be inundated (Warner et al., 2010). A global study suggested that with a 1 metre rise in sea level, Viet Nam would be the most affected developing country with as many as one in ten people displaced and GDP reduced by 10 per cent (Dasgupta et al., 2007).

In Cavite City, Philippines, vulnerable groups in low-lying coastal areas already undertake migration to deal with the impacts of natural hazards such as tropical cyclones (Sales, 2009). The self-employed poor move to safer areas and migrate temporarily to access alternative income sources. Likewise, small-scale fishermen and shellfish gatherers may also seek employment elsewhere. Local stakeholders, including government officials, responded to a 1m rise in sea-level scenario with measures that included managed retreat from vulnerable areas, ecosystem-based adaptation in some locations, and protection with infrastructure in others. The proposed retreat measures included resettlement of the most vulnerable households with support for livelihood development (Sales, 2009).

It should be underlined that climate change impacts may interact with other human-driven environmental changes. Sea-level rise and increased intensity of precipitation, for instance, could combine with groundwater withdrawals and land-use changes to greatly increase the risk of severe flooding episodes in Bangkok (Gupta and Babel, 2005) and Manila (Rodolfo and Siringan, 2006).

Adaptive responses

An important limitation of those studies that only look at populations in risky areas is that they lack adequate consideration of timing and neglect other drivers of migration and possible adaptive responses. Programmes for "living with floods" in frequently inundated locations in the Mekong Delta in Viet Nam have encouraged other livelihoods in the wet season, like aquaculture, which may make a certain level of adaptation in situ possible by strengthening resilience to floods (Dinh, 2003; Sinh, Lebel and Tung, 2009). These innovations reduce the need for seasonal migration for employment. Other

rice-growing areas have adopted seasonally flexible dyke infrastructure that allows not only for harvesting of main crop but also the ecosystem benefits of flood waters later in the season (Sinh, Lebel and Tung, 2009). Elsewhere, the Vietnamese Government has tried to adjust the distribution of human settlements relative to where agricultural activities take place through its residential cluster programmes (Dun, 2011). In Can Tho City, households have raised the foundations of their homes in response to higher-than-average water levels over the past decade (Birkmann et al., 2010).

In situations modifying patterns of migration in response to climate change are likely to have limits or thresholds of sea-level rise above which such responses rapidly become too costly to contemplate. Sea-level rise of 20 centimetres over the next 80 years or of 2 metres would have very different implications for migration not just because of the low-lying level land potentially inundated but also because of the differences in the rate of change these imply. Thus, we can expect thresholds where migration becomes a critical element of an effective adaptive response (Bardsley and Hugo, 2010).

Resettlement

Resettlement may ultimately be the only option. In the long term, cumulative and slow-onset climate change impacts like those from sea-level rise can be challenging to address, as they lack immediacy and urgency. Most residents of Tuvalu, for instance, are not concerned with climate change and do not see it as an important reason to migrate; this is in sharp contrast to most media and expert studies that see large-scale migration as inevitable (Morteux and Barnett, 2009). On the other hand, the Government of Kiribati has gone ahead and adopted a long-term strategy of securing migration options in Australia and New Zealand (McAdam, 2011). This is envisaged as stepwise, by building initial communities in these locations that would make it easier for gradual, transitional resettlement if and when the entire population has to move.

Early empirical evidence of resettlement issues comes from some ongoing island schemes. Resettlement of people living in the low-lying Carteret Islands, Papua New Guinea, to other larger islands has been driven, in part, by loss of land due to sea-level rise (Edwards, 2013). Experiences so far underline the importance of building trust among resettlers and host communities, ensuring security of tenure and creating livelihoods. Although the observed sea-level rise cannot be unambiguously attributed to climate change, this case study is one of the few documented examples of resettlement in response to a climate-change-like impact.

These findings are consistent with an analysis of resettlements arising from megaprojects which have emphasized the importance of engaging and empowering stakeholders from both origin and destination communities throughout the process and allowing sufficient time to establish social and cultural capital in destinations (Hugo, 2011). Although most evidence remains indirect, responses to sea-level rise can be expected to have consequences for both in- and outmigrants and thus also for communities depending on remittances or movement of labour.

IMPLICATIONS

Across borders

The outstanding issue in migration flows is how they are governed, in particular, the rights and security of those who move and those who would like to but cannot. In the Mekong region, formal bilateral cooperation on regulations and procedures governing migration between Thailand and source countries – such as Cambodia, the Lao People's Democratic Republic and Myanmar – has been established, but implementation has been slow. Thailand's policies and border practices swing back and forth, depending on labour needs in agriculture and industry (Kaur, 2010; Martin, 2007). Irregular registration of illegal labourers is done to meet quotas or justify repatriations (Brees, 2008). Regional arrangements are underdeveloped, and international frameworks and principles are not fully accepted or followed by countries (ADB, 2009a).

The ASEAN – while recognizing that climate change and migration are both security issues (Elliot, 2012) – has struggled to improve cooperation with respect to existing labour migration flows. The ASEAN Regional Forum has discussed the international security implications of climate change several times and noted possible links with migration (ARF, 2010). This is critical for climate change adaptation, as the newer and less developed member countries could benefit greatly from the freer migration of unskilled workers which would also seem necessary for equitable progress towards greater regional economic integration (Menon, 2012). In practice, migration policies across the region remain poorly coordinated and are much more favorable for highly skilled labour (Hugo, 2012). International agreements can also make it easier for migrants to transfer remittances back home – a potentially key way to reducing rural vulnerabilities in source communities to climate change and other disturbances.

Migrants driven by changes of climate in many poorer countries will need international assistance and protection regardless of whether migration is internal or international (Biermann and Boas, 2010). Under the Cancún agreements, countries promote "measures to enhance understanding, coordination and cooperation with regard to climate change-induced displacement, migration and planned relocation" (UNFCCC, 2010). Although not legally binding, further work under the agreement could see climate migrants dealt with as part of adaptation (Gibb and Ford, 2012). The Green Climate Fund could be a good source of financing to support efforts to deal with migration related to climate disasters (de Sherbinin et al., 2011).

Maldives has proposed to expand the definition of refugees under the 1951 Geneva Convention to include those affected by climate change, but this idea has not received much support from donor countries concerned with financial implications and disruption to other parts of the agreement if renegotiated. As an alternative, there have been calls and proposals for a new, specific treaty on climate change-related displacement or climate refugees (Biermann and Boas, 2010). Again, donor countries are likely to resist proposals that imply large financial burdens or explicit liability.

Others question whether such an approach can be translated into practical policies that address migrant needs and thus have suggested a more realistic approach might be to deal with challenges through negotiations under existing bilateral and regional agreements or soft law (McAdam, 2011; Kolmannskog, 2012). International migration has had clear economic benefits in many parts of South-East Asia. Migration as a result of climate change, if well managed, could also have similar benefits through cooperation between affected countries and those in need of migrant labour. The problem with this latter proposal is that there is no guarantee all States will protect migrant rights.

Internal migration

Most population movements in response to climate change are likely to be within national borders. This implies a lot more attention is also needed in domestic policies. For event-driven changes, experience with disaster response, refugees and internal displacement will be a useful starting point (ADB, 2009b). Experiences over the last few decades in Thailand and other countries in South-East Asia suggest there are often significant benefits from internal, temporary and partial migration. Remittances from workers in the city back to rural households can be a significant source of investment in agriculture. Adaptation to climate change impacts could be an extension of

these existing patterns of migration. Experiences with current policies on resettlement and for treating migrants are also likely to be valuable in making policies related to climate change.

Policies that prevent internal migration – such as complex procedures on relocation or house registration prerequisites for work – should be removed. In most countries, this will require a shift in focus from conventional concerns with volumes and directions of flows to paying much more attention to supporting migrants who choose to move (Tacoli, 2009). Access to resources to make migration successful depends on power relations. The poorest – those unable to migrate – may be particularly at risk. Policies that support migrants may be one of the best ways to enable adaptation to climate change (Black et al., 2011a; de Sherbinin et al., 2011).

Many aspects of rural development policy may be relevant to migration flow to and from rural areas even if pursued for other reasons. Technologies, crop varieties and inputs that reduce fluctuations in agricultural production, or removal of market barriers, may increase resilience to climate change. Credit, finance and weather-indexed insurance schemes for farmers may also reduce variability in incomes and thus reduce a key driver for migration (Lilleør and Broeck, 2011). The aim of rural policies should not be to reduce migration, but to increase the resilience of households and communities to climate-related and other challenges.

Although migration often has important short-term benefits for those who migrate and even for recipient locations, this does not imply that invariably it will be sustainable in the long term or will be an effective adaptation strategy. Migration can exceed the immediate capacity of governments to provide critical infrastructure and services, and often there are also choices made on whom to serve and protect. Poorly governed and managed urbanization and city development can increase vulnerabilities of migrants. The aim of urban and regional policies should not be to disparage migrants but to increase their security whether they move in or out.

Migration may interact with climate change to influence health risks. Forced migration would likely create increased risks for migrants and host communities; adaptive migration and mobility, however, could create opportunities to improve health outcomes of those that move (McMichael, Barnett and McMichael, 2012). In cities where space is often limited, the only place new poor migrants can move into are typically locations at high risk from floods. Making the process and outcomes of urbanization more

sustainable should be a high priority.

Planned relocation of cities, on the other hand, may take decades to be achieved and require a complex mixture of incentives and regulations (Abel et al., 2011). Reducing migration into areas becoming very vulnerable to climate change may be a simpler and important policy intervention, but even this represents a formidable challenge to city governments driven by concerns with economic development and city growth (Fuchs, Contran and Louis, 2011).

Finally, internal and international migration may be linked in important ways (Skeldon, 2006). Internal migration to capitals can be a stepping-stone to international migration, which, in turn, creates further internal migration. Moreover, most international migration is also towards major cities. Little consideration has so far been given to how adaptation to climate change might involve combinations of internal and international movements, and how policies might therefore need to be coordinated.

CONCLUSION

The evidence from South-East Asia strongly suggests that internal migration will be a more important response to climate change than migration across international borders. In addition, there are cogent arguments that the rights and security of migrants should be upheld and protected regardless of whether or not they cross international borders. This implies that the policy narrative that emphasizes the international security threat from climate change-induced migration is misleading. The two other policy narratives have only partial support from the evidence reviewed here, as the links between migration and climate change appear to be much more complex and contingent than the policy narratives suggest. Climate change does not drive migration on its own.

Migration is driven by multiple factors, in particular, concerns with employment and livelihoods. Climate-related drivers rarely, if ever, act in isolation, but interact with other socioeconomic drivers of migration. Migration is an important way for people to cope or adapt, but it is not an option for all, and, in some cases, it may put people at even greater risk. Not everyone can be an adaptive migrant.

Migration can be an adaptation strategy. People who move can access alternative livelihoods and income sources and reduce the risks they face.

More research is needed on how migration drivers, flows and consequences might be modified by changing climate risks and how these can be accommodated by enabling internal and international mobility. Improved survey techniques and statistical tools need to be developed and used more widely to understand the drivers and consequences of migration for migrants, source and recipient communities (Gemenne, 2011a; Black et al., 2011a). Efforts are needed to go beyond simple overlays of current or projected population and elevation above sea level to considering rates of change, costs and benefits of protection versus relocation, and the heterogeneous incentives and structural constraints on mobility and adaptation.

Voluntary migration requires resources and is therefore not available to all. Those who must remain in impacted and vulnerable locations need assistance. More research is needed on who is left behind, and why as well as how options to migrate voluntarily can be expanded for the most vulnerable. Forced displacement as a result of impacts of extreme events or government resettlement schemes needs to be very carefully managed. More research is needed on the governance of managed retreat, forced displacement and resettlement responses to climate change impacts and threats.

Migration into high-risk areas is not a sustainable response to climate change. Many of the key destinations for migrants in South-East Asia are cities in low-lying coastal areas and deltas highly vulnerable to sea-level rise and storms. While some high-value areas are likely to be protected by infrastructure, many others are not. More research is needed on how to combine regulations and incentives to reduce rates of settlement into high-risk areas, especially those that will get even riskier with sea-level rise or changes in frequency of coastal storms.

The consequences of changes in climate for migration in South-East Asia are not well understood, but enough is known already to suggest the importance of further field and policy research. The evidence reviewed above suggests that migration in response to climate change is as much a development as an environmental, human or international security issue. In South-East Asia, the security policy narratives have dominated international discussions of migration, while domestic policies have largely treated climate change as an environmental issue and not fully grasped the development and migration implications.

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Chapter 3
REGIONAL MIGRATION IN ASEAN: TYPES OF MIGRANTS AND POSSIBLE LINKS TO ENVIRONMENT

Jerrold W. Huguet

DEFINING AND ENUMERATING ENVIRONMENTAL MIGRANTS

There are three elemental aspects of defining environmental migrants: defining and categorizing who are migrants; defining what aspects of the environment to consider; and determining that the environment has contributed to migration.

Migration can range from a brief, short-distance evacuation at the time of a natural or man-made disaster to permanent resettlement in another country. Thus, migration may be internal or international, in-migration or outmigration depending on the reference location, temporary or permanent, and voluntary or forced. Taking my personal experience as an example, during the recent floods in Thailand in late 2011, I evacuated my house and stayed in another district in Bangkok for five weeks. Should I be considered an environmental migrant? By most operational definitions of migration, as employed in censuses, surveys or administrative records, I would not be considered a migrant. How my temporary relocation should be defined may depend on the purpose of compiling such information.

The concept of "environment" is literally all-encompassing but, when relating it to migration, usually only the physical environment is taken into account. Environmental changes leading to migration may be natural or man-made, and most contain elements of both.

Most migrations result from a variety of motives, including seeking better employment or educational opportunities, moving closer to family members and moving to a more pleasing environment. Thus, distinguishing environmental migrants from others can be difficult.

IOM (2007) has provided a succinct definition:

> Environmental migrants are persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.

Because this definition is very broad, IOM (2007), in the same discussion note, proposes four scenarios of environmentally induced migration.

- Scenario A: Migration at less advanced stages of gradual environmental change
- Scenario B: Migration at advanced stages of gradual environmental change
- Scenario C: Migration due to extreme environmental events
- Scenario D: Migration due to large-scale development and land conservation

These scenarios add valuable clarity to the concept of environmental migration, although identifying and counting such migrants remains a difficult task, especially for the first two scenarios. The scenarios also do not distinguish between temporary and permanent migration, the distance travelled or the degree to which the migration was forced.

In a report on migration and global environmental change, the United Kingdom's Government Office for Science (2011) provides a more complex conceptual framework for migration decision-making, as shown in Figure 1.

The Foresight framework recognizes five broad types of drivers of migration: political; economic; social; environmental; and demographic. Each of these can be influenced by environmental changes. At the individual level, migration decisions are also influenced by personal and household characteristics and by intervening obstacles and facilitators.

The Foresight report draws a number of key conclusions concerning migration and the environment. One is that, because of the economic, political and social drivers, migration will continue in the future. The report also concludes that the impact of environmental change on migration will increase in the future. It estimates that 17 million persons were displaced by natural hazards

Figure 1. Conceptual framework for migration decisions
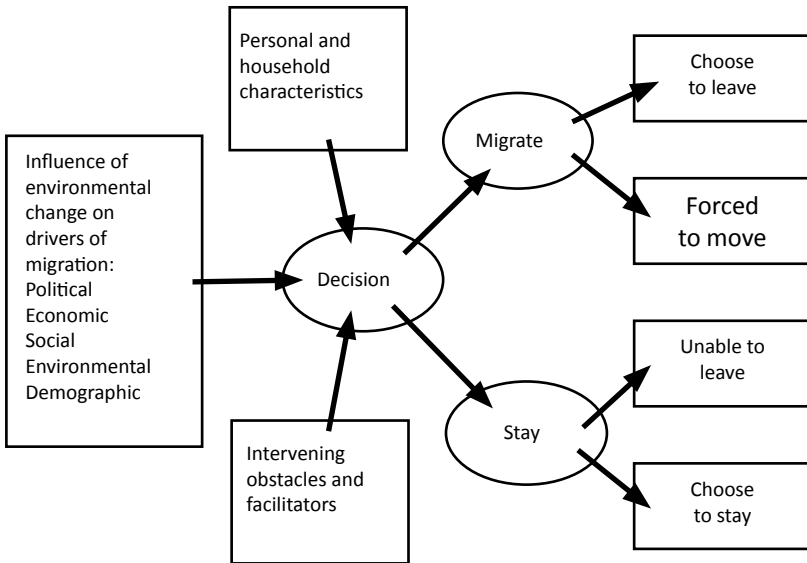
in 2009 and 42 million were displaced in 2010 (UK Government Office for Science, 2011). The Asian Development Bank (2011) estimates that 30 million people in Asia and the Pacific were displaced by environmental disasters in 2010, although most eventually returned home. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the IDMC note that globally millions of people are displaced annually as a result of climate-related, slow-onset disasters, such as drought (Steiner, 2011).

The Foresight report also concludes, however, that because of the complexity of interactions among the drivers of migration, it is rarely possible to distinguish individuals for whom environmental factors are the main driver of migration. This would be especially true for the case of gradual environmental change (IOM scenarios A and B). When a farmer gives up trying to earn a living by tilling his one hectare of low-fertility land and moves to the city to become a construction worker, is he an environmental migrant or an economic migrant? Should his family members who accompany him be considered economic, family or environmental migrants? Furthermore, is there an instrument (such as a census or survey) in place to record the family's movement and to determine the main reason for migration of each family member?

Gemenne (2011) reviews estimates of the number of people in the world displaced by environmental change and concludes that it is difficult to interpret the estimates. It is not always clear if the researcher is referring to flows or stocks of environmentally displaced persons, and if return migration is taken into account. Most studies appear to focus on displacement, without taking voluntary migration into account. The distance of displacement is usually not specified.

Gemenne (2011) finds similar difficulties with projections of the number of environmental migrants. The main projections available are based on climate change – particularly rising average temperatures, rising sea levels and desertification– but take less account of such extreme environmental events as typhoons, hurricanes, earthquakes, tsunamis and floods. They also focus on forced displacement rather than longer-term voluntary migration.

Projections of the number of environmental migrants are often overly deterministic, in that they assume everyone in an affected area will be displaced or that everyone who moves is an environmental migrant. The degree of return migration is rarely specified. Most projections do not factor in the role of policy changes. Gemenne (2011) observes that scholars of environmental migration have long been divided between minimalists and maximalists, with the former emphasizing the multi-causality of migration and the latter assuming that environmental change is a major driver of migration and displacement.

Gemenne (2011) argues that more innovative approaches to measuring and projecting the number of environmental migrants are required. Studies need to look at different geographical levels – local, citywide and regional. They should employ scenario approaches, apply models and incorporate possible policy changes. (The 2010 World Bank report cited in the section "Most Current Migration Is Towards (Not Away from) Environmental Risk Areas" complies with these recommendations.) Gemenne (2011) recommends that searching for global estimates should be abandoned in favour of developing better methodologies and detailed studies for specific areas.

INTERNATIONAL MIGRATION IN THE ASEAN REGION

Table 3 presents estimates of the main features of international migration to and from countries in the ASEAN region.

Table 3: Estimates of volume of migration in countries in the ASEAN region

Country	Foreign residents (R) Workers (W)	Estimated number of irregular migrants	Migrants working abroad
Brunei Darussalam	Foreign-born R = 96,296 in 2001 (28%) W = 46.3 % in 2005	Approximately 1,000 per year	n.a., but small in number
Cambodia	n.a.	n.a.	249,055 registered in Thailand in 2011
Indonesia	W = 20,000	n.a.	696,746 in 2007
Lao People's Democratic Republic	W = 15,000, including irregular	n.a.	105,364 registered in Thailand in 2011
Malaysia	W = 1.85 million	700,000	300,000 in 2006
Myanmar	n.a.	n.a.	3 million, with 657,024 registered in Thailand in 2011
Philippines	R = 236,516	n.a.	Diaspora = 8.7 million in 2009; 1,470,826 land- and sea-based deployed in 2010
Singapore	W = 670,000 in 2006	n.a.	100,000–150,000
Thailand	Total in 2010 = 3.5 million, with 1.1 million registered to work	1.4 million	143,795 workers deployed in 2010
Viet Nam	n.a.	n.a.	Diaspora = 3 million; 79,000 workers deployed in 2006

Sources:
- For Brunei Darussalam: Department of Statistics, 2005.
- For Cambodia: IOM, "Migrant information note no. 13" (Bangkok, October 2011).
- For Indonesia: T.B. Soeprobo, "Country report: Indonesia", paper presented at the Workshop on International Migration and Labour Market in Asia, Tokyo, 17 February 2006; Badan Nasional Penempatan Dan Perlindungan Tenaga Kerja Indonesia, available from http://www.bnp2tki.go.id/content/view/180/87.
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- For the Philippines: Department of Labor and Employment, available from http://www.poea.gov.ph/stats/2010_stats.pdf.
- For Thailand: J.W. Huguet and A. Chamratrithirong (eds.), Thailand Migration Report 2011 (Bangkok, IOM, 2011).

POSSIBLE ENVIRONMENTAL LINKAGES TO MIGRATION

The data in Table 3 refer primarily to migration for temporary contract employment, and few of the migrants could be considered environmental migrants. Although no estimates of the number of international migrants affected by environmental disasters in South-East Asia are normally available, it is possible to speculate that major disasters have prompted some persons to decide to migrate abroad for work and forced some current migrants to return home or to migrate to another area to seek employment.

Most migration among the three Indo-Chinese States of Cambodia, the Lao People's Democratic Republic and Viet Nam does not take place through formal channels, and much of it may be irregular, so it is not reported in the data sources used to compile Table 3. Some of the flows may be of significant magnitude, however.

In a study conducted by the United Nations University (UNU) (2008), interviews with Vietnamese families in Phnom Penh indicated that many of them had moved because flooding in the Mekong River Delta had impacted their livelihoods. The UNU (2008) report argues that environmental change (particularly flooding) affects people's livelihoods and thus causes migration, which may be temporary, seasonal or longer. In surveys that ask the purpose of migration, respondents will usually report that they were looking for work – and the environmental factor is overlooked by analysts. When more detailed interviews are conducted, however, the influence of environmental factors may be discerned. More than three quarters of the Vietnamese interviewed in Phnom Penh indicated that environmental problems had affected their decision to move at some time in their life. More than half of the respondents said that environmental problems affected their initial move, that is, when they first left their original home (UNU, 2008).

The annual typhoons and frequent flooding in the Philippines, the virtually annual flooding in Cambodia and the destruction brought about by cyclone Nargis in Myanmar in 2008 must have convinced more than a few families that it would be worthwhile to have at least one family member pursue overseas employment. The Indian Ocean tsunami of 26 December 2004, caused severe coastal destruction in Indonesia (Aceh province), Myanmar and Thailand, among other countries. Many workers from Myanmar returned home when their places of employment in Thailand were destroyed, although it is not possible to make a reliable estimate of the number because a large percentage of the migrants had not been registered.

Thailand's Ministry of Labour estimated that from September to November 2011, about 200,000 foreign workers returned home after losing their employment because of the extensive flooding in Thailand. Approximately 120,000 of those were from Myanmar and the others were from Cambodia and the Lao People's Democratic Republic (Bangkok Post, 2011). Forty per cent of those returning held temporary passports that allowed them to enter their home countries and later return to Thailand legally, but 60 per cent did not. Some of the latter group held work permits, but these do not allow the worker to travel outside the province of employment (Roughneen, 2011).

Each of the disasters referred to above would have caused much greater internal migration and displacement than movement of international migrants. The number of persons displaced by an environmental disaster can usually be estimated only approximately, however, because of the lack of a clear operational definition of displacement and an administrative means of enumerating those who are displaced. Should all persons made homeless be considered displaced? How far from home must someone move to be defined as displaced? Government administrations are likely to enumerate only those persons who enter evacuation centres or who report losing their jobs.

Owing to these difficulties of enumeration, estimates of the numbers displaced by disasters tend to be vague but, even with this imprecision, they indicate momentous levels of environmental migration on a regular basis in the ASEAN region. The Indian Ocean tsunami left 150,000 people dead or missing and millions homeless in 11 countries (National Geographic News, 2005). UN OCHA (2011) estimates that 2.2 million persons were displaced by the tsunami. About 1.5 million persons lost their livelihoods (UNU, 2008). Cyclone Nargis, which struck Myanmar on 2 May 2008, affected about 2.4 million persons, and left 84,500 persons dead and 53,800 missing (International Federation of Red Cross and Red Crescent Societies, 2011). Typhoon Ketsana inundated four-fifths of Manila in 2009 and killed 750 people (Francisco, 2011). Note that many news reports do not specify the number of persons displaced. Instead, they indicate the number made homeless or otherwise affected.

News sources reported the number of persons displaced by the flooding in Thailand in 2011 as from 110,000, to half a million, to more than a million. The Ministry of Labour estimated that over 700,000 persons had lost their jobs (Chiangrai Times, 2011). Even this figure is likely to be an underestimate, but at least the government could obtain figures from large industrial estates that were flooded.

MOST CURRENT MIGRATION IS TOWARDS (NOT AWAY FROM) ENVIRONMENTAL RISK AREAS

Nearly all attention to environmental migration focuses on actual and potential migration away from environmental risk areas and natural disasters, but the Foresight report (UK Government Office for Science, 2011) emphasizes that a comprehensive analysis of migration and the environment indicates that most current migration is towards such risk areas. In South-East Asia, these are primarily countries' largest urban agglomerations that are located in low-elevation coastal zones.

Maplecroft (2010), a risk analysis firm, has calculated a climate change vulnerability index using 42 separate indicators for 170 countries. Countries with the most risk have high levels of poverty, dense populations, exposure to climate-related events, and reliance on flood- and drought-prone agricultural land. Ten countries in Asia, including five in South-East Asia, are considered to be at extreme risk: Afghanistan; Bangladesh; Cambodia; India; Myanmar; Nepal; Pakistan; the Philippines; Thailand; and Viet Nam.

Vafeidis et al. (2011), in a paper commissioned as part of the Foresight project, have estimated the population in the year 2000 residing in low-elevation coastal zones (LECZ), for most countries in the world. Table 4 presents their estimates for selected countries and areas in Asia. The researchers defined LECZ as areas of less than 10 metres elevation that had hydrological connectivity of the land to the sea. Such areas are likely to be susceptible to rising sea levels, typhoons and flooding from monsoon rains. The estimates imply that more than half (53 per cent) of the population of Viet Nam resides in LECZ, as does 39 per cent of the population of Bangladesh, 26 per cent of the population of Thailand and 19 per cent of that of Indonesia. The largest absolute size of population living in LECZ is in China and India, however.

Table 4: Estimated population in low-elevation coastal zones, selected countries and areas, 2000

Country or area	Population	Country or area	Population
Bangladesh	54,663,600	Pakistan	3,964,530
China	140,570,000	Philippines	12,960,900
Hong Kong, SAR	1,253,580	Taiwan	3,548,010
India	56,732,600	Thailand	16,422,700
Indonesia	39,255,200	Viet Nam	41,625,700

Source: A. Vafeidis et al., "Analysis of land area and population in the low-elevation coastal zones (LECZ)", paper commissioned for the Foresight project.

Another attempt to quantify the size of population subject to environmental risk has been carried out by Wheeler (2011), as cited by ADB (2011), in which he forecasts the population at risk from sea-level rise in 2050. Table 5 shows the 10 countries with the largest population at risk. Note that the populations at risk as presented in Table 5 are significantly smaller than the populations in the same countries living in LECZ, with the exception of the Philippines, because Wheeler assessed risk only from rising sea levels whereas Vafeidis et al. (Table 4) took into account all populations in coastal zones with an elevation of up to 10 metres.

Table 5: Forecast population at risk from sea-level rise in 2050, top 10 countries (population in millions)

Country	Population	Country	Population
India	37.2	Nigeria	9.7
Bangladesh	27.0	Viet Nam	9.5
China	22.3	Japan	9.1
Indonesia	20.9	United States	8.3
Philippines	13.6	Egypt	6.3

Source: D. Wheeler, "Quantifying vulnerability to climate change: Implications for adaptation assistance", Working Paper 240 (Washington, D.C., Center for Global Development, January). Available from http://www.cgdev.org/content/publications/detail/1424759. Cited in ADB (2011).
Note: Other Asian countries ranked in the top 20: Republic of Korea (12); Myanmar (13); Malaysia (16); and Thailand (20).

Wheeler's projections indicate that the five countries with the largest populations at risk from rising sea levels are all in Asia and that 11 of the top 20 such countries are Asian.

ADB, the Japan International Cooperation Agency (JICA) and the World Bank undertook a study on climate risk and adaptation in Bangkok, Manila and Ho Chi Minh, and the World Bank (2010) prepared a report synthesizing the results. The study took into account rising average temperatures as a result of projected future carbon emissions (with low- and high-emission scenarios). It also employed a scenario of no climate change. Increased average temperatures result in increased mean seasonal precipitation. The study for Ho Chi Minh City implied greater seasonal variability in rainfall and increasing frequency of extreme rainfall from storms. The city studies also took into account patterns of economic development and local topographical and hydrological information.

The report is especially prescient concerning the vulnerability of Bangkok to flooding, given that the city experienced its most severe flooding in 70 years

the year following the publication of the report. In the two scenarios of future climate change, it is assumed that mean seasonal precipitation will increase by 2 per cent and 3 per cent, respectively, by 2050. A one-in-30-year flood in 2008 would have affected 547,000 people. A similar event in 2050 would affect 805,000 people according to the low scenario and 954,000 according to the high scenario (World Bank, 2010).

Although the study analysed flooding in the Bangkok Metropolitan Region (BMR), it must be kept in mind that the number of people affected by major floods can be greater outside the BMR because Bangkok acts as a bottleneck for the runoff of water from the north. Agricultural lands to the north are allowed to flood in order to protect Bangkok. In 2011, many industrial estates and residential areas surrounding Bangkok were flooded for long periods while the centre of Bangkok remained unaffected. The World Bank (2010) study estimates that about 12 per cent of the population affected by flooding in Bangkok lives in "condensed housing areas," where most of the population is below the poverty line. The differential impact by income category is probably more apparent when considering that flood-control measures attempt to spare the inner city of Bangkok by allowing the areas around it to flood.

The World Bank study emphasizes both climate change and other factors in estimating the cost of urban flooding. While the cost of flooding in Bangkok may nearly triple between 2008 and 2050 (primarily due to damage to buildings and public infrastructure), almost 70 per cent of the increase in cost will be attributable to land subsidence rather than increased precipitation and storm surges (World Bank, 2010).

For Manila, the World Bank study assumes an increase of 2.6 per cent and 4 per cent, respectively, in seasonal precipitation in its low and high scenarios. If a one-in-100-year flood would occur in Manila in 2050, under the high emissions scenario, more than 2.5 million people would be affected if the infrastructure were the same as in 2008. If a 1990 master plan had been implemented, the number of people affected by such an event would be 1.3 million (World Bank, 2010).

Ho Chi Minh City is more vulnerable to flooding from storm-related extreme rainfall than either Bangkok or Manila. A one-in-30-year flood in 2050 would affect an estimated 12.85 million persons, or 62 per cent of the projected total population of 20.86 million, if proposed flood-control measures have not been implemented. Even if those measures were implemented,

however, such a flood would affect 10.8 million persons, or more than half the population (World Bank, 2010). In all three cities, the study concludes that future flooding will have a substantial impact on poor and vulnerable populations, although even better-off communities will be affected.

Predicting future environmental impacts on migration is complex because such changes are not likely to occur in a smooth fashion. Instead, environmental influences may reach a "tipping point" or a "catastrophic shift", which can occur as the cumulative effect of both slow and abrupt environmental changes (UNU, 2008). Thus, negligible environmental migration may occur for several years, but a major event, such as a flood or typhoon, can displace millions of persons.

In considering possible adaptation to environmental change in Bangkok, Manila and Ho Chi Minh, the World Bank study takes into account measures to slow rates of carbon emissions and each city's planned flood-control measures. The latter consist of land-use plans, water management, and such organizational planning as early warning systems and relief plans. In none of the case studies is population relocation discussed, although according to a study by the UNU (2008), the Government of Viet Nam has relocated people vulnerable to riverbank erosion, flooding and storm surges to higher ground. That study notes, however, that such relocation projects are expensive and may expose those displaced to the loss of livelihood, debt and the break-up of communities, without addressing the environmental cause of the problem.

While Tables 4 and 5 and the discussion above indicate the size of populations potentially at risk from environmental change and sudden events, they do not show that current migration flows are predominately into the areas of higher risk. Table 6 is constructed to assess whether that is the case for the four largest coastal cities in the ASEAN region.

The data in Table 6 indicate that the urban agglomeration of Ho Chi Minh City is projected to experience by far the largest volume of migration into a coastal city in South-East Asia during the current decade. The United Nations projects that Ho Chi Minh City will grow at an average annual rate of 2.7 per cent during the decade. If the rate of natural increase in the city is assumed to be the same as for the country as a whole, then two thirds of the growth of the city is the result of net in-migration. (In fact, the rate of natural increase in the city is probably lower than the national average, so the share of the city's growth contributed by net migration would be greater than two thirds.)

Net migration to Bangkok is also conservatively estimated to account for two thirds of its growth between 2010 and 2020, but the city is expected to grow by only 1.25 per cent a year. The Jakarta urban agglomeration is projected to reach 10 million people by 2020, with at least one sixth of its decadal growth resulting from net migration. The urban agglomeration of Metro Manila is projected to reach 13.7 million in size by 2020. The average annual growth rate for Manila is the same as for the country as a whole. If the rate of natural increase in the city is lower than for the whole country, some of Manila's growth is being contributed by net migration.

Table 6: Estimation of percentage of growth of urban agglomeration contributed by net migration, Bangkok, Ho Chi Minh, Jakarta and Manila, 2010 and 2020

Urban agglomeration	Population (1,000)		Urban growth rate (%)	National growth rate (%)	Share of urban growth contributed by net migration (%)
	2010	2020			
Bangkok	6,976	7,902	1.25	0.42	66
Ho Chi Minh	6,167	8,067	2.69	0.92	66
Jakarta	9,210	10,256	1.08	0.90	16
Manila	11,628	13,687	1.63	1.63	0

Source: Calculated from the Population Division of UN DESA Secretariat, World Population Prospects: The 2010 Revision and World Urbanization Prospects: The 2009 Revision, available from http://esa.un.org/wup2009/unup/.

If the four large coastal cities included in Table 6 can be considered areas of high risk for rising sea level and other environmental changes – as they are in the work of Vafeidis et al. (2011) and of Wheeler (2011) – it is clear that the current flow of internal migration is towards such high-risk areas in the case of Bangkok, Ho Chi Minh and Jakarta. Net migration to Metro Manila is probably also positive but, even without migration, the city is growing by 1.6 per cent a year, or adding about 200,000 people a year to its population.

ENVIRONMENTAL CHANGE CAN MAKE MIGRATION LESS POSSIBLE

By focusing almost exclusively on people who migrate or who are displaced by environmental change, we not only overlook the fact that the dominant migration flows are into, rather than out from, high-risk areas but also that environmental change can make migration less possible for many people (UK Government Office for Science, 2011). If drought or flooding decreases the ability of many families to sustain their livelihoods, they may be less able to afford the costs involved in migrating out of a risk area. The Foresight report

describes those people who are unable to move away from locations in which they are extremely vulnerable to climate change as "trapped" (refer back to Figure 1). Not everyone in an area subject to environmental risks is equally vulnerable. Vulnerability is conditioned by wealth, education, age, gender, disability and affiliation to ethnicities, with the result that those persons who are most vulnerable are likely to be the least able to migrate. The Foresight report suggests that in the decades ahead those who are unable to migrate out of high-risk areas will pose as much of a policy concern to the international community as those who do migrate.

It is beyond the scope of this chapter to make comprehensive policy recommendations on migration and environmental change, but it is worth observing that the Foresight report states that policymakers need to pursue three main strategies simultaneously:

1. Reducing the influence of global environmental change on migration;
2. Planning for and responding to migration influenced by environmental change (and non-migration, as appropriate); and
3. Recognizing the opportunities inherent in migration in the context of environmental change (UK Government Office for Science, Foresight, 2011:15).

The Foresight report recommends that the role of migration be recognized in the process of building community resilience to environmental change. Successful migration can be an important factor in improving the livelihoods of poor people living in environmental risk areas. Remittances from family members who have migrated often increase after natural disasters in the place of origin and greatly enhance the resilience of those who have remained.

Working groups of the IPCC (2012) have emphasized that national systems, including national and subnational governments, the private sector, research bodies and civil society, are at the core of countries' capacity to address exposure and vulnerability to environmental change. Integration of national and local efforts is required, taking into account the inequalities that influence local coping and adaptive capacity. Better data for disaster risk reduction at the local level are required. Post-disaster recovery and reconstruction provide opportunities to improve adaptive capacity but, if done hastily or with inadequate planning, can recreate existing vulnerabilities.

CONCLUSION

Discussions on environmental migration need to employ careful conceptual frameworks and definitions of all of the factors involved. The Foresight (UK Government Office for Science, 2011) conceptual framework for migration decisions, presented in Figure 1, is valuable for highlighting the influence of environmental factors on a number of drivers of migration and for including the influence of personal and household characteristics, and intervening obstacles and facilitators in migration decision-making. It also recognizes that some migration is by choice and that some is forced. The Foresight framework also makes clear that there are some people who do not have the resources or ability to move out of risk areas. Research on environmental migration needs to give more attention to distance of move and return migration, including duration of absence for returnees.

The Foresight report is also valuable for emphasizing that the current dominant direction of internal migration in most countries, including those in South-East Asia, is into high-risk areas, rather than away from them. In eight of the ten ASEAN countries, the largest city is located in a low-elevation coastal zone. The largest cities in Cambodia and the Lao People's Democratic Republic are situated on the Mekong River and thus at some risk of flooding.

The four scenarios of environmental migration described in the IOM (2007) discussion note on migration and the environment are useful for distinguishing among long-term and sudden-event environmental changes, and for identifying migration resulting from development projects.

Because of the complexities in conceptualizing and measuring environmental migration, we currently understand fairly little about it, which hinders the formulation of effective policies for dealing with it. ADB (2011) states that "policy-relevant research [on the topic] is needed for several reasons, including to:

- understand how slow-onset environmental changes affect migration;
- identify trends of environmental migration among different population groups (e.g., by area of residence, sex) in countries and subregions;
- ascertain the likely impact of climate change on migration behaviours;
- identify tipping points for migration;
- improve understanding of circular migration;

- gain insight into the economic impacts of emigration on sending and destination communities/countries;
- assess situations of protracted displacement;
- study how climate change will impact labour conditions".

In most cases, the data needed to formulate policies in these areas do not currently exist. The international community, governments and academia should cooperate in designing and conducting studies on each of these topics in order to obtain both quantitative and qualitative information. This research is especially needed in South-East Asia because of the high concentration of population in environmentally vulnerable areas.

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Chapter 4
CONCEPTUALIZING AND RESEARCHING FLOODING AND MIGRATION IN ASEAN

Rebecca Elmhirst

INTRODUCTION

Flooding is a common experience in monsoonal regions of South-East Asia (hereafter, ASEAN), where diverse flood regimes have, for centuries, influenced agrarian and fisheries-based livelihoods. From the pronounced seasonality of wet rice cultivation through to the rhythms of the flood pulse that links agriculture and wild-capture fisheries across extensive wetland areas, the movement of water has historically played an important part in shaping the seasonal movement of people. In the popular imagination, however, the link between flooding and migration is most frequently drawn with regard to catastrophic flood events of the sort experienced by Thailand in 2011, that inundated swathes of agricultural and urban areas, and that caused considerable damage to property and livelihoods within and beyond the capital city Bangkok. News images and personal experience of frequent and intense weather-related flood events in the region's low-lying megacity regions (for example, Metro Manila, Greater Jakarta Metropolitan Region and Ho Chi Minh City) in recent years has also contributed to a perceived link between extreme environmental events as a causal factor leading to mass migration through displacement. Such perceptions have been given credence by high-profile reports around the human impacts of climate change, such as Myers, 2002.

Notwithstanding the publication of a number of influential studies that challenge simplistic and inaccurate assessments of the links between environmental hazards (most often in regard to climate change) and the extent of migration (UK Government Office for Science, 2011; Piguet, 2013), the spectre of flood-induced mass displacement, particularly when associated with climate change, remains firmly within the public discourse (CNN, 2012).

This focus on mass displacement frames migration in largely negative terms. Mobility is seen as a failure of adaptation to a changing environment, with both trans-border and internal population mobility thus regarded as a security issue (Bardsley and Hugo, 2010). As this framing is translated into policy, it runs the risk of creating new forms of vulnerability, as strong measures to regulate and limit population movement serve to undermine livelihoods in very specific and frequently unjust ways (Tacoli, 2009; Black et al., 2011; Black et al., 2012).

Recent contributions by migration scholars to debates on climate change and vulnerability are helpful in offering more nuanced frameworks for thinking about the links between migration and flooding in ASEAN. The authors of the Foresight report (UK Government Office for Science, 2011) and associated publications (Black et al., 2011; in press) present migration as part of a series of multiple interconnected drivers (social, political, cultural, environmental), while others draw attention to the role of migration as an adaptive, resilience-building strategy (Adger et al., 2002; Tacoli, 2009; Dun, 2011). Indeed, it is argued that "immobility" is more of a problem in the face of environmental change, as "trapped" populations are especially vulnerable to catastrophic environmental events (Findlay, 2012). But as Black et al. (in press) note, while climate change research (or more specifically, research on desertification) has yielded sophisticated analyses of the relationships between drought and migration, the literature on the links between flooding and migration is much more sparse. This is despite it being the most common natural hazard and third most damaging (after storms and earthquakes) (World Bank/United Nations, 2010). Given the emergence of influential donor policy agendas directed towards building resilience to climate change-related hazards (including flood hazards) in the ASEAN region (ADB, 2011; Bulkeley et al., 2011), coupled with a growing evidence base demonstrating changes to the region's hydrological cycle that are predicted to further impact on the region's livelihoods (Kumar, 2013), there is an urgent need to develop a more nuanced understanding of the connections between flooding and migration in the ASEAN region.

The aim of this chapter is to present a conceptualization of the links between flooding and migration in ASEAN. In rethinking these links, the objective is to challenge simple readings of flooding as a singular driver of migration, and offer a framework for understanding how migration influences vulnerability across diverse environmental, social and policy contexts. This conceptualization has been developed through a comparative empirical study of diverse forms of migration and flooding in various ASEAN settings (Thailand, Cambodia, the Lao People's Democratic Republic, Myanmar, Indonesia, Malaysia and

the Philippines), currently being undertaken by Chulalongkorn University, involving scholars from ASEAN and Europe, funded by the Rockefeller Foundation. A starting point for this project has been the recognition of the diversity of forms of migration in ASEAN: a region long characterized by population mobility and local, cross-border and transnational migration. Increasingly, livelihoods are conducted on a multi-local basis (Elmhirst, 2008; Rigg, 2012). Migration also occurs as an everyday practice or, exceptionally, as short-term or long-term and permanent or circular which clearly shows its dynamism. Broadly, the project adheres to a framing that gives emphasis to migration as an "already significant phenomenon" (Black et al., 2011), rather than as a unitary response to flood events. In this way, one of the project's core aims is to sensitize flood hazard policy agendas to the complexities of migration and mobility in the ASEAN region.

A second starting point for the project has been to develop a more nuanced approach to floods in South-East Asia that, rather than assumes floods equate with catastrophe, sees such phenomena as extremely varied, often negative, but also positive, in impact. Diverse experiences of floods reflect in part the nature of flooding in this region. Flood events include seasonal floodplain inundation, irregular riverbank overflow, flash floods in urban areas, landslides and flash floods in mountain areas, coastal floods and tsunamis. The experience of these different types of flooding varies distinctly between people according to their livelihood, location, socioeconomic group and political voice. For example, farmers and fishers in rural areas hold a very different relationship with floods compared with those who live and work in urban or peri-urban areas surrounding Bangkok or Chiang Mai. In some places, floods are beneficial and bring means to livelihood, around Cambodia's Tonle Sap Lake where fishers depend on the annual flood cycle for the vitality of the wild-capture fisheries (Middleton et al., Chapter 5 of this book). In other areas, agriculture benefits from the fertile soils nourished by the floodwaters. People's "vulnerability" to flooding reflects a larger story of socioeconomic and political inequality, whereby destructive floods will in general disproportionately affect those from lower socioeconomic groups with less political power, as is the case in parts of Manila and Jakarta. The effects of floods can be mitigated or exacerbated by institutionalized disaster response strategies (or the lack thereof), as well as shaped by broader long-term development planning policies and decisions. As Lebel et al. have noted, risk reduction for some can result in risk redistribution for others (Lebel et al., 2011), meaning that flood events can become "hazards" through sociopolitical processes. Thus, a second core concern when conceptualizing migration and floods is to ensure that the complexities of floods, as socially

produced phenomena, are sufficiently appreciated by migration researchers, and in this way, that an overemphasis on environmental catastrophe and "natural hazards" is avoided.

The challenge therefore is to develop a conceptual framework that holds each of these elements in play – the complexities of migration and mobility, and the complexities of floods as socionatural phenomena – in order to capture the multiple ways floods intersect with migration in different ASEAN contexts. The framework presented here draws on a political ecology approach to "vulnerability", emphasizing the ways in which vulnerability is created (or mitigated) through the sociopolitical dynamics of floods and flood hazards, through migration and migrant-based livelihoods, and through aspects of policy. Vulnerability is useful as a central organizing concept, as it provides a lens for viewing the intersections between flooding and migration. What are the types of vulnerabilities of people living in communities that experience flooding? Such vulnerabilities might be associated with the sociopolitical features of flood events (how flood hazards are "produced" through natural and human activities such as urbanization, deforestation and other modifications to hydrological systems), as well as with more general social and political vulnerabilities associated with poverty and/or marginalization (such as the lack of access to secure forms of livelihood, and exclusion from political processes). To what extent does migration impact flood-affected people's vulnerability? Migration may contribute to vulnerability, as is the case when people migrate to risky environments in flood-prone cities, but at the same time migration is a strategy for mitigating vulnerability, as people spread livelihood risk across different places (being able to draw an income from agriculture but acquiring urban employment when fields are flooded).

Importantly, the policy environment cuts across both of these dimensions. Policies shape the nature of floods (through the promotion of economic strategies that foster deforestation and urbanization, for example) and flood responses (as governments seek technical solutions to protect areas from inundation or seek to relocate people from "risky" environments). Development policies have indirectly given rise to particular forms of migration and multi-local livelihood as marketization means agrarian livelihoods have given way to wage work and more urbanized forms of income generation, or have facilitated cross-border labour migration from low-wage to higher-wage countries and regions. One of the ironies of development policy in ASEAN is that neoliberalism and infrastructure development make mobility and migration an increasingly important aspect of urban and rural livelihoods, as sustaining a livelihood in one place becomes difficult in the face of the

restructuring of rural economies. Householding frequently involves different family members working in different localities, sharing resources and retaining footholds in several different places simultaneously. At the same time, governance is largely built on an assumption of households being attached to one place, in which livelihoods are derived and where people stay put: a kind of geographical fixity (Scott, 2009). Tensions between these two modes run through any analysis of the relationship between flooding, migration and policy, and through efforts to address socioecological vulnerability as failures to grasp the mobile and multi-local character of most people's livelihoods compromise the success of development programmes that are designed to govern and deliver services to people "in place".

This chapter begins by considering vulnerability as a central organizing concept, within which ecological, social and political vulnerabilities converge. Migration is seen as having the potential to mitigate vulnerability (as people move out of harm's way, or more importantly, as people spread their assets across different "risky" environments). However, migration may also contribute to vulnerability through the risks associated with mobility. When people move to new places, their identity as migrants may mean that their access to social, political, economic and environmental resources is uneven and problematic. In order to augment and extend existing vulnerability analyses, the remainder of the chapter considers the generative dimensions of vulnerability. It uses a political ecology approach that draws attention to the "chains of influence" that intersect and produce particular forms of vulnerability within different iterations of the migration–flood nexus in different geographical and policy contexts in ASEAN. Two aspects are explored in depth: first, the links between a political ecology of flood hazards and migration, and secondly, the links between migration and the social dynamics of vulnerability. While these aspects are treated separately through a step-by-step methodological sequence, in any particular case study, these dimensions converge. The chapter concludes by briefly examining particular "convergence scenarios" in different ASEAN contexts.

VULNERABILITY: AN ORGANIZING CONCEPT

"Vulnerability science" has emerged as a catch-all phrase that includes a wide range of scientific and social scientific approaches to vulnerability, which share a desire to understand "what makes people, places, and societies vulnerable to a range of environmental threats" (Cutter, 2003). While Wisner et al. (2004) define vulnerability as "the characteristics of a person or group and their situation that influence their capacity to anticipate, cope with,

resist and recover from the impact of a natural hazard", there have been many iterations, reflecting particular disciplinary concerns (from a social or natural science perspective) and ideological positioning. Among the latter are approaches that regard vulnerability as a quality held by human agents, while others give emphasis to vulnerability produced through the inequities of social structures. The counterpart of vulnerability is variously described as "capacity" or "capability", linking this kind of thinking to the work of Amartya Sen and others (Sen, 1997; Bebbington, 1999; Moser, 1998).

"Vulnerability" is a concept that holds sway for migration researchers as well as for those researching the impacts of natural hazards, such as floods, and as such, provides a conceptual space in which the two aspects of this research (floods as hazards, migration and migrant livelihoods) converge. Hogan and Marandola (2005), in reviewing different approaches to vulnerability, suggest a need to synthesize into one framework approaches that link vulnerability to poverty, exclusion and marginalization, and approaches that link vulnerability to environmental risks. This kind of holistic perspective is taken up by Mustafa et al. (2011), whose vulnerability assessment tool is based on synthesizing the environmental and social aspects of vulnerability in communities living in areas affected by flooding. This tool identifies levels of vulnerability and capacity within households or within communities in terms of: (a) material vulnerabilities (roughly equivalent in income, education and material assets); (b) institutional vulnerabilities (social networks, kinship ties, infrastructure, warning systems, social exclusion or marginalization); and (c) attitudinal vulnerabilities (including empowerment and knowledge).

The Mustafa tool is useful as a point-in-time, point-in-space mapping of vulnerability, seen here as qualities or attributes possessed by households or communities. However, the tool itself does not directly address issues relating to migration, nor does it facilitate an emphasis on the generative dimensions of vulnerability, such as the factors that produce risk, social exclusion or marginalization; or, as Findlay (2005) has put it, the chains of influence within which vulnerability is created. These "chains" include the sociopolitical dynamics of floods and flood hazards, the vulnerabilities (or capacities) involved in migration and migrant-based livelihoods, and the vulnerabilities (or forces that mitigate these vulnerabilities) associated with the policy environment across different ASEAN contexts. In order to address these "generative dimensions", an understanding of which is key for developing appropriate policy, insights from political ecology provide a helpful platform from which to begin a progressive contextualization of how vulnerability is generated within different iterations of the migration–floods–policy nexus in ASEAN settings.

GENERATING VULNERABILITY: A POLITICAL ECOLOGY APPROACH

Political ecology is an umbrella term used to identify a broad and eclectic realm of scholarship and practice "which seeks to understand the complex relations between nature and society through a careful analysis of forms of access and control over resources, and their implications for environmental health and sustainable livelihoods" (Watts, 2000). A key concern is the role of political economy in producing particular environments (and by extension, environmental vulnerabilities), and in underpinning the discourses and practices through which environments (and thus environmental vulnerabilities) are governed and managed. Political ecology focuses on the distribution and contestation of power and resources, and in doing so, seeks to analyse and reveal the underlying institutions, incentives and interests that give these their shape. In this way, political ecology provides a toolkit with which to unpick the generative dimensions of vulnerability, and in particular, the interlinkages between natural and human systems that underpin the production of risky environments. In relation to the analysis of floods, a political ecology approach links hydrological science (the nature of water processes) to politics and history, providing an interdisciplinary approach to the analysis of risk, vulnerability and environmental justice.

The roots of much political ecology lie in Marx's historical materialism. This means some kinds of environmental processes are not natural or inevitable, but have a history. According to Robbins (2012), this implicitly embraces the following points: (a) social and cultural relationships are rooted in economic interactions among and between people, and between people and the material environment (nature, the built environment); (b) the imposition of extractive regimes of accumulation result in environmental and social stress; and (c) production for the global market leads to contradictions and dependencies that are embedded in global and local ecologies. Thus, environmental systems are rooted in the political-economic systems that produce and sustain them. Moreover, political ecologists draw attention to the linkages between scales, from the body (the links between bodies, nature and health) to community (mobilization around questions of environmental justice), and outwards to the state and intra-state relations, including those associated with new forms of environmental governance (for example, management of transboundary resources, multilateral regulation over climate change). From a political ecology perspective, rather than being an inherent property of an individual or a social group, or something that "falls from the sky" (Ribot, 2009), the generation of vulnerability is seen as being embedded in a combination of socioecological and political economic factors, both of which take shape through the policy environment in different ASEAN contexts.

In pointing to the indivisibility of nature and society, a political ecology approach to the environmental dimensions of vulnerability rests more on an analysis of the social, economic and political production of the environment, rather than a singular emphasis on the biophysical properties of an environmental hazard. In other words, political power and social organization are critical for shaping the natural environment: floods become "risky" through their social production, where flood vulnerablity is as much an outcome of political discourse as the consequence of environmental change (Pelling, 2003). The extent to which flooding may be called a "natural" event is a topic of intense debate, especially when a flood is named as "destructive." As Braun (2006) observes, "nature, as is now commonly asserted, is inextricably social, even as it cannot be reduced to the actions of humans alone." A flood, from the perspective of political ecology, can be viewed as social-natural assemblage that is constructed by the reflexive interaction of ecologies, political and economic power, social organization and use of technology "whose intricate geographies form tangled webs of different length, density and duration" (Braun, 2006; see also Robbins, 2012, and Pelling, 2003).

Conceptualizing ecological vulnerability within a migration–flood nexus in this way points to a methodological strategy of "progressive contextualization", which involves unpicking the social production of floods through a series of steps, outlined and illustrated below. To this we might add the ways in which migration is embedded in this contextualization, contributing to the social production of flood events, while at the same time, being a response that seeks to mitigate the impact of a sociopolitically constructed ecological vulnerability.

1. **Trace the "nature of nature"** or the hydrological dimensions of different kinds of flood. Lebel and Sinh (2009) describe the range of flood regimes experienced in different places in ASEAN, which includes seasonal floodplain inundation, irregular riverbank flow, flash floods in urban areas, landslides and flash floods in mountain areas, and coastal floods. While many of these floods may be characterized as disastrous, others may be seen as beneficial. Within the ASEAN region, floods vary from the beneficial seasonal flood pulses associated with the monsoon, within which particular combinations of agriculture (especially wet rice) and fishing have co-evolved, to the more catastrophic flash floods that are apparent where upland deforestation, urbanization and poor drainage combine with periods of extended or intense rainfall. This kind of flooding is frequently experienced in many of the region's cities and smaller urban centres (for example, in the regional

city of Bandar Lampung and parts of the Jakarta–Bogor–Tangerang–Bekasi area in Indonesia). Other kinds of floods include tidal surges that are experienced in some low-lying areas, and that become a hazard when they combine with urbanization and population growth in coastal areas. In areas prone to tropical storms (e.g. Viet Nam's Red River Delta and parts of the Philippines), flood hazards are also rapid-onset and violent in nature. In contextualizing the linkages between flooding and migration, an important methodological step in mapping out the generative dimensions of vulnerability is therefore to characterize the type(s) of flooding evident in any particular case, and also to link its temporality to migration as the flood cycle moves from onset to its peak, its recession and, finally, a return to normal conditions. Ecological or environmental sources of vulnerability can therefore be traced back to the "nature" of the flood event, and how the characteristics of the ecosystem shape vulnerability. A political ecology approach also directs attention to the planned and informal "engineering" of rural and urban landscapes, from planned flood controls through to unplanned settlement – these dimensions require exploration through further historical and contemporary contextual analysis as discussed in the next step.

2. **Develop a historical contextualization of an evolving social context.** This means outlining the role of neoliberalism, decentralization, marketization, urbanization, and colonial and postcolonial histories, and how these have produced particular flood environments in urban, rural and peri-urban landscapes. Much of the unpredictable flooding currently experienced in rural areas in ASEAN could potentially be traced to rapid deforestation of critical watersheds, fuelled by global and national policies favouring resource exploitation and agricultural intensification, which are themselves reflective of colonial and postcolonial development strategies (Vandergeest and Peluso, 2006). Similarly, in some urban and peri-urban settings in the ASEAN region, a combination of rapid property development, industrial expansion and the creation of extensive middle-class housing zones work against and within local hydrological processes, sometimes with catastrophic outcomes (in terms of flooding), the impacts of which vary across social groups. In an early paper, Adger (1999) makes the point that Viet Nam's liberalization programme (Doi Moi) has simultaneously unravelled collective coastal protection schemes while increasing wealth and resilience for some social groups.

Moreover, past efforts to manage floods and/or the "nature" of disaster responses themselves form part of the wider socionatural context of floods, including urban or rural socionatures. Risk reduction for particular target populations (or spaces deemed worthy of protection) can result in risk redistribution, where non-target populations find themelves at greater exposure to flood waters, including migrants that frequently inhabit informal setlements in "risky spaces", or where flood protection measures disrupt hydrological processes and agro-ecosystems, undermining resilience-building strategies of other groups (Lebel and Sinh, 2009), perhaps leading to more widespread rural–urban migration and the fostering of multi-local livelihood strategies.

3.   **Develop a more contemporary analysis of power, patronage and unequal access** (to political, environmental, social and economic assets), the interaction of key political actors, and the role of local power structures in producing "flood hazards". As Robbins (2012) writes, "powerful actors and interests bend and funnel natural materials and forces into place in order to increase rents, develop properties, fuel growth and control citizens. At the same time, however, these objects and forces enact their own tendencies and interests in surprising ways, as rivers flood neighbourhoods. . . and heat waves bake local residents, all with further implications for investment, social action and urban politics . . . this means that these residents, material, and processes are always politicized in cities [and in rural areas also] and no technical solution or ecological analysis can free them from the struggle of interests that make up the life of a city". This approach might allow us also to explore the impact of flood responses in generating vulnerability: the new "natures" produced in highly technical approaches (such as construction of flood defences and dams) that instigate changes to the physical environment by government, donor or corporate interests without attention to social justice and governance issues may create vulnerabilities for some just as they mitigate the vulnerability of others. Political ecology highlights the institutional mechanisms through which society's most powerful are able to externalize risks in their pursuit of environmental and economic gain, as risk (and the experience of risk) is relocated across scales (Collins, 2009).

Lebel et al. (2011) refer to these as institutional traps, which include: (a) bureaucratic fragmentation (such as poor coordination across government line agencies or gaps in service provision); (b) rigidity (for instance, overemphasis on control through highly inflexible institutions); (c) scale failures (for instance, concentration of resources at particular scales of intervention, ignoring the importance of cross-scale interactions); (d) elite capture (as elites deploy experts and technical tools that serve their interests and may undermine marginalized and vulnerable groups; and (e) an emphasis on reactive measures to crisis and emergency rather than effective strategic planning. Moreover, as people themselves seek to manage floods (perhaps by moving to the city to spread risk in the face of rural flood vulnerabiliteis) and in turn modify the environment, they again produce new forms of hazard. In respect to both of these dimensions, vulnerability is associated with inadequacies in local governance and inequalities in access to resources of various kinds.

Dodman et al. (2013) point to the fact that large concentrations of informal settlements are found on flood-prone areas because such areas are deemed unsuitable for commercial development and therefore people are likely to avoid eviction. In some areas (e.g. Hanoi), such settlements, which are largely inhabited by recently arrived rural migrants, have developed on the "wrong" side of flood defences. Moreover, clearance and resettlement of such communities not only prompts new forms of migration but can also undermine livelihood strategies dependent on forms of mobility to access urban employment in "already mobile" populations. This kind of development is indicative of the ways in which vulnerabilities of different kinds overlap and go on to produce new forms of vulnerability.

Within a political ecology approach, we might also add a more political analysis to our understanding of the links between different types of flooding and different types of migration patterns, including emergency, forced and planned migrations, short-lived or long-term displacements, or forms of circular mobility and multi-local diversified livelihood strategies that may be associated with such events. As political ecologists have long argued in relation to environmental hazards, however, vulnerabilities (and by extension, responses such as displacement and mobility) are attributed to social inequalitieslike unequal access to resources such as land, capital and infrastructure, and unequal political representation, which shape the experience of and response to different kinds of environmental shock and stress (Blaikie et al., 1994; Ribot, 2009).

4.   **Consider vulnerability through social exclusion and "flexible citizenship".** In developing a progressive contextualization of the generative dimensions of vulnerability in migration-flood contexts, an important area for consideration is the vulnerability (and by extension, capacity) associated with the social dimensions of migration itself – in other words, how migration conditions access to or exclusion from resources and rights. A useful framework for achieving this aspect of progressive contextualization includes conceptualizations of vulnerability that emphasize questions of social exclusion and "flexible" citizenship: key considerations in regard to migration (Hogan and Marandola, 2005). Here, vulnerability is linked to the restriction of economic, political or social rights (e.g. the precariousness of employment, housing and social protection), social marginality, political exclusion and cultural discrimination. This framing emphasizes the ways in which vulnerabilities are produced through social, spatial and scalar inequalities and lack of entitlements – in other words, a lack of access to political, environmental, social and economic resources. While Moser's approach to vulnerability analysis highlights the role of household assets (or the different kinds of capitals held by households and individuals) in limiting the impact of shocks or a changing environment (Moser, 1998), this can be augmented through a relational approach to vulnerability that emphasizes processes of access to such resources: in other words, the ability to realize the benefits of resource access.

Kabeer et al. (2010) develop a relational conceptualization of vulnerability, which flags the importance of social relationships, broadly equating with "social capital". This is increasingly identified as a form of social protection in the absence of state services and support, but it is important to recognize that in most contexts it is subject to various "downsides"; for instance, these social relationships can also themselves be a driver of vulnerability. In a relational reading of vulnerability, relationships of this kind are institutionally mediated and this has the effect of privileging the interests of some groups over others, producing various forms of social exclusion (Collins, 2009). In some ASEAN contexts, social protection is available only through client relationships with more powerful individuals within communities. Kinship, gender, age, ethnicity and citizenship status thus take on a particular salience. As Kabeer et al. (2010) put it, "not all forms of vulnerability can be conceptualized in terms of exposure to shock episodes or assessed in terms of fluctuations in income or consumption flows. Social relationships can give rise to forms of inequality, in which some groups are positioned as subordinate to others

through processes of economic exploitation, social exclusion and political marginalization". This conceptualization of vulnerability draws attention to the social embeddedness of vulnerability and the ways in which it is produced through social relationships at different scales (household, community, citywide and nationally).

Such a conceptualization also draws us towards a framing of migration that emphasizes mobility as a potential adaptive strategy for dealing with livelihood risks of various kinds, and therefore carrying the potential to mitigate vulnerability, rather than seeing migration as a failure to adapt to environmental degradation. This perspective on migration has been picked up by agencies such as the United Nations Development Programme (UNDP) and the World Bank, which see a positive synergy between migration and development, wherein ". . . allowing the freer flow of skilled and unskilled labour . . . would probably do more to reduce poverty in developing countries than any other single policy or aid intiative" (World Bank, 2009). It is true that migration should not be necessarily "read off" as a failure to adapt or prosper, but neither should we ignore the fact that in many parts of the ASEAN region, governments have advanced policies such as commercialization, agricultural intensification, industrialization and liberalization, which have induced and often demand population movement. Thus, South-East Asian migration histories generally reflect the changing configurations of power, resource control, and short- and long-term environmental change.

Following McDowell and de Haan (1997), Tacoli (2009, 2011) outlines a "livelihoods approach" to migration, in which mobility may be part of a wider household or individual strategy to diversify income sources as a response to environmental, economic or political shocks and stresses. Similar to the points made by Kabeer outlined above, which also draws on a sustainable livelihoods framework, this framing gives particular emphasis to the capitals and capabilities of individuals and households, as these are critical to shaping the livelihood strategies and their success (or otherwise) (Bebbington, 1999). These include human capital (labour resources, skills, health and education), financial capital (including remittances and access to credit), and social and political capital (which mediates access to material assets and to institutions, such as government and/or traditional authorities). In the ASEAN region, migration has long been crucial within livelihoods, and indeed the region's development characteristics reflect the mobility of labour over the centuries.

What is different perhaps is that migration-based livelihoods are now made possible by increasingly accessible forms of geographical mobility: rural–urban, rural–rural and transnational (Elmhirst, 2008; Rigg, 2012). While income diversification is seen as a key strategy for mitigating livelihood risks, and environmental or economic shocks and stresses, diversification of livelihoods across geographical spaces allows people to spread risk across different spaces. Thus, multi-local livelihoods, held together and facilitated by social networks, have long been a useful resilience-building strategy for households, and, in some instances, are established as part of livelihood routines, reflecting the seasonality of agricultural labour demand. The chances of reducing vulnerabilities through migration depend in part on the characteristics (the capitals) of those migrating, and also on forms of governance that either facilitate or inhibit mobility, for example, immigration controls, household registration systems, the capacities of migrants to draw on new social networks in areas to which they have relocated. Moreover, the scale of flood events (or other hazards that people may be attempting to mitigate) may exceed the possible extent of existing multi-local livelihood strategies.

While migration represents a vulnerability-reducing strategy, it can also create new vulnerabilities through the trade-offs that households and individuals make in order to migrate (Julca, 2011), the gradations of belonging and exclusion that often colour the experience of migrants in destination areas, and the fact that "capitals" in the place of origin (e.g. social networks and human capital) may have limited leverage in the area of destination. Heikkilä (2005) refers to this as "mobile vulnerability", which reflects the cultural nature of migrant vulnerability, deriving from stereotypes, prejudices, ignorance and institutional discrimination, which produces spatial vulnerabilities for those regarded as "out of place" and therefore unable to compete for access to limited resources, whether this be housing, employment or state services. These "citizenship effects" are not restricted to cross-border or transnational migration, they may also be apparent in internal migration contexts, particularly in ethnically diverse countries, where the precariousness of livelihoods for migrants in urban areas may be quite marked.

Table 7: Vulnerability and/or capacity through migration

Vulnerability	Capability/Capacity
Household vulnerability • Break of physical family ties, fragmentation, desertion, divorce • Burdens on those who were left behind • Employment risks for migrants • Social, cultural and economic exclusion • Legitimacy and lack of rights • Vulnerability to displacement and resettlement • Lack of entitlement to social, political and economic resources • Conflict with existing population • Negative impacts of social networks (demands from family/others)	*Household capacity* • Reduction of place-based economic insecurity through remittances • Spreading of risks across different physical, social and economic environments • Impact of social remittances in terms of building human and social capital • Capacity to draw on social networks • Elusiveness to authority (keeps open clandestine options for livelihood or further migration)
Community vulnerability • Outmigration means loss of potential community leaders • Increased inter-household inequality due to impact of remittances • Outmigration means loss of community labour (forms of cooperation) • Brain drain means loss of community expertise • Informal settlement of migrants in areas susceptible to flood hazards	*Community capacity* • Potential for adaptive strategies from remittance receipts • Migration increases capacity to manage and avoid environmental risks, including floods

Source: Adapted from Julca, 2011, and Crawford, 2011.

As Table 7 indicates, migration has a paradoxical relationship with vulnerability, compounding it in some instances while being a strategy to mitigate its effects in others. As with ecological and social aspects of vulnerability, it is the generative dimensions of migration-based vulnerability that are key in the contextual analytical framework being developed here: political and institutional failings, coupled with uneven economic development, underlie the kinds of vulnerabilities set out above.

MIGRATION AND MIGRANT LIVELIHOODS IN FLOOD CONTEXTS: CONVERGING VULNERABILITIES

While preceding sections have presented a step-by-step contextualization of different dimensions of vulnerability (ecological, political, social and migraton-related), discussion in this section centres on how each of these forms of vulnerability converge and compound one another, within particular flood contexts. This framing moves away from a simple causal analysis to instead look at the flood–migration–policy nexus as an assemblage of different elements in different ways and different geographical settings. As Adamo (2010) notes, the interconnectedness of people and places, which is so much a feature of ASEAN lives, complicates the geography of place-based vulnerability and risk. In short, a political ecology analysis of flooding, migration and vulnerability takes us away from a simple flood-hazard response analysis, and involves instead a mapping out of the interlinkages between socially produced environments, vulnerability, and different movements and mobilities (including displacement, commutes, long-term labour migrations, etc.) apparent in specific ASEAN contexts.

Table 8 summarizes the ways in which ecological, sociopolitical and migration-based vulnerabilities intersect, in order to outline possible flood–migration–vulnerability assemblages in ASEAN.

Table 8: Characterizing floods, social vulnerability and migration scenarios

Flood form	Production of ecological vulnerability	Links with migration	Social/political vulner-abilities
Flash flood	Increased run-off from impervious surfaces in urban areas; upstream deforestation.	Impacts on at-risk urban migrants inhabiting informal settlements near canals and drains; temporary displacement – either migrants can draw on resources from areas of origin, or they are disadvantaged by having fewer local connections to draw on.	Vulnerability compounded by insecure tenure, lack of access and entitlement to resources (e.g. repair funds and temporary shelter); migrants may be blamed for land-cover change that results in flooding – demonization.

Flood form	Production of ecological vulnerability	Links with migration	Social/political vulner-abilities
Landslide and flood	Altered hazards from land-use changes, bridges and debris jams.	Migrants in rural towns living near river banks; upland farmers may use multi-local livelihoods to mitigate flood risks in rural areas; floods may disrupt migration-based livelihoods as transport links severed.	Vulnerability may be produced by restrictive government policies that undermine multi-local livelihood strategies.
Irregular riverbank overflow	Land-cover changes; irrigation schemes; structural failures.	May impact urban migrants inhabiting "risky places".	Lack of access to economic and political resources restricts access to safe housing; lack of capacity to move elsewhere.
Coastal flood	Land subsidence from groundwater pumping; coastal-land reclama-tion.	Impacts on "at risk" urban migrants inhabiting informal settlements near canals and drains. Temporary displacement – migrants may have more opportunities elsewhere, or fewer local connections to draw on.	Nature of patronage and clientele – migrants' social capital may not be relevant in the host community; lack of "in place" entitlement.
Seasonal floodplain inundation	Diversions, withdrawals and floodplain protec-tion measures.	Floodplain farmers may use multi-local livelihoods to mitigate rural risks.	Institutional approaches to flood management may undermine rural livelihoods, compounding the need to engage in multi-local livelihoods.

Source: Adapted from Lebel et al., 2011.

There are a myriad of combinations of different forms of vulnerability, which depend very much on generative factors, including the wider political economic context, and institutional responses not only to flooding but also to migration and mobility. One scenario that has recently attracted attention concerns the ways in which migrants often end up inhabiting insecure spaces, often those parts of the city most prone to flooding, which are affordable and also enable migrants to access urban labour markets (Dun, 2011; Lebel et al., 2011). The settlement patterns of migrants generally reflect the costs of rent compared with the very low wages they are able to command, and this may

expose them to further vulnerabilities that are produced as city governments seek to engineer away environmental hazards, sometimes in unjust ways (McGranahan et al., 2007; Sajor and Ongsakul, 2007). The geographical vulnerability of migrants in "risky spaces", combined with their marginalization from forms of state support (e.g. for post-flood recovery) and from decision-making around flood mitigation, leads to their heightened vulnerability. In other words, multi-scalar political ecologies (e.g. limited recognition by the State and displacement from other spaces) leads to migrants effectivly enduring partial citizenship, rendering them vulnerable not only to flood risks but also to the impact of institutionalized flood responses, when they are targeted for resettlement elsewhere.

A second possible flood–migration–vulnerability assemblage that we might recognize in ASEAN concerns the potential impact of severe flooding on livelihods that depend on mobility and functioning rural–urban support networks. In the context of neoliberalism, the World Bank and other donors have endorsed this kind of self-help social safety net, approving the ways in which urban remittances might augment shortfalls in rural livelihoods associated with slow-onset environmental degradation and, importantly in the ASEAN context, vulnerabilities brought about by shifts in environmental governance that limit access to rural resources, as access to land is increasingly out of reach. Vulnerabilities are compounded when floods threaten to sever these connections, either through displacement of urban- or rural-based populations, or through events that challenge the maintenance of connection through mobility practices. Damage to the infrastructure that enables mobility and that links different livelihood spaces is particularly costly to those that depend on multi-local livelihoods to get by. Where government intervention is prioritized in the direction of elites or to protect high-value industrial spaces and their functioning, the rural and urban poor, who depend on mobility, may find that their needs are overlooked.

Lacking the capacity to move on may also be a form of vulnerability for migrants and within migration-based livelihoods in the context of catastrophic flooding in unanticipated ways. While large numbers of urban residents were displaced by the Bangkok floods in 2011, particular risks were felt by those who were unable to migrate (either to go home or to move to another place). In the case of cross-border migrants, their precarious legal status dissuaded them from accessing shelter and other forms of help from the Thai authorities, marking them out as a particularly vulnerable group (Phongsathorn, 2012). While there is an assumption that migrants will be able to make use of the social networks that link origin and destination, and through which social and

economic remittances flow, migrants were fearful of returning home in case they were then unable to return to the relative security of their employment in Bangkok. Similar patterns have been noted for "hidden" migrants such as domestic workers, who faced particular hardship following severe flooding in the Indonesian city of Semarang in central Java (Marfai et al., 2008).

Migrants may see their vulnerability further compounded by the actions of the State and other actors as they seek to engineer away flood hazards. The redistribution of risk from wealthier parts of cities to poorer areas (which are generally inhabited by migrants) has been noted in relation to the management of flood waters in Bangkok (Phongsathorn, 2012), as it has been in Jakarta also (Dougglas, 2010; Sagala, 2013). Moreover, post-disaster reconstruction efforts can have a damaging effect on people's capacity for mobility, as noted by Samuels (2012) in her study on a newly built neighbourhood in Aceh, following the devastating tsunami. Here, limited physical mobility caused by the isolated nature of the relocation village restricted work opportunities for low-income households, and had a particularly marked impact on women, whose lack of mobility was directly associated with new forms of gendered social exclusion.

In each of the cases described here, migration (and mobility) is embedded in complex ways in the sociopolitical dynamics that underpin both exposure to environmental hazards and the institutional responses that anticipate or follow such events. This exceeds any simple linear relationship between environmental hazards (as a driver) and displacement (as a response). In South-East Asia, where lives are especially marked by mobility and multi-locality, this is particularly the case, highlighting the need to recognize environmental hazards as socionatural assemblages into which human mobility is interwoven.

CONCLUSION

In response to an urgent need to develop a more nuanced understanding of the connections between flooding and migration in the ASEAN region, this chapter presents an analytical framework that seeks to clarify the connections while maintaining a sense of the diversity of experience in South-East Asia. In line with recent calls from migration scholars to investigate empirically the mutually reinforcing social, economic and environmental drivers of migration,

the challenge has been to develop a workable conceptual framework that can be applied across diverse contexts in order to appreciate the workings of the migration–floods nexus in contrasting settings. In future work, the framework is to be applied and refined through a comparative empirical study of diverse forms of migration and flooding in various ASEAN settings (Thailand, Cambodia, the Lao People's Democratic Republic, Myanmar, Indonesia, Malaysia and the Philippines) in a project led by Chulalongkorn University.[5] A key dimension of this research is the fact that in each of the subprojects, livelihoods are characterized by population mobility, including local, cross-border and transnational migration, reflecting the wider development trajectories of the ASEAN region, where development is premised on the movement of people and material goods across space.

A core aim of this new project is therefore to sensitize cross-regional and local flood-hazard policy agendas to the complexities of migration and mobility in the ASEAN region. Impetus for this research agenda has been, in part, policy measures associated with the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters, adopted in ASEAN through the ASEAN Agreement on Disaster Management and Emergency Response. Over this 10-year period, five priorities for action were agreed: (1) ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation; (2) identify, assess and monitor disaster risks, and enhance early warning; (3) use knowledge, innovation and education to build a culture of safety and resilience at all levels; (4) reduce the underlying risk factors; and (5) strengthen disaster preparedness for effective response at all levels (ASEAN DDR, no date). The emphasis on flood disasters coupled with high-profile discourses around environmental displacement make it imperative to build a solid evidence base on the links between floods (both disastrous and beneficial) and migration (or, more broadly, migration-based livelihoods), as disaster risk reduction agendas move away from a technical fix approach and towards a fuller consideration of the social and political dynamics of disasters.

As the framework presented here is taken forward in the Floods and Migration in ASEAN project, early evidence confirms the need to recognize multiple ways in which floods and migration intersect in the region. By using the political

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[5] The ASEAN-wide study "Politics, governance, experiences and responses to flooding from the locals' and migrants' perspectives in ASEAN", with the support of Rockefeller Foundation, is beginning to report empirical findings (see Chapter 5 of this book). Detailed findings will be reported in an edited volume to be published in 2014: Middleton, C., R. Elmhirst and S. Chanta-vanich (eds.), *Living with Floods in a Mobile Southeast Asia: A Political Ecology of Vulnerability, Migration and Environmental Change* (Earthscan, London).

ecology approach to focus on the generative dimensions of vulnerability in this chapter, attention is drawn to the "chains of influence" that intersect and produce different iterations of the migration–floods nexus in different geographical and policy contexts in ASEAN. This chapter has offered a preliminary sketch of what combinations of these chains of influence look like in different flood settings. Ultimately, we hope to demonstrate the value of this approach in sensitizing policy to the complexities of migration and floods in an increasingly mobile region, in order to counter possible over-simplifications and sensationalizing embedded in discourses of migration as a singular and catastrophic response to environmental change.

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Chapter 5
HUMAN SECURITY, FLOODING AND MIGRATION AMONG FISHING–FARMING COMMUNITIES AROUND THE TONLE SAP LAKE, CAMBODIA

Carl Middleton, Borin Un and Naruemon Thabchumpon[6]

INTRODUCTION: FLOODS, ECOLOGY AND LIVELIHOODS

The lives and livelihoods of fishers and farmers living around the Tonle Sap Lake in Cambodia are intimately tied to the annual seasonal ebb and flow of the lake. The lake is one of the most productive and intensively fished inland fisheries in the world, and is central to Cambodia's food security, as well as culture (Baran et al., 2007). Meanwhile, in the lake's fertile floodplains and beyond in the lowland areas, rice – Cambodia's staple crop – is grown (Varis et al., 2006). The wider Tonle Sap basin constitutes 44 per cent of Cambodia's land area and is home to one third of Cambodia's population (ADB, 2005). Yet, increasingly intensive resource use and competition for access to land, fisheries and other natural resources, declining fish stocks, and the changing economic context in Cambodia and the wider Mekong region are all impacting fishers' and farmers' livelihoods (Keskinen, 2006). Seasonal migration – both domestic and international – or even permanent migration is emerging as an important livelihood option intended to reduce household vulnerability, even as it also can entail risks to the migrants and their households (Heinonen, 2006; IOM, 2006).

This chapter presents the results of ethnographic research in six fishing–farming communities in the floodplains of three provinces around the Tonle Sap Lake. The purpose of this chapter is to develop a deeper understanding of how different flood regimes[7] (regular and irregular) modify fishing- and farming-based livelihoods, household food and economic security, and the

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[6] This work was supported by the Higher Education Research Promotion and National Research University Project of Thailand, Office of the Higher Education Commission (HS1069A).
[7] A flood regime is a historically experienced pattern of variability in onsets, durations, heights, water qualities and frequencies of floods (Lebel et al., 2011).

role that migration plays in reducing household vulnerability.[8] The chapter demonstrates that the year-to-year characteristic of the flood of the Tonle Sap Lake is an important factor shaping fishing and farming livelihoods, and, in the context of fisheries decline and agricultural intensification where migration is considered an important means to reduce household vulnerability, the seasonal flooding is an important factor shaping migration patterns that differ between fishing and farming households. Furthermore, the chapter argues that while resource degradation is an important factor in making decision to migrate, also important is a regime of unequal access rights to resources – including land and fishery resources – built upon socioeconomic and political inequality. The chapter concludes that policies on agriculture, fisheries and migration need to be better integrated and reducing the vulnerability of households has to be prioritized by protecting and ensuring equitable access to fishery resources and farming land, and the risks of international migration have to be reduced.

In the following two sections, an overview of the Tonle Sap Lake and known migration trends among the communities in the Tonle Sap basin is provided. This is followed by a summary of the study research method. Results from the field work are then provided for fishing and farming households, followed by an assessment of their changing economic and food security. The role of migration in diversifying livelihoods and reducing vulnerability is then discussed, followed by the conclusions and recommendations of the study.

HYDROLOGY, ECOLOGY AND LIVELIHOODS OF THE TONLE SAP LAKE

The Tonle Sap Lake, located in the centre of Cambodia, was designated as a multiple-use protected area by Royal Decree in 1993, and nominated as a UNESCO "Man and the Biosphere" reserve in 1997 (ADB, 2005). The Tonle Sap Lake is connected to the Mekong River in Phnom Penh via the 120km Tonle Sap River. At the onset of the rainy season, in May or June, when the Mekong River rises, water flows into the lake and the lake's surface area expands from 2,500–3,000 square kilometres to over 10,000–16,000 square kilometres, submerging the surrounding forests, shrubs and rice fields (ADB, 2005). Villages located within the floodplain are temporarily flooded during this period. Fish migrations and fish eggs flow into the lake from the Mekong River, and into the flooded forest, which is an ideal habitat for feeding and growth. As the Mekong River's water level drops, water begins to flow out of the Tonle Sap Lake in November, also triggering large fish migrations. Meanwhile,

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[8] This research informed the design of a subsequent ASEAN-wide study "Politics, governance, experiences and responses to flooding from the locals' and migrants' perspectives in ASEAN" (see Chapter 4).

nutrient-rich sediments are deposited on the flooded rice fields that are replenished for the subsequent agricultural season.

Approximately 1.7 million people live within the floodplain that is seasonally flooded and lies between and 3 km beyond National Highway 5 and National Highway 6 to the west and east of the lake, respectively (Keskinen et al., 2011).[9] A total of 4.4 million people live in the wider Tonle Sap basin (ADB, 2005). In the adjacent six provinces surrounding the Tonle Sap Lake, between 40 per cent and 60 per cent of households are below Cambodia's official poverty line, and up to 80 per cent in some areas (ADB, 2005). The 2004 population growth rate in the Tonle Sap basin, at 4.8 per cent, is significantly higher than the average growth rate for the country, which is 1.8 per cent (CNMC, 2004, and NIS, 2004, cited in Heinonen, 2006). The livelihoods of communities – principally fishing and rice agriculture – within the Tonle Sap floodplains are intimately tied to the productive natural resources of the lake ecosystems, which, in turn, are lined to the lake's flood regime (Keskinen, 2006; Lamberts, 2006; Mak, 2011; MRC, 2010a).

Referred to locally as "water rising"[10] rather than "flooding", the lake's annual rise and fall is widely considered beneficial or a "blessing" by local communities rather than hazardous. For fishers, it is the seasonal inundation that produces the abundant fish catch, while for farmers the water brings with it fertile alluvium that nourishes farmland. Yet, when the lake's flooding is atypical, it brings problems or even disaster. For fishers, when the flood is low or of short duration, it results in less fish production and therefore less fish catch. For farmers, a low flood results in a shortage of water for irrigation, worsened pest blights and problems with weeds for dry-season agriculture. On the other hand, floods that arrive too early, remains too long, or are too high can damage rural and urban infrastructure, destroy crops and trees, harm livestock, and shortens the farming season – even as it improves land fertility. Yet, despite the relative abundance of natural resources, livelihoods for the majority of villagers have become more difficult around the lake over the past decade (Keskinen, 2006; Varis et al., 2006).

Governance of the Tonle Sap Lake is multi-jurisdictional and multi-scale (Sokhem and Sunada, 2006). In 2007, the Tonle Sap Basin Authority was created under the Office of the Prime Minister to coordinate the roles of different ministries, which include the Ministry of Agriculture, Forestry and Fisheries (including the Fisheries Administration), the Ministry of Water Resources and Meteorology, and the Ministry

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[9] Keskinen et al. (2011) calculate there are 1,555 villages within this zone, of which 1,244 are rural. Five per cent are living in the fishing zone (close to the lake shore), 60 per cent in the agricultural zone and 35 per cent in urban areas.
[10] In Khmer, "ទឹកឡើង"or "toek loerng".

of Environment. Various other actors, including local and international NGOs – for example, the International Union for the Conservation of Nature (IUCN) and World Wide Fund for Nature (WWF) – and international organizations, in particular ADB, are also active within the basin. Since the Tonle Sap Lake's flood regime is shaped by basinwide development upstream, including hydropower dam and irrigation schemes construction and other water uses, the long-term productivity of the Tonle Sap Lake cannot be decoupled from the wider region's development trajectory (Lamberts, 2008; Middleton, 2012; MRC, 2010a; MRC, 2010b). Regional cooperation is mediated by the intergovernmental Mekong River Commission, although in practice it has faced many challenges (Hirsch and Jensen, 2006). Notable reforms, discussed in greater detail in the next section, include the release of large-scale commercial fishing lots, first partially in 2001 and then fully in 2011, and the creation of community fisheries in 2000 that was codified by the Sub-Decree on Community Fisheries Management in May 2005. Despite the ongoing process of decentralization and deconcentration in Cambodia (Un, 2011), the current institutional arrangements still emphasize centralized state control over major developmental changes; while localized conflicts over management of resources are increasingly managed by provincial and sub-provincial authorities, they remain at risk of capture by local elites (Sneddon, 2007; Un, 2011).

OVERVIEW: MIGRATION AROUND THE TONLE SAP LAKE

Domestic migration in Cambodia is relatively underresearched, although it has become an increasing focus of the Royal Government of Cambodia, NGOs and international organizations, such as IOM (Maltoni, 2007). Overall, Maltoni (2007) suggests that: "Migration itself is considered by Cambodian migrants, in general, as a short-term coping strategy to face unexpected shocks and not as a long-medium-term process aimed to increase the socioeconomic status of the family." In general, domestic migration is interprovincial and short range (Maltoni, 2007). While little is documented about rural-to-rural movements, there is nowadays some understanding of rural-to-urban movements, in particular following the establishment of the garment manufacturing industry in Phnom Penh in the mid-1990s (Ministry of Planning and UNDP, 2007).

Table 9 gives an overview of the aggregate domestic migration for the six provinces around the Tonle Sap Lake, according to Cambodia's 2008 census (NIS, 2008). Data are for all age groups, for urban and rural areas combined, and indicate that 22% of the populations in these provinces have migrated at least once in their lifetime. It should be noted that this data cover beyond the districts located within the Tonle Sap Lake floodplain. Nonetheless, the data give an overview of the degree of domestic migration and the stated reasons, as documented by the Royal Government of Cambodia in its most recent census.

Table 9: Domestic migration for six provinces around the Tonle Sap Lake

	Number of people not born in their place of residence (per province)					
	Battam-bang	Kampong Cham	Kampong Chhang	Kampong Thom	Pursat	Siam Reap
Transfer of work place	32,638	19,111	10,083	8,221	11,767	17,551
Search of employ-ment	75,723	45,677	11,396	13,272	17,574	40,566
Education	7,570	5,522	1,784	2,286	1,433	6,125
Marriage	35,350	61,902	19,226	25,547	14,604	29,741
Family moved	189,393	72,555	34,251	36,245	49,786	62,488
Lost land or house	9,374	3,111	871	1,642	2,040	1,783
Natural calamity	922	706	86	120	191	146
Insecurity	15,679	2,387	5,772	2,125	3,820	2,199
Repatriation	10,852	8,336	28,483	7,917	7,735	8,397
Orphaned	1,689	603	474	619	361	860
Visiting	14,250	8,106	3,478	3,718	3,630	5,111
Other	2,655	3,538	975	2,882	924	1,635
Total migrants	**396,095**	**231,554**	**116,879**	**104,594**	**113,865**	**176,602**
Total non-migrants	**627,862**	**1,447,765**	**355,129**	**526,581**	**283,048**	**719,167**
Per cent of migrants	**38.7**	**13.8**	**24.8**	**16.6**	**28.7**	**19.7**

Source: Cambodia's National Institute of Statistics, 2008.

Regarding international migration, the main destination countries are Thailand, Malaysia and South Korea (Maltoni, 2007). The majority of Cambodia's international migrants are irregular and travel illegally for work in Thailand (Hing et al., 2011)[11] ; as of 2005, approximately 180,000 registered irregular Cambodian workers were in Thailand (Maltoni, 2007). In Thailand, most Cambodian migrants end up working in dirty, difficult or dangerous – the so called 3Ds – jobs, including those engaged in construction, manufacturing, plantations, domestic help, the entertainment and sex industry, and fishing where there remains a demand for these workers (IOM, 2006). In Malaysia, young Cambodian women often migrate as domestic workers (Léone, 2012). Most recently, a growing number of Cambodians have been migrating for long-term work in South Korea, in factories, facilitated by bilateral government

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[11] Hing et al. (2011) state "The causes of irregular migration are many, ranging from chronic poverty, lack of employment and economic hardship in community of origin to restrictive immigration policies in labour-receiving countries and lengthy, complex and expensive legal recruitment."

agreements and drawn by the high wages offered, despite requirements including proficiency in Korean language. Remittances in 2008 from overseas Cambodian migrants was estimated to be USD 325 million (Arun, 2010). The Royal Government of Cambodia released a labour migration policy in 2010, accompanied by a series of sub-decrees and prakas (regulations) regulating various aspects of Cambodian workers abroad, and strengthens bilateral and regional government collaboration particularly with Thailand, Malaysia and South Korea (Arun, 2010; ILO, 2009; MLVT and ILO, 2010). Remittances in 2008 from overseas Cambodian migrants were estimated to be USD 325 million (Arun, 2010). Irregular migration heightens risks of workers being exploited, including sexual and physical harassment, debt bondage, threats of denunciation to the authorities and even human trafficking (Hing et al., 2011). Despite this, Chan (2009) concludes:

> Our community studies strongly indicate that economic benefits from labour migration outweigh costs. The majority of migrants manage to earn money and send remittances home, although quite a few failed and are in serious debt as a consequence. This is essentially because they chose to go illegally into Thailand.

Relatively little research is done on migration from the communities around the Tonle Sap Lake, and more so on the relationship between environmental change around the lake and migration. Based on village surveys in 2002, Heinonen (2006) highlights the importance of the Tonle Sap Lake flood regime to the abundance of natural resources, and begins to explore the relationship between environmental change and permanent and seasonal migration. She emphasizes, in particular, the relationship between migration from around the Tonle Sap Lake and urbanization in Cambodia, specifically in the capital city, Phnom Penh. She argues that migration is driven by population growth, increasing landlessness and lack of work in rural areas, and wage differentials between rural and urban areas. Heinonen (2006) points out that while many push factors are economic, they often relate to environmental quality and change and competition over access to natural resources, which are not assessed in detail in the census (see Table 9). Heinonen's study is a valuable starting point that can be built upon to examine in detail how different types of year-to-year flooding affect fishing- and farming-based livelihoods, and in turn shape decisions to seasonally or even permanently migrate. More recently, Un (2011) has observed in research in three floating villages on the Tonle Sap Lake in Battambang province that a growing number of subsistence-scale fishers were migrating to work in Thailand, primarily because they are no longer able to catch enough fish to make a living; this is quite remarkable given the historical abundance of the Tonle Sap Lake's fisheries.

RESEARCH METHOD

Fieldwork for this study was conducted in six villages in three provinces around the Tonle Sap Lake, namely Kampong Chhnang, Battambang, and Kampong Thom (see Table 10). The fieldwork was conducted over 15 days in November 2011. Adopting an ethnographic approach, information was collected on: the general situation in the village; changes in natural resources and the implications of these changes; changes in food and economic security; the types and extent of migration in the village and the reasons for migration; and the impacts of migration on the village, including on food and economic security. Group discussion and individual semi-structured interviews were made with village heads and villagers, government line agencies and administrative officials, and staff of NGOs.

Table 10: Details of field study locations[12]

Province/district/commune	Village	Population	Village overview
Kampong Chhang province, Chhul Kirri district, Koh Thkov commune	Tamol Leur	1,717	Both villages have paddy fields, land for housing, natural lakes and areas of flooded forest areas. Most villagers are farmers and own agricultural land. Fishing is a secondary occupation for most villagers during the rainy season (in particular when the water rises and recedes). These villages are inundated by the Tonle Sap Lake from late August to early December. There is an ongoing process of land concentration in the villages, with wealthy local farmers and outsiders – some of whom own between 50 and 100 hectares of land – buying the land of poor farmers in debt, who then become landless and subsequently more likely to migrate.
	Tamol Kraom	907	
Kampong Thom province, Kampong Svay district, Kampong Kor commune	Kampong Kor Leur	1,281	Kampong Kor Leur and Kamong Kor Kraom are located on the Stueng Sen River and are inundated by the Tonle Sap Lake from September to November. Agriculture and fishing along the Stueng Sen River and in the natural lakes – namely Boeng Real, Boeng Preah Sneng and Boeng Thom – in the community fishing area provide complementary incomes for economic and food security.
	Kamong Kor Kraom	1,266	
Battambang province, Aek Phnom district, Norint commune	Ansong Sork	1,077	
	Rohal Suong Prek	851	

[12] Within the scope of the fieldwork, it was not possible to systematically document the land-holding per villager and the number of landless villagers. Only general trends can be presented, based on interviews and field observation.

Province/district/ commune	Village	Popula- tion	Village overview
			In all four villages, in the past, the livelihoods of most villagers used to be fishing. From the mid-2000s, following fisheries decline, they moved to farming. All villagers originally had access to between 0.5 and 1 hectare of land. However, the transition from fishing to farming is difficult, and some fishers became indebted and sold their land, becoming land poor or landless and subsequently also pursuing migration as an alternative livelihood strategy.

All villages visited are located within the Tonle Sap floodplains, and are flooded by the lake for 3–4 months per year (see Table 10). The villages were selected as typical of the villages within the Tonle Sap Lake floodplain area in the respective provinces to gain an indication of the important trends in migration in the villages, and the relationship of migration to human security – in particular economic and food security – and environmental change. Overall, all villages were rice farming and fishing communities and have access to similar forms of natural resources including: land for agriculture; wild-capture fisheries; natural lakes, rivers and streams; flooded forest; and firewood and other non-timber forest products. The availability and quality of these resources in each village, however, has changed over the years as discussed in the section that follows. Irrigated agriculture is undertaken in the dry season using water stored in natural lakes, and where fields are near rivers or streams through direct pumping from these sources. Besides agriculture, villagers also conduct family-scale fishing before, during and after their harvest. This may be in the community fishing area allocated to the village, or in the open access areas on the Tonle Sap Lake itself.

The field research was conducted in November 2011, shortly after the Tonle Sap Lake had flooded heavily: human life was lost and many peoples' day-to-day life seriously disrupted. For example, children could not attend school and mobility was impeded, even on roads usually not flooded; urban and rural infrastructure was damaged; livestock died and thousands of hectares of rice crop was destroyed; and people's income was reduced and they became indebted, often necessitating the sale of assets (Access to Finance Consortium, 2012). At the same time, the floods bought with them abundant fish stock, even if many couldn't benefit from them.

FISHERIES AND LIVELIHOODS

Overall, according to local villagers and the local authorities, fisheries used to be abundant in all villages during the 1980s and early 1990s. During this time, they could catch enough fish for household consumption and to earn additional income before, during and after the farming season. Villagers would also make salted fermented fish (prahoc) and smoked fish to preserve food for their families and to sell to earn cash income.

> "I used to fish heavily in the village before 2000, because I could catch a lot of fish. This wooden house was built mainly from the income from fishing that I had saved over the years." (Council member, Kampong Kor commune, Kampong Thom province, in-depth interview, 25 November 2011)

However, wild-capture fish stocks decreased gradually during the late 1990s and then sharply in the 2000s. Over the past 10 years, fishers said, fish catch has, on occasion, not even been enough for their daily food; this was a serious problem in 2010, which was a drought year. Fishers in the provinces of Kampong Chhnang and Kampong Thom also observed that many giant fish species, such as the giant sheatfish (trei sanday), giant snakehead (trei chhdor), giant river carp (trei kool riang) and giant freshwater stingray (trei bobel), have been neither seen nor caught in the last 5–10 years.

> "Before and after the 1970s, there were a lot of fish in our village. We used to catch a lot of big fish using only traditional fishing gears. Today, the situation is very different. Villagers use fishing gear about 10 times the size of that in the past, but they catch smaller and fewer fish." (Elder male villager, Tamol Krom village, Kampong Chhnang province, in-depth interview, 13 November 2011)

The changing composition of the fish catch from large high-value fish that have a multiple-year breeding cycle to smaller low-value fish that breed within one year is indicative of strains in the ecosystem (Van Zalinge et al., 2000).

Villagers and local authorities state that there are three main reasons for the decreasing fish stock. One reason is that a growing population around the lake has increased the demand for fish. Another is that fisheries management has been problematic in Cambodia and law enforcement is weak, resulting in extensive and large-scale illegal fishing. For both of these reasons, modern

fishing equipment, such as nylon nets and significantly larger fishing gears, together with a wider availability of motor-powered boats, has enabled the accelerated exploitation of the fish stocks.

The third reason is that villagers observe there have been broader changes in the lake's ecosystem. These changes include less extensive flooding and lower water levels over the past decade, an increased load of sand in the rivers, and the shallowing of villages' natural lakes, which in combination are thought by the villagers to reduce fish stocks (Heinonen, 2006). Furthermore, the significant unregulated clearing of flooded forest around the Tonle Sap Lake for irrigated dry-season rice production since the 1990s – which is also an important fish habitat – is another major cause of fisheries decline (see also: Bonheur and Lane, 2002; and Evans et al., 2004). This may be small-scale grabbing of hundreds of hectares of land by well-connected local individuals, or large-scale economic land concessions of thousands or tens of thousands of hectares (for example, see: LICARDO, n.d.; Subedi, 2012; and ADHOC, 2013). This conversion of flooded forest to agricultural land – alongside changes in the land use in the wider Tonle Sap basin – can also accelerate soil erosion and increase agricultural chemical pollution, which affects natural lakes.

In response to the decline in wild-capture fisheries and the inequitable access between communities and large-scale commercial fishing lot owners to fisheries resources, fishery management policy was reformed in 2000, when 56% of the area allocated as large-scale commercial fishing lots were returned to local communities, and a process of establishing community fisheries[13] initiated around the lake (Middleton and Pen, 2005). The creation of community fisheries has had a mixed success rate to date, with some community fisheries successfully protecting their community fishing areas and flooded forest, while others have failed and exist only on paper (Un, 2011). Among the villages visited, Rohal Suong and Ansong Sork in Battambang province have successfully established community fishing areas, while the communities in Kampong Chhnang and Kampong Thom have not been successful, and illegal fishing and flooded forest clearance for agriculture are still a common practice of powerful people within the village and of outsiders.

More recently, since May 2011, there has been another series of major fishery policy reforms.[14] In recognition of the declining fish stocks and the impacts

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[13] A community fishery in Cambodia is a co-management arrangement between the Fisheries Administration and the Community Fishery Committee elected within the community responsible for managing the fishing area allocated to the village.

[14] Regulation 01 was issued by Cambodia's Prime Minister Hun Sen in May 2011 to combat

of this phenomenon on communities around the lake, a major initiative in May 2011, led by Prime Minister Hun Sen, resulted in a major crackdown on illegal fishing around the Tonle Sap Lake. Subsequently, all large-scale commercial fishing lots around the lake were suspended in August 2011 and then abolished in March 2012, and converted either to protected areas or community fishing areas. In all villages visited, fishers and local authorities noted a remarkable increase in fish stocks, and some fishers stated that they had caught fish species that had disappeared for many years. This is most likely the result of the extensive flooding in late 2011, which intends to increase fish production, combined with the earlier crackdown on illegal fishing since May 2011.[15]

FARMING AND LIVELIHOODS

In Cambodia, the land in the floodplain areas surrounding the Tonle Sap Lake is renowned for its fertility. All villagers and local authorities interviewed stated that before the early 2000s the farming land in their villages was naturally productive. During that period, villagers grew rice only once per year in the traditional way: seeds were local rather than high-yielding varieties; cattle rather than hand tractors and other machinery were normally used to work the fields; and natural fertilizer rather than chemical fertilizer was used to boost the yield. In this way, the fertility of soil did not change much from year to year, and agriculture was principally for subsistence to feed the family.

However, since the mid-2000s, interviewees reported that farmers are caught in a vicious cycle of intensification of production, increasing use of agrochemicals and declining natural soil fertility. Many villagers perceived that the Tonle Sap Lake had flooded less in the past decade, and drought had become more prevalent, also decreasing the quality of land (Heinonen, 2006). Meanwhile, as families grow in size and land is passed from parents to children, plots of land have become increasingly fragmented and smaller among smallholder farmers, and this has necessitated its increasingly

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illegal fishing activities in all provinces around the Tonle Sap Lake. Regulation 02 was issued in August 2011, to suspend all 35 commercial fishing lots around the Tonle Sap Lake to be inspected for a subsequent decision regarding whether the concessions should be continued or abolished, and if so how the areas should be allocated. On 7 March 2012, it was announced that the large fishing lots would be abolished and the areas converted to either community fishing areas or fish protection areas, and the process continues to date.

[15] While systematic studies on the impact of these policies on the fisheries of the Tonle Sap Lake are yet to be completed, anecdotal evidence from villages visited by the researchers in 2013 indicates that the intended recovery of the fish stocks through the cancellation of the fishing lots has been challenged by the ineffective enforcement of the Fishery Law, which prevents illegal fishing in these areas.

intensive use. At the same time, declining fish catch has also led to greater dependence on farming for those who have access to land. To maintain rice yields for families on small plots of land, in most villages visited, since the mid-2000s, some NGOs, local authorities, government line agencies, and seed and pesticide companies have encouraged farmers to grow two crops of rice on their land per year, namely recession rice farming and dry-season rice farming.[16] Floating rice (also known as deep-water rice), which grows with the rising lake water and traditionally has been important to lakeside communities, is largely no longer grown around the lake, although in the early 2000s, this practice was still relatively common, in particular among poor farmers with low-lying fields (Keskinen, 2006; Varis et al., 2006). Increasing amounts of chemical fertilizers and pesticides are required to maintain rice-crop yield; farming is becoming more mechanized, and water demand is increasing – the combination of these factors is understood by villagers as contributing to land degradation, even as more flooded forest land is being cleared for farming purposes – although not necessarily by villagers, but instead by local elites and other influential people from outside the area.

In most of the villages visited, agriculture and family-scale fishing relies on rivers and natural lakes in the communities. In Tamol Leur and Tamol Kraom villages, two natural lakes of between two and three hectares called Boeng Ta Sek and Boeng Trob Thom are important sources of water for agriculture, while the Tonle Sap River is an important fishing area in all seasons. Meanwhile, in Ansong Sork and Rohal Suong Prek, the Stueng Sangke River is important for both fishing and agriculture. For Kampong Kor Leur and Kamong Kor Kraom, the Stueng Sen River provides for fishing and agriculture.

Many villagers and local authorities concurred that up until the early 2000s, water in natural lakes and rivers rarely dried up, except for occasional severe drought, and the seasonal inundation provided enough water for both agriculture and fishing. It is the perception of villagers, however, that nowadays flooding has become increasingly irregular, and water is more scarce; for example, in 2010, water levels in the rivers were at the lowest in the last 10 years, while in 2011 it was a year of exceptionally high flooding (a similar observation is reported in village surveys by Heinonen, 2006). Furthermore, villagers observe that water in most natural lakes dries up almost every year due to two factors: the loss of flooded forest around the lakes has increased the rate of soil erosion flowing into the lakes and has made the lakes more shallow; and the intensification of farming activities has boosted extraction of water for irrigation, facilitated by an increasing number of water pumps

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[16] From November to February, and from March to June.

available in the villages. In other words, competition between fishers and farmers for use of water for different purposes, and between farmers seeking to irrigate their crops, has intensified.

CHANGING HOUSEHOLD ECONOMIC AND FOOD SECURITY

Until 10–15 years ago, fishing was the primary source of income and food for almost all of the villages visited. However, nowadays, as fish stocks have declined, for most families rice farming is the primary source of income and central to food security, while fishing is secondary.

> "My family is an example to other families in the commune. I used to be a permanent fisher in the village, the same as most villagers here. Income from fishing was enough for our living because we could catch a lot of fish. However, I stopped full-time fishing in 2002 because I could catch fewer fish. Then, I concentrated more on farming, and now fish only part-time. The change is fine to my family because we have enough land and money for farming. I bought around six hectares from other local farmers. However, I see the change causing a lot of difficulties for poorer families with little land." (Srey Nal, Kampong Kor commune council, Kampong Thom province, in-depth interview, 25 November 2011.)

Villagers are generally busiest with agriculture from November to May, while small-scale fishing becomes important in July or August when the Tonle Sap Lake's water level begins to rise, and can continue until March; it is possible, however, to catch some fish all year round. Village elders often mention that fishing and farming went together well in supporting the living of local villagers; when fish are plentiful, it is an extra source of income.

> "During the fishing season from December to February, local villagers were busy with fishing and processing fish for prahoc and smoked fish. Then we normally sold them to local businessmen. The income from fish could help our family a lot especially covering expense in the family and some costs of farming." (Yong Nol, elderly woman in Kampong Kor commune, Kampong Thom province, group discussion, 26 November 2011)

The Tonle Sap Lake's decline in fish stock since the late 1990s has reduced household income from family-scale fishing. To continue fishing, even for

subsistence, increasing investment in ever larger fishing gears has become a requirement, leaving small-scale fishers at heightened risk of indebtedness. For example, in the mid-1990s, a typical family-scale nylon fishing net was about 100–200 metres long, while over the past five years the nylon nets have increased in length to between 1,000 metres and 2,000 metres that cost between USD 200 and USD 300. Other costs include investment in a motor-powered boat, plus the costs of its maintenance and fuel.

In 2011, there was a high fish stock due to the extremely high and prolonged flooding, combined with the crackdown on illegal fishing since May 2011.[17] Yet, many potential fishers in the villages visited did not benefit from this opportunity for two reasons: villagers have principally turned to farming and therefore have not invested in maintaining their fishing equipment, and some have even sold their boats, for example in Rohal Suong and Kampong Kor villages; and they do not have enough money to reinvest in fishing equipment, while some are also hesitant anyway as they suspect that the fish stock recovery is only transient and any investment would not lead to a sufficient return.

Today, all visited communities depend heavily on farming for their livelihood rather than on fishing. In terms of food security, this also represents a shift from subsistence fishing to smallholder farming as the principal means of ensuring food security. Yet, as mentioned above, a significant challenge for many rural households is the limited access to agricultural land for crop production, such that food security is often not ensured through smallholder agriculture alone. In most villages visited, households own only a small plot of land of about 1 hectare, which can only produce enough food to meet a part of their staple food needs.

Farming today is increasingly capital intensive, even for smallholders: water pumping machines, hand tractors, and threshing machines replace cattle for effectiveness and cost efficiency; while intensifying use of farm inputs including chemical fertilizers, pesticide, seeds, and gasoline also increases costs. Rising costs for chemical inputs are compounded by declining land quality, as discussed above. Most farmers borrow money from private vendors or microfinance institutions, as they do not have their own money to invest in their farming. Loans from private vendors often lock farmers into contracts that require that they sell their rice at half or two thirds of the market price, while loans from microfinance institutions have high monthly interest rates of up to 3 per cent. Risk of debt remains significant, especially during years

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[17] Ironically, 2010 was an exceptionally poor year due to prolonged drought.

of poor yield due to disease or extreme drought or flooding, while the lack of irrigation infrastructure – and intensifying agricultural production – leaves farmers vulnerable to even irregular rainfall.

Smallholder farmers also find themselves in a weak bargaining position to sell their rice immediately after harvest, which is often an imperative for the farmer who needs to pay back his/her debt, and also compounded by a lack of storage facilities in the villages and difficulties in accessing the market independent of rice merchants who come to the village.

> "When our rice is harvested, not many merchants come to buy our rice. The price is also lower immediately after harvest and the price is decided by the merchants. Normally, we do not have any bargaining power to negotiate a higher price. Most of us need to sell our rice immediately; otherwise, we keep paying the interest rate. " (Net Sohoan, villager in Ansong Sork, Battambang province, group discussion, 19 November 2011)

For the aforementioned reasons, in some years, for many smallholder farmers, their rice harvest is just enough or even not enough to pay the loan. In each village, on average, about 10 per cent to 15 per cent of villagers have to sell all of their rice just to repay their debt, with no rice conserved for household consumption. For this reason, most villagers and local authorities agreed that the situation for food security in the villages has worsened over the past five or six years; most households face food shortage and have to buy rice from the market for several months before the harvest. There has also been a shift in perspective among farmers, who are now increasingly focused on producing rice to sell for the market, rather than to ensure their own food security directly for subsistence. While potentially increasing income, it also embodies greater economic risk, and the increased use of agrochemicals to boost yields results in rice that is less healthy for the farmers and the wider population.

Overall, many villagers are cash poor and vulnerable to debt from shocks, whether it be a family crisis such as a health shock, or a failed harvest. Some villagers have lived in debt for several years in all villages visited, and most of these people have had to sell their land to pay back the debt, necessitating them to find alternatives to make a living; processes of land accumulation often occur via indebtedness. Others seek alternatives to pay back the debt while keeping their land. In both cases, migration is an important option.

DIVERSIFYING LIVELIHOODS: THE ROLE OF MIGRATION

The role that migration – both domestic and international – plays in reducing household vulnerability has increased year by year since the early 2000s. According to the chief of each village, approximately 10 per cent of villagers migrate to other countries for work, principally Thailand and Malaysia. A further 15 per cent to 20 per cent migrate to work in other areas in Cambodia or along the Cambodia–Thailand border. Typically, households adopt a multi-local livelihoods strategy, where some family members migrate – usually those who are young and unmarried or married but with no children – who then send remittances home to the family.

On the surface, there are two principle push factors in the village that turn people to migrate: lack of work in the villages; and debt in the families. The lack of work in the villages is linked to the declining fish stocks, which has reduced opportunities to make a living as fishers, and that the number of family members exceeds the needed labour for farming the available land, or that the household is landless or land poor (see also Walsh and Makkararavy, 2011). The latter is also compounded by increasingly fragmented landholdings that are not viable to make a full-time living. The mechanization of farming also reduces the opportunity for local labourers to be hired. Furthermore, local work in farming is seasonal, and is perceived by potential farm labourers as short-term, irregular and low-paid work, making work outside Cambodia, or domestically in urban areas, more attractive as it is perceived to be more regular and with better wages. With regard to debt, most is from failure of agriculture, as discussed above.

These push factors, however, are underlain by access to and the quality of natural resources, the latter in turn is impacted significantly by the flood in a particular year given that the annual flood cycle is a precondition for the productivity of natural resources around the Tonle Sap Lake (Lamberts, 2006; Lamberts, 2008). In other words, patterns of established migration are shaped at least in part by the particularities of the season's flooding, and are differentiated between farmers and fishers. Regarding longer-term changes, the increased cost in farming and fishing is linked in part to gradual environmental changes such as the decrease in fish stock and land degradation, and the perceptions that flooding is less extensive than before, which in turn has encouraged families to consider remittances as an alternative means to reduce household vulnerability. In her research, Heinonen (2006) also noted particularly heavy migration in 2001 and 2002, which were years of heavy flood and drought that affected rice yield and fishing.

Migration, however, is not usually the preferred option, but conditions in the village can necessitate it.

> "If regular jobs are available in the village, many people in my village will not migrate to work in other areas. There are no jobs here and they have debt, so the choice for them is to migrate to other place they think is better for them." (Long Samy, Chief of a community-based organization in Angsong Sok, Battambang province, group discussion, 19 November 2011)

The character of the flood modifies fish stock in a quite direct way. During a flood that is high or prolonged, this increases the fish stock and extends the fishing ground, resulting in greater fish catch and bigger fish. In turn, this increases the potential for a high income from fishing, and for fishing families, they will likely commit more labour in their household to fishing activities. Under these circumstances, there is less incentive for household members of fishing families to migrate. It should be stated, however, that as there is a general trend in fisheries degradation this is diminishing the benefits even of high and prolonged floods.

Conversely, during a year with low floods, there are less fish stock, smaller fish and a smaller fishing ground. More effort is required to catch fish, including the use of larger gears and more fuel for boats, resulting in lower returns and a higher risk. Under these circumstances, it is more likely that household members will migrate to diversify household income and reduce vulnerability.

A number of fishers stated that if they could catch fish then they would not migrate to work outside their villages. During the flooding in 2011, which was shortly before the period of fieldwork, local authorities and villagers said that while migration would continue from the village, the year's large fish stock would at least prevent more people from migrating to work outside their villages.

> "As you see, the village is quiet during this month because there is no work in the village during this season. For the villagers who usually migrate, they nowadays migrate to work in other places for extra income even if fish stocks are recovering. However, for those who have never migrated, the fish stocks will motivate them to stay in the village. I think that if there were no fish like last year (in 2010), many more people in the village would migrate this year." (Seng Yi, Prek Norint commune chief, Battambang province, in-depth interview, 19 November 2011)

Regarding farming, flooding and migration, in years of regular flooding, farming can be practised with comparatively low risk. A relatively high demand for labour within the household reduces the incentive for migration, at least in the sense that there is no lack of employment and, in particular, during the farming season, which nowadays extends to two crops per year for many. However, for some farming households, now that the fisheries are in decline, household members may migrate during the agricultural off-season.

Irregular flooding, however, makes agriculture more difficult as discussed above. High floods or prolonged floods shorten the farming season, perhaps to only one crop per season. Meanwhile, during low flood or drought, agriculture is less viable due to water shortage and pest incidence. Finally, early flooding, if unexpected, can destroy planted crops. All of these circumstances for agriculture – directly modified by the type of flood in a year – create a greater incentive for the diversification of household income by migration.

It is also important to note that most farmers are also part-time fishers, including when conditions for agriculture are poor or unviable, thus diversifying their means of livelihood; fisheries, in other words, constitute both a secondary source of economic and food security and a safety net for farmers. Conversely, however, fishers, who are landless or land poor, cannot turn to farming during periods of poor fishing.

According to interviews with village chiefs and villagers, overall, among those who have migrated from the villages visited, approximately 30 per cent to 40 per cent migrated permanently and many of these migrants were landless. Among these permanent migrants, many have sought work in Thailand. This trend began in the early 2000s, and has become especially common since around 2008.

For the remainder, who are temporary migrants, migration by younger adult members of the household is generally season based and largely follows an established routine (Heinonen, 2006). These households usually own small areas of agricultural land in their village, migrate during the agricultural off-season and then return to the village during the agricultural season; if, due to flooding or drought, agriculture appears less viable, then they may not return for that year's season.

Many seasonal migrants prefer to migrate domestically in Cambodia, such as to provinces along the Cambodian–Thai border, for example, Banteay Meanchey (in particular Poipet town, which is an important border crossing)

and Pailin provinces. For those in Ansong Sork and Rohal Suong Prek in Battambang province, there is a preference to work either in Thailand or the border provinces of Cambodia rather than in Phnom Penh. As Battambang province is close to Thailand, many people speak Thai, and combined with the higher potential salaries, this draws workers to Thailand. Meanwhile, in Kampong Kor Leur and Kamong Kor Kraom villages in Kampong Thom province and in Tamol Leur and Tamol Kraom villages in Kampong Chhang province, during the 1990s and mid-2000s, young men and women preferred to migrate to Phnom Penh for work in garment factories (Heinonen, 2006). However, since the mid-2000s, Phnom Penh has become less attractive due to inflation and low salaries, and now there is a growing preference for migration to work in other countries (Ministry of Planning, 2012); women have tended to prefer to migrate to work in Malaysia and Thailand, while young men prefer Thailand. Yet, recent stories of exploitation in Thailand have begun to deter some potential migrant workers from these villages, who consider the destination risky in terms of incurring rather than alleviating debt, although many still end up working in Thailand. Most recently, South Korea has become the first choice destination; while the requirements for permission to migrate are demanding, costly and time consuming, and includes a Korean language proficiency test, the high salary offered –as much as USD 1,500 per month – is very attractive, and there is a perception that those who migrate to South Korea generally succeed.

Migration can result in economic benefits, but also risks debt and is often the final choice for villagers or their families. Risks are perceived to be significant for migration as a livelihood strategy. While for successful migrant workers remittances can help pay debt and improve the living of their families, for unsuccessful migrant workers, debt can substantially increase and can even result in having to sell family assets, such as farming land, often at below market price.

The means of international migration – namely formal (legal), which is via private employment agencies, and informal (illegal), which is via brokers – and its opportunities, risks and consequences for Cambodian migrants, have been increasingly documented by researchers (for example, see: Chan, 2009; Asia Foundation, 2011). In the villages visited, most people migrating to work in Thailand do so illegally. The fee charged by the brokers is about USD 100–150 per person per trip, after which these brokers take little or no responsibility for subsequent worker security or well-being. Most of the people migrating to Thailand through brokers work as construction workers, agricultural labourers, fishers on the sea, or workers in convenience stores without a permanent work contract at an average daily wage of 200–250 Thai Baht.[18]

[18] USD 1 = 31.09 Thai Baht (on 24.9.13; www.oanda.com/currency/converter/).

For those migrating to Thailand legally, most of them become workers in food processing factories, chicken processing factories, or plates and dish manufacturing companies. The fee charged by the private agencies for passport, visa and processing services is between USD 300 and USD 600. In return, workers can expect a long-term employment contract and job security with a monthly salary of between 7,000 and 9,000 Thai Baht. For those migrating to work in Malaysia, they normally are female and migrate legally through employment agencies to work as housemaids. For those having chance to work in South Korea, again through employment agencies, they usually work in farming, and small and medium-scale enterprise factories.

A number of recent studies have revealed the potential risks of serious labour abuses for Cambodian migrant workers in Thailand, in particular for illegal migrants (Chan, 2009; IOM, 2006; Jampaklay and Kittisuksathi, 2009). Among the villagers interviewed, there was a widespread perception that only one in five migrant workers were successful in Thailand; at an extreme, in Kampong Kor in Kampong Thom province, villagers reported that no migrant workers from there working in Thailand had been successful, but instead they were cheated or abused by private brokers or agencies, and employers. All villages had examples of poor migration experiences.

> "In 2010, I sent one son to work in Thailand through a broker because here there is no job for him. I expected that working in Thailand he could help to pay our debt of USD 750 that we could not pay ACLEDA bank in 2010. I paid 4,000 Baht to a broker to take my son to work in Thailand. I borrowed USD 200 from another microfinance sources to pay the broker and gave the rest to my son to use in Thailand. After only four months, my son came back to Cambodia without any money because he was cheated by the Thai employer. Now our debt is even higher because I lost more money with the migration of my son." (villager in Tamol Kroam, Kampong Chhang province whose son migrated to work in Thailand, interview, 14 November 2011)

On the other hand, success stories were also shared.

> "In 2009, I paid 20,000 Baht to a private company to help my daughter to work in Thailand as a worker in a chicken processing company. She got a regular job with the company with a monthly salary of around 8,000 Baht with extra salary for overtime work. She would send home about 4,000 to 6,000 Baht every two or three

months. I think my daughter is luckier than other migrant workers in the village. Many of them were not able to send remittance like my daughter. Some of them were even cheated and lost a lot of money." (A woman and her husband whose daughter migrated to work in Thailand, Ansong Sork, Battambang province, interview, 19 November 2011."

For successful migrant workers, remittances can help pay debts and improve the living of their families, while for unsuccessful migrant workers migration increases debt in the family.

CONCLUSION

This chapter has shown that fishing and farming livelihoods in communities around the Tonle Sap Lake are in transition, and are facing a number of challenges including fisheries decline and the impacts of agricultural intensification, soil degradation and growing landlessness. While households around the lake increasingly prefer fishing to farming as a primary occupation, access to land and the difficulty of transition are barriers for fishing households shifting to farming. The year-to-year characteristic of the flood of the Tonle Sap Lake is an important factor in determining the productivity of fishing and farming. Yet, while year-to-year natural resource availability (shaped by flooding) and resource degradation is important in determining household human security, also important is the unequal access rights to resources – including land and fishery resources – which reveals the deeper socioeconomic and political inequality in rural Cambodia.

Migration – either permanent or seasonal, and domestic or international – is nowadays an important means to reduce household vulnerability. Key push factors for migration are a lack of livelihood options and work in fishing and farming, and household debt due to various shocks, in particular agriculture failure, but that could also include other shocks such as health or previous failed migration attempts. Members of fishing households are more likely to migrate than farming households are; the latter generally have a larger asset ownership, which can be used as collateral for loans as well as to sell if necessary, and a more diversified income as they are also part-time fishers. Given that seasonal flooding is an important factor for natural resource production, it is also an important factor shaping migration patterns.

While there is a lot of research, assessment and debate on the impacts of large water infrastructure development (in particular hydropower dams) on

hydrological regimes, ecosystems and people's livelihoods in the Mekong region (for example, see: MRC, 2010b; Dore, Lebel and Molle, 2012), the implications for migration is rarely, if ever directly, discussed.[19] Public policies on this relationship are also fragmented, even as there are numerous studies with recommendations on each issue in turn, namely: on fisheries and flooding (Keskinen et al., 2011; Lamberts, 2008; Middleton and Pen, 2005; Ministry of Planning and UNDP, 2007; Sokhem and Sunada, 2006); on land and agriculture (ADHOC, 2013; Bugalski, 2012; Subedi, 2012; Supreme National Economic Council, 2007); and on migration (Chan, 2009; IOM, 2006; Ministry of Planning, 2012; MLVT and ILO, 2010). Recognizing that integrated research is at an early stage, this chapter principally recommends, therefore, that the potential synergies of policies on agriculture, fisheries and migration need to be better understood and integrated to prioritize reducing the vulnerability of households by protecting and ensuring equitable access to fishery resources and farming land, and reducing the risks of domestic and international migration.[20]

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[19] A notable exception is Heinonen (2006).

[20] This is an ongoing direction of research of the authors, now underway as a component of the ASEAN-wide study "Politics, governance, experiences and responses to flooding from the locals' and migrants' perspectives in ASEAN", with the support of Rockefeller Foundation. Detailed findings will be reported in an edited volume to be published in 2014: Middleton, C., R. Elmhirst, and S. Chantavanich (eds.), *Living with Floods in a Mobile Southeast Asia: A Political Ecology of Vulnerability, Migration and Environmental Change* (Earthscan, London).

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Chapter 6
THE IMPACTS OF VILLAGE RELOCATION AND THE SHIFTING CULTIVATION ERADICATION POLICY ON SWIDDEN FARMERS IN NORTHERN LAO PEOPLE'S DEMOCRATIC REPUBLIC

Satomi Higashi

INTRODUCTION

Past village relocation policies that have neglected the livelihoods of some groups of swidden farmers in northern Lao People's Democratic Republic have shaped their present-day vulnerabilities. This chapter considers a case study of a community of the Kmhmu' indigenous ethnic group from P Village in Pak Beng district, Oudomxay province. Residents of P Village have traditionally practiced swidden[21] agriculture, also known as shifting cultivation, as their main means of livelihood. However, since the 1990s, P Village has experienced a complex process of village relocation linked to several government programmes for forest protection and watershed management, following the construction of a hydroelectric dam in 1996.

Due to the relocation of the village and the reallocation of agricultural land, which was intended to switch agriculture in the village to a sedentary form, the villagers experienced a decrease in available agricultural land, which led to problems in the village such as food shortages and the need to rent costly land from neighbouring villages. As a result of the ensuing challenges, some villagers migrated domestically, while others returned to the previous watershed area to continue their swidden agriculture illegally. The case of

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[21] Shifting cultivation is a short-term, crop-growing method in which farmers clear a parcel of land by cutting down and burning trees and shrubbery. Normally, after a harvest, the land is left fallow and if enough time is left for the vegetation to sufficiently recover, it can be a sustainable method of agriculture. Yet, due to its association with the clearing of land, knocking down of trees and use of fire, shifting cultivation has tended to be viewed as a cause of deforestation. Shifting cultivation has also been referred to as "swidden" or "slash-and-burn agriculture".

P Village highlights the complexity with which policies related to village relocation and natural resource management articulate, contingent upon specific circumstances, and that can result in outcomes that neither district nor central governments had hoped for nor wanted to achieve.

In the Lao People's Democratic Republic, rice production through shifting cultivation is an important means of rural livelihood; as recent as 1999, it was estimated by the Government of the Lao People's Democratic Republic that 25 per cent of the rural population was involved in shifting cultivation (MAF, 1999). The Government of the Lao People's Democratic Republic, however, has deemed shifting cultivation as a major cause of deforestation. It, therefore, adopted the Shifting Cultivation Eradication Policy in the mid-1980s, and, to promote this policy, the Land Forest Allocation (LFA) Programme was implemented in 1996. In some areas, LFA has contributed to forest preservation and the promotion of sedentary agriculture. In other areas, however, implementation of LFA has brought no practical improvements to land and forest use, and has even caused the depletion of forest resources. In these cases, LFA has been criticized for aggravating poverty, especially in northern Lao People's Democratic Republic, where shifting cultivation is the main livelihood of the local people (Roder, 2001; Kitamura, 2003; Evrard and Goudineau, 2004).

The Shifting Cultivation Eradication Policy has also been one of the main justifications for the Government's village relocation policy, which has sought to resettle people from remote upland areas to areas close to other existing settlements and rural road infrastructure in lowland areas. Previous studies have pointed out that relocation of villagers can lead to increasing pressure on land resources in their new resettlement areas and can result in land conflicts between old and new villagers (Vandergeest, 2003; Moizo, 2004; Baird and Showmaker, 2005).

This chapter explores the impacts of village relocation on local communities' livelihoods and land use, with a focus on the interaction between village relocation policies and the LFA Programme. In the next section, a brief history of village movement in the Lao People's Democratic Republic is presented, followed by an overview of the Shifting Cultivation Eradication Policy and the LFA Programme. Following this, the case of P Village is presented in detail. In the final section, some conclusions are offered, and recommendations made. The chapter argues that village relocation policies must consider local communities' land use on a case-by-case basis, and villager participation is vital to the process if policies are to be successful in implementation.

HISTORICAL VILLAGE MOVEMENT IN THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

Village relocation policy in the Lao People's Democratic Republic

In the Lao People's Democratic Republic, village resettlement during the 1960s and early 1970s was mainly related to the war and United States' bombing. In 1975, shortly after independence, the new Lao People's Democratic Republic Government was formed, ending a long civil war. The new Government began moving ethnic minorities out of mountainous and remote areas, due to security concerns about armed rebel activities (Baird and Shoemaker, 2005).

More recently, the Government of the Lao People's Democratic Republic has been implementing a village relocation policy. This policy is justified under the Government's goals, including: 1) eradication or reduction of shifting cultivation; 2) eradication of opium; 3) addressing security concerns; 4) access and service delivery; and 5) cultural integration and nation building (Baird and Shoemaker, 2005). Eradication of shifting cultivation is one on the major justifications for village relocation. The Government has moved highland communities to lowland areas, and in the process, replaced the swidden fields with monoculture industrial plantations and commercial cash-crop fields. Yet, for many residents living in mountainous areas in the Lao People's Democratic Republic, upland shifting cultivation of rice provided their primary means of living.

A UNESCO/UNDP study conducted in 1997 (cited in Baird and Shoemaker, 2005) detailed mortality rates of up to 30 per cent higher than the national average in upland communities, following poorly implemented resettlement. Baird and Shoemaker (2005) point out that many international development agencies working in the Lao People's Democratic Republic have failed to recognize or understand the critical importance and impacts of the village relocation policy, and some of these agencies have even been providing active or uncritical support to village relocation (Baird and Shoemaker, 2005).

Impacts of village relocation on local people's land use

In many cases, village relocation has led to increasing pressure on land resources in the new settlement area and often results in land conflicts between old and new villagers (Soulivanh et al., 2004). As a result of village relocations, the population is increasingly concentrated in lowland areas

along the roads, thereby increasing competition for resources (Fujita and Phengsopha, 2008).

A study by German Technical Cooperation Agency gave recommendations that: 1) newly arrived migrant families need to be integrated in the land use planning process; 2) land use zoning should not take place in villages awaiting resettled migrants; and 3) organized displacement and resettlement of highland communities should be stopped (Soulivanh et al., 2004). However, as described in this chapter, village relocation and subsequent top-down land use planning are still causing land conflicts and destructive land and forest use in the Lao People's Democratic Republic.

The lack of alternative livelihoods after the LFA Programme and the loss of food security have forced some upland villages to relocate (Fujita and Phengsopha, 2008). Inappropriate land use planning is one cause of the lack of agricultural land and has resulted in increased internal migration. Therefore, social and environmental impacts of village relocation and interferences between village resettlement and local people's livelihood should be carefully considered in the process of land use planning.

THE SHIFTING CULTIVATION ERADICATION POLICY AND THE LAND FOREST ALLOCATION PROGRAMME

Shifting cultivation in the Lao People's Democratic Republic

Shifting cultivation is an agricultural system in which villagers first clear fields by burning them, cultivate them for short periods, and then letting them lie fallow for several years. According to the Ministry of Agriculture and Forestry of the Lao People's Democratic Republic, the area and number of households involved in shifting cultivation have gradually decreased from 176,605 hectares and 186,265 households in 1996 to 118,900 hectares and 174,036 households in 2000 (Kitamura, 2003). However, it is still an important method of food production, particularly in the mountainous areas in the north.

The general cycle of traditional shifting cultivation in the Lao People's Democratic Republic begins from the end of February to the middle of March, during which land selected for the year's swidden is cleared. Slashed wood is dried for about one month and burned in April. As the rainy season starts in May/June, seeds of various crops including rice, potato, bean, corn and pepper are planted. Weeds need to be continuously removed until harvest in November and December. After harvest, the plot is usually abandoned for

7–10 years until the vegetation has regenerated. When soil fertility has been thus restored, the plot may be chosen again for cultivation.

Shifting cultivation is sustainable if the fallow period is long enough. In fact, this type of agriculture has supported villagers in this region as the main livelihood for many generations. It has, however, been regarded as a cause of deforestation by the Government of the Lao People's Democratic Republic, and the Government has been trying to limit the practice.

Shifting Cultivation Eradication Policy and Land Forest Allocation

Forest coverage rate in the Lao People's Democratic Republic plummeted from 70 per cent to 41.5 per cent between 1940 and 2002.[22] Hydroelectric dams, large-scale infrastructure development and mining projects are all responsible for deforestation, but shifting cultivation has generally been singled out as the culprit.

After the Lao People's Democratic Republic became independent, a ban in shifting cultivation in watershed forests and the promotion of reforestation were suggested by the Council of Ministers Instruction No. 47 on Forest Protection in 1979. In 1989, the National Forest Conference made it a goal to provide alternative employment to 60 per cent of the 1.5 million people involved in shifting cultivation by 2000. At the same time, the LFA Programme was devised as a countermeasure against deforestation caused by swidden and logging (Hyakumura, 2005). In the Fifth Socio-Economic Development Plan (2001–2006), complete stabilization of shifting cultivation by 2010 was set as a target.

LFA has been implemented throughout the Lao People's Democratic Republic as a programme to stabilize shifting cultivation since 1996. In LFA, forests for agricultural use are distributed to farmers. Their rights to the land – including the right to own, use and inherit – are recognized. Villages can use forests as communal property as long as they carry out their obligations to manage them (Oya, 1998). The LFA Programme has various objectives. They include preservation of natural environment, improvement of people's lives, controlling of shifting cultivation, better food production and promotion of commercial crops. LFA is not only an agricultural policy but also a forestry

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[22] Though the United Nations Food and Agriculture Organization's definition of "forest" as "lands of more than 0.5 hectares, with a tree canopy cover of more than 10 per cent" is widely adopted, the Government of the Lao People's Democratic Republic considers lands with a tree canopy cover of more than 20 per cent as forest. Therefore, forest cover in the Lao People's Democratic Republic is not easily compared with other countries.

policy. The multi-faceted LFA reflects interests of various actors, such as the Lao People's Democratic Republic Government, development agencies and private companies.

In the socialist state of the Lao People's Democratic Republic, land and forests were regarded as common property, and their distribution and management was decided by the Government. Since the early 1990s, however, the Government has been adopting a market-based economy and recognizing the rights of individuals and legal bodies to use land. The Government also started to issue land titles (Oya, 1998). Developed countries and international donor organizations that provided assistance demanded that land and forest titles be clarified (Matsumoto, 2004). Foreign companies that invested in reforestation and infrastructure development also wanted clear classification of land by allowable usage. Such interests of outside actors contributed to moving the LFA forward.

The Government of the Lao People's Democratic Republic began the LFA Programme by designating Xayaburi in the north as a pilot province and classifying land in that province into agricultural land and forest land. Upon classification, officials of the province allegedly made profits by securing rights over uncultivated land and growing cash crops there (Akasaka, 1996). This allegation indicates local officials were acting in their own interest, which differed from the original objectives of the Government of the Lao People's Democratic Republic. Different proponents of LFA thus had different incentives to support the programme.

CASE STUDY: IMPACTS OF VILLAGE RELOCATION AND THE LAND FOREST ALLOCATION PROGRAMME ON SWIDDEN FARMERS' LIVELIHOOD

Research location and the local people's land use

The district of Pak Beng in the province of Oudomxay in northern Lao People's Democratic Republic is mountainous. Most of the residents in Pak Beng are Kmhmu', which is said to be the oldest indigenous ethnic group in the country. Traditionally, Kmhmu' people have made their living through swidden rice production. In Pak Beng, since there is little land suitable for paddy fields, rice production in shifting cultivation is the main source of food.

P Village is located in mountains approximately 13 kilometres from the centre of Pak Beng district. Three-hundred and eighty Kmhmu' people lived

in 56 households in P Village as of December 2008. There are no paddy fields in P Village, and all the households depend on shifting cultivation.

A cycle of shifting cultivation is usually 6–8 years in P Village. Swidden rice production starts with land selection in February and continues until the harvest in December. After harvest, land is left aside until plants start to grow there again. In the secondary forest, non-timber forest products such as bamboo shoots, mushrooms and small animals are collected. The land is used for swidden again after 6–8 years, when it has regained sufficient nutrients to support cultivation.

Figure 2: Research location
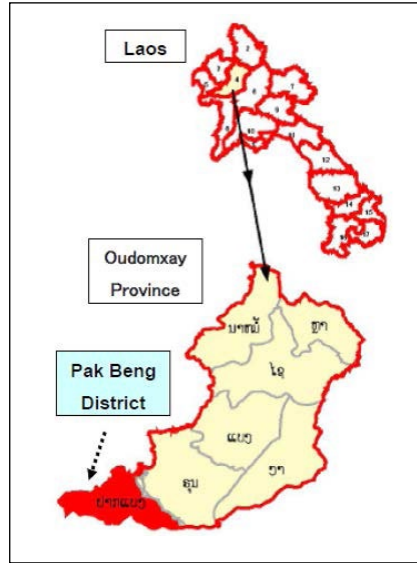
In P Village, instead of letting individuals own certain land, swidden is chosen every year according to factors such as tree size and land quality and is distributed with the villagers' agreement. This system of land use has made it possible to have steady harvests every year and to flexibly adjust to changing population and land use.

Village Relocation and the Land Forest Allocation Programme in P Village

In Pak Beng district, the Government moved ethnic minorities living in the mountains to lowlands and areas along main roads, and merged villages with fewer than 50 households. The number of villages in Pak Beng district decreased from 69 in 2004 to 55 in 2008. As a part of the mergers, P Village was merged with a neighbouring village. LFA began to be implemented in 1996. As of March 2012, classification of land and forests was completed in all the 55 villages in the district.

Events related to relocation and land use in P Village are shown in Table 11. In 1996, it was decided that a small-scale hydroelectric dam with the power generation capacity of 155 kilowatts would be built on the Houay Kasaen River

by a Chinese company to supply electricity to the central part of the district. Upon the decision, approximately 5,000 hectares of the Houay Kasaen River's catchment were classified as a watershed forest, where shifting cultivation was prohibited.

Ten villages[23] had a combined population of about 3,500 people and 600 households[24]. These villages had land in the watershed area, and six of them continued shifting cultivation there after the establishment of the watershed forest. Among the six villages, the prohibition of cultivation in the watershed area has had the most serious impact on P Village, whose land mostly overlaps with the protection area. Originally, the village was located in the centre of the watershed area for about 120 years up until 1999. In 1998, the district authorities ordered the village to move to the roadside to prevent the villagers' practice of shifting cultivation inside the watershed area and to protect the watershed forest. The relocation of the village was intended to follow government policies to move ethnic minorities from mountainous areas to lowland areas and along major roads, and also to merge small villages. Many villagers did not agree with the order, but they had no choice but to resettle. Though they decided to move to the roadside the following year, N Village, which had land there, did not agree to dividing land with P Village, and P Village was situated a little distance away from the road from 1999 to 2005.

Table 11: History of P Village

Year	Milestone
1996	Construction of the Houay Kasaen Hydropower Dam (155kW) began
1997	The district government banned shifting cultivation in the dam's watershed
1998	The district ordered the village to move outside the watershed area
1999	P Village was moved to the eastern end of the watershed area
2000	The first LFA was conducted
2005	P Village was moved again to the current residential area
2006	P Village was merged with a neighbouring village
2008	Mekong Watch facilitated participatory re-zoning of land and forest

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[23] Some of these 10 villages have been consolidated, and seven villages have land in the watershed area as of 2012.

[24] Data from the Pak Beng District Agricultural and Forestry Office (December 2008).

N Village finally reluctantly consented to P Village's resettlement, and P Village moved to its current residential place in 2005. Village relocation and village consolidation, however, created conflicts on land use between the two villages. N Village claimed compensation for loss of their land against P Village several times, and P Village finally gave a buffalo as compensation to N Village in 2007.

Figure 3: Map of the Houay Kasaen Watershed and P Village (2007)
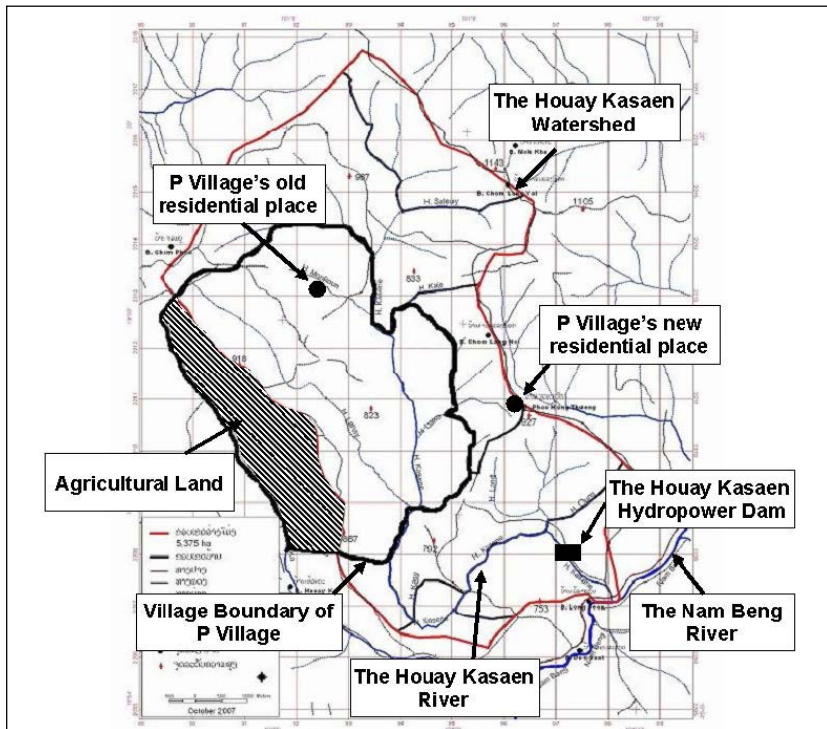
Source: Pak Beng District Forestry Office (edited by the author).

Figure 3 is a map of P Village drawn in 2007. Most of the village's land has been identified as a protection forest by the LFA Programme. Land forest allocation for P Village was conducted in 2000 while the village was waiting to move to its current site. When the LFA Programme was implemented, the areas of watershed forests were clearly drawn in maps. Signs were put up in the areas to show they were watershed forests, and penalties were enacted

on shifting cultivation there. A little land categorized as agricultural land, which is located near the old village, is too far from the current residential place. There is not enough land for all the families, and the soil of the land is not very rich for swidden agriculture.

Events in P Village over the past decade have shown that many land use policies have been implemented in conjunction with LFA, following village relocation. For instance, electricity development was pushed forward because of the Government's policy to provide electricity to 90 per cent of the households by 2020. District authorities tried to protect the watershed forest to produce electricity for urban areas in the district. On the other hand, people in the rural area, including in P Village, who were affected by the watershed management policy on their land use did not receive any benefit themselves from the hydropower dam.[25]

Impacts of Land Forest Allocation on relocated swidden farmers' livelihood

According to the Pak Beng District Forestry Office, six officials were involved in implementing LFA in P Village in 2000. P Village's land and forests, excluding residential areas, were classified, according to the management plans, into agricultural land, protection forest (for preserving water sources), conservation forest (for preserving biodiversity), production forest (for timber production) and reforestation areas (for recovery of natural forests).

LFA is generally implemented in eight stages in the Lao People's Democratic Republic.[26] These are preparation, decisions on village borders and land use classification, data collection and analysis, distribution of land and forests, survey of agricultural land, agreement over forest and land use with villagers and transfer of rights to villagers, promotion of land management, and monitoring and evaluation. In P Village, only seven days were spent on land and forest classification due to financial and technological shortages. Rights to use agricultural lands have not been transferred to households, no projects have been enacted to promote agriculture, and no monitoring has taken place.

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[25] The village was eventually given electricity in 2011, but this was not related to the hydropower dam on the Houay Kasaen River.

[26] The current "Participatory Land Use Planning and Land-Forest Allocation Manual" was issued in June 2009, and some NGOs and international organizations are trying to apply the new manual to land use planning in their project sites. In other areas, however, local authorities are still using the old manual.

P Village has been suffering from a significant lack of agricultural land and rice because of the hasty classification concluded in only seven days. Most of the village's land was classified as protection forest in LFA and shifting cultivation was banned there. Table 12 shows categories of land and forest of four villages, including P Village. In those four villages, the LFA was conducted during 1999—2000. The figures on the shortage of agricultural land were based on the assumption that each family uses 1 hectare of land per year for shifting cultivation, and that villagers keep a seven-year cycle, which villagers said was needed to maintain soil quality. In P Village, there is a shortage of agricultural land of at least 213.4 hectares. Moreover, the agricultural area allocated by the LFA process for P Village is near where the village used to be, but is too far from its current location where villagers were relocated to.

Table 12: Village land and forest categories
(for land forest allocation conducted in 1999–2000)

Village	Number of households[a]	Necessary agricultural land (ha)[b]	Agricultural land (ha)	Shortage of agricultural land (ha)[c]	Protection forest (ha)	Conservation forest (ha)	Production forest (ha)
Y Village[d]	54	378	312.2	65.8	316.8	94	0
N Village[e]	48	336	223.5	112.5	281.1	100	108
P Village[d]	58	406	192.6	213.4	1030	-	0
L Village[d]	47	329	93.9	235.1	859.6	76.7	0

Source: LFA documents (DAFO, 2000) and the author's interviews with villagers.
Notes:
[a] Data from 2000, when the land forest allocation was conducted.
[b] Based on the assumption that each family uses 1 hectare of land per year[27] with a seven-year cycle of shifting cultivation. In L Village, the cycle of shifting cultivation has actually decreased to about the years since the LFA Programme was implemented.
[c] The shortage of agricultural land in P Village is actually more serious. Villagers cannot access much of the agricultural land that was designated to them in the LFA Programme, because it is very far from their current place of residence.
[d] Villages from which villagers are conducting shifting cultivation within the watershed area.

People in P Village have been using four main ways to survive the hardship. First, some have moved back to where they used to live before they were relocated. Returning to their former location is against the district government's policy, but seven households live there now, including those who refused to move from the beginning.

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[27] Often, villagers tell government officials or third-party researchers that they are using 1 hectare of shifting cultivation land every year. In reality, however, the average area of shifting cultivation land per household seems to be around 1.5 hectare (Takeda, 2008).

Second, some villagers have internally migrated to other villages with their relatives' assistance to rent land there. A village chief stated in 2007 that four households had moved out in one year due to lack of agricultural land. In other words, shortcomings in land and forest zoning resulted in further internal migration, following the initial resettlement of the village.

Third, some villagers have rented land in neighbouring villages. Since land is common property only among people of the same village, when people in P Village want to use land belonging to a different village, they pay rent in cash, alcoholic drinks, goats, pigs and tobacco. Many households cultivate swidden this way, but rent places a great burden on them.

Fourth, some villagers continue to practice shifting cultivation in watershed forests. Almost all the households in P Village's current location still cultivate swidden in watershed forests because they do not have enough agricultural land, even if they rent land in other villages. Villagers cultivate land in the same way as before, but after the implementation of the LFA Programme, cultivation became illegal in watershed forests where logging is prohibited. One of the villagers stated:

> "We have not had a place to cultivate swidden after forests were designated as watershed forests. We do not have enough rice. We just had to make swidden in watershed forests again despite the ban in order to survive."[28]

In P Village, the LFA Programme has led to problems such as destructive forest use and rice shortages. It achieved neither forest preservation nor greater agricultural production even though that was what it had originally promised.

Resistance to the forced policy

The top-down land and forest zoning, together with the village relocation policy, has been forced upon villagers for many years despite various problems. How have villagers been resisting it?

One way of resistance is to "ignore" the system. In the case of P Village, those who cannot find agricultural land outside watershed forests have to cultivate swidden illegally in the forests. In the political and social conditions of the Lao People's Democratic Republic, it is hard for villagers to speak up to

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[28] Interview with a villager from P Village, 14 May 2009.

district officials and protest openly. The easiest form of resistance is to ignore land and forest classification. If most villages ignore the rules for preserving watershed forests and many households choose to observe customary land ownership rather than the new land allocation, it is difficult for local officials to check all of the illegal acts.

In some places, villagers take a more audacious approach. When asked whether swidden (hai) is being cultivated, villagers in one of these places answered no. However, smoke from burning slashed trees and plants was clearly visible on mountain sides. When asked again about the smoke, they said, "That is just cultivating rice fields (swan khao)." Whether they use the negative sounding word "swidden" (hai) or another word "field" (swan), what they do is the same. Substituting "swidden" (hai) with "rice field" (swan) is villagers' another way of protesting against the system forced upon them. The substitution of words gives certain benefits to district officials who know very well shifting cultivation cannot be easily taken away from villagers. By changing the label from "swidden" to "fields", they can somewhat overlook shifting cultivation. They balance their obligations in the fragmented bureaucratic system and the reality of the impacts of the ban on shifting cultivation.

The vague definition of "swidden" has caused confusion in land policy in the Lao People's Democratic Republic. At the same time, thanks to the ambiguity, actors have room to interpret the rules in their own way and settle things peacefully. It is clear that even if definitions are clarified and rules are strictly enforced, problems regarding confused land use and shifting cultivation controls will not be resolved (Higashi, 2009). Resolving these issues requires informed participation by all stakeholders.

Contributing factors to the failure of forest management under the Land Forest Allocation Programme

Incompetency of district and provincial officials and inappropriate budget distribution have been identified as problems with the LFA Programme from the beginning (Oya, 1998). Some have pointed out technical problems including the lack of training for officials in charge of LFA (Hyakumura, 2005). As the example of P Village shows, however, the programme's failure to achieve forest preservation cannot be attributed entirely to the lack of human resources or financial and technical support. An analysis conducted

jointly by local officials and villagers using agricultural land in Houay Kasaen River's watershed forests such as P Village clarifies why LFA in P Village[29] failed to preserve forests and raise production efficiency.

Figure 4: Problems in land use, their causes and solutions
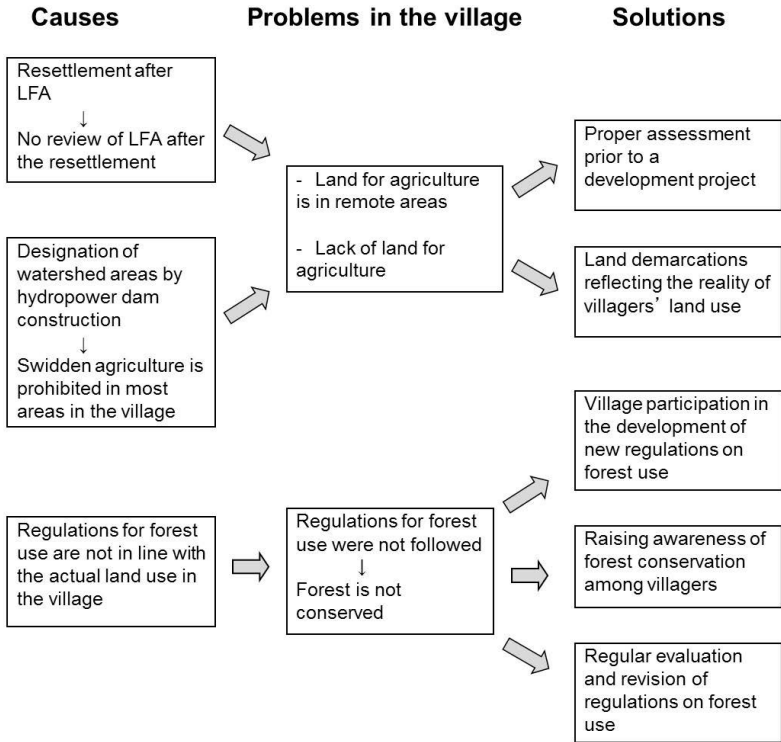
Source: Mekong Watch, 2007.

Notes:
- Figure 4 is based on a figure created by villagers and district officials who participated in "Pak Beng District LFA Evaluation Meeting", on 27 February 2007. The meeting was organized by the Pak Beng District Forestry Office. The author of this chapter edited and translated Figure 4.
- Six representatives from three villages including P Village, and 11 local officials from forestry-related offices including the Pak Beng District Forestry Office, the Land Management Bureau, the Environment Bureau and the Planning Bureau participated in the meeting. In each village, villagers held meetings prior to the evaluation meeting and shared problems regarding their land. The figure above was created at the evaluation meeting after discussions between villagers and officials to show the understanding shared between the two parties.

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[29]   The analysis took place at a meeting which Mekong Watch facilitated.

What can be seen from Figure 4 is that both villagers and officials in Pak Beng district understand that the district's policies on village relocation and dam construction resulted in the lack of agricultural land. Figure 4also shows that the top-down rules on forest use are not in line with actual land use, so these rules are disregarded by villagers and fail to protect the environment.

LFA's multiple objectives sometimes contradict each other. From the start, LFA has had various targets, including forest preservation, control of shifting cultivation, greater agricultural productivity and improvement in the quality of life of local villagers. Different actors emphasize different targets, and as a result, LFA may contribute to one target but work against others. In Pak Beng district, authorities tried to drive villagers out of forests in order to protect watershed forests. Since no alternative means of cultivation was provided, villagers suffered from a shortage of agricultural land and had to cultivate swidden in watershed forests illegally. Pak Beng district authorities have also promoted their own policies, such as preservation of watershed forests for a hydroelectric dam, village relocation and village mergers in the name of LFA. These policies have often caused confusion in land and forest use among local communities.

In other areas, land allocation and the ban on shifting cultivation have been achieved, but LFA's objective of improving people's standard of living has not been achieved. Instead, poverty was aggravated because the Government did not provide any support for cultivation of new land or plantation of new crops (Kitamura, 2003). People were banned from shifting cultivation before they could even start cultivating allocated land. In ongoing discussions on LFA reform within the central government, some have pointed out that too much emphasis on shifting cultivation stabilization has negatively affected local people's livelihood.

Assistance from international organizations and NGOs must also be touched upon to explain why LFA has been continued despite various problems. The Government wants the LFA Programme to attract international assistance and funds. For foreign experts on forest policy, LFA means payment and work opportunities in international organizations. It cannot be denied that some NGOs involved in forest projects have used LFA to legitimize their work in the Lao People's Democratic Republic and establish cooperative relationships with forestry-related offices in districts and provinces. International organizations and NGOs are supposed to be outside actors, but it cannot be said that they are free from LFA-related vested interests.

In the Lao People's Democratic Republic, where freedom of speech is limited, "external actors" such as NGOs have the potential to balance the power relationship between government and local communities. On the other hand, confusion in regard to land and forest use can also result if these external actors impose their way of doing things. Inappropriate intervention can also widen political imbalances and worsen problems. Funding from external actors can also be used by government officials or local communities for activities that are unrelated to or undermine conservation objectives. To make use of NGO expertise to implement integrated approaches and improve the forest management system, such organizations must carefully consider the consequences of any intervention.

CONCLUSION

In the case study of Pak Beng district, village relocation and the LFA Programme aimed at shifting cultivation eradication caused confusion over land and forest use by villagers. Most of P Village's previous area for swidden agriculture was assigned as a watershed forest, and agricultural use of the land inside the watershed area was prohibited. After the village relocation, agricultural land was assigned near the village's old residential place and the villagers could not get additional agricultural land around their new residential place. Because access to agricultural land was limited, new vulnerabilities were created for the community. Village relocation and consolidation also triggered conflicts over access to land between old and new residents.

Village relocation and the LFA Programme was implemented in a top-down approach and without considering the complicated situation of the village. The ensuing agricultural land shortage resulted in further domestic migration of some families. Village relocation and the subsequent LFA Programme, which were implemented without detailed regard to local communities' livelihood, had the most serious impacts on the life of swidden farmers who lived in the fields. These outcomes, however, were undesirable even for the district authorities who had implemented the policies to achieve the goals of forest conservation and productivity improvement.

To achieve fair and sustainable outcomes for villagers, village relocation should not be involuntary, but it must be based on the full participation and consent of villagers, and future programmes on forest management and agriculture should consider local communities' existing land use on a case-by-case basis. To do that, detailed assessment prior to implementation and frequent monitoring is needed. Moreover, it is crucial to increase village participation

in land use planning processes. That said, with the rapid social and economic changes in the country, simply allowing "traditional" land use will not be enough to defend local communities' land rights from development and investment projects. Flexible approaches that combine traditional land use and legal frameworks will be needed.[30]

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[30] The international NGO Mekong Watch, for example, has established Watershed Management Project, that assisted in the creation of the Houay Kasaen Watershed Management Committee, where communities and local authorities have had opportunities to discuss land use and forest management plans with each other.

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Section II: Labour, Trafficking and Migration

Chapter 7
ANTI-LABOUR EXPLOITATION AND ANTI-HUMAN TRAFFICKING TOOL: CAPACITY-BUILDING FOR THAI MIGRANT WORKERS

Ratchada Jayagupta

INTRODUCTION

In order to understand human trafficking in Thailand and globally, it is important to gain insights into the relationship between human trafficking and migration. Human trafficking usually begins with movement or recruitment and ends with an exploitation situation (GAATW, 2010). According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime, human trafficking has three main components: actions, which refer to recruitment, transportation, or receipt of persons; means, which refer to threats or the use of force, coercion or deception; and purpose, which refers to exploitation, which can be sexual exploitation, forced labour, slavery or removal of organs (UNODC, 2013). Human trafficking also relates to migration and can be usually seen under the category of forced migration; according to Castles (2006), it is defined as forced (or involuntary) migration because it is related to legal categories that involve people who have been forced to flee their homes and seek refuge elsewhere. Most of these forced migrants flee for reasons that are not recognized by international refugee law, and many have also been displaced within their origin countries. As a result, those forced migrants usually fall into situations vulnerable to exploitation.

Human trafficking is a crime against human rights and dignity, and is associated with labour recruitment, development, migration, and human trade under exploitative and slave-like situations (Jayagupta, 2007). It has become the third largest organized crime in the world, after drugs and arms trafficking. Many have referred to the human trafficking problem as a negative impact of the globalization process, and a problem that has affected every part of the

world. "Globalisation and migration," write Skaliotis and Thorogood (2007), "represent two of the most dynamic world processes, highly interrelated, but each with their own specific drivers and dynamics. At the very least, globalisation is a potentially powerful facilitator of international migration". Thailand, which has also benefited from globalization, is no exception; it too has not been able to escape from the challenge of human trafficking (Peerapeng et. al, 2009).

Thailand exports labour through five legal channels. According to the Thailand Overseas Employment Administration (TOEA), the recruitment of Thai workers for international employment occurs: (a) by undertaking applications and work on their own decision; (b) by accepting jobs arranged by TOEA; (c) by being recruited by foreign employers and accompanied to the employment site by the employers; (d) through facilitated employment by private employment agencies; and (e) by being accepted into foreign job training programmes (Chantavanich et al., 2010). Although there are these five channels serving the demand for Thai labor working abroad, there are still a number of Thais who seek other channels to employment abroad. These workers are at risk of exploitation, and hence there is a need for improved tools to help prevent them from being subjected to exploitative situations.

Thailand has been identified as a source, transit and destination country for human trafficking for the purposes of sexual exploitation, forced labour and forced begging (U.S. Department of State, 2002). While internal trafficking has declined, international trafficking of migrant workers has increased (Jayagupta, 2007). Seeking to address the situation, Thailand signed the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children in December 2001. Subsequently, the "Ps" framework – Policy, Prevention, Protection, Prosecution and Partnership (UNHCHR, 2010) – was included in Thailand's National Policy and Plan on Prevention, Suppression, and Combating Domestic and Transnational Trafficking in Children and Women for 2003 to 2010, which covered a three-year implementation phase (2003–2005 and 2005–2007) and a six-year implementation phase (2005–2010). Most recently, the National Policy, Strategies, and Measures to Prevent and Suppress Trafficking in Persons for 2011 to 2016 was introduced in the last quarter of 2010, which identifies prevention as one of the core strategies to fight against human trafficking in Thailand.

While much has been done in Thailand to combat human trafficking much more needs to be done, developed and sustained. The use of preventive tools

on anti-human trafficking is a priority strategy for the Royal Thai Government, with the aim of promoting awareness amongst all Thais and to establish a "watchdog" society on human trafficking. In 2009, the ARCM at the Institute of Asian Studies of Chulalongkorn University was commissioned by ILO and the Royal Thai Government to develop a new prevention tool, responding to a perceived need that there was a gap in existing tools and programmes, in particular related to the pre-decision stage of migration. Between 2010 and 2011, the ARCM designed the tool with multiple stakeholders. In 2012, the tool was piloted in Petchaboon province with 40 participants, and subsequently evaluated. The tool was designed in particular for vulnerable workers, especially those from the agriculture sector, who are searching for jobs overseas. The tool promotes the concept of safe migration.[31] It is intended to assist the potential migrant labourers to think carefully about the benefits, risks and other relevant factors associated with their employment in the destination country prior to their decision to apply for the job or to contact a recruitment agency.

This chapter presents the anti-trafficking tool developed by the ARCM and highlights the value of preventive mechanisms for source countries. The specific focus of the chapter is on the importance of building the capacity of Thai migrant workers prior to their departure that can serve as one of the effective preventive measures to counter human trafficking and labour exploitation. The chapter first explores the relationship between migration and human trafficking, forced labour and bonded labour. To provide a context to the development of this tool and its implementation, a discussion of the history of Thailand's labour migration and human trafficking is then presented, together with Thailand's National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons for 2011–2016. The chapter then briefly reviews two existing prevention tools that have been used in Thailand, before describing the development, implementation and evaluation of the ARCM's anti-human trafficking tool. The chapter concludes with lessons learned from the implementation of the anti-human trafficking tool.

CONCEPTUALIZING MIGRATION AND HUMAN TRAFFICKING

This section explains the key concepts of migration and human trafficking, labour exploitation, forced labour and bonded labour. It is important to first understand this relationship in order to determine the appropriate preventive

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[31] Safe migration refers to the rights of migrants that need to be protected and the need for migrants to be aware of services that they can access to help them avoid labour exploitation (BRAC, 2013).

tool for anti-human trafficking and anti-labour exploitation, which is discussed in the second half of the paper.

Relationship between Migration and Human Trafficking

Migration can be defined as the movement of people from one place to another, which can be either assisted or independent, and can be either domestic or international (GAATW, 2010). Over the past five centuries, mass migration has played a major role in colonialism, industrialization and the global economy. International migration has been a constant phenomenon in human history and is related to demographic growth, technological change, political conflict and warfare. However, international migration had never been as pervasive or as socioeconomically and politically significant as it is today (Castles and Miller, 1993). According to UN DESA, 232 million people migrated in 2013, or 3.2 per cent of the world's population. This is an increase from 175 million in 2000 and from 154 million in 1990. The two major hosts for migrants are Europe and Asia. The largest international increase in migrants is in Asia, with 20 million people added in the past 13 years. This growth was driven mainly by the increasing need for labour in this region (UN DESA, 2013).

Within the context of globalization and the need for cheap labour, migrants are placed in a more precarious situation. Economic disparity is often the motivating factor for migration. Free trade, among others, has been cited as an important contributing factor for migration. For example, since the signing of the North American Free-Trade Agreement, the number of undocumented immigrants from Mexico to the United States of America has increased by 60 per cent (Public Citizen, 2013). According to the Center for Solidarity (Misra, 2007), the push factors for migration include low income and unemployment, which are a result of industrialization and globalization relating to market liberalization initiated by institutions such as the World Bank and the International Monetary Fund. At the same time, there is a great demand for cheap labour overseas, making the calculated migration risk seem manageable in comparison to migrants' current situation (Misra, 2007). It is within this context that migrants are at greater risk for trafficking.

It is common for people to migrate from countries with economic, environmental or political problems to countries or regions that have a better quality of life. Poverty and lack of opportunity, and political and social instability in the communities and countries of origin often force potential migrants to turn to irregular migration channels, including criminal networks.

As a result, many fall victim to trafficking because of their lack of awareness of their legal rights and the lack of channels for redress. Other factors leading to vulnerability include the lack of valid travel documents and limited access to legal assistance as well as to other social services such as health care (Lee, 2005). An example is the case of over 200 Thai farmers who were recruited by an agency for overseas work in the United States and, as a result, became victims of human trafficking (EEOC, 2011).

For this reason, new human trafficking routes are regularly established, and the market for fraudulent travel documents, clandestine transportation and border crossing has developed worldwide (Piper, 2003). World Vision's fact sheet (2009) on labour exploitation explains how labour exploitation is often a factor in human trafficking and that it is an international criminal offence. It is estimated that 12.3 million people globally are trapped in forced labour (ILO, 2009), and 126 million children are engaged in the worst forms of child labour (ILO, 2006) that includes human trafficking, armed conflict, slavery, debt bondage, sexual exploitation and hazardous work (ILO, 1999).

Driven by economic disparity among countries, high unemployment and demand for cheap labour, human trafficking has grown significantly in recent decades. This serious threat to human rights has been further fed by governments' inadequate or unexercised policy frameworks, allowing traffickers to face few risks of prosecution. Although the nature of the crime itself makes it difficult to calculate the actual number of trafficked persons, in 2005, the U.S. Department of State estimated that some 600,000–800,000 people were trafficked worldwide, of whom 80 per cent were women and girls (U.S. Department of State, 2005).

In the 2013 *Trafficking in Persons (TIP) Report* of the U.S. Department of State, President Barack Obama stated that the work to eradicate modern slavery in the form of human trafficking remains an uphill struggle (U.S. Department of State, 2013). The 2013 *TIP Report* estimates that, according to the information governments have provided, only around 40,000 victims of human trafficking were identified in 2012.[32] On the other hand, independent social scientists estimated that as many as 27 million men, women and children were trafficking victims at the given time (U.S. Department of State, 2013).

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[32] The U.S. report on trafficking in persons is not without critical reviews from various agencies relating to methodologies, policies and implementations. See: The Trafficking Research Project, "A response to the United States Trafficking in Persons Report (2012) specifically as it relates to Singapore (2012); Jordan, "2011 State Department Trafficking in Persons Report: A need for more evidence and U.S. accountability," *Rights Work* (2011); A. Wooditch, "The efficacy of the trafficking in persons report: A review of the evidence," *Criminal Justice Policy Review*, 24(6):2 (2013).

Many of the women and girls are trafficked into commercial sex work, while men are trafficked into labour-intensive industries. They often become dependent upon their agents and employers who force them into an exploitative situation. Debt bondage can play a crucial role in the dependence of trafficked persons, since victims are demanded to pay back their debts by using their labour. As a result, they are susceptible to being forced into labour.

Human trafficking has become both increasing complex and dynamic due to its nature and the impact of globalization. The growing awareness of human trafficking crimes beyond the sex industry has encouraged governments since the 2000s to look beyond the crime control paradigm that characterized early anti-trafficking initiatives, and to consider the critical role that labour law can play in changing the conditions under which workers become vulnerable to exploitation (Simmon and David, 2012). Thailand currently has a policy, strategies and measures to prevent and suppress trafficking in persons for 2011–2016, and it has been prioritized as a national agenda in order to ensure effective prevention and protection programmes and suppression of human traffickers. Thailand is seeking to ensure effective implementation of the programmes by strengthening collaboration among concerned agencies and adopting a multidisciplinary team approach.

Defining Human Trafficking for Labour Exploitation

Human trafficking normally refers to the recruitment, transportation, transfer, harboring or receipt of a person through force or deception for the purpose of exploitation, and can result in forced labour. According to Section 4 of Thailand's Anti-Trafficking in Persons Act B.E.2551 (2008):

> "Exploitation" shall mean seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person's consent.

> "Forced labour or service" means compelling the other person to work or provide service by putting such person in fear of injury to life, body, liberty, reputation or property of such person or another person, by means of intimidation, use of force or any other means, causing such person to be in a state of being unable to resist.

A migrant can be trafficked to a destination country to work and then find him- or herself in a situation of forced labour. Alternatively, a migrant worker may enter a destination country voluntarily and agree on work conditions, but later on may find out that he/she has fallen into a trafficking ring. The potential contributing factors for labour exploitation and an individual's vulnerability includes high unemployment, non-payment of minimum wages, poverty, crime rates, discrimination, corruption, conflict, cultural acceptance of the practice (bonded labour), immigration (legal and illegal) and vulnerability of minority groups, lack of education and lack of rights awareness (World Vision, 2007). While labour exploitation can occur both nationally and internationally, children and migrants are particularly vulnerable and can be exploited through debt bondage, involuntary servitude, and/or trafficking. The vulnerability level increases if he/she is unskilled, unable to speak the local language, illiterate, has no legal migration status, or is using unsafe migration means to secure his/her employment. When there is a large number of unskilled labour in the origin community or country and people are willing to migrate for better economic opportunities, this can also increase the risk of labour exploitation. On the other hand, local labour may not want to work in the 3Ds (dirty, degrading and dangerous) work environment, resulting in a labour shortage in the destination community or country, also creating a demand for labour from poorer source communities and countries (World Vision, 2007).

Defining Forced Labour

Forced labour violates the basic human right to work freely and the freedom to select work tasks. Forced labor refers to "any work or services which people are forced to do against their will under the threat of some form punishment or almost all slavery practices" (Anti-Slavery International, 2013). According to the ILO Convention No. 29 (1930), forced labour can be defined as "forced or compulsory labour as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Article 2.1) (Belser, 2005).

According to the Good Labour Practices guidelines introduced by a collaboration between Thailand's Ministry of Labour, Thailand's Ministry of Agriculture and Cooperatives, ILO, and a private association related to the shrimp and seafood industry of Thailand, there are two main elements to forced labour: the first is that the worker must be subject to threat of penalty;

and the second is the worker is not working voluntarily. Regarding the first element, penalties that could be imposed or threatened include (ILO et al., 2013):

- Restrictions on freedom of movement, such as prohibiting workers from leaving the workplace or living accommodation;
- Financial penalties, for example, burdening workers with unmanageable debt or delaying wage payments to keep workers on the job;
- Harassment and violence, for example, beatings or sexual assault;
- Threats to report workers to the authorities, for example, to the police or immigration;
- Denying workers' access to their personal documents, such as birth certificates, passports, work permits or identification cards;
- Termination or exclusion from future employment;
- Exclusion from community and social life;
- Removal of rights and privileges, or refusal of food, shelter or other necessities;
- Transfer to worse working conditions.

Threat of penalty may occur during recruitment and result in the individual being forced to accept a job. It can also occur once the person is working as a means of forcing a worker to perform tasks that were not initially agreed upon (ILO et al., 2013).

The second element of forced labour refers to a situation where the labourer does not accept his/her work voluntarily. He/she must consent to accept the work and must be free to leave the job and the workplace at all times. To conclude whether his/her work is performed voluntarily, it often involves looking at the vulnerability of the worker and external and indirect pressures that make it difficult for workers to decide not to work, such as a situation where workers receive no payment of wages, or are denied access to their identity documents (ILO et al., 2013).

Indicators of forced labour according to ILO (2013) are summarized as follows:

Indicator	Essence
Abuse of vulnerability	People who are in a vulnerable situation, such as illegal migrants, ethnic groups or those who are not protected by law, can be vulnerable to abuse and being turned into victims of forced labour. Employers may take advantage of this vulnerable situation, such as imposing excessive working hours or withholding worker wages, creating a situation of forced labour.
Deception	In this situation, the worker does not receive whatever he/she has been promised, either by verbal or written agreement. Normally, at the pre-employment stage, a worker is promised good working conditions including a well-paid position and decent work. But once he/she begins work, he/she does not receive the conditions as earlier promised.
Restriction of movement	Workers cannot move freely to enter and exit the work premises due to inappropriate restrictions. These restrictions refer to a controlled movement within the workplace, for example, by CCTV or security guards both within and beyond the work premises.
Isolation	Workers can be vulnerable to forced labour while they work in remote sites and are not allowed to communicate with the outside world. However, workers can also be isolated in populated areas, where they are detained within closed work premises that do not allow them to contact the outside world.
Physical and sexual violence	Violence can occur when workers are forced to work under conditions that were not included in the initial agreement. It can include forcing workers to take alcohol or drugs to have control over them. Physical abduction or kidnapping is an extreme form of violence.
Intimidation and threats	Workers can suffer from intimidation and threats. Denunciation to the immigration authorities, loss of access to housing or land, loss of right to leave the workplace and insulting workers can be considered forms of intimidation and threat.
Retention of identity documents	Workers have no access to their identity documents or other valuable personal possessions may be vulnerable to forced labour, because they cannot access essential services or seek other job opportunities.
Withholding of wages	Withholding of wages, including irregular or delayed payment of wages, does not usually refer to a forced labour situation. However, if wages are systematically and deliberately withheld as a means to compel workers to remain, and deny them to leave the workplace or change the employer, these can be considered forced labour situations.
Debt bondage (bonded labour)	Workers may work to pay off their incurred or inherited debts. The debts can arise from wage advances or loans to cover recruitment or transport costs, or from daily living or emergency expenses. Employers or recruiters may create difficult circumstances that prevent workers from repaying their debts.

Indicator	Essence
Abusive working and living conditions	Workers perform their tasks under conditions that are degrading or hazardous and in severe breach of labour laws. They may have substandard living conditions.
Excessive overtime	Workers may be obliged to work excessive hours or days beyond appropriate working hours indicated in the national labour law.

Migrant workers may be vulnerable to forced labour in situations that exhibit the above indicators and in situations that violate the national labour law. However, forced labour does not automatically equal human trafficking, but these indicators can support the identification of human trafficking.

Defining Bonded Labour (Debt Bondage)

According to ILO et al. (2013), in Good Labour Practice (GLP): Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand, "bonded labour" (or debt bondage) can occur when an individual pledges his/her services and/or those of the individual's family members in exchange for a loan or pay advance. Bonded labour arises when the conditions of the loan or the work itself are such that the worker is unable to meet this obligation for an excessive period of time.

To further conclude, the related fees imposed on migrant workers who work abroad do not necessarily constitute debt bondage. However, when threat or force is used to make or keep someone working, this circumstance may be considered forced labour. When a person has incurred debt and his/her labour has been exploited, his/her situation may be considered debt bondage (World Vision, 2007).

As mentioned in the preceding section on forced labour, debt bondage is an important indicator of forced labour. Due to the fact that the worker must work and pay back all the debts, the employer or debtors have power over the worker. This may extend the duration of work in order to pay back the debt. In addition, employers or recruiters or debtors may create a situation in which those workers cannot escape from the debt both physically and in terms of repaying the debt itself.

THAILAND: POLICY AND CONTEXT OF LABOUR MIGRATION AND HUMAN TRAFFICKING

Thailand's National Policy, Strategies and Measures to Prevent and Suppress Trafficking in Persons for 2011–2016

This section discusses Thailand's policy and strategies to address human trafficking. The objectives of Thailand's National Policy, Strategies and Measures to Prevent and Suppress Trafficking in Persons for 2011–2016 are: 1) to provide guidelines for prevention, prosecution, protection, development and implementation policy measures, as well as development and management of information; and 2) to promote cooperation from all sectors in the implementation of the above-mentioned policy strategies and measures.

This policy focuses on the following key mechanisms to prevent human trafficking: strengthening effectiveness in prevention; prioritizing and propulsion of prevention measures; and promoting support for families and communities. It also encourages the general public, families and communities to be aware of human trafficking as an issue and, in doing so, promotes cooperation on monitoring incidences of human trafficking. One of the important measures proposed to combat human trafficking is campaigning through all types of media on safe migration and the risks of human trafficking, which is intended to create a better understanding among target groups and to ensure cooperation in monitoring the human trafficking situation. Another important measure is to develop educational training and materials for vulnerable groups to ensure that they are aware of the risks of human trafficking and do not fall into this problem cycle.

In response, the ARCM and ILO pre-decision training was introduced in order to serve as an additional tool to support safe migration and to allow potential migrants to have time to carefully consider the benefits and challenges that may occur at the destination country before the decision to migrate is taken.

THAILAND AS A SOURCE COUNTRY [33]

International migration is considered an important livelihood option among the Thai population, and Thais have migrated to work overseas through both regular

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[33] Although Thailand holds three statuses as country of origin, transit and destination country, the ARCM and ILO pre-decision tool is targeted towards Thailand's status as a source country.

and irregular channels. Many studies have shown that international migration of Thai workers began in the 1960s, when a small number of Thai professionals went to work in the United States (Chantavanich et al., 2010). From 1972 to 1990, there was also a significant movement of unskilled workers who migrated to the Middle East (Chantavanich et al., 2010). The 1997 economic downturn resulted not only in an increase in unemployment in Thailand but also a huge decline in overseas employment opportunities. Despite this, the Asian labour markets such as Taiwan, Japan, and South Korea were popular destination among Thai migrant workers due to the similarity of the environment, society and culture between these destination countries and Thailand, which helped Thai workers to adapt to their new workplaces (Chantavanich et al., 2010).

A new era in Thai international migration started in the 1990s, in particular since the 1997 Asian financial crisis, which has three key characteristics (Chantavanich et al., 2010)

- Thai migrant workers increasingly migrated to countries within East Asia and South-East Asia.
- A large number of women began migrating to Japan and Hong Kong, resulting in a higher ratio of Thai female migrant workers to male migrant workers.
- A greater number of migrant workers traveled or found employment illegally, seeking better job opportunities and higher wages.

Although Thailand holds the status of source, transit and destination country for human trafficking phenomenon, many past studies and materials produced have focused on Thailand's status as a destination country. Therefore, Thai labourers who seek work abroad may find insufficient information to support their decision over which employment channel to follow to support their international migration. The ARCM and ILO pre-decision tool on anti-labour exploitation and anti-human trafficking tool was introduced, developed and piloted in this context.

DEVELOPMENT AND APPLICATION OF ANTI-LABOUR EXPLOITATION AND ANTI-HUMAN TRAFFICKING TOOL IN THAILAND

This section reviews a selection of prevention tools implemented in Thailand between 2005 and 2007, and, in this light, also details the development stages and final design of the ARCM and ILO anti-labour exploitation and anti-human trafficking tool.

Review of Two Existing Prevention Tools Used in Thailand

In order to combat labour exploitation and human trafficking problems, the governments of origin countries should raise awareness among potential migrants about labour recruitment, migration process and working conditions. However, pre-departure training in Thailand, which are usually provided by the Government, while useful, are not adequate to prevent human trafficking and labour exploitation. Vanaspong (2012) argued that pre-departure orientation seminars lack sufficient details to properly prepare Thai migrant workers before their departure for overseas employment. She also highlights that the duration of the seminar, which are between two and eight hours, is not adequate to provide sufficient information to Thai migrant workers to understand the potential work situation and related matters in the destination country (2012).

Jayagupta (2007) reviewed a selection of national prevention measures which included activities that focus on awareness-raising, community participation and collaboration among concerned state agencies on preventing labour exploitation and human trafficking. Jayagupta (2007) focused on one of Thailand's two national short-term (three years: 2005–2007) prevention measures. The objective of these prevention measures was to provide services to all regions of Thailand, including: (a) support for formal and non-formal education, informal education and poverty alleviation by supporting job opportunities; and (b) consulting services for youth groups, parents, the elderly, families and the wider community in order to decrease push factors for children and adults to enter into human trafficking ring.

Jayagupta (2007) selected two projects for data collection and analysis. The first project provided knowledge for young women in order to prevent them from deception into human trafficking and labour exploitation in northern Thailand. The second project was a community development programme for upland ethnic groups vulnerable to labour exploitation.

The first project, implemented in northern Thailand, aimed to cover 80,000 to 90,000 participants each year. IOM and the Foundation for Women provided materials and technical support. Participants were selected from rural female youth groups, female youth working in the services sector, female construction workers, female youth students, and parents, guardians, district chiefs, community chiefs and local leaders. The project's main objectives were to provide information related to deception into forced service, as well as to raise awareness of the dangers of human trafficking.

Based on observation and interviews with selected participants and government officials in Phayao, Jayagupta (2007) concluded that the project had achieved all its main objectives. However, some gaps remained to be addressed. A particular challenge was the risk of discontinuity of the project budget, which discouraged the commitment of the practitioners in implementing the project; the project budget was approved by and distributed from the central government, and could be disrupted if it were reallocated to other urgent needs. The project was also dependent upon its continued inclusion in the province's operational action plan. Despite this, the practitioners found that the training was a valuable investment and should be sustained to build awareness about human trafficking.

Another challenge was that minority and vulnerable groups were not included in the training, such as youth whose parents had died from HIV/AIDs. This was despite the fact that the participants for the training were recruited on a voluntary basis. In addition, although the anti-human trafficking mechanisms discussed were mainly focused on protection and prevention for children and women, in practice, male rights are also violated, and therefore, it was recognized that future training should focus on male participants, too. Finally, it was found that there was a need for more systematic monitoring and evaluation of the training.

The second project was a community development programme for upland ethnic communities that sought to apply a holistic approach working with women and children who might migrate for work, to help them avoid exploitative situations. The main project implementers were the Mirror Art Group, ILO, and members of selected upland ethnic minority Akha and Lahu communities. The project focused on promoting income-generation opportunities through ecotourism projects and promoting ecotourism to the upland ethnic minority villages to reduce the risk of human trafficking or labour exploitation due to migration.

Jayagupta (2007) concluded that the holistic approach taken by the project was a good strategy to achieve the project's objectives. The project's activities increased self-esteem and empowerment among the community, and affirmed and strengthened their cultural values and traditions. The promotion of ecotourism among the villagers enhanced their own valuation of their culture and traditions. The project activities supported local job opportunities, because various jobs were created in the community once the ecotourism project took off. Children could also assist their parents in weaving, and welcoming and selling local products to the ecotourists. The

training provided to enable villagers to become local tour guides led to greater understanding of their culture, and strengthened group cohesion in the community.

Along with the promotion of community self-reliance through the ecotourism programme, the project raised awareness about the current situation of labour migration, labour exploitation and human trafficking. A community self-surveillance initiative was established; the local tour guides were considered important contacts who worked closely with the communities and concerned local government agencies to share information on human trafficking and labour exploitation between them.

There were also some challenges for this second project. The project did not sufficiently promote the ecotourism initiatives with Thai tourists, which challenged the sustainability of the programme. Despite this, other alternatives for the ethnic minority communities were not provided to support their search for proper and safe employment.

Jayagupta's (2007) assessment of the two projects above identifies gaps in the existing prevention tools, including financial sustainability, yet highlights the importance and need for further programmes and training to reach communities at risk of labour exploitation and human trafficking. Jayagupta's (2007) work also highlighted the potential for reaching out to large populations through the use of mass communication technologies. In other words, new training and programmes in Thailand are required both in local areas and via mass communication at long distances, and can be undertaken as collaborations between central- and local-level partners. Furthermore, continuous support from the government is also important for long-term and sustainable prevention schemes, as is the active participation of migrants themselves to monitor and report on labour exploitation and human trafficking.

Given the complex and dynamic character of human trafficking, a proactive prevention programme is important. It should be recognized, however, that prevention training programmes cannot offer a total prevention mechanism. Therefore, training programmes should help participants to understand the positive and negative sides of migration, as well as to simultaneously raise awareness about protection mechanisms.

Development Process of the ARCM/ILO Anti-labour Exploitation and Human Trafficking Tool

In late 2010, the ARCM started the development of a new training tool focused on the pre-decision stage of migration, with financial and some technical advice from ILO. The training tool was designed and piloted over a 12-month period. In this section, the process for developing and piloting the tool is detailed. In the subsequent section, further details of the design and content of the tool itself are provided.

Step 1: Establishment of the Expert Working Group

This working group comprises experts on labour, labour migration and human trafficking issues from academic institutions, government agencies, NGOs, international organizations and labour organizations. Regular meetings of the Expert Working Group were held to develop a curriculum. After piloting the training curriculum in Petchaboon province, a post-training meeting was held at which the observations of the trainers and feedback from the participants were shared and discussed in order to finalize the curriculum.

Step 2: National executive roundtable consultation meeting [34]

Prior to the piloting of the training tool to participants in Petchaboon province, the draft of the curriculum was discussed by National Executives at the national executive roundtable consultation meeting on 28 June 2011. The executives' recommendations were incorporated into the revised curriculum for the pilot training.

Step 3: Piloting the training tool

The developed training tool curriculum was tested in a three-day workshop for 40 participants in Petchaboon province. Participants were potential Thai migrant workers and returnees. Details of the training modules and the implementation of the workshop are detailed in the following sections.

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[34] Composed of National Experts on Anti-Human Trafficking, Dr. Saisuree Chutikul, Police General Chatchawal Suksomjit, Ms. Sudarat Seriwat, Ms. Sunee Srisangatrakullert, Mr. Boonsong Chaletorn and Ms. Suthasinee Kaewleklai and major concerned agencies from the Ministry of Labour, the Ministry of Social Development and Security (MSDHS), the Ministry of Foreign Affairs (MFA), the Royal Thai Police (RTP), the Department of Special Investigation (DSI), the Lawyer Council of Thailand (LCT), NGOs, ILO and the ARCM, among others.

Step 4: Post-training community surveillance

In the last session of the training, a simulation exercise was undertaken that promoted post-training surveillance intended to help create a "watchdog community" for labour emigration. It was proposed that two volunteers from each village would keep a record of potential migrant workers seeking employment abroad in 2012, who would then communicate this information to the ARCM or the local labour official. This information was intended to be used in order to verify other sources of overseas employment information. This process went well for a couple of months until the end of the grant support for the project.

Final Design of the ARCM/ILO Anti-Labour Exploitation and Human Trafficking Tool

Due to the serious consequences[35] of human trafficking and forced labour, it is crucial that migrant workers learn about these risks before migrating abroad. According to World Vision's factsheet on labour exploitation (2007), labourers who are aware of their rights, particularly their labour rights, and who use safe migration means are less vulnerable to exploitation.

This section provides further details on the pilot capacity-building workshop (see step 3 of the development process) for Thai migrant workers searching for international jobs, and who are at the pre-decision stage of migration. The capacity-building workshop was conducted in October 2011 and designed for potential migrants at the pre-decision or pre-employment stage of migration. Forty workshop participants were selected from three villages in Petchaboon province, and both returned migrants and future migrants participated. Most of the participants were interested to go to Sweden for wild-berry picking. The essence of the workshop was to provide useful information to migrants so that they could carefully consider their decision to apply for a job or contact a recruitment agency. The workshop was designed so that migrants were able to learn from the trainers and also exchange ideas regarding any issue related to their job selection. They were also encouraged to establish community or village surveillance systems to prevent human trafficking for labour exploitation (see step 4 of the development process).

The workshop was provided by a mobile training unit and could, in the future, be conducted either in urban or rural areas. The trainer team conducted

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[35] Consequences include psychosocial negative effects, physical and mental abuse, loss of self-confidence and debt bondage.

a rapid assessment prior to the actual training in order to understand the current needs of migrants from the selected communities; the contents of the curriculum were then adjusted according to the rapid assessment findings.

The workshop trainers came from various organizations including central and local governments, academia, community-based organizations and groups of villagers. Trainers included a Thai labour expert from Sweden and government representatives, including those from the Ministry of Labour and the Ministry of Social Development and Human Security at the provincial level. The selection of trainers was also intended to strengthen collaboration between these institutions. Well-planned collaboration among the coordinators, trainers and villagers was found to be essential for delivering a successful training. The pre-training rapid assessment was also found to be important in designing the pilot training programme.

The curriculum comprised six main modules.

Session 1: Introduction (30 minutes)

This module presents the significance and objectives of the training. The participants, trainers and local coordinators were also introduced, and the materials distributed to participants were explained. Participants' expectations of the training were also shared. Prior to the second session, participants were also asked to take a pre-training assessment test; the results of the test were shared among trainers in order to appropriately adjust the curriculum for participants.

Session 2: Actual situations of Thai migrant workers and case simulation (3–6 hours)

This module provides information on the situation of Thai migrant workers and the problems that they face. Case studies and case simulations were shared for the participants to discuss and analyse. The module has three main objectives: first, for participants to understand the international labor migration situation; second, for participants to appreciate the current problems faced; and third, for participants to become aware of factors of concern in job recruitment and work conditions at the destination country. In addition, the roles and responsibilities of concerned agencies assisting migrant workers in international migration and preventing human trafficking and labour exploitation were also introduced.

A video presentation on the current situation and problems that Thai migrant workers might encounter should they decide to work aboard was shown, followed by small group discussions. It was found that participants were very active in group discussions regarding the causes of the problems.

Session 3: Safe migration: pre-decision, pre-employment, financial education and human trafficking (3–6 hours)

This module focuses on the concept of safe migration starting from the pre-decision or pre-employment stage. Through this module, participants understood the concept of safe migration and the legal channels for international job recruitment for Thai migrant workers. Participants also understood and became familiar with information verification channels and process. Preventive measures and a checklist for these were discussed and practiced. Human trafficking in labor exploitation, concepts of forced labour and debt bondage were also discussed, and related legislation and financial education exercises were undertaken.

Exercises that focused on financial management for migrant workers, including case scenarios, were also presented. Participants were encouraged to use their analytical skills to consider how much they might earn, how much they needed to invest in their job recruitment, and how much they would receive during their work at the destination country. In the discussion, it was found that most workshop participants did not earn enough at the time to support their current cost of living, and hence they were interested to take a risk for the opportunity of finding a better income abroad. Many participants, even when they realized that they could potentially lose all of their savings or land, still wanted to take the risk in seeking employment abroad. Even though the exercises were based on true events, they believed that the unfortunate outcomes would never happen to them.

Session 4: Safe migration: pre-departure, working conditions and assistance at the destination country (3–5 hours)

This module focuses on pre-departure and international employment information. Through this module, participants understood the international labour rights standards, and the hotlines and agents assistance in both the origin and destination countries. Financial education was also re-emphasized for remittance management. The issue of gender was also introduced, as well as the types of vulnerable circumstances that migrants may fall under that can lead to human trafficking through videos, lectures and discussions. Potential

solutions to escape from human trafficking situations and other self-defence techniques were introduced and practiced.

Participants enjoyed contacting the hotline numbers in Thailand where they could request overseas employment information. However, the hotlines did not always work effectively, especially after office hours. The most active session was the self-defence exercise; this part of the module had been specifically requested by migrants during the curriculum development process, because they felt unsafe when they had to pick wild berries in the forest where there were lots of strangers in the surrounding area; some had even encountered other foreign labourers trying to steal their wild berries and money.

Session 5: Reintegration programme (3 hours)

This module encourages participants to understand and prepare for the reintegration process. IOM (2004b) defines reintegration as a process where a migrant reintegrate into his/her society in the home country in development, economic and social terms.

Details of the reintegration programme for trafficked persons were also introduced, as well as labour protection schemes for human trafficking victims and labour rights protection. Participants learned significant factors that placed them under the category of victims of human trafficking for labour exploitation and how to receive assistance. They were given contact numbers and places for both government and non-government assistance centres. The participants' manual included a list of important contacts at the destination countries. Participants were also encouraged to plan their return to Thailand for their future career and savings.

Session 6: Sustainable community prevention and surveillance mechanism (1–2 hours)

This last module focuses on the establishment of sustainable community prevention and surveillance mechanism among migrants and their communities (see step 5 of the development process). Volunteers from among the participants were invited to work with the trainers or local government officers[36] over the months, following the training to provide lists of future migrants and details of international jobs and recruitment agencies that they encounter. The

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[36] Local officers refer to official(s) from the Ministry of Labour, and the Ministry of Social Development and Human Security at the provincial level.

collaboration went well at the beginning but discontinued after the completion of the grant.

All 40 participants attended all the training sessions. At the end of the three-day training, participants were requested to complete a post-training assessment. The results found that the participants had improved their knowledge regarding the concept of safe migration and other matters that were useful for them as potential migrant workers.

Evaluation of Pilot Workshop and Lessons Learned to Date

A prevention programme can be said to be effective if the participants are aware of the root causes of human trafficking and/or labour exploitation problems, and are able to eradicate those root causes. In the case of this training, it is difficult to conclude that it has been fully effective in this sense due to the limited time and resources spent, as well as the fact that it was only conducted in one district and for one time only. Based on the participants' own evaluation of the training and the trainers' observation, however, the participants were aware of the causes and consequences of migration, and were able to name vulnerable situations that may lead to human trafficking and/or labour exploitation. They were also aware of the safe migration concept, including that it should begin at the pre-departure stage in the origin country, continue on to the destination country, and then during preparations for reintegration back to their hometown.

Participants were enthusiastic and actively participated in the training sessions, discussions and debates, case simulations, and the self-defense exercise. One of the highlights of the training was that the villagers expressed their interest to establish their own recruitment company or cooperative organization that they can fully trust in the search for international job opportunities, and manage their own travel contracts and living arrangements in the destination countries. Workers said that they would prefer to pay recruitment fees and other relevant costs for this type of agency instead of paying them to a private recruitment agency.

A successful programme should lead to the eradication of the root causes of human trafficking and labour exploitation. One of the most significant root causes that leads to migration is poverty. Therefore, the wellness of the people should be a focus, and, at a minimum, their capacity and capability to meet essential needs and satisfy basic wants. Globalization is noted once again in playing a significant role in driving the labour movement in the area,

including its linkages with consumerism, materialism and technology which can be seen in the villages (Stalker, 2000). Chantavanich and Germershausen (2000) also note how migration is a key phenomenon that characterizes the current world social and political development, where wage disparities play a significant role in motivating migration, while the rapid exchange of information also plays an essential role in migrant decision-making.

Based on the experience in implementing this training curriculum, it seems inevitable that villagers will migrate in the globalization era. Large development projects and labour shortage in developed countries generate a high demand for both skilled and unskilled labour. Villagers search for better earning opportunities even though there are some risks involved, including forced labour, which may lead to human trafficking and/or labour exploitation. The community, in other words, is made up of potential economic migrants who may voluntarily outmigrate in search of a better life.

When brokers offer the possibility of a better job opportunity, it motivates migration. The decision to migrate is usually made voluntarily by migrants themselves. Poverty, malnutrition and unemployment are among the push factors for villagers to leave. If the job at the destination is as promised, migrant workers enjoy the benefits and are able to send remittances home, which, in turn, improves their lives in the long term. This then also becomes a model that others follow. If, on the other hand, the job is not as promised, workers may become trapped in a situation of exploitation.

Following the pilot phase of the project, the curriculum was adjusted and then resubmitted to the working committee for approval. It was subsequently approved or acknowledged in 2011 by concerned agencies – including the Ministry of Labour, the Ministry of Social Development and Human Security, the Ministry of Foreign Affairs, the Ministry of Justice, and the Royal Thai Police, as well as by senior national advisers for children's and women's rights, representatives from community-based organizations, trafficked victims and ILO – for future implementation of the programme. The main challenge encountered in organizing the workshop is the overarching sustainability of the training programme itself. Although the participants would like to receive further support from major concerned agencies, especially financial and technical support, at present, there are no donors or committed agencies that can ensure continuous support for the programme.

CONCLUSION

The essence of the training tool presented in this paper focuses on the concept of safe migration, which is applicable during the pre-decision stage, followed by pre-departure, destination and reintegration preparedness stages of migration; all stages are important and have an impact on migrants' lives. Hence, it is crucial for Thai migrant workers to be aware of these indicators and understand the concept of safe migration so that, if necessary, they can access appropriate assistance at the right time. The training tool was developed and implemented by a multi-disciplinary team for Thai migrant workers seeking overseas employment. The tool mainly focuses on the preventive aspect of human trafficking and labour exploitation, and less so on protection mechanisms in Thailand that are provided for victims of trafficking or labour exploitation. The tool responds to the real situation of labour migration in Thailand, based on linkages between migration and human trafficking, labour exploitation, and forced labour.

While there was insufficient rigorous data to conclude whether the project is effective or ineffective in the long run, the positive response of participants to the training workshop indicated that the "Anti-human Trafficking Tools: Capacity-building for Thai Migrant Workers" project was perceived as beneficial and valuable in deepening potential migrants' understanding of labour exploitation and human trafficking. It is essential that potential migrants have access to the types of information and skills provided at the workshop at the pre-decision or pre-employment stage of migration in order to ensure safe migration. As with other national prevention mechanisms reviewed in this chapter, however, one of the challenges faced is the sustainability of the training workshop due to the discontinuity of support and assistance from donors both in technical and financial terms.

It is argued by the author that there needs to be sustained cooperation and financial support by concerned agencies both at the national and local levels to continue the use of the tool and organize more workshops. Information in the curriculum regarding current overseas employment opportunities and the risks that should be considered by villagers in their decision to migrate should be continually updated. Furthermore, the curriculum can be adjusted based on the particular needs or demands of the participants. There are multiple areas within the workshop programme where NGOs and government agencies could coordinate together and strengthen their relationship in order to prevent human trafficking and labour exploitation, which is another benefit offered if the tool were to be continued to be implemented. Any

implementing agencies should also ensure that gender is accounted for and minority groups are included in the training. Finally, surveillance mechanisms or neighborhood watch schemes should be designed and implemented in the target area to monitor migration trends and the risks of human trafficking and labour exploitation. From a more holistic perspective, it is also important that agencies working on the issue of migration provide viable and attractive alternatives to villagers – in terms of safe migration options and non-migration options – that could help avoid the appeal of risky modes of migration where they could be at risk of human trafficking and labour exploitation.

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Chapter 8
NATIONALITY VERIFICATION PROCESS IN THAILAND: WHAT WORKED, WHAT DID NOT AND THE STEPS FORWARD

Claudia Natali[37]

INTRODUCTION

Wherever there is international migration, there is irregular migration. The two phenomena go hand-in-hand and virtually all countries in our globalized world face some degree of unregulated border crossings, a costly challenge that undermines the benefits of migration both at the macro and micro levels. States have been trying to devise policy options and mechanisms to ensure that illegal movements across borders are minimized and that the number of irregular migrant workers within their own borders is reduced. No perfect or "one size fits all" system to manage irregular migration exists; migration policies should be context specific, as the incidence and prevalence of irregular movements is highly dependent on the geography of borders, economic development of countries, and the culture and existence of well-established transnational organized criminal networks. However, some good practices and lessons learned can be gained from countries where migration policies have been shaped and where regularization programmes have been developed and implemented.

Thailand is a main destination country in the Greater Mekong Subregion. Due to the significant difference in economic development with neighbouring Cambodia, the Lao People's Democratic Republic and Myanmar, over the years, millions of people have crossed the porous borders irregularly, often through the help of unscrupulous smugglers, to look for better lives in Thailand. While no migration policy existed until 2003 that allowed low-skilled migrant workers to enter Thailand legally, a series of MoU have since been signed and a regularization system has been introduced as of 2006 for Cambodia and the Lao People's Democratic Republic, and in 2009 for Myanmar.

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[37] The author would like to thank Ainsley Stinson, intern at IOM Thailand, for her assistance in research.

This chapter reviews Thailand's migration policies for low-skilled migrants from Cambodia, the Lao People's Democratic Republic and Myanmar, with a particular focus on the NV process, a status-legalization mechanism that was implemented for irregular migrant workers in Thailand between 2006 and 2012. Through a description of how NV was implemented, including the processes it entailed and a critical analysis of the drawbacks, this chapter aims to highlight the extent of success this mechanism has produced. This chapter also underlines lessons learned that can be applied to any future regularization system either in Thailand or abroad.

The chapter is organized as follows: first, Thailand's migration profile is described and relevant policies are reviewed. Then, a background and overview of the NV process is provided, including a detailed description of the process itself and how it evolved over the years. An analysis of benefits and costs of the process from the perspective of the migrants and employers, as well as countries of origin and destination, is also presented. Finally, an update on latest developments in Thailand's migration policy is provided, followed by some discussion regarding the future of migration policy in Thailand, including in the context of ASEAN economic integration. The paper concludes with some recommendations for improvement of the NV process that could potentially be applied to other status regularization programmes.

THAILAND MIGRATION PROFILE AND RELEVANT POLICIES

Low-skilled migrant workers from the Greater Mekong Subregion commonly migrate to Thailand. The fast economic development that the country experienced over the past 20 years coupled with big economic differentials with its neighbouring countries – Cambodia, the Lao People's Democratic Republic and Myanmar – along with political instabilities in some of these countries have been the main determinants of people mobility to Thailand. The search for better lives and opportunities on the one hand and the high demand for labour on the other hand have driven high flows of low-skilled workers to Thailand. Most of these migrants are employed in the so called "3Ds jobs" (dirty, dangerous and demeaning), including jobs in manufacturing, construction and fisheries.

The lack of a policy to allow low-skilled workers from neighbouring countries legal entry to work in Thailand until 2003 opened the door to the alternative of entering illegally through the country's borders. This contributed to develop a large pool of irregular migrant workers in Thailand. While exact figures of total number of migrants in Thailand are challenging to get, as of 2011 about

2.5 million migrants from neighbouring countries lived in Thailand, of which 1.5 million were irregular (IOM and MPI, 2012).

In an effort to tackle the challenge posed by the increasing number of irregular migrant workers in the country while accommodating the needs of employers and industry for cheap labour, the Royal Thai Government established the so called "registration" process for migrant workers to be employed as "labourers" or "domestic servants" in the 1990s. Registrations were initially carried out at the provincial level. It is not until 2004 that the first national registration took place, and over 1 million migrants came forward and reported to the authorities.

Under the registration process, irregular migrant workers were asked to report to the Ministry of Interior to obtain a temporary stay registration (Tor Ror 38/1) and to the Ministry of Labour in order to obtain a one-year work permit. The latter, and hence the possibility of being granted temporary permission to stay and work in the country pending deportation, was subject to passing a medical check-up. Only irregular migrants that were already employed, along with their children under 15, were eligible to register in Thailand. The flow chart in Figure 5 shows the steps and costs involved in the registration process. The total official cost of the registration process was 3,880 Thai Baht.

Figure 5: Steps and costs of the registration process
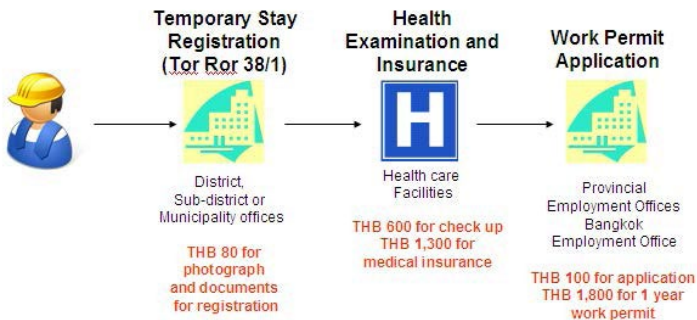
Source:　IOM Migrant Information Note, Issue No. 3, November 2009.

This national registration process has been regarded as ineffective due to the plummeting registration figures and increasing numbers of unregistered migrants. Over the years, migrants dropped out of the registration system, viewing it as cumbersome, confusing and expensive or because they were ineligible (Hall, 2011).

While the registration process would provide migrant workers with some documentation and a health insurance, it did not change their legal status. Registered migrants remained irregular migrants because they entered Thailand in breach of the Thai immigration law. As stated in the Immigration Act B.E. 2552, in fact, foreigners who want to stay and/or work in the country must meet immigration requirements by entering with a valid travel document and by obtaining a visa (IOM, 2009). Due to the lack of regular legal status in Thailand, registered migrants continued to be very vulnerable to abuse and exploitation, and were not granted basic rights such as the right to move freely across provinces or the right to drive. Discrimination against this marginalized group continued and there was little recourse when abuse took place. In addition, the registration process was a unilateral mechanism developed, decided and implemented by the Royal Thai Government only. No discussion with neighbouring countries took place, and information on migrants who registered was not shared with origin countries.

A step forward in the history of Thailand's migration policy was taken in 2003 with MoUs on cooperation in the employment of workers with three neighbouring countries, namely Cambodia, the Lao People's Democratic Republic and Myanmar. The MoUs, for the first time, established a legal channel for low-skilled migrants from these countries to enter Thailand for work purposes. Signing of these MoUs was very important in that it was the first time that Thailand and neighbouring countries were entertaining a bilateral discussion regarding the high flows of irregular migrants across their borders and they were trying to jointly address the issue.

The text of the MoUs was drafted in a very general fashion. Detailed procedures for the recruitment of migrants in origin countries and hiring in destination countries were subsequently developed through a series of bilateral meetings involving relevant countries. Migrants from Cambodia and the Lao People's Democratic Republic began to be hired under MoU procedures in 2006, but it is not until 2009 that the MoU with Myanmar was implemented.

The procedures for employing migrants under the MoUs were very complex, lengthy, expensive and burdensome, which translated into a very low number of migrants using this channel to migrate to Thailand. However, a new category of low-skilled migrant workers was created in Thailand as of 2006, that is, the "regular migrant workers from the three neighbouring countries arrived by MOU". These migrants had a temporary passport, a Thai visa and a work permit valid for two years, renewable for an additional two years provided that they continued to be employed.

The MoUs, as a regular channel for migrant workers to enter Thailand, cannot be considered a success yet and the number of migrants who have benefited from it is still very low. As of the end of November 2012, only 200,000 migrants who were living and working in Thailand entered through the MoU procedures (see Table 13).

Table 13: Total stock of migrants recruited through the MoUs working in Thailand as of 25 November 2012

Country of origin	Number of migrants working with active work permits and valid passports/certificates of identity
Cambodia	132,201
Lao People's Democratic Republic	36,736
Myanmar	34,022
Total	202,959

Source: Department of Employment, Ministry of Labour, Thailand, 2012.

NATIONALITY VERIFICATION: BACKGROUND AND OVERVIEW

The NV process was developed to supplement the MoU and was the product of Article III, which read as follows:

> The authorised agencies of both Parties shall work together for the establishment of procedures to integrate illegal workers, who are in the country of the other Party prior to the entry into force of this Memorandum of Understanding, into the scope of this Memorandum of Understanding. (MOUs between Thailand and Cambodia/Lao People's Democratic Republic and Myanmar on cooperation in the employment of workers, 2003)

The NV process was the result of several bilateral discussions between Thailand and neighbouring countries, and it was envisioned as a mechanism to regularize all irregular migrants who were already living and working in Thailand. This category included both the registered and the totally undocumented migrants (see Text Box 1). The NV process made them "regular" and aimed to legalize migrants from neighbouring countries. The NV differed from previous registration in that the identities of migrants were shared with the countries of origin which had to verify the migrants' nationalities; in other words, confirm that they were Cambodian, Lao or Myanmar citizens.

> **Text box 1: The continuum of legal status among low-skilled migrant workers in Thailand**
>
> To better understand how the NV system operates and who the main targets are, it is important to get a clear understanding of the degree of irregularity among migrant workers in Thailand. This can be seen in Figure 6.
>
> Before the MoUs came into force, all low-skilled migrants from Cambodia, the Lao People's Democratic Republic and Myanmar in Thailand were considered irregular. The term irregular included both totally undocumented migrants and those who had undergone the registration process and had obtained a Tor Ror 38/1 and a work permit. However, being registered did not give any regularization benefit, as migrants were still subject to deportation in the future when their temporary permits expired.
>
> An important distinction to understand is the one between "registered" and "regular" migrants. While registered migrants only refer to those who received documentation unilaterally from the Thai Government, such as the ToR Ror 38/1 and work permit, regular migrants are those who hold temporary passports from their countries of origin. Registered migrants are considered "irregular" and may be deportation as soon as their temporary stay in Thailand – as detailed in their work permit – expires. This difference in status affects the migrants' ability to access social and health services and to move freely within the country.

When it first began, the NV process entailed a total of 13 steps, including Tor Ror 38/1 application, medical check-up and work permit application (refer back to Figure 1). Once the worker had registered, his/her employer could begin the NV process (see Figure 7). As a first step, the employer had to submit a full list of workers' names for whom they requested regularization. The Employment Office was responsible for submitting the list of names, via diplomatic channels, to the authorities in Cambodia, the Lao People's Democratic Republic and Myanmar. Once the name list had been checked and cleared, the relevant names were submitted to any of the three border NV offices, and migrants were informed when to collect their temporary passports. While Cambodian and Lao authorities dispatched mobile teams to issue temporary passports to their eligible citizens, Myanmar migrants had to cross the border and return to their country of origin to collect their temporary passports. Three temporary passport offices opened in Myanmar in the cities of Kaw Thong, Myawaddy and Tachilek.

Figure 6: The continuum of migrants' status in Thailand

IRREGULAR	UNREGISTERED	REGISTERED	NV	MoU	REGULAR

Note: NV and MoU in this figure, respectively, refer to: (a) migrants who entered Thailand as irregular migrants and attained their legal status through the NV system; and (b) those who entered through MoU and hence hold a regular status when they first arrived.

Figure 7: Nationality Verification system for Myanmar workers
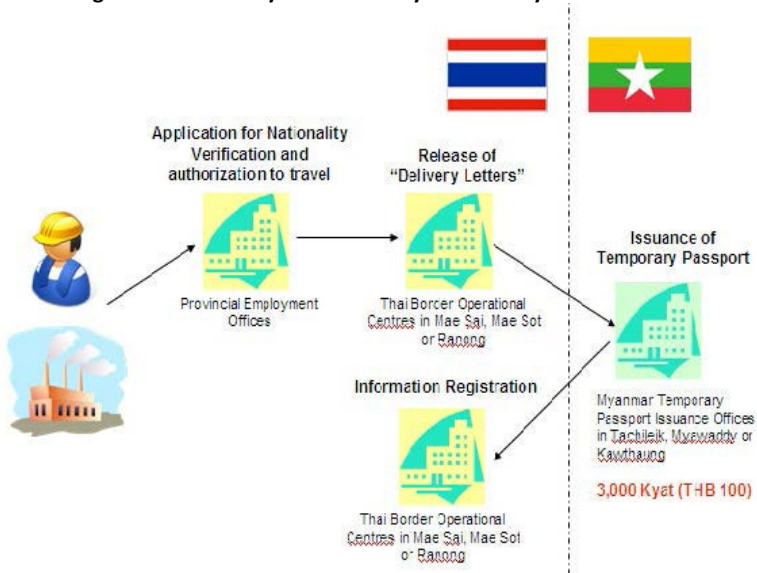
Source: IOM Migrant Information Note, Issue No. 3, November 2009.

Initially, the NV process was supposed to conclude in February 2012, but this deadline was extended until June 2012 and then 14 December 2012.

The NV process has slightly evolved over time, but the biggest change in the process has been in regard to the opening of the NV centre in June 2010 in Ranong, Thailand, run by Myanmar authorities. This centre was opened so that migrants did not have to cross the river to Kaw Thong in Myanmar to collect temporary passports. Initially, it was supposed to run only during the rainy season, as this period presented many risks for migrants to cross the river, but it was eventually extended and is, at the time of writing, still open.

It is difficult to attain cumulative figures of the total number migrants who have benefitted from NV since its implementation in 2009, but latest statistics provided by Thailand's Ministry of Labour indicate that over 1 million Myanmar migrants have completed NV and have held a valid work permit as of 14 December 2012, the official closing date of the NV process. By the same date, another 150,000 migrants from Cambodia and the Lao People's Democratic Republic were also living and working in the country with temporary passports and work permits obtained through the NV process (see Table 14).

Table 14: Total number of migrants who completed the Nationality Verification process until 14 December 2012

Country of origin	Number of migrants working with active work permits and completed Nationality Verification
Cambodia	117,287
Lao People's Democratic Republic	34,999
Myanmar	1,179,341
Total	1,331,627

Source: Department of Employment, Ministry of Labour, Thailand, 2012.

NATIONALITY VERIFICATION: CHALLENGES VERSUS BENEFITS[38]

There has been much debate and criticisms of the NV process. The NV system presented challenges for migrants and for employers but marked a big step forward for migration policy in Thailand. Before NV, there was no system for irregular migrant workers to regularize their status in Thailand.

Challenges and lessons learned

One of the biggest drawbacks of the NV process was that only registered migrants were eligible for temporary passports and hence NV represented a real option only for a small proportion of migrant workers in the country. This posed several challenges to migrants as, while registration had been opened annually for many years, the Royal Thai Government stopped registering people in June 2011.

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[38] This section specifically looks at the situation of Myanmar migrants in Thailand, as this group of migrants is the largest in Thailand and the one facing additional challenges due to some differences in the way Nationality Verification was implemented.

Also, Myanmar migrants had to return to their home countries to collect their temporary passports. This not only proved to be expensive in many respects, but also posed a series of challenges considering, in some instances, the fear of persecution that some of these migrants were facing back home.

Additionally, very limited information was provided to migrants regarding the procedures to complete NV and why it was important to obtain a temporary passport. The Royal Thai Government has always heavily relied on the support of NGOs and international organizations to ensure that migrant communities were effectively contacted in migrant languages with awareness-raising messages regarding the process, its benefits and the total cost that the individual migrants were expected to pay. The only information sessions that the Ministry of Labour organized or NV flyers and manuals produced by the Department of Employment were targeted to employers.

The lack of effective information campaigns targeting migrants can be explained by the fact that the NV process was employer driven. Migrants could not independently apply for temporary passports, a major challenge since many employers were not supportive. Even when employers were supportive, migrants ended up paying very high broker fees, which were generally deducted from the migrants' salaries.

The involvement of brokers into the NV process has been and still is a factor heavily contributing to the risk of the process turning into a potentially exploitative mechanism that exacerbates already high vulnerabilities of migrants. Brokers are poorly regulated in Thailand, and although the Ministry of Labour in 2010 issued a guidance note stipulating a cap of 500 Thai Baht for services provided by middlemen, this was never enforced. Given the complexity of the process, it is understandable why employers naturally turned to brokers who promised them a reduction in their administrative burden and assist in facilitating and expediting their access to migrant workers. Also, in 2012, the Office of the Council of State provided an interpretation of the Employers and Job Seekers Protection Act 1985 and specifically looked into whether the Department of Employment had the duty to protect and control the recruitment of migrant workers under the act. The answer was positive, as migrant workers are to be considered "job-seekers" according to Article 4 of the act. However, it remains to be seen how this legislation will further be revised and clarified to ensure that it can be effectively enforced against unscrupulous brokers.

Networks of brokers have developed both in Thailand and Myanmar. Several agents are involved in the NV (and MoU) process, who often do not know each other and are organized into a "pyramid system". The more intermediaries involved in the process, the higher the cost for the service received as they are responsible for the different stages of the process and each agent charges migrants a separate fee. This translates into high total fees or tolls that migrant workers have had to pay. Evidence showed that migrants often ended up paying 12,000–15,000 Thai Baht to complete the NV process, which is nearly three times the official cost associated with the process. As a result, migrants have often found themselves in a debt bondage situation and became stranded, potentially ending up as victims of trafficking.

Another major challenge has been the absence of a system to ensure coverage for work-related accidents during the NV phase, following which migrants would be, in principle, entitled to affiliate to the Workmen's Compensation Fund.

Moreover, not all migrants were eligible for NV. Some groups of migrants, such as the Rakhine Muslims, were automatically excluded as their country of origin would not recognize them as citizens; hence, no verification of their nationality was possible. It is important to point out, however, that this is not due to flaws in the NV process per se, but rather to more complex identity and nationality issues linked to their country of origin.

It also needs to be underlined that the complexity and level of bureaucracy of the process far exceeded the capacities of the governments involved to deal with it efficiently. This meant that the time taken to process cases was long; migrants often had to wait months before getting their status fully regularized. This also explains, to a certain extent, why many migrants could not complete NV by the set deadline of 14 December 2012.

All of the above translated into a high number of migrants who did not access the process. As indicated in Table 2, a total of 1.3 million migrants managed to regularize their statuses through NV between 2010 and 2012, of an estimated total in 2011 of 2.5 million (IOM and MPI, 2012). The section titled "Latest Migration Policy Developments" looks in more detail at what the options for migrants who could not benefit from NV were.

Benefits and best practices

Against these drawbacks, the completion of NV brought with it some benefits for migrants. The NV process continues to be evaluated, and can act as a precedent for immigration policies to be further adapted in Thailand, in addition to other migrant destination countries, particularly Malaysia and Singapore (Hall, 2012b). Once the system is made more efficient, it has the potential to become beneficial for all relevant actors involved, namely the migrants themselves; for both the Government of Myanmar and the Government of Thailand, and the countries' economies; and for employers who will be able to operate within a more dependable and transparent labour migration system.

The most important benefit of the NV process for migrants today is that the temporary passport gives them regular status in Thailand and the ability to live and work for a total of four years without fearing deportation. The temporary passport also allows migrants to finally be able to travel across provinces, to purchase a motorcycle and drive it, and to register their marriages, all of which are rights that irregular migrants do not enjoy. Holding a regular status also allows migrants to access the Thai social security scheme and the Workmen's Compensation Act (BE 2537 (1994))[39] , although this is true only for migrants engaged in the formal sector, which actually constitutes a small minority, and with all the limitations that the Thai Social Security Act (BE 2533 (1990))[40] presents for migrants.

For those who are granted regular status, the procedure offers several elements that protect the employee. For example, in policy, workers are entitled to:

> effective repatriation [for those] who have completed terms and conditions of employment and due protection for workers to ensure they receive the rights they are entitled to. In addition, the "authorised agencies" are explained to be both Thailand's and Myanmar's Ministries of Labour who should, respectively, "inform their counterparts of job opportunities" and "provide their counterparts with lists of selected applicants for the jobs". These agencies should also coordinate to ensure requirements such as visas, work permits, health insurance and the signing of employment contracts are fulfilled (Hall, 2012a)

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[39] See http://thailaws.com/law/t_laws/tlaw0391.pdf.
[40] See http://www.sso.go.th/sites/default/files/Social%20%20security%20act.pdf.

When followed in practice, these guidelines provide adequate security and assistance in finding and maintaining safe jobs.

NV also benefits employers of migrants, both the Government of Myanmar and the Government of Thailand, and the NGOs and international organizations concerned with migration. It provides an opportunity for migrant workers to be monitored, therefore allowing more information to be gathered and disseminated among relevant agencies. This makes it easier for agencies to track the number of migrants travelling across borders, where they are working, and if the system becomes more open and transparent, can provide ample benefits for helping secure migrants safety and minimizing trafficking and exploitation.

Overall, the NV process offers various benefits for many different actors. Although the process has many criticisms that must be acknowledged and acted upon, regularization increases the confidence of migrants (Hall, 2012b), strengthens border security, offers an avenue for future collaboration, and for beneficiaries to reap the benefits of labour migration. For the NV system to attain its full potential, the policy requires implementation that is transparent, accessible and with information readily available.

LATEST MIGRATION POLICY DEVELOPMENTS

Following the NV deadline of 14 December 2012, on 15 January 2013 the Cabinet approved a new resolution granting a grace period of 120 days until 13 April 2012 for irregular Myanmar, Lao and Cambodian migrant workers and their children under 15 years of age. The grace period allowed employers and migrants to complete the process of regularization to lawfully reside and work in Thailand together with their children. This new regularization process was open to all irregular migrants from the Lao People's Democratic Republic and Myanmar along with their children below 15 years old and to all Cambodian migrants (see Text Box 2) who did not complete NV by 14 December 2012. The final deadline for completion of the process was set at 13 August 2013.

While the process was not officially called NV anymore, it presented several similarities with the exception that it is a simplified version. Once regularization was completed, Lao migrants obtained a one-year temporary passport; Myanmar migrants got a six-year temporary passport; and Cambodians, a three-year regular passport.

Below is a summary of what this process entailed:

1. Employers of irregular migrant workers are required to submit the relevant documentation to provincial/Bangkok employment offices as soon as possible and at the latest before 16 March 2013.
2. Migrants' documents submitted to the Department of Employment by the employers are then sent to the country of origin for further processing and approval.
3. Once the documents have been approved by the country of origin, employers will be notified by the Department of Employment to collect the temporary passports or regular passports of migrant workers and their children at 12 newly established One-Stop Service Centers (OSSCs) in Thailand.[41]

OSSCs were located in the following provinces of Thailand: Kanchanaburi, Khon Kaen, Chiang Mai, Chiang Rai, Pathum Thani and Ranong. These centres officially opened on 14 February 2013.

Myanmar migrants who were processed at the OSSCs in Chiang Rai and Tak provinces had to cross the border to collect their temporary passports in Myanmar's service centres in the towns of Tachilek and Myawaddy. They also had to return to the OSSCs in Thailand on the same day to get a visa stamp (non-immigrant), apply for a work permit, and have bio data collected at the OSSCs.

Text box 2:The Grace Period procedures for Cambodian workers

In contrast to Lao and Myanmar officials, Cambodian authorities agreed to deploy five mobile teams to issue passports to their workers. Cambodian authorities requested Thai authorities submit a name list of around 160,000 Cambodian workers who did not complete the NV process by December 2012, in order for the Cambodian side to set up an operational plan in priority provinces to interview Cambodian migrants. Cambodian officials would notify Thailand's Department of Employment of the Ministry of Labour of the name list of Cambodian workers who will collect passports. Provincial employment offices in Thailand would then notify employers to process passport collection, work permit application, bio data collection, and visa stamp at the OSSCs.

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[41] Myanmar officials are not based at the OSSC in Songkhla province, and are therefore not able to process temporary passports. Therefore, the OSSC in the Songkhla province is operated only for Cambodian migrants.

The visa fee for the first stamp and renewal was 500 Thai Baht. The visa fee for children under 15 years of age remained at 2,000 Thai Baht, pending the issuance of a ministerial regulation from the Ministry of Interior. Once the ministerial regulation is issued, the visa fee for children will be 500 Thai Baht.

4. Migrant workers had to undergo a medical check-up (600 Thai Baht) at any hospital specified by the Ministry of Public Health or at a mobile health check-up at an OSSC. A medical certificate is needed in order to obtain a work permit. Only when the employer submits the migrant's medical certificate to the Bangkok or any provincial employment offices will the work permit be obtained. Work permits are valid for one year (900–1,800 Thai Baht, varying depending on which provincial employment office the certificate was submitted and the migrant's occupation).

5. The employer had to apply for the migrant worker's entry into the social security scheme from the Social Security Office of the Ministry of Labour. For migrant workers in the informal sector who were ineligible for entry into the social security scheme, employers were responsible for obtaining health insurance from the Ministry of Public Health or a private insurance company.

How did this new regularization system differ from the NV process? First and foremost, the new system was a simplified version of the NV with some influence from the MoU. Migrants did not need to be registered (for example, they did not have to obtain a Tor Ror 38/1 and a work permit) to be able to access the process. This is certainly a step forward for the regularization process as opposed to the previous NV process, and it is hoped that it will become more efficient and also less costly for migrants.

In addition, migrants did not have to return to their countries of origin just to claim their temporary passports. The whole process took place in Thailand through the services provided by 12 OSSCs.

During the grace period, good practice has also emerged in the implementation of a massive information campaign among migrant communities through the distribution of information, education and communication materials, and through the organization of forums for relevant stakeholders in nine provinces. The Ministry of Labour has successfully coordinated this effort with the support and cooperation of the Migrant Working Group[42], IOM and ILO.

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42 An umbrella organization of NGOs working for migrants rights protection.

Figure 8: Nationality Verification system for Myanmar workers
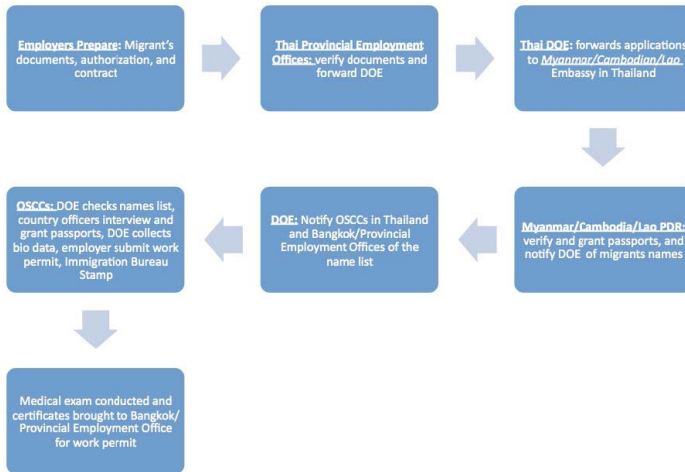
Source: IOM Migrant Information Note, Issue No. 3, November 2009.

The few revisions that the Royal Thai Government made to the new regularization process as opposed to the traditional NV system seems to indicate that the Government has been taking seriously the various criticisms received during the implementation of NV, and it is now trying to put in practice the various recommendations received over the years. However, while these seem to be steps taken in the right direction to expedite the regularization system, steps backward have also been taken since. The grace period offered an opportunity for a large number of migrants to regularize their status in Thailand, but by the deadline on 13 August 2013, a total of 252,000 migrants could not finalize the process as relevant authorities did not have time to process all the cases received. To address this gap and to acknowledge that the lack of regularization for this group of migrants was due to factors that were beyond the migrants' and their employers' control, the Ministry of Labour of Thailand issued yet again a cabinet resolution in August 2013, allowing for a one more year extension. Under the new extension, migrants who had entered the regularization system but could not complete it by the set deadline were requested to obtain a Tor Ror 38/1 from the Ministry of Interior and a work permit from the Ministry of Labour, and they had to undergo a medical examination. Regarding the modalities through which this group of migrants will be able to obtain temporary passports and identity cards from their governments, bilateral discussions between the relevant governments are ongoing at the time of writing.

In addition, for migrants who have completed their first four years of regular employment in Thailand and hence, according to the previous policy, have to renew their visas, the governments have agreed that there is no need for migrants to return home for a period of three years. The migrants should, however, still cross the border to get their passports either renewed or stamped so that they can re-enter Thailand and apply for a new visa. Detailed procedures for how this process will work are being developed through bilateral meetings by the relevant authorities, but it seems that OSSCs for visa renewal will be established in key border areas. It remains to be seen whether different OSSCs will be established to serve the needs of different groups of migrants or whether the same centres will be able to cater for all needs.

THE FUTURE OF MIGRATION MANAGEMENT IN THAILAND IN THE CONTEXT OF ASEAN

With the new regularization process for migrants ongoing and deadlines that are constantly superseded by new ones, it is unclear what will happen next. It remains to be seen whether the deadline will be once again pushed back or whether the relevant Governments will be able to process the over 1.5 million irregular migrants currently living and working in Thailand.

Regardless of the situation of regularization in Thailand following April, one thing the Royal Thai Government has to focus on and invest in is ensuring that the existing channels for low-skilled migrants to come work regularly in Thailand are streamlined and made more accessible to a higher number of people. The MoU process should be simplified to become a more attractive option for migrants as opposed to the alternatives offered by unscrupulous broker networks operating across borders. Brokers should be effectively regulated, the costs of the process and the administrative burden involved should decrease substantially, and clearer messages on how to access the process should be provided to migrants in origin countries. Pre-departure and post-arrival training should clearly spell out rights and responsibilities of migrants while in the foreign country but also provide them with the safety nets and support services available to them at the destination.

The Royal Thai Government should provide disincentives for employers to employ irregular migrants. Enforcing hefty fines against employers who are hiring migrants without passports and work permits, implementing a more transparent and affordable channel for migrant workers to travel to Thailand,

and regulating brokers and recruitment agencies are certainly actions that are needed and will help lower the volume of irregular migration.

The AEC, due to become a reality at the end of 2015, will promote further mobility between ASEAN countries. While the initial liberalization of movements concerns only highly skilled professionals, we can envision that low-skilled worker flows will increase, too. If Thailand is to be ready for the AEC and to ensure that its economy will continue to grow, a simplified MoU process for low-skilled migrant workers should be developed in time to ensure that migrant workers continue to contribute to the Thai economy.

But the reality is that irregular migration will never completely disappear and the Royal Thai Government will have to continue exploring systems to cope with it in full respect of the human rights and dignity of migrants. The challenges lie in ensuring that such programmes do not become pull factors for more migrants to enter the country, and to identify clear criteria of eligibility and simple and realistic procedures for regularization. The NV process could certainly be further improved, taking into account the lessons learned over the first years of its implementation. Some steps forward in this direction have already been taken, but more can be done to further advance Thailand's irregular migration management by looking at other countries' experiences.

CONCLUSION

This paper has presented a review of Thailand's registration and regularization procedures, specifically the NV process, with the goal of analysing its benefits and drawbacks. NV has proven to be a good step forward on irregular migration management in Thailand, as it has allowed for the first time in Thailand's migration policy history the possibility for irregular migrants to obtain legal status in the country. However, several lessons can be learned about the way the process has been implemented. The high level of bureaucracy involved in the process and the low capacity of relevant countries to deal with it efficiently has slowed down the process and left many migrants without the chance to complete it in due time. The process has been excessively complicated, as migrants have to return to their origin countries to collect their temporary passports. The involvement of an unregulated brokerage system has even turned the NV process into an exploitative mechanism at times. Also, given that the NV process was principally employer driven, migrants were not given the opportunity to independently register.

There have been examples of good practices, too. The OSSCs are certainly something that should be replicated and have the potential of offering good examples for other countries that are looking into establishing an effective regularization process. Ensuring that information is readily available to migrants in their own language is another key trait of a successful regularization process. Establishing clear criteria of eligibility to the regularization process is something that Thailand should further develop, and examples from other countries facing the same irregular migration challenge could provide some insights. But the long-term future of migration management in Thailand should focus on ensuring that transparent and affordable recruitment practices for foreign migrant workers are implemented. This will inevitably contribute to reducing the incidence of irregular migration to Thailand.

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Section III: Selected Critical Themes

Chapter 9

GENDER AS A STRUCTURE AND AS INTERSECTIONALITY IN MIGRATION STUDIES: IMPLICATIONS FOR PRACTICES FOR SOCIAL JUSTICE AND HUMAN SECURITY

Thanh-Dam Truong[43]

INTRODUCTION

As a reality to be "governed", the spatial mobility of people, now known as migration, may be conceived as a social field of power that is organized by a structure consisting of pre-defined major concepts, objectives and rationalities that underpin the norms and acts of governing (Truong, 2012). Practices of migration governance have been closely connected with the rise of the modern state, the human sciences and the production of "knowledge" about the population and individuals (Foucault, 2007). These forms of knowledge have a central role in the regulation of sociodemographic processes, inclusive of gender relations and lifestyles. They create historically distinctive regimes of discipline over individuals and their subject identities and self-regulation (Foucault, 1988, 2007). Deepening understanding of migration governance requires tracing the diverse forms of knowledge and rationalities used by various actors (States, migrants, social networks and recruiting agencies) in order to uncover the relationships between the specific interests and powers that define entitlements, rights and obligations on the one hand, and the framings of "migration" and "gender" on the other.

Knowledge about migration has been built on different models of theorization, premised on different assumptions and positioning having different objectives, and using different methods. These models may be grouped into: 1) studies of migration in relations to macro changes (sociodemographic, economic and political); 2) studies of interactions between migration-related institutions and collective actors (household, labour markets, recruitment and employment

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agencies, and migrants' organizations); and 3) studies of inter-individual and intergroup interactions at different moments of migration (pre-departure, during migration, settlement in another country, or return and reintegration) and the relationship between public opinions influencing policy and the politics of migrants' rights.

In the last decade, migration research has also turned to the link between migration, development and security. While States' security concerns and the sovereign right to manage migration are legitimate, often they tend to override the concern over the security of person for the migrants. Yet, the benefits of migration for individual migrants and their families, as well as for the development of sending and receiving countries, have been shown to be contingent on the effective protection of the migrants at different levels, for instance, legal protection from abuse and exploitation, and having a space to articulate concerns over disharmonious horizontal relationships within the host community and that of origin. Two emerging trends of thought and practice are now visible, namely: (a) the "securitization of migration" as a process through which public opinion is being mobilized to frame migration as a matter of national security or a "threat" to national coherence economically, socially and culturally (Truong, 2011); and (b) the "securitization of development policy" as a process that integrates the concept of human security in foreign policy and socioeconomic development (Fukuda-Parr and Messineo, 2012). The human security concept may be viewed as an emerging conceptual space to reconcile conflicting interests between two versions of security (State-centred and people-centred) so as to work towards a positive relationship between migration and development (Truong and Gasper, 2011). Regarding the process of migration, the recognition of the significance of identity as a fluid process that shapes the human experience of (in)security – real and perceived – in everyday life is important to address the perceived and real risks for migrants.

This chapter provides an overview of how different understandings of gender have influenced migration research and considers the values of their insights for policy, especially when viewed from the perspective of migrants' experiences of human security, in terms of personal security and security of livelihood. By providing the theoretical context in which gender research on migration has emerged and the diverse ways in which the meanings of "gender" have been applied in theorization, the chapter identifies their shortcomings and explanatory potentials. We suggest that gendered forms of engagement with power should be analysed in contextual terms, contingent on the discourses and practices of migration and security in specific places.

FROM INTERNATIONAL MIGRATION TO TRANSNATIONAL MOBILITY

Migration scholarship has been traditionally influenced by a twofold methodological bias inherited from positivist sociology and its epistemological orientations. Until recently, this bias treats the nation State and the individual as relatively fixed units of analysis and has shaped a large core of theoretical explanations about contemporary patterns of internal and cross-border movements (Wimmer and Glick-Schiller, 2002). The central focus of migration studies has been the monitoring of stocks and flows of migrants, later extended to their patterns of remittances, capability of assimilation and social integration in host societies. Refugees have been handled as a separate category, through different procedures of status determination and classification, thus producing the field of refugee studies as a distinct entity. Migration research, by and large driven by policy concerns, has not entirely freed itself from normative questions concerning "what should be" rather than what is actually emerging and taking form. Assumptions that are disconnected from the social worlds of migration can obscure significant aspects of ongoing social transformations.

The intensification of diverse migratory flows since the 1990s, due to the fall of the Berlin Wall and processes of economic liberalization worldwide, has posed huge challenges to policy and research. Especially the transformation of the State from being society-led to market-led, coupled with the rise of social networks theories and theories of post-industrial society driven by information, has exposed the limits of assumption that the individual and the nation State are relatively static entities.

The "transnational" approach to migration offers an alternative perspective that sees the rise of non-state actors in the globalizing processes as a force capable of curtailing the power of States to assume an increasing role in shaping cross-border migration, and by implication these non-state actors also become capable of changing certain features of the societies of origin and destination (Smith and Guarnizo, 1998). Social networks theories, as applied to the study of non-state actors, direct analytical attention to interactions between micro, meso and macro levels, and view individual migrants' decision-making as inseparable from influences at many levels (household, informal social groups, formal organizations and the community, and sometimes also nation States).

The human dimensions omitted by the classical approach in migration studies are now brought to the fore and integrated with the analysis of transnational migration as an aspect of identity formation within a plurality of intertwined life-worlds of migrants that connect the area/country of origin and that of destination (Basch et al., 1994). Flows of values and ideas play a central role in shaping migration patterns; wage differentials are not the only determinant. Portes and Sensenbrenner (1993) showed the "social embeddedness" of migration chains, and directed researchers to explore how migration is mediated through local structures of power and networks at both sending and receiving ends. The "circular and cumulative" characteristics of these chains have been noted, especially how they have a certain degree of dependency on the paths laid down by earlier migrants (Massey et al., 1999). Furthermore, interaction between policy norms and migrants' agency can change public opinions and thereby influence and alter practices of States in migration management (Maas and Truong, 2011; Rajan and Varghese, 2010).

Turning to the literature that addresses specifically the links between migration and development, de Haas (2010) has shown how such discursive shifts in the migration and development debate may actually be seen as part of more general paradigm shifts in social and development theory, and given the heterogeneous empirical evidence regarding migration impacts on development, caution should be exercised against ideologically driven positions. There is now a certain degree of consensus about the social and political world of migration being constituted by power relations connecting sending and receiving countries and areas. The detailed explanations of these relationships still vary according to the relative emphasis placed on different types of power, but, generally, migration – internal or cross-border – is becoming accepted as part and parcel of social transformations occurring on different scales. Migration research has now moved beyond the view of flows between fundamental building blocks (household, labour market and nation States) to cover also processes involving networks of relationships that are constantly changing, affecting individual migrants and affected by individual and collective agency actions. This has provided new empirical and theoretical spaces for gender analysis in migration research.

GENDER EQUALITY AND WOMEN'S RIGHTS IN MIGRATION

The framing of women's rights in migration from the perspective of the South stemmed from the seminal work of Ester Boserup (1970) on women in processes of demographic transition and economic development. Women

appeared in her work both as actors in migration and as bearers of the consequences of male migration. Her work played a prominent role in the UN-led campaigns in the 1970s for women's rights in the development process and contributed to the framing of the policy debate on women's rights in terms of access to resources in countries categorized as "underdeveloped" (Tinker, 2006).

Migration research since then has begun to include women as a category, and has generated a rich body of knowledge that refutes the view of the male migrant as always the head of the family and instead analytically regards women as persons in their own right, whether migrating or staying behind.[44] More than three decades of research on women as subjects of migration has generated a full critique of migration theories. Feminist research often begins with a perspective on social lives and uses plural methodologies, including historical, narrative and case study approaches. Even those preoccupied with statistical analysis use these perspectives to challenge dominant representations.

Following Boserup, research that initially included women in dominant models of analysis of migration took off from the critique of State-generated demographic and socioeconomic indicators that provided a "view from above," which depicts men as being the central subjects. When included, women's marital status was the main template used to study their motivations.[45] Scant attention was given to the unequal structures of power that govern their activities in migration as an entire process that connects sending and receiving ends; hence, the silence on them as individual subjects of rights (see, for example, Mazumdar and Agnihotri, 2013).

Phizacklea's edited volume (1983) focused on European countries and examined the place of migrant women in the labour market, the gender division of labour in factories, the discrimination against second-generation migrant women at the work place, and "home working" as a pervasive form of employment at piece-rates for migrant women. Studies on political

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[44] This has consequences for extant male-centred standards of measurement of costs and benefits of migration (employment defined as paid economic activity; gains and risks defined in monetary terms; remittances and their impacts defined in monetary and investment terms; use of remittances for education, health and food categorized as unproductive use, and so forth).

[45] For example, Thadani and Todaro (1984) introduced a typology of women migrants that had been missing from earlier analysis, consisting of: (a) married women migrating in search of employment; (b) unmarried women migrating in search of employment; (c) unmarried women migrating for marriage reasons; and (d) married women engaged in associational migration with no thought of employment. The conceptualization of women's migration remained heavily influenced by views on the male-dominated heterosexual family as an institution.

and cultural identity explored how women migrants of second and third generations still faced the boundaries of "belonging" set by the societies of their residence, and exposed the links between gender, race and class in the social construction of the "nation" as a "community" (Anthias and Yuval-Davis, 1992). By exposing the modern notion of the "nation" as a false construct, this work laid the ground for exploring distinctive social hierarchies (gender, race, class) built therein. Intersections of these hierarchies in white societies delimit the space for women of colour – who can be seen as migrants of different generations – to articulate their experiences of discrimination and non-belonging (Carby, 1999; Creenshaw, 1990; Collins, 1986, 1990). These studies were among the first to resist the liberal notions of women's rights and "emancipation", and turn instead to issues of cultural representation as an obstruction in a terrain of struggle for economic, political and social rights.

Turning to the literature that addressed the links between migration, gender and development, Sassen-Koob (1984a) noted that export-oriented production and women's international migration since the 1970s have evolved into mechanisms that incorporate women from the South into wage labour in and for the North. Women migrants filled emerging labour demands in the urban service sector in metropolitan centres that have acquired a global role (Sassen-Koob, 1984b). Research that integrated the household as an analytical sphere to account for decision-making and resource distribution looked at rural–urban migration and poverty linkages. Such studies showed gender-differentiated motivations for, and impacts of, migration, and how class and gender relations at the household and community levels have structured migratory processes (Phongpaichit, 1982; Chant, 1998; Wright, 1995). Phongpaichit's work on the migration of young women from rural Thailand to Bangkok to take up employment as masseuses showed the gendered aspects of rural–urban linkages. Though she examined migration as an outcome of individual decision, she also showed its link with women's responsibilities as daughters. Their remittances not only sustained their rural households but also cultural practices at the community level, such as maintaining temples and village ceremonies. From this perspective, women's migration may be seen as integral to the intergenerational process of social and cultural reproduction, and as reflecting the relational nature of female agency.

Explaining the differentiated motivation of migration between men and women requires understanding the gendering of the household as a site of power where many activities and interests can be viewed as cooperative

conflict (Sen, 1990) and where gender as cultural hegemony strongly influences behaviours and the defence of the legitimacy of gender norms (Kabeer, 2000; Silvey, 2004). These insights emphasize the contextual nature of "gender" as power relations within the household that define the actors' cultural dispositions and the derived bargaining power. The labour market, social networks, and national policy and legislation also play an important role in making the motivation to migrate legitimate (Silvey, 2007).

Gender equality strategies in migration that use a universal category of "women" as subjects of rights without a complementary perspective on the social embeddedness of gender relations have encountered many difficulties related to the power of the State and its ethos on gender, which can operate as a double-edged sword. On one side, this ethos can be used to define women's right to migrate for work and also impose restrictions on their mobility by drawing on its responsibility to "protect" women, to the extent of "infantilizing" them (Kapur, 2011). On the other side, it can promote women's migration to join the global labour force, often in unregulated sectors such as domestic work and entertainment where they are excluded from civil, social and political provisions for protection as workers.

GENDER AS A SOCIAL STRUCTURE AND STRUCTURING PROCESS

The corpus of knowledge in feminist research that treats "gender" as a property of the State, the economy and social institutions has brought to the fore the significance of social reproduction, ignored by mainstream theories. Building on perspectives from feminist perspectives on political economy, Truong (1996, 2003, 2006) posits that the emergence of women's migration across borders as domestic helpers and sexual service providers constitutes a transfer of reproductive and sexual labour from one social group and nation to another. Parreñas (2005) has extended this idea and formulates the concept of the "international division of reproductive labour" to cover the transfer of care duties between three groups of women: the female employers in the receiving countries; the migrant workers; and the women in the countries of origin who care for the stay-behinds. This form of analysis has exposed the chains of negative externalities by which an enhancement of care provision through labour import in some countries can lead to the denial of the entitlement to care of others who stayed behind.

Contemporary migration chains in this "intimate" side of the economy operate within a two-tiered system. Tier one consists of the care sector in which the chains have formed by a combination of macro and institutional

factors. These include the care deficit in major industrialized countries due to ageing populations, structural reforms affecting the quality and coverage of care, and the growth of women's participation in the labour force without a corresponding rise in the range and intensity of men's "domestic" participation. Tier two consists of the commercial sex sector, which has evolved with a different set of dynamics. These came about through the growth of tourism driven by a desire for foreign exchange earnings combined with the political will to allow commercial sexual services to becomes tourism's auxiliary (Truong, 1990; Moon, 1997).

By treating movements in the care and sex sectors as integral to broader transformations in sending and receiving societies, a new area is opened up for theoretical reflection on the gender hegemony – in favour of men– in legal and policy frameworks that obliterate the reproductive side of societies and economies through the exclusion of domestic work and commercial sexual service as categories in the classification of occupations (Ehrenreich and Hochschild, 2002; Yeates, 2010). This obliteration has produced ambiguous policy and social environments that enabled the formation of distinct networks and pathways of movements of women across border in search for employment in the care or sex sectors (Tyner, 2004; Oishi, 2005).

Migration chains in the care and commercial sexual services sectors show how a gender division of labour is an institution vested with power, and how we must treat gender as a resilient social structure. This power comes from recursive and reiterative practices of individuals and groups that adhere to the notion of an asymmetrical gender order as "natural", and from the neglect of the reproductive side of the economy. This neglect produces a hegemonic understanding of the law, of public morality about care as a moral duty, and of sex as intimacy, which refuses to recognize that liberalization of economies and broadening market relations can "free up" a social and moral space for care and sexual services to become incorporated into (semi-industrial) labour relations.

Growing links between different national systems of social reproduction, now spanning most countries and regions, are being formed and point to the formation of a new class of women based on their gender identity (female), their work (domestic helper, commercial sexual provider, foreign bride) and their unrecognized status in migration law (Truong, 1996; Chin, 1998; Kojima, 2001; Cheah, 2009; Agustin, 2003). The sociolegal space through which these migratory movements take place is ambiguous, and therefore abuse is frequent and often without redress. The politics behind discursive

constructions of gender, and of skills, work, and legislation regarding rights and entitlements, become important areas of theorizing and empirical research about women's agency in migration.

By integrating macro, meso and micro perspectives, gender research on migration has produced new perspectives on: (1) how migration systems have evolved from gendered interactions between regulation and the actions of all those involved: migrants, employers, social networks, civic organizations and law enforcement agents; and (2) how the intersecting inequalities that shape security-seeking actions of particular groups of migrants pose new challenges to justice-seeking actions. Gender is now approached as a matrix of power relationships operating at multiple levels: (1) as a resilient structure expressed through various social and cultural meanings of being male and female that are embedded in the ethos of the State; (2) a set of relationships that organized the social and cultural reproduction of society; and (3) the formation of identities and definition of subject positions in a given social order (Scott, 1986).

A key point of contention is whether the contemporary economics-dominated framing of migration, and the diffusion of related practices of management, contain emancipatory potentials for marginalized migrants, or whether these have become another apparatus of power that has created new categories of gendered mobile subjects, whose identities remain distant from the human rights framework based on citizenship as the main criterion of belonging. This has led to the exploration of the social construction of femininities and masculinities in migration. A small body of literature has now emerged on how transnational migration also impacts masculine identities, norms and conventions, and how men negotiate and reconstruct their identities as they encounter different gender regimes, rationalize their experience of racial discrimination and find new lines of intergroup differentiation (Datta et al., 2008).

In migration studies, the use of "gender" as a heuristic device in several disciplinary interfaces (political economy, law, sociology and anthropology) suggests that satisfactory treatments of the relationship between gender and human rights require insights and angles of multiple kinds. Aspirations for a gender-equal world cannot avoid employing epistemic vigilance to discern where and which thinking about "gender" is valid and how unjustifiable biases may be corrected. Beyond individual social attributes, the struggles for gender equality have diverse expressions, contingent on geography, history and culture.

FROM CITIZENSHIP AND LEGAL LIMINALITY, TO ACKNOWLEDGING MULTIPLE SCALES OF SOCIAL JUSTICE

A legacy of the Enlightenment in European history and philosophy, the concept of citizenship embodies the epistemological orientation discussed earlier: a focus on individuals within national boundaries and on defining the terms and conditions and benefits of membership in such a political community. Although membership of such a community – on the basis of the idealized and seldom realized liberal notions of equal individual rights – rarely guarantees social justice as lived, this formal membership remains an indispensable basis in the struggle for achieving rights for both internal and international migrants – men, women and children.

Until very recently, the relationship between citizenship and migration has been debated mainly from the perspectives of receiving countries, using a variety of approaches to address the rights of "strangers" in a framework of concentric circles of belonging. In the inner core, either rights obtained jus soli (through territory) or jus sanguinis (through blood) define the ground for nationality. In the additional layers, other legal principles that define criteria of belonging – for immigrants, foreign residents or temporary visitors – vary according to particular histories, demographic concerns and particular concerns of migration policy at a given point in time, creating a hierarchy of statuses, as pointed out earlier.

Debates on migration and citizenship in the United States and the European Union boomed during the 1990s. Many contributions were from the perspective of cosmopolitanism, understood as a cognitive process essential in the recognition of "strangers" and for overcoming the binary distinction between "self" and "others". Bloemraad et al. (2008) discern three main areas in the debates. These were: (1) legal foundations of citizenship and how particular conceptions of national belonging or institutional configurations can be linked to conceptions of citizenship as legal status or rights; (2) how group rights and multiculturalism may or may not be realized, from the point of view of normative political theory of citizenship, taking into account how assimilation and integration of immigrants and their descendants into receiving societies may also transform these societies culturally and socially; and (3) equality of participation in a host country's economy, society and political system.

From a sociolegal perspective, work on liminal legality in respect of migrants with an uncertain legal status (Menjivar, 2006; Coutin, 2002) is more ethnographically informed and provides a more grounded, albeit sombre picture. Centred on segmented integration, this body of work focuses on migrants whose social lives are situated in a zone of legal ambiguity and their ways of struggling for residency under tighter immigration policies based on an anti-immigration stand. Coutin (2011) especially highlights the trends in the United States towards a conflation of immigration and criminalization as a result of the process of securitization of the homeland, following the attack on 11 September 2001.

Both bodies of literature show the need to approach the migrant populations as heterogeneous, and among whom citizenship as entitlement to legal protection does not necessarily carry the same meanings and implications. Furthermore, this debate misses a transnational perspective on citizenship that connects all moments of the migration process and the institutional accountabilities of the parties involved (sending, transit and receiving States; third parties; and the migrants themselves). Moreover, just as migration policy tries to control inflows, migrants themselves increasingly rely on third parties to adjust their trajectories from the ideal to the viable, and in so doing they enable the migration business to take roots and expand, giving rise to multidirectional flows rather than the traditional bidirectional flows. Migrants' needs and aspirations are often adjusted to circumstances of legal and economic possibilities. The categories for classification of migrants by place of "origin" and "destination" and as "permanent", "temporary" or "return" migrants can be seen nowadays as policy constructs that have been outdated by the changing character of migration, which demands new concepts and frameworks that enable the portability of rights and social protection (Caron, 2007).

In a transnational context, liminal legality is also a reality for migrants whose struggle may not be about settlement but about legalizing their presence as a temporary or transient migrant in a long-term migration project. It is important to bring forward a perspective that connects forms of arbitrary treatment at different points in the migration process, to provide a fuller picture of dysfunctions, in particular migration systems operating within a national jurisdiction or across two or more (Irianto and Truong, 2013). These forms may be locally rooted in the absence of protection measures, or arise from the dysfunctional character of existing measures.

A perspective on transnational justice that adds insights on how global connections can demand additional responsibilities for social justice may help to keep States and relevant actors in check rather than allowing them to use discretionary power to deflect their responsibilities.[46] Such a perspective may help to develop notions of responsibility for social justice in an inductive way and contribute to an approach to realizing rights for migrants that is closer to their lived realities. The exercise of citizenship and entitlements in transnational migration process is socially embedded at each phase – departure, work placement and return. For the universal language of citizenship to become meaningful to migrants, for whom existing systems of protection fail, preconceived ideas about their social positions must be challenged.

Nancy Fraser's (2009a) proposal for a reflexive and dialogical approach to social justice offers some interesting ideas for the field of migration. In her view, globalization has dramatically changed the terrain of social justice, clearly revealing the limitations of a statist model. In addition to the "who" of justice, the "what" the "how" questions concerning justice claims are objects of struggle (Fraser, 2009b). Two existing stances on justice obligations are predicated on the notion of belonging – defined either by a political relationship (to the nation and/or State) or an abstract notion of moral personhood (the humanity principle). These are not sufficient to address the requirements of what she calls transnational justice derived from cross-border social relations of interdependence. The Westphalian stance carries the danger of discriminatory nationalisms, which can become aggressive, and of obscuring economic inequalities, hierarchies of status and asymmetry of political power within a territory. The humanity stance offers a one-size-fits-all frame that does not fully take into account actual or historical social relations, and forecloses the possibility that different issues require different frames or scales of justice (Fraser, 2009b). A third approach to the obligation of justice is what she calls "the all-affected principle", which views the "who" of justice as neither always national nor always global, and presents transnational injustice as contextually expressed.

What makes a group of people fellow subjects of justice is their objective co-imbrication in a web of causal relationships. Whoever is causally affected by a given action nexus has standing as a subject of justice in relation to it. Thus, the "who" of justice is a function of the scale of social interaction. As

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[46] For example, Young (2006) provides a model of political responsibility based on global connections, such as those related to the claims of the anti-sweatshop movement, or indeed, any claims of responsibility that members of a society might be said to have towards harms and injustices of distant strangers.

the latter varies from case to case, so does the former. Unable to identify morally relevant social relations, it [the all-affected principle] treats every causal connection as equally significant (Fraser, 2009b).

Fraser's solution is to address misframing as a problematique, by introducing the "all-subjected principle", according to which "all those who are jointly subject to a given governance structure, which sets the ground rules that govern their interaction, have moral standing as subjects of justice in relation to it." To her, the structure of governance as a broad expression can encompass relations to powers of various types (states, inter-state and non-state agencies that generate enforceable rules that structure important swathes of social interaction). The all-subjected principle affords a critical standard for assessing the (in)justice of frames; an issue is justly framed if, and only if, everyone subjected to the governance structures that regulate a given swathe of social interaction is accorded equal consideration (Fraser, 2009b).

Applied to migration, the all-subjected principle is relevant in that it enables a critique of misframing of migration caused by epistemological biases that reproduce hierarchies of status and asymmetry of political power (for instance, knowledge migrants, labour migrants, asylum-seekers, trafficked persons). Misframing can lead, and has led, to distinctive forms of economic and cultural injustice (as in the treatment of migrant domestic workers) and/ or denial of equal standing within democratic deliberation (as in the case of asylum-seekers and trafficked persons). In this respect, the Global Forum on International Migration and Development and the associated events (Roldan and Gasper, 2011), and the World Social Forum, which has taken up the theme of migration, offer nascent political spaces for migrant organizations and socially engaged scholars to engage with each other to address meta-political injustice and its practical implications.

Bridging the discrepancy between normative and lived realities can help to reveal how misframing of categories of "security", "gender" and "migration" obscures the role of unequal political, economic and social structures in determining migratory processes historically. It will help also in imagining new ways of realizing rights, through qualitative transformations in significant social relationships that underpin these processes. This implies a new ethical responsibility among researchers and policymakers for sustained engagement in reciprocal and self-reflexive learning that values flexibility, diversity and knowledge-sharing in order to provide sharper analysis of the political practices and norms applied to social justice in migration. Co-responsibility and mutual respect are indispensable for

innovations of thinking to resolve the tension between a notion of citizenship that is bounded by the nation State as a determinant of legal and social belonging, and the ongoing forces that are redefining territorial, cultural, political, social and economic boundaries and thereby undermine traditional norms of belonging.

FROM HUMAN SECURITY AS PROTECTION OF PEOPLE ON THE MOVE, TO CRITICAL STUDIES OF BORDERS AND BELONGING

Human security analysis is a framework made prominent by the UNDP's Human Development Report of 1994 (Gasper, 2005, 2010). It involves a pervasive concern for human vulnerability derived from all sources such as: organized political violence; generalized deprivation caused by structural inequality; natural disasters; disease; environmental degradation and so forth (Brauch and Scheffran, 2012). This concern matches and extends the two pillars of the UN Charter, which are the foundations of human rights instruments, "freedom from want" and "freedom from fear". Many disagreements are related to the stance on humanity at the meta-political level, which can be used as a one-size-fits-all frame discussed in the previous section. Moreover, as Fukuda-Parr and Messineo (2012) point out, its open-endedness has made the concept vulnerable to political dynamics and use for purposes unrelated to the original concern. These may include: exaggerating new post-Cold War security threats; locating these threats in the developing world; and facilitating short-term policymaking in the absence of clear strategic foreign policy visions (Chandler, 2008).

In so far as migration is concerned, going by the reports made accessible by the Human Security Gateway, policy intervention on "protection of people on the move" appears to be primarily directed at forms of movement caused by organized political violence (freedom from fear) and environmental stress.[47] Much less attention is given by governments to those movements that are related to economic instability (freedom from want), though the unfolding economic crisis that has swept across the globe may well turn the tide towards even more stringent border control. In this regard, the applicability of Responsibility to Protect (R2P) to individuals subjected to large-scale and systematic violations of their human rights by States remains selective. In times of crisis, such as the case of Libya in 2011, only foreign States with means did intervene to evacuate their nationals. Foreign workers whose States have no such means were left to fend for themselves (De Vargas and Donzelli, 2013).

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[47] See http://www.humansecuritygateway.com/.

Furthermore, the term human security can be, and has been, retracted by some to the comfort zone of collective security, as in the case of the European Union, which defined terrorism, proliferation of weapons of mass destruction, regional conflicts, State failure and organized crime as the key threats facing human security in Europe (Kaldor, 2007). The impact of such a vision on migration is the securitization of borders, which creates what Van Houtum (2010) calls "the global apartheid of the European Union's external border regime".

Debating social justice in migration requires awareness of the history that shapes present circumstances and a perspective on human security that makes sense of migrants' own conceptions of "security" and the relational aspects of their agency as has been shown by Mushakoji (2011), Burgess et al. (2007) and some of the national Human Development Reports (Jolly and Basu, 2007). Integrating these aspects into critical analysis of the norms and politics of policy is an important task ahead. Being contingent on the operation of diverse power relations, the relationship between identity and security is subject to dynamics that can produce hybridized experiences of insecurity (Kusakabe and Pearson, 2013; Rojas and De Vargas, 2013).

For policymakers, this poses a major problem of weightage and setting priorities about which content of identity is to be secured (with reference to gender, age, ethnicity and religious identity). For example, programmes on safe migration for young women tend to prioritize the prevention of human trafficking for sex work to protect a specific group of population considered to be at risk, but are silent on the key aspects of gender relations in the everyday life of people depending on migration as an opportunity for income earnings. It is important to engage with the various representations of "people on the move", which depict them as social problems and displace their position as subjects of rights. Showing how such representations can serve to deflect political responsibility at various levels necessitates interrogating the categories used in defining the subjects of human security, by using migrants' experiences of insecurity as an indicator of the reality as lived, against which conventional hypotheses can be tested and new questions asked.

CONCLUSION

It is important to enter migration studies as a field with an awareness of the historical conditions of the emergence of "migration" as a thought form and its relationship with other thought forms such as "gender", "development" and "security" arising in different contexts. Given that causal processes are

infinite, there are great limits to prediction. Nevertheless, it is possible to identify the relatively enduring, yet adaptive, structures and mechanisms behind the different manifestations of migration and their social features (gender, ethnicity, class and age), and their implications for understanding human security as social experiences.

Rethinking migration, gender and social justice in the context of globalizing processes requires, firstly, challenging the dominant forms of knowledge that operate under the guise of neutrality, and revealing the hierarchies of power-to-interpret that undermine principles for a just world. Recently, a variety of binary constructs – "legal and illegal", "regular and irregular", "victim and agent" – have been utilized. The coding of identities of "people on the move" into standardized bureaucratic categories delimits the fields of their action, and also those of border controllers as well as those of civic advocates for human rights. Though they are not necessarily effective in the management of migratory flows, they have been utilized by media and everyday practices of discrimination to fuel xenophobic sentiments and legitimize ever more stringent practices of discipline over migrants.

The legal framework of human rights is understandably critiqued as being too soft in its implementation and too individualistic in its orientation, approaching social justice and the advancement of minorities in terms of, for example, "affirmative action" initiatives rather than by addressing the structural barriers faced by migrants. At the other extreme, States' efforts to administer migration policy regimes in a legal-technocratic manner have proven to be highly unsuccessful, apart from having negative consequences for migrants in terms of social justice. Whether framed by migrant advocates or government officials, narrow legalistic understandings of migrants' rights do not adequately address the social justice concerns of migrants. Unpacking the operation of different structures of power (gender, class, race/ethnicity and generation) and their interaction within the institutional domain of migration is a necessity to create new space for thinking and transforming the relationship between migration, development and security from a negative into a positive tendency. Ensuring greater transparency in negotiating and honouring formal international commitments requires interrogating the categories used in defining the subjects of human security and understanding the power relations implicated in their applications, through the perspectives of migrants themselves.

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Chapter 10
THE CHALLENGE AND GAP OF MIGRANT CHILDREN PROTECTION: A CASE STUDY OF THAILAND'S EDUCATION POLICY

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INTRODUCTION

Children of irregular foreign migrants[48] living in Thailand are marginalized and at risk of exploitation, with limited access to public services. In the 1980s, Thailand first launched policies to cover disadvantaged groups of children to have access to education, including migrant children. Yet, many migrant children were left out of the education system because they lacked identification documents required for school entrance, and budget for compulsory education was provided only for Thai children. Not being accepted into school, these migrant children often entered into the labour market instead at a very young age, and were at risk of exploitation. In 1992, the Royal Thai Government launched a policy to try to resolve the problem of identification document requirements for migrant children to enrol in local schools. This policy was issued by Thai Cabinet resolution and detailed the principle that every child in Thailand, regardless of nationality, was eligible for education with or without any identification document. This was followed by the 1999 National Education Act, and a greater budget allocation for every child studying in public and private schools. Furthermore, in late 2011 and in 2012, regulations were launched to register MLCs, which offer alternative access to education for migrants, with the aim of addressing ambiguity in these centres' legal status.

This chapter aims to demonstrate that migrant children are in a different situation to that at present understood, such that the existing policy that is intended to provide education opportunities for them still faces many

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[48] In this paper, "migrant children" is used to define children of irregular foreign migrants. The paper focuses in particular on the circumstances of international migrant children, rather than internal migrant children.

challenges in implementation. On the one hand, the increasing number of migrant children in local schools reflects the expansion of Thailand's protection policy. On the other hand, policy implementation is still a problem in practice and some groups of migrant children are still not able to access formal education or alternative forms of education.

In the next section, the current situation of migrant children in Thailand is discussed. Following this, the development of Thailand's education policy towards migrant children is presented, and then a discussion on the implementation of the policy in terms of education opportunities for migrant children. Gaps in current education policy and the wider challenges faced are discussed in the subsequent two sections, before the final section of the chapter draws some conclusions.

SITUATION OF MIGRANT CHILDREN IN THAILAND

There are various groups of migrant children living in Thailand who can be identified as marginalized and vulnerable, including: children of undocumented migrant workers; children who migrate by themselves and become child workers; street children who vend along the border and elsewhere with or without their families; and displaced children from Myanmar living in shelters along Thailand–Myanmar border.[49]

The total number of these children is unknown. In the first registration of children under 15 years old of migrant workers in 2005, which was undertaken by Thailand's Ministry of Interior, 93,062 children registered. This figure, however, is thought to be much lower than the actual number. Over 80 per cent of these children were from Myanmar, and the rest were from Cambodia and the Lao People's Democratic Republic. The second registration of migrants' dependants was in 2009, and only 9,500 children were officially listed at that time.

It has been observed that the objective of this registration process was unclear, including why migrants should register their children.[50] The registration of migrants' dependants was intended to acknowledge the number of migrant children, but in practice it only covered the proportion of children born of registered migrant workers. It did not cover children who were born with non-registered migrants, children who came by themselves, and children under the age of 18 who were working were not registered as dependants. It

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[49] This last group of children is not included within the scope of this chapter.
[50] The latest registration for migrant dependants is in 2013.

also excluded children in other groups, such as beggars, vendors and street children. The actual number of migrant children estimated to be in Thailand is between 200,000 and 250,000, which has been calculated based on the registered number combined with a number of other sources (Archavanichkul et al., 2002).

These numbers also include migrant children who were born in Thailand but who have not received birth certificates. Every child born on Thai soil is required to register with the local district office to obtain a birth certificate, and birth registration is needed as evidence to complete the procedure. Usually, birth registration is provided if the child is born in a hospital, a health station or an NGO clinic.[51] In 2008, the Ministry of Interior issued a regulation that stipulated that a birth certificate should be provided only to those children born of registered migrant parents. Children of undocumented migrant workers, including those born by traditional birth attendance, are therefore easily left out of the formal registration process. Without legal documents, these children face a risk of becoming stateless persons and thus may be exposed to difficulties in accessing health care, education and other public services in the future either in Thailand or their parents' countries of origin.

Many migrant children are born of parents entering Thailand illegally, and according to Thai law these children are also considered illegal migrants. The illegal status of their parents means that these children have less chance to access public services such as health care, vaccinations and other treatments. It is not necessarily the case that these services are unavailable to them, but their parents are reluctant to bring their children to access these services for fear of being arrested.

Moreover, migrant children are vulnerable to various forms of exploitation, including becoming victims of trafficking, sexual harassment and forced labour. According to Thailand's labour law, children under the age of 15 are prohibited from work, while children between the 15 and 18 years old can work in certain sectors. In reality, many reports have documented migrant children younger than 15 working in different sectors (ILO, 2006; LPN, 2012). These reports reveal that many work under poor conditions without or with little access to welfare services. Some were even found to be engaged in the worst forms of child labour, including the sex entertainment sector, and in small factories, agriculture and construction. Some were also identified as victims of human trafficking (Ministry of Social Welfare and Human Security, 2011).

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[51] Census registration can be house or district office registration.

Migrant children exploitation has existed for many years, as documented in previous studies (Vungsiriphisal et al., 2000). In the past, Thai children also faced comparable problems, but the situation has since improved, and one improvement is that they have better access to education now. Some migrant children, however, continue to face exploitative situations. Access to education will not only benefit these migrant children in furthering their potential but also protect them from this vulnerability to exploitation. However, the situation faced by individual migrant children vary, including in terms of family background, parents' willingness to support their children's education, and ability to cover extra expenses apart from school fees including travel, meals and clothing. There are even migrant children who live without caregivers, for example, those who work or who live on the street. The diversity of these situations requires an education policy that is appropriate to protect all of these children more efficiently.

DEVELOPMENT OF THAILAND'S EDUCATION POLICY TOWARDS MIGRANT CHILDREN

Thailand's Ministry of Education circulated its policy to receive non-Thai children to study in public schools in 1992. The policy aimed to provide education for various groups of registered non-Thai children residing in Thailand at that time.[52] This policy, which later evolved into the first National Education Act in 1999, stated that "every person has an equal right and opportunity to have access to quality basic education". The 1999 National Education Act required that all registered children in Thailand be given access to education up to the secondary level.

The 1999 National Education Act led to the emergence of various forms of education responding to the conditions of different groups of children and seeking to overcome difficulties in access to appropriate education. Nevertheless, the implementation of the 1992 policy and the 1999 act did not benefit the children of undocumented migrants much because there remained a requirement for identification documents for entrance to schools either from their countries of origin or from the Thai authorities in case they were born in Thailand, which many of the migrant children lacked. How the policy was translated into practice varied according to the attitude of each school director; furthermore, the policies were also not well implemented because of the negative attitude of education personnel at the operational

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[52] These groups included Vietnamese, Laotian, Nepalese, Chinese, and displaced children from Myanmar.

level towards non-Thai children, and especially migrant children.

In 2004, Thailand's Office of Education Council in the Ministry of Education announced an education strategy for underprivileged groups of children, which included migrant children. This strategy was issued in response to the decade of implementation of the World Declaration of Education for All (1990) and the Dakar Framework for Action on Education for All (2000), both of which Thailand had committed to and collaborated on with many NGOs to cover groups of children who had previously not been protected. In 2005, Thailand's Cabinet launched a resolution[53] which clearly stated that every child residing in Thailand should have access to education regardless of their nationality, document entitlement, or legal status. The resolution is considered useful to migrant children because many of them do not have identity documents or legal status. Moreover, the resolution was accompanied by a principle that budget was to be allocated to state schools according to the number of enrolled children, regardless of their legal status or nationality. This resolution is seen to have allowed migrant children to enter into the education system; correspondingly, the number of migrant children entering into local schools increased. In addition, the Ministry of Interior issued children entering into local schools with a 13-digit identity number that registered them within the official census system (Office of the Education Council, 2008).

Increasing the education opportunities for migrant children has expanded protection for them, but still not all migrant children are able to enter into the formal education system (see next section). In 2012, therefore, the Department of Non-formal Education of the Ministry of Education initiated the development of a primary level curriculum for non-Thai and migrant children. The curriculum was formally launched in August 2013 to provincial non-formal education department offices and NGOs.[54] The curriculum is taught in Thai language, and also includes ethnic languages as a subject. It is designed to be flexible for migrant children who have difficulties accessing formal education

In addition to the formal Thai education system, there are MLCs set up unofficially by migrant communities or NGOs to offer education activities to migrant children. MLCs presently provide access to education for many migrant children in Thailand (see next section). Although MLCs are registered with and acknowledged by provincial education offices, and their collaboration has been continuing for years, MLCs are not formally recognized within the

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[53] The resolution stating children's identification such as birth certificates or birthday documents may be used for school entrance was approved on 5 July 2005.
[54] Seminar held on August 1, 2013, at Mae Sot Hill Resort and Hotel, Mae Sot Province.

Thai education system. From time to time, the operation of these MLCs has even been viewed suspiciously by local authorities, and threats were made against MLCs, arising from the informal status of MLCs and that they teach non-Thai curricula and not in Thai language.

In collaboration with provincial education offices, NGOs and other civil society, the Royal Thai Government, since 2009, has decided to issue MLCs with legal status, which would allow individuals, communities or organizations to set up and register MLCs. Policy principles[55] were approved by the Thai Cabinet in 2011, but the relevant regulations were only issued by the Ministry of Education in 2012. On one hand, the Thai authorities aim to use these regulations to better manage the MLCs. On the other hand, there is the possibility that registration will extend more protection and support to the MLCs from the Royal Thai Government.

Implementation of the regulation issued in 2012 for individuals to register MLCs faced challenges in practice due to the requirement that the registrar be a Thai national. Subsequently, the regulation for registration of MLCs became more flexible in terms of the registrar's nationality; Thai nationality was not necessary and any registered community or organization could apply to set up an MLC. With these changes, it might now be expected that more MLCs could register. Yet, there are other requirements that must also be met, including submission of: details of the community or organization applying for registration; an education plan including modules and curricula; details of education personal; and details of the school committee. Submissions must be approved by the Provincial Education Office.

As of early 2013, many MLCs seeking registration have faced problems, in particular with regard to their own curricula, and because their language of instruction is mostly Burmese. Although MLC registration does not specifically state that the Thai curriculum is required, the approval of other curricula has led to debate among relevant officers. Furthermore, only a few MLC directors hold formal documents and are not necessarily formally qualified in the field of education. Meanwhile, the majority of education staff in MLCs are not formally registered migrants, and the registration of MLCs does not automatically legalize and support the MLCs' staff employed there.[56] As a result, as of September 2013, only one MLC had applied for

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[55] For the management of education in learning centres, there were three regulations, namely: 1) by professional organization; 2) by Individuals, issued in January 2012; and 3) by NGO, issued in October

[56] Register of MLC Seminar minutes, 19–20 June 2012.

registration (personal interview with a member of Migrant Working Group, October 2013).

EDUCATION OPPORTUNITIES FOR MIGRANT CHILDREN

In Thailand, migrant children have two principal options to access education: one is through MLCs; and the other is by attending regular Thai schools. Each option, introduced in the preceding section, is discussed below in terms of implementation. The role of NGOs in providing education is also briefly discussed.

Various alternative arrangements for education have been made for migrant children in Thailand, especially among the groups escaping from the conflict in Myanmar and living in the border areas, and also those in other parts of Thailand. These MLCs' arrangements were first initiated by migrant communities themselves, followed by NGOs and local people working with migrant communities. MLCs have expanded from a small number of centres in border areas to a nationwide network. MLCs aim to provide education within a school setting that responds to the particular situation of migrant children. These circumstances include children who are left alone while their parents work, and orphans who lost their parents due to displacement.

For example, in the five districts of Tak province Area 2[57], at the border with Myanmar, a couple of MLCs were first established in the late 1990s, which enrolled a total of 186 migrant students. Fifteen years later, the latest statistics show that the number of MLCs in Tak province Area 2 has increased to 73 with 11,383 enrolled students (see Table 15).

Table 15: Number of migrant learning centres and enrolled migrant students in Tak province Area 2 (2008–2012)

	2008	2009	2010	2011	2012
Number of MLCs	28	60	61	61	73
Number of students	7,734	9,298	10,961	12,080	11,383

Source: Tak Province Education Office (Area 2).

The quality of education provided in these MLCs varies according to teachers' qualifications, curricula and standards, and the level of education available to study. The majority of MLCs provide education only at the elementary

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[57] Tak Province Education Office (Area 2) covers five districts of Tak province. All MLCs in Tak province are located in Area 2.

level. Some extend to secondary level, while only a few offer higher-level education. Some MLCs also offer additional evening or weekend classes to prepare children who have no education background in language literacy or to further assist children who are unable to follow the lessons during the daytime. The MLCs' school buildings may be permanent buildings, temporary shelters or small rooms in other buildings.

Nearly all of the MLCs are for migrant children from Myanmar. There are no known full-time MLCs for children from Cambodia or the Lao People's Democratic Republic. There are, however, several "open centres" or "drop-in centres" for Cambodian children near the Cambodia border.

The curriculum taught in MLCs is mostly adapted from the Myanmar curriculum; only a few MLCs have adopted the Thai curriculum (Manaskasemsirikul, 2008). The language of instruction depends on the ethnicity of the children taught and is mainly Burmese, Karen or Mon. English is taught in most of the MLCs, while Thai is taught as a subject in only some MLCs. At higher levels of education, the language of instruction is bilingual – Burmese and English. Most MLCs provide free education, and are flexible towards enrolment in terms of identification documents, age of the student and educational background. In some MLCs, a small amount of school fee is collected to encourage migrant parents to participate in their children's education. The majority of the teachers are ethnically from Myanmar, although a few MLCs also have Thai teachers. Most MLC teachers have finished only secondary-level education, while only a few MLCs have teachers qualified with a tertiary education background. Limited sources of external funding mean that MLCs can only offer their teachers a low remuneration.

Most migrant workers choose to send their children to MLCs; this is mainly because classes in MLCs are taught in their native tongues and the curricula are based on Myanmar's curriculum. Other reasons include: fear of their children being abused outside MLCs; the better care provided by teachers at MLCs; and savings to be gained from enrolling their children at MLCs.

Since the 1980s, as outlined above, local Thai schools have also been permitted to accept migrant children. However, prior to 1992, access to education in public schools required identification documents, and compulsory free education was provided only to Thai children. Most migrant children, especially those from undocumented migrant families, did not hold formal documents and therefore were unable to attend. Furthermore, with the exception of border police schools and a few select schools in border areas,

most public schools did not accept migrant children. The schools' refusal to accept migrant children were due to ad hoc migrant policies that considered migrants as temporary "alien" workers, creating negative attitudes towards both migrants and migrant children. Later, as awareness about the plight of migrant children grew, including due to NGOs' advocacy, and following Thailand's commitment to the Convention on the Rights of the Child (CRC)[58], the Royal Thai Government allowed and encouraged in principle these children into public schools.

Before 2005, however, there were not many migrant children attending local Thai schools, as an identification document was still required for enrolment. Other reasons included the high fees to be paid and unwillingness of parents to enrol their children, because either these parents preferred that their children learn in their native language or feared the behaviour of other children in the school towards migrant children. The regulation in 2005, as discussed in the previous section, paved the way for migrant children to enter local schools without identification documents. The percentage of migrant children enrolled in Thai schools is still low, but the number did significantly increase after this policy was launched. In 2005, statistics from the Samutsakorn Education Office stated that there were 177 non-Thai and migrant children studying in the province. As shown in Table 16, by 2012, this number had increased to 1,581. A similar increase is witnessed in Tak province (Area 2).[59]

Table 16: Number of non-Thai students (including migrant children) in local schools, 2008–2012

Province	2008	2009	2010	2011	2012
Samutsakorn	1,141	1,509	1,512	1,330	1,581
Tak (Area 2)	9,850	11,925	9,854	9,587	12,429

Source: Samutsakorn and Tak (Area 2) Education Offices.

Within Thai schools, migrant children study a standard Thai curriculum and the main language of instruction is Thai. In some local schools, up to the secondary level, there are presently pilot projects to teach in ethnic languages, but this is not a recognized part of the curriculum (Vungsiriphisal, 2009).

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[58]   Thailand ratified the CRC on 27 March 1992.
[59]   Samutsakorn province hosts the second largest number of registered migrants in Thailand. Tak province (Area 2) is a popular entry point for migrants from Myanmar.

The general acceptance of migrant children in local schools comes from their ability to communicate in Thai language, understanding Thai culture, and, in certain areas, their parents' legal status. Overall, migrant children are accepted into local schools more easily in border areas, in small schools where competition with local children is low, and in areas where migrant workers are more accepted. There are some cases where children cross the border to Thailand from neighbouring countries to study in Thai schools in border towns (interview with a Ban Ta-ard school staff, Tak province, 22 May 2011).

Parents of migrant children choose local Thai schools mainly because they want: to improve the child's ability to communicate in Thai; to increase the chance to access higher education; and to improve the chance of getting a good job. According to the 2005 policy, migrant children in local schools are not restricted to a particular area[60] or an education level, but many of them do not continue to higher levels of education because of economic and family reasons. Many migrant children end their education after primary level. This may be because: they follow their parents who migrate to other provinces in Thailand; they return to their home countries; or they enter the labour market (Don Jang School report, 2011).

A third form of education for migrant children is learning classes provided by NGOs. The curriculum of this form of education varies, and can include different language classes (Thai, English, ethnic languages), basic mathematics and life skills. In some cases, there is collaboration between the Department of Non-formal Education and NGOs that offer the basic Thai curriculum during weekends to provide the opportunity for education to young migrant workers (Rural Youth Foundation, 2011). The purposes of these education activities are: to prepare migrant children prior to their formal schooling; and to provide children with basic literacy skills. In addition, there are also mobile education providers organized by NGOs for migrant children roaming along the border or working on the street.

Education is an important tool to increase social protection for migrant children. A longer schooling period will also prevent them from entering the labour market too early. For migrant children who do not enter formal schooling but at least gain literacy skills, this will enable them to understand written safety rules and regulations in their workplaces and also facilitate their daily living. In some cases, however, parents may not see the benefits

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[60]   Prior to 2005, migrant children were required to study in particular areas and some were restricted to basic levels of education.

of education or prefer that their children generate income, and this prevents migrant children from gaining access to education. The legal status of migrant parents can also make them reluctant to send their children to formal schools for fear of legal repercussions, even though Thailand's policy offers all children, regardless of their nationality and status, eligibility to access education.

GAPS IN EDUCATION POLICY

There is no doubt that Thailand's evolving education policy has benefitted many migrant children and protected them from being exploited during their schooling period. Even basic communication and literacy skills will have assisted them to integrate with the local community and thus facilitated their daily lives. Yet, migrant children still face a number of problems in accessing education.

The mainstream Thai education system nowadays offers migrant children better opportunities for free education and better integration with the local community. Their ability to communicate in Thai and socialize beyond life at school will increase their chances of securing good employment in the Thai labour market. The policy to accept migrant children into the Thai education system, however, still faces a number of problems at the implementation level. Regarding enrolment, while the Ministry of Education has issued regulations there is no mechanism to enforce them; the acceptance of migrant children, in other words, entirely depends on the decision of each school. Also, as there is only a limited number of classes to prepare migrant children's Thai language skills, and these classes are run by NGOs rather than schools themselves, migrant children are placed at a disadvantage before even entering the formal education system. Furthermore, no training is provided to teachers to teach children with multicultural and different educational backgrounds. According to some schools, success is indicated by the ability to shape migrant children to be as "Thai" as possible (Sirimongkol school report, 2008). This perspective, however, will discourage migrant children to be proud of their own culture and to value their roots.

Performance and integration of migrant children into local schools can also be problematic. As the main language of instruction is Thai, those migrant children who are proficient in Thai language can often perform better and also gain greater acceptance from other local children. On the other hand, if migrant children have poor language ability, from the school's perspective, this can affect overall school performance. The existing education system does not allow for the testing of knowledge in a flexible manner, which is applicable for children with different Thai language abilities.

Regarding access to higher levels of education, government statistics indicate that the opportunity to access formal education is limited to only primary and basic education for the majority of migrant children (Samutsakorn Education District Office, 2012; Tak (Area 2) Education District Office, 2012). The existing policy, therefore, essentially only equips migrant children with basic skills and language ability to better integrate with local Thai communities. The policy does not encourage further education for them. In other words, the Royal Thai Government's broader strategies to reform education to match the more demanding and higher-skilled labour market and to improve labour productivity do not apply for migrant children.

It is also worth noting that the education and Thai literacy that migrant students gain from the Thai education system may not fully benefit them if they wish to further their education in their countries of origin, because the curriculum and standards are different. The accreditation that they acquire from the Thai education system could be more useful if there is more cooperation between Thailand and the countries of origin, so as to be able to transfer the credits they have earned in Thailand to their own education systems or vice versa.[61]

The issue of student registration also remains important. The legal status of migrant children's parents relates to the issue of their permission to stay in Thailand. A Thai Cabinet resolution in August 2013[62] extended the period for non-registered migrants currently working in Thailand to list under the NV Scheme and apply for a work permit by August 2014; for those who remain unregistered after this date, the Royal Thai Government has indicated that they will be subject to deportation. However, from an operational perspective, this would present significant challenges and the Government would also risk criticism if migrant children were withdrawn from school as a result. The latest registration in 2013 granted migrant children visas to stay in Thailand for the same period as their parents.[63]

Between 2005 and 2009, there was no clear strategy on the registration of migrant children; as a result, the issue of registration continued to affect migrant children as many state schools would only accept registered children.

[61] In the case of MLCs, negotiations have been underway between the migrant education networks of MLCs in Thailand and Myanmar's Ministry of Education to accredit or transfer their literacy level (personal interview with a director of an MLC in Mae Sot, Tak, April 2013).

[62] "Managing migrant worker: Cambodia, Lao and Myanmar", resolution issued on 6 August 2013.

[63] Ministry of Interior's announcement on 10 September 2013, on special permission for certain groups of foreigners to stay in the Kingdom, according to the Cabinet resolution released on 6 August 2013.

At present, for those migrant children who are accepted to study in state schools, they are provided with a "student card". This card, however, only acknowledges them and facilitates their student status in the school, but it does not automatically legalize them. In contradiction, according to the Thailand's immigration law, these migrant children remain "illegal" migrants if their parents are not registered and have not obtained any legal status. This latter policy creates a tension with the Royal Thai Government's 2005 Education for All policy to accept all children in schools, regardless of their legal status and nationality.

MLCs also face a number of policy challenges. A particular challenge is that only a few MLCs offer basic education using the Thai curriculum and can thereby – in collaboration with district non-formal education offices – offer a certificate to migrant children that upon graduation can be used to further their education in Thai formal education institutions. The underlying challenge of this is that the curricula of MLCs are recognized neither by Thailand's Ministry of Education nor the governments of the migrant children's countries of origin. As discussed above, a registration process for MLCs has been initiated, which includes assessment of curriculum, yet major challenges remain

Meanwhile, other sources of education, besides state schools and MLCs, can offer migrant children only basic literacy skills. The needs of street children and migrant child workers require greater consideration by policymakers and practitioners. At present, only a proportion of all migrant children in Thailand have access to education, either in their home countries or in Thailand. There are some migrant children who are excluded from the education system entirely, and for whom Thailand's Education for All policy has had no benefit.

WIDER POLICY CHALLENGES FOR ACCESS TO EDUCATION

The more flexible regulations contained in the latest policy encourage all children, including migrant children, to gain access to formal education in local Thai schools, and this may reflect a move towards the acceptance of migrant children into Thai society. On the other hand, some Thai communities sometimes have an unfavourable attitude towards local children mixing with migrant children. Furthermore, the provision of education opportunities is also considered a pull factor for more migrant children to come to Thailand; this seems to be happening in some border areas, and has consequences for Thailand's education budget and welfare burden. Sometimes a negative attitude also exists among government personnel, who view irregular

migrants as a threat to the country's security, which also has implications for migrant children. They call on the Government not to allow migrant workers to compete with local workers in certain sectors; while this attitude has lessened after many years of having migrants in Thailand, it still exists.

Overall, therefore, it seems that any increased protection for migrant children, including access to education as a means to hone their skills, needs to be balanced with the interest of the local people.

Migrant children's attendance in local schools is affected by various factors. Some migrant children may absent from school to follow their parents who move from place to place, including avoiding being arrested by Thai authorities. Also, not all schools, especially in urban areas, accept migrant children, because of the school's popularity and the high competition even among local children; thus, migrant children have to travel further distances to access other state schools. The deportation of a large number of migrant workers from Thailand may not take place in the near future after the temporary registration ends in August 2014[64] , but it could drive these migrant workers underground – together with their children – to avoid being arrested. In other words, these circumstances make it difficult for migrant children to complete their education.

Information gathered from migrant children reflects their hope to be accepted into Thai society (Vungsiriphisal, 2009). Their feeling of security is based on their adaptation to local society, and better communication in Thai language is viewed as a means for them to access a local Thai school and the chance to stay in the country. This attitude, however, may also cut migrant children away from their roots and discourage them to repatriate back to their original countries. To change their identity to be alike the host society in order to gain acceptance is one side of adaptation, yet the other side is a form of cultural assimilation into the mainstream culture (Castle, 1998, cited in Hugo, 2005). In line with Thailand's and the region's preparation for the AEC in 2015, the identity of migrant children in local Thai schools should be promoted.

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[64] Thailand's policy of temporary registration, which operated in 1992, is aimed to regulate migrants who did not formally enter Thailand to stay temporary while applying for formal documents, namely passport or identification certificate, through the NV process that started in 2009. The annual temporary registration does not grant migrants legal status and allows migrants to register their dependants only three times.

In MLCs, the form of education provided can preserve migrant children's culture and identity, but regularization of MLCs needs to continue. MLCs have taken responsibility to provide education for migrant children and to lessen Thailand's state burden. Yet, technical support to improve education standards should also be provided by the State, and the teacher training provided by NGOs should be certified and recognized. Furthermore, this policy also contains the risk of polarizing MLCs into those that are registered and recognized and those that are not registered and therefore not recognized, and this risk requires acknowledgement and has to be addressed.

At the regional level, the direction of development in most ASEAN countries is leading towards the expansion of the industrial and services sectors, which has implications for migrant children and their education. The trend is for labour-intensive production to move to Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam, where minimum wages are lower and there is also a surplus of labour supply. Many ASEAN countries, including Thailand, are facing labour shortage and high competition for investment, and plan to focus more on labour productivity rather than promoting low-cost labour competition (Chalamwong, 2010). The Royal Thai Government policy, under Prime Minister Yingluck Shinawatra's Cabinet in particular, has promoted higher minimum wages in Thailand compared with neighbouring countries. The current minimum wage of 300 Thai Baht per day has made Thailand an attractive destination for more migrants from neighbouring countries. Yet, with a higher minimum wage, Thai and foreign investors are not encouraged to invest further in Thailand in labour-intensive industries. Regarding education, therefore, preparation of students for the future labour market in Thailand will require education reform, to help them meet the demands of a more knowledge-oriented society. Children must be educated to be ready to learn about new technologies and be offered vocational skills training to meet the new demands of the industrial sector.

Migrant children and displaced children have been mentioned and included in Thailand's National Plan for Children and Youth Development (2012–2016) as one group of children with special needs for protection and development. Moreover, Thailand's strategy for preparation for the AEC 2015 is to improve the skills of local workers and their productivity so as to be able to compete with the planned free flow of skilled labour across ASEAN after 2015. The strategy also includes the improvement of migrant workers' skills to meet the new demands of the labour market. The education strategy for migrant children in Thailand will therefore also depend on the country's objective for these children.

Will Thailand consider migrant children as Thailand's human resources, and thereby provide them with an appropriate education for the labour market? Or, only provide basic education for their survival and integration with the local community? An overall rise in levels of education for migrant children will benefit their future prospects and strengthen their human security, and also potentially benefit Thailand's prospects too. The Royal Thai Government might perhaps cooperate with neighbouring countries, too, to improve education levels across the region, which may also reduce the number of migrant children in Thailand in the future. The forthcoming AEC in 2015, the evolving demands of the regional labour market, the promotion of national labour productivity and flows of migrant populations are all considerations of policymakers and other relevant actors. These factors need to be taken into consideration when formulating education policy and practices for migrant children in Thailand.

The Royal Thai Government has played a role in developing an education policy to allow migrant children to have access to education using legal mechanisms and by allocating budget. Civil society, including NGOs, and migrant communities also provide education and advocate alternative education for migrant children legitimized by their acceptance among migrant communities and through reference to universal values, including the rights of the child and Education for All. Thailand's education policy has been used by some agencies to gain access to education for some migrant children, while other groups of migrant children remain excluded. The current political structure has given the Royal Thai Government the authority – using legal instruments – to control the practices of other actors, including civil society, NGOs and MLCs. On the other hand, the Royal Thai Government's commitment to the international community and its values necessitate it to cooperate with these actors to expand protection for migrant children who do not benefit from existing policy implementation.

CONCLUSION

Various groups of migrant children are living in Thailand. Education has been taken as an important means of protection for these children, including preventing them from being trafficked and exploited. In spite of the fact that Thailand's education policy was launched decades ago and aimed to facilitate all groups of children to access state schools, alternative and basic education remain necessary for many migrant children as only a portion of migrant children have access to education in local schools. The groups who have access to education in local schools need more consideration in terms of the

objective of education, as well as how to teach in a multicultural background and with a vision towards the future labour market. The ongoing education reform to meet the demand of the labour market and to enroll more students in vocational education should also include migrant children. Meanwhile, MLCs need to be regularized to maintain their culture and identity, and to prolong the study period of migrant children. A lot more work also needs to be done in order to facilitate the transfer of accreditation between the Thai education system, MLCs and the education systems of other countries. More and better collaboration is also necessary between all actors to enhance migrant children human capacity that will benefit not only Thailand but also the migrant children's original countries and the region.

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