

# Migrant Worker Population in Ranong

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## Abstract

By mid-2012, the illegal migrant worker issue in Thailand had become a matter of grave and urgent concern to several segments of the Thai polity and society. Sharing borders with several cheap-labor countries where economic opportunities were limited and political oppression prevalent, Thailand had become a safe haven for thousands of poor nationals of adjacent countries desperate to escape social, economic, and political hardships in their own countries for the opportunity of a better life. In the process, they had largely displaced Thai workers from the Northeast of the country who, in earlier decades, had similarly migrated to the factories and industrial estates in Bangkok and Southern Thailand in search of improved economic prospects and relief from the relative impoverishment of their native region. As a result, many Northeasterners had in recent decades re-directed their quest for high-paying jobs to overseas destinations such as Taiwan and the Middle East, leaving many of the lower-paying jobs to migrant workers from Thailand's poorer neighbors.

While migrant worker labor had grown substantially in nearly all regions of the country (but most especially in those areas that shared a nearby border with a neighboring country), few regions had experienced increases as dramatic as those of Ranong Province on Thailand's southwest coast. In addition to having a 169 kilometer land border and a nearly 90

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kilometer maritime border with Myanmar, Ranong's maritime area included 62 islands and islets – both of which made it exceedingly difficult for Thai authorities to control the inflow of illegal migrants from Myanmar.

This steady, unrelenting, and uncontrolled influx of migrant workers had become a multi-dimensional public policy issue that was challenging the problem-solving skills of managers in public, private, and civil society organizations alike. Almost all aspects of public policy formulation and implementation were being affected by migrant workers from the neighboring countries of Myanmar, Laos, and Cambodia. Education and healthcare services, human trafficking, and crime were just three of areas in which there had arisen social problems stemming from the influx of illegal migrants. Administratively, the Thai government was also impacted, as it had to allocate more financial and personnel resources to strengthen border security, to prevent future in-migration, and to support public agencies that directly dealt with illegal migrant workers.

Yet, despite the critical public policy issues that stemmed from the migrant worker phenomenon, resolution of the problem had, to date, proven elusive. With several groups of stakeholders in the matter, the government had found it difficult to devise and adhere to a comprehensive plan for ameliorating the problem because of the different perspectives, different priorities and different solution preferences of the multiple interested and affected parties. The lack of consensus concerning what actions to take to address the problem, along with a lack of policy continuity due to changes of government, had stymied attempts to bring the problem under control and perhaps even launch a sustained effort to repatriate the *illegal* segment of the migrant work force to their home countries.

By mid-July 2012, however, nearly all stakeholders were increasingly of the view that opportunities to address the problem, once and for all, were slowly slipping away. There was widespread agreement that left unaddressed for much longer, the economic, social, and political repercussions of the uncontrolled ingress of migrant workers could become even more intractable and impervious to ameliorative efforts. In the words of a former Ranong provincial governor before his departure for a post in another province, "All concerned stakeholders needed to conduct further research on the problem to find a solution."

**Keywords:** Migrant Worker in Thailand, Ranong, Burmese Worker in Thailand

# แรงงานอพยพชาวพม่าในจังหวัดระนอง

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## บทคัดย่อ

ประเทศไทยเป็นประเทศที่มีพรมแดนติดต่อกับประเทศเพื่อนบ้านที่มีค่าจ้างแรงงานที่ต่ำกว่าประเทศไทยหลายประเทศ จึงเกิดการหลั่งไหลของแรงงานต่างด้าวเข้ามายังประเทศไทย ทั้งนี้ตามสภาวะธรรมชาติของมนุษย์ที่ต้องการแสวงหาโอกาสในการประกอบอาชีพที่ดีกว่า เช่นเดียวกับแรงงานไทยที่ครั้งหนึ่งเคยหลั่งไหลจากภาคตะวันออกเฉียงเหนือไปสู่กรุงเทพมหานคร หรือภาคใต้ ต่อมาแรงงานไทยเหล่านั้นจึงพัฒนาไปสู่ความต้องการที่จะเดินทางไปทำงานต่างประเทศ โดยเฉพาะในประเทศและประเภทของงานที่คาดว่าจะได้รับค่าจ้างแรงงานที่สูงกว่า เช่น ได้วันละวันออกกลาง ฯลฯ

ในทำนองเดียวกันประเทศเพื่อนบ้านของไทยในหลาย ๆ ประเทศ เช่น พม่า ลาว กัมพูชา โดยเฉพาะอย่างยิ่งแรงงานต่างด้าวที่เป็นชนกลุ่มน้อยที่ทั้งรัฐบาลของประเทศเพื่อนบ้านเหล่านั้นต่างไม่ยอมรับและผลักดันให้ออกนอกประเทศของตนเองต่างหลั่งไหลกันเข้ามาทำงานในจังหวัดชายแดนที่ติดต่อกับไทยอย่างต่อเนื่อง เช่น จังหวัดตาก กาญจนบุรี ราชบุรี ระนอง มุกดาหาร นครพนม หนองคาย สุรินทร์ บุรีรัมย์ ฯลฯ โดยเฉพาะอย่างยิ่งจังหวัดระนอง ซึ่งมีพรมแดนทางทิศตะวันตกติดกับประเทศพม่า ยาวประมาณ 169 กิโลเมตร ในลักษณะทั้งส่วนที่เป็นดินแดน (พื้นที่รอยต่อระหว่างจังหวัดชุมพร ระนอง และพม่า), ลำน้ำ (แม่น้ำกระบุรี) และน่านน้ำทะเลอันดามันยาวประมาณ

\* กรณีศึกษานี้เขียนขึ้นโดย **ผศ.ดร. อัชกรณ วังศ์ปรีดี** อาจารย์ประจำคณะรัฐประศาสนศาสตร์ สถาบันบัณฑิตพัฒนบริหารศาสตร์ (นิด้า) กรณีศึกษาและคู่มือการใช้กรณีศึกษาในการเรียนการสอนของนิสิตถูกพัฒนาขึ้นเพื่อใช้ในการสัมมนาภายในห้องเรียนเท่านั้น โดยไม่ได้ตั้งใจที่จะยืนยัน ให้ความเห็นชอบ หรือใช้เป็นแหล่งข้อมูลปฐมภูมิหรือแสดงความประสบความสำเร็จหรือไม่ประสบความสำเร็จทางการบริหารงานหรือการปฏิบัติงาน (สงวนลิขสิทธิ์ พ.ศ. 2555 โดยสถาบันบัณฑิตพัฒนบริหารศาสตร์ (นิด้า) และ ผศ.ดร. อัชกรณ วังศ์ปรีดี)

โดยผู้ที่สนใจสามารถสั่งซื้อหรือขอผลิเอกสารนี้โดยติดต่อที่ ผศ.ดร. อัชกรณ วังศ์ปรีดี โทรศัพท์ +66-85-817-6466 หรืออีเมลไปยัง ผศ.ดร. อัชกรณ วังศ์ปรีดี [achakorn@gmail.com](mailto:achakorn@gmail.com) โดยห้ามมิให้เผยแพร่เอกสารนี้หรือเก็บไว้ในรูปแบบอิเล็กทรอนิกส์ที่จะสามารถส่งผ่านต่อไปยังบุคคลอื่นได้ด้วยวิธีใด ๆ โดยที่ไม่ได้รับอนุญาตจากเจ้าของลิขสิทธิ์

52 ไมล์ทะเล โดยตลอดน่านน้ำมีพื้นที่เกาะแก่งอีก 62 เกาะ จึงเป็นปัญหาที่มีการหลบหนีเข้าเมืองของแรงงานต่างชาวมามากมายจนได้พอสมควร

ปัญหาแรงงานต่างด้าวในประเทศไทยจัดได้ว่าเป็นตัวอย่างของประเด็นปัญหาทางนโยบายสาธารณะหนึ่งที่มีมิติของปัญหาต่าง ๆ ที่มีความซับซ้อนสูงและท้าทายความสามารถในการแก้ไขปัญหาของนักบริหารงานทั้งในภาครัฐ ภาคเอกชน และภาคประชาสังคม ในทุกแขนงและทุกสาขาวิชาชีพอย่างรอบด้าน เพราะมีผลกระทบต่องานทั้งทางด้านสาธารณสุข ปัญหาด้านการศึกษา ปัญหาด้านงบประมาณของประเทศ ปัญหาด้านความมั่นคงภายในประเทศ ปัญหาด้านเศรษฐกิจ ปัญหาด้านสิทธิมนุษยชน ปัญหาด้านสังคม ฯลฯ เป็นต้น การเคลื่อนย้ายแรงงานดังที่กล่าวมาล้วนส่งผลต่อประเด็นปัญหาต่าง ๆ ที่เกิดขึ้น ทำให้เกิดประเด็นปัญหาลักษณะทางสองแพร่งระหว่างความถูกต้องด้านสิทธิมนุษยชนซึ่งเป็นประเด็นระดับโลกกับประเด็นในการพัฒนาประเทศที่เน้นเรื่องความมั่นคงทางเศรษฐกิจการเมือง และความมั่นคงของมนุษย์ในรัฐ ซึ่งถือเป็นประเด็นที่ท้าทายนักบริหารรัฐกิจในการจัดการปัญหาอย่างยั่งยืน

ทั้งนี้กรณีศึกษานี้เรียบเรียงขึ้นจากผลการวิจัยเชิงสำรวจถึงสภาพความเป็นอยู่ ประวัติที่มา และวิธีการย้ายถิ่นฐาน ปีที่มีการย้ายถิ่นฐานเข้ามาในจังหวัดระนอง ลักษณะของอาชีพที่เข้ามาทำงาน รายได้ และรายจ่ายของแรงงานชาวมลายูที่เข้ามาอยู่อาศัยในจังหวัดระนอง จำนวน 57 ครอบครัว ที่มาจากอาชีพที่แตกต่างกัน ทั้งแรงงานในภาคการเกษตร (สวนยาง สวนปาล์ม) การประมง ภาคอุตสาหกรรม การก่อสร้าง การขายแรงงานในสะพานปลาและแรงงานอุตสาหกรรมแปรรูปอาหารทะเล และการเข้ามาขายบริการทางเพศ ซึ่งได้ส่งผลกระทบทั้งในเชิงบวกต่อระบบเศรษฐกิจ สังคม และวัฒนธรรมของจังหวัดระนองและผลกระทบในเชิงลบในรูปแบบของปัญหาต่าง ๆ เช่น ปัญหาอาชญากรรม ปัญหาของระบบสาธารณสุข ทั้งในเชิงของโรคติดต่อร้ายแรงที่เคยหายไปจากประเทศไทยมาแล้ว เช่น โรคเท้าช้าง และในเชิงของงบประมาณของรัฐบาลในการจัดให้บริการทางสาธารณสุขแก่ชาวมลายู ทั้งนี้ นอกจากการสำรวจแล้ว ผู้เขียนยังได้มีโอกาสลงไปทำการสัมภาษณ์เชิงลึก และการสนทนากลุ่ม ผู้บริหารภาครัฐ ภาคเอกชน และภาคประชาสังคมในจังหวัดระนอง จำนวนมากกว่า 30 คน ระหว่างวันที่ 18-24 กันยายน พ.ศ. 2553

จากการสัมภาษณ์ประสบการณ์และมุมมองของผู้ปฏิบัติและนักบริหารทั้งภาครัฐ เอกชน และประชาสังคมดังกล่าวข้างต้น ถึงปัญหาที่แต่ละฝ่ายแบกรับอยู่และนับวันจะทวีความรุนแรงมากขึ้น โดยมุมมองดังกล่าวมีความแตกต่างกันมาก เช่น ภาครัฐมักจะห่วงใยปัญหาด้านความมั่นคงงบประมาณด้านสาธารณสุข และอาชีพที่สงวนไว้สำหรับคนไทยตามกฎหมายโดยมักจะกล่าวว่า “จังหวัดระนองเหมือนหนึ่งว่าเป็นจังหวัดหนึ่งในประเทศพม่าไปแล้ว ต้องเร่งแก้ไขปัญหาโดยเร่งด่วน” ในขณะที่ภาคธุรกิจ พาณิชยกรรม การเกษตร ประมง และอุตสาหกรรม กล่าวว่า

“เศรษฐกิจในจังหวัดระนองจะล่มสลายลงทันที หากไม่มีแรงงานชาวพม่า ดังนั้น ต้องหาวิธีอยู่ร่วมกันให้ได้” ในขณะที่กลุ่มผู้ใช้แรงงานชาวพม่ายินยอมให้กดขี่แรงงาน โดยให้เหตุผลว่า “ยอม ๆ ไป ดีกว่าถูกส่งกลับไปทำงานในประเทศของตน” โดยมีปัญหาทั้งทางนโยบายและทางปฏิบัติมากมายที่ก่อให้เกิดปัญหาที่ซับซ้อนที่ต้องอาศัยข้อมูลมาประกอบการตัดสินใจเชิงนโยบายอีกมากมาย เช่น ปัญหาการพิสูจน์สัญชาติตามข้อตกลงระหว่างรัฐบาลไทยและรัฐบาลพม่า ซึ่งมีปัญหามากมายในทางปฏิบัติ ซึ่งได้รับการวิพากษ์ว่าเป็นการแก้ไขปัญหาที่ไม่สามารถแก้ปัญหาได้ เนื่องจากพม่ามีชนกลุ่มน้อยจำนวนมากที่แม้แต่รัฐบาลพม่าเองก็ไม่ยอมรับว่าเป็นชาวพม่า เป็นต้น

จากที่กล่าวมาโดยสรุป ผู้วิจัยคิดว่ากรณีศึกษาปัญหาแรงงานต่างด้าวชาวพม่าในจังหวัดระนองนี้จะสามารถพัฒนาเป็นกรณีศึกษาที่ดีในการกระตุ้นให้นักศึกษาได้ใช้ความรู้ ความสามารถ ทักษะ และประสบการณ์ที่ตนเองถนัดมาช่วยในการวิเคราะห์แง่มุมของปัญหาร่วมกับทฤษฎีและศาสตร์ทางการบริหารและนโยบายที่นักศึกษาได้ศึกษามาเพื่อร่วมกันวิพากษ์ ให้ความเห็น สะท้อนภาพปัญหา การนำเสนอตัวแบบการประเมินผลที่เหมาะสม ตลอดจนเสนอแนะแนวทางการแก้ไขปัญหาแรงงานต่างด้าวชาวพม่าที่จังหวัดระนองแบบบูรณาการที่อาศัยข้อมูลการประเมินผลนโยบายที่เคยทำมาจนถึงปัจจุบันนี้ว่ารัฐไทยควรมีแนวนโยบายอย่างไรกับแรงงานชาวพม่าที่จังหวัดระนอง

**คำสำคัญ:** แรงงานต่างด้าว แรงงานชาวพม่า ระนอง นโยบายแรงงานต่างด้าว

## The Illegal Migrant Workers Problem: A Worldwide Phenomenon

Thailand was not by any means alone in having been impacted by illegal in-migration on a large scale. Rather, Thailand's migrant worker problem was part and parcel of a larger social dynamic that was impacting nation-states on nearly every continent of the globe. Indeed, since the end of the Second World War, the world had witnessed the phenomenon of migration on an unprecedented worldwide scale. In more recent years, the overall global phenomenon had been driven by a combination of factors – e.g., the growing internationalization of the global economy, convergence of communication and media systems in the world, rapid population growth, environmental degradation, armed conflict, and human rights abuses. Further, over the past several decades, dynamics in the global socio-economic structure had widened the gap between the rich and poor countries, thereby intensifying the desire of those struggling for survival in poor countries to look for income-earning opportunities in richer countries.

Some sense of the magnitude of the global immigration phenomenon as a whole (i.e., legal plus illegal immigration) could be gleaned from the following excerpt from a 2011 journal article:

*Over the last few decades, increases in international migration have transformed the lives of hundreds of millions of people around the globe. Since 1975, the number of international migrants has more than doubled, with most living in Europe (56 million), Asia (50 million), and North America (41 million). Nowadays, 3.1% of the world population resides in a country other than where they were born, and when one includes visitors on business or personal trips, roughly one million people move between the high-income and mid- and low-income countries each week.<sup>1</sup>*

Not surprisingly, however, the so-called “first world” nations that were geographically in close proximity to comparatively impoverished nation-states and/or countries in political or military turmoil tended to have a more serious or aggravated migrant labor problem than those countries that were at a greater distance. Thus, for example, while certain of the Scandinavian countries (e.g., Sweden) experienced some level of illegal migrant workers each year that it opened its borders to contract labor

that helped harvest its berry crops during the summer months, none of the four northern European nations comprising Scandinavia had experienced anything remotely akin to the influx of African and Eastern European migrant workers that their European Union counterparts in Southern Europe (e.g., Italy and Spain) had endured since the mid-1980s. In particular, for African and Arab migrant workers in search of economic betterment or greater political calm and freedom, it was much easier to arrange for ingress into nearby Italy, France, or Spain (often just a day's boat ride away) than for entry into considerably more distant Norway, Finland, and Sweden.

Precisely because of their “undocumented” (i.e., illegal) status, reliable, up-to-date statistics on the populations of illegal migrant workers around the world were difficult to obtain. Persons living and working illegally in a country not their home country usually found it prudent to remain “below radar” or *sub rosa*. However, there was no question but that as of the opening decade of the 21<sup>st</sup> century, illegal immigration, including its spinoff phenomenon of illegal migrant workers, was on the rise around the globe and had increasingly become a matter of considerable concern and debate in a growing array of nations.

Nowhere had the phenomenon of international immigration, including its illegal version, been more prominent than in the “first world” nations of North America (i.e., the United States and Canada), and in the original nation-states that had founded the multinational trading block that evolved into European Union (e.g., France, Great Britain, Italy, Holland, Belgium – among others). For example, in a report on undocumented migrant workers in Europe, an international organization specializing in assistance to migrant workers stated that *“There is growing evidence that hundreds of thousands of undocumented workers work in Europe on a daily basis.”*<sup>2</sup>

A 2008 report by a body of the European Commission was more venturesome in reporting the magnitude of the problem:

*The scale of the phenomenon [of illegal employment of migrant workers] is hard to quantify, as precise figures are difficult to obtain. Nevertheless, recent estimates of the number of illegal migrants in the EU range between 4.5 and 8 million, with an estimated increase by 350,000 to 500,000 per*

*year. Between 7-16% of the Union's Gross Domestic Product (GDP) is estimated to come from the shadow economy, although this [phenomenon] is not entirely due to illegal immigrants. Construction, agriculture, cleaning, hotel/catering and textile industries are the main sectors which greatly involve undocumented work in general and attract illegal immigrants in particular.*<sup>3</sup>

With a suspected population of up to 8 million persons, and growing at the rate of up to half a million persons per year, illegally employed migrant workers in Europe were increasingly a contentious issue in the political arena. Indeed, in a number of countries that had experienced the highest rates of illegal immigration, far right nationalist parties had gained in popularity, largely based on their promises to “ship the illegals back to where they came from.”

Similarly, in the United States, a country that had long taken great pride in its status as a “nation of immigrants,” the rapidly increasing numbers of illegal immigrants (mostly Mexican nationals) had by 2012 transformed the longstanding Statute of Liberty welcome (“*Give me your tired, your poor, Your huddled masses, yearning to breathe free, The wretched refuse of your teeming shore . . .*”) into a vehement national shouting match over how to stem the flow of illegal “aliens.” The backlash had already resulted in citizen groups in several border states forming their own around-the-clock, self-funded “citizen border patrols” to apprehend persons crossing into the country illegally, as well as a recent “high-temperature” state-versus-federal government showdown in the Supreme Court over what individual states could and could not do to combat illegal immigration – with more such confrontations already in the litigation pipeline. In fact, the issue of illegal immigration and undocumented workers had also entered the political arena: By late-2011, Republicans and Democrats were already campaigning against each other based on their respective postures on illegal immigration, which was estimated by some observers to number as many 10 million persons nationally – with hundreds more *en route* on, literally, a *daily* basis.

In addition to the United States, other populous “first-world” countries were also afflicted with difficult-to-solve problem of illegal immigration and undocumented workers. As Member-Nations of the

European Union and as former colonial powers, the United Kingdom, France, Italy, Spain, and Portugal tended to be a “mecca” for illegal entrants from their former colonial possessions, some of whom would gain permission to visit, but then decide to stay on. Germany, being the economic powerhouse of Europe, found itself an attractive destination for illegal immigrants from its wartime ally, Turkey, as well as from other parts of the Middle East, Northern Africa, and the former Eastern European countries.

“Second world” countries were not exempt from the phenomenon either. South Africa and Nigeria – the two largest and wealthiest black African nations – were viewed as meccas for many less fortunate citizens of nearby countries with whom they shared a border (e.g., Zimbabwe Mozambique, and Swaziland, in the case of South Africa; and, Chad, Niger, and Benin, in the case of Nigeria). In Southeast Asia, Malaysia tended to be the destination of choice for nearby Indonesian and Bangladeshi emigres, while Hong Kong – and to a lesser extent, Taiwan, in East Asia -- attracted a preponderance of migrant workers from the Philippines. Finally, in a situation of supreme irony, at least for immigration-weary Americans, Mexico -- the major source of most undocumented workers in the United States -- was *itself* obliged to periodically round up and clear out illegal immigrants and workers who crossed *its* borders from its less prosperous neighbors to the south (i.e., the Central American nations of Nicaragua, Honduras, and El Salvador).

Thus, it was no exaggeration to aver that among the world’s nation states, only those deemed (a) too poor to offer much economic opportunity to outsiders, (b) too distant to be worth the trouble, unless of course the wages to be earned were some order of magnitude greater than the prospective migrant worker was likely to earn elsewhere, and/or (c) too punitive toward those illegals who got caught, were relatively free of the problem. Thus, for example, Laos had yet to experience illegal immigration on the scale of its neighbor, Thailand (reason: too poor); South Africa had nowhere near the number of Burmese illegal immigrants as Thailand had (reason: combination of too distant and not enough jobs) and, hyper-strict Singapore tended not to be the number one choice of illegal migrants, although it assuredly had “some” (reason: the city-state retained the British colonial tradition of “caning” offenders -- with many people losing consciousness after the 8<sup>th</sup> or 9<sup>th</sup> lash).

Perhaps alone among the large “first world” countries, Japan and South Korea were thought to have the smallest populations (absolutely and proportionately) of illegal migrant workers. None could say whether this would continue to be the case, or whether the worldwide trend toward less homogeneity might, over time, usher in more diversity in both societies.

## **Magnitude of Migrant Worker Problem in Thailand – Nationally and Locally**

Although their numbers had declined by approximately 30 percent from 2009, the number of illegal migrant workers in Thailand as of December 2010 still totaled nearly a million (i.e., 955,595). As such, illegal migrant workers comprised nearly three-quarters (71.57 percent) of all migrant workers in the country. At the countrywide level, Burmese nationals, numbering slightly more than 800,000 persons, comprised more than 90 percent of the total number of illegal migrants. Thus, the problem of illegal migrant workers was a predominantly Burmese worker issue.

As was true for other populations of illegal workers, the overwhelming majority of Burmese workers (741,223 out of 812,984 persons) were employed as manual laborers in sectors ranging from agriculture and animal husbandry, to construction, fisheries, and services. In coastal communities such as those in Ranong, a large percentage of the migrant workers were employed in the fishery industry -- most of them illegally, which made them vulnerable to exploitation.

Illegal migrant workers in the service sector totaled slightly more 70,000 (i.e., 71,771), of whom the overwhelming majority (58,506) were women. Overall, at 430,336 and 310,887 persons, respectively, there were about 1.4 illegal male migrants for every 1 illegal female migrant.

The seriousness of both the overall illegal worker problem in general and the Burmese component in particular could be seen in the demographic statistics for Ranong. Not only had more than 90 percent of the migrant workers in the province (i.e., 38,189 out of 42,160 workers) entered the country illegally, all but 175 of the illegals in Ranong were nationals of Laos, Burma, or Cambodia (115 of the 175 were Thai ethnic minorities) – with the Burmese contingent again being, by far, the largest single nationality.

As of February 2012, some 295 registered manufacturing plants, with a total amount of investment of 2.44 billion Baht, dotted the landscape in Ranong. These industries hired a total of 7,700 workers and could be classified into groups based on the 1992 Industrial Control Law, as shown in Table 1 below.

**Table 1: Type of Manufacturing Industries in Ranong as of February 29, 2012**

| Type of Establishment | Number of Manufacturing Sites | Amount of Investment (Million Baht) | Number of Workers |
|-----------------------|-------------------------------|-------------------------------------|-------------------|
| 1                     | 9                             | 6.660                               | 27                |
| 2                     | 59                            | 190.867                             | 590               |
| 3                     | 227                           | 2,242.510                           | 7,083             |
| <b>Total</b>          | <b>295</b>                    | <b>2,440.038</b>                    | <b>7,700</b>      |

Source: Ranong Provincial Industry Office.<sup>4</sup>

The three types of businesses and industries in Ranong with the largest amount of investment were also the ones that hired the largest number of Burmese migrant workers. In descending order, they were:

1. *Food-processing industry* (seafood processing and ice making). There were 64 food-processing plants with 4,965 workers and a total investment of 1.28 billion Baht;

2. *Other manufacturing industry* (construction-related materials, refrigerators, and liquefied petroleum gas). There were 52 industrial plants with 827 workers and a total investment of 292.150 million Baht; and,

3. *Transportation industry* (motor vehicle assembly lines, automotive parts production, and automotive maintenance). Ranong had 47 transportation-related plants with 260 workers and a total investment of 196.163 million Baht.

Two factors largely accounted for the dramatic surge in migrant workers in these and other businesses and industries in recent decades. First were the superior income-generation opportunities in Thailand by virtue of a level of economic development and a rate of economic expansion that were much greater than all of its immediate neighbors, with the exception of Malaysia. Second was the relative absence of the levels of

protracted civil strife and upheavals that had characterized some neighboring countries, such as Myanmar and Cambodia. While the unrest and violence in Thailand's southernmost, mostly Muslim provinces had been underway at a low level of intensity for many decades and had intensified into occasional bombings and other violence in recent years, it had not yet reached the level of horrific events and mass civil disruptions that had afflicted Cambodia during the rule of the Khmer Rouge or the multiple and ongoing uprisings against the Myanmar government by several groups of armed combatants from the country's main ethnic groups. Thus, to poverty-stricken nationals of neighboring states (and especially to ethnic minorities fleeing armed conflict in their home countries), Thailand was increasingly viewed as "the destination of choice" when the natural human desire for a better life and better living conditions drove them to seek opportunities outside their native countries.

However, from a public policy perspective, the uninvited presence of substantial numbers of migrant workers brought to the fore a variety of issues whose salience grew along with the numbers of illegal migrants. These issues ranged from concerns about national security and illicit arms to illegal drug trafficking and communicable diseases. For example, in 2012, there had been 164 amphetamine arrests, 27 "ice" (i.e., smokable amphetamine) arrests, and 197 hemp arrests.<sup>5</sup> Illegal drug use, trade, and abuse led to a large number of drug-related criminal activities and communicable disease problems (See Tables 2 and 3 below). Further, whether they followed their emigrating parents from Burma or were born in Thailand, most of the Burmese youngsters ended up living tough lives, lacking proper care, guidance and education. They were thus at risk of involvement in narcotics, crime, smuggling and prostitution all of which had the potential to affect the Thai community in Ranong.<sup>6</sup>

**Table 2: HIV Infection Rates Among Migrant Workers and Pregnant Women at Ranong Provincial Hospital in 2009 and 2010**

| Patients' HIV Infection Rate |                 |                    |
|------------------------------|-----------------|--------------------|
| 2009                         | Migrant Workers | 2.05%              |
|                              | Pregnant Women  | 1.1% (0.4% Thai)   |
| 2010                         | Migrant Workers | 1.75%              |
|                              | Pregnant Women  | 2.40% (3.89% Thai) |

Source: Ranong Provincial Hospital, 2012.

**Table 3: Number of HIV-Infected Patients by Nationality at the Ranong Provincial Hospital during the Years 2006 through 2009 and in 2011**

| Nationality       | Thai | Gender | Number | Burmese | Gender | Number | Total |
|-------------------|------|--------|--------|---------|--------|--------|-------|
| Year              |      |        |        |         |        |        |       |
| 2006              | 125  | Male   | 73     | 182     | Male   | 83     | 307   |
|                   |      | Female | 52     |         | Female | 99     |       |
| 2007              | 141  | Male   | 76     | 150     | Male   | 75     | 291   |
|                   |      | Female | 65     |         | Female | 75     |       |
| 2008              | 146  | Male   | 78     | 176     | Male   | 82     | 322   |
|                   |      | Female | 68     |         | Female | 94     |       |
| 2009              | 86   | Male   | 54     | 144     | Male   | 77     | 230   |
|                   |      | Female | 32     |         | Female | 67     |       |
| 2011<br>(Jan-Aug) | 74   | Male   | 51     | 94      | Male   | 44     | 168   |
|                   |      | Female | 23     |         | Female | 50     |       |

Source: Ranong Provincial Hospital, 2012.

Note: Statistics for the year 2010 were unavailable.

Public reactions to these issues in Ranong Province, where illegal migrant workers were numerous, could presage public disaffection and calls for sterner measures in more locales across the nation, if the problem was not somehow resolved. Yet, stakeholders, even in Ranong, held decidedly different perspectives on the problem – a diversity of opinions that had contributed to the present stalemate, in which all agreed that there was a problem, but consensus about what to do about the problem remained elusive.

Executives and ordinary staff members in various settings exhibited wide differences in their views on illegal migrant workers in accordance with whether they were engaged in the public, private, or non-profit sectors. For example, those working in the public sector were primarily concerned with the national security issues caused by the magnitude of illegal migration to the Ranong area. In addition, the fiscal stress on public health agencies and the limited availability of jobs in Ranong for the Thai workers were also cited as major concerns of government officials. A common statement made by these public officials was: *“Ranong is practically a Burmese province on Thai territory, and something must be done immediately to change that.”*

By contrast, representatives of local businesses, agricultural and manufacturing industries, and fisheries argued that, *“Ranong’s economy would collapse in an instant, if we no longer had the Burmese workers.”* The business owners went on to emphasize the importance of coexistence between the Thai people and Burmese migrant workers. Meanwhile, the migrant workers themselves indicated their willingness to work in substandard working conditions, pointing out that the substandard working conditions in Thailand was still at a higher standard than those in their home country.

## **Government’s Public Policy Responses to the Illegal Migrant Workers Problem**

As of mid-2012, the government’s basic response to problem of the rapidly expanding illegal migrant population in Ranong -- as well as elsewhere in the country – was thought by many to be conflicted – strict “anti-migrant-worker” in some respects and more relaxed “pro-worker in other respects. For example, on the one hand, strict controls were placed on their right of assembly and use of mobile phones. That is, migrants were prohibited from gathering in groups of five or more -- unless they were working -- in order

to prevent illegal activities, according to the provincial governor, Wanchat Wongchaichana. Similarly, the control measures on mobile phone usage was aimed at controlling human trafficking, in the aftermath of investigations that found many members of human trafficking gangs used mobile phones to communicate with one another to plan and carry out their illegal activities. In fact, numerous arrests for these kinds of infractions had been made based on phone records.

These and similar regulations had been imposed on migrant workers following security discussions between the authorities in the upper-Southern provinces and the commander of Army Region 4. The regulations had also been in response to employers' complaints that they could not understand the conversations when they tried to eavesdrop on their migrant workers' telephone conversations.

But, on the other hand, juxtaposed against these strict control measures had been inconsistent and sometimes lax and sporadic enforcement – in part, the provincial governor acknowledged, because of what he described as “corruption problems in government agencies that exacerbate the migrant worker problems.” He went on to aver that the provincial government was in the process of identifying public officials who accept bribes from human traffickers and pub/bar owners, so that appropriate actions could be taken against them.<sup>7</sup> Further, even as a number of measures were being put in place to control the movement, actions, and interactions of migrant workers, the central government in Bangkok promulgated a new policy in which 19 types of businesses and industries were granted leave to employ migrant workers.

To further complicate matters, an already nearly intractable problem was made all the more so by virtue of the fact that the presence of migrant workers had both positive and negative consequences for Ranong. On the positive side, migrant workers helped to bolster the local economy in that the migrants willingly did the jobs that most Thais did not want to do. They thus helped to keep the wheels of commerce and industry turning smoothly and avoiding bottlenecks and shortages that might otherwise clog up sectors of the economy. In consequence, there were those who were more kindly disposed toward migrants and less punitive in their thinking about what needed to be done.

But, the negative consequences of migrant workers were never far out of the public eye. Criminal conduct of various types was near the top of the list of the problems of unchecked illegal immigration. The spread of communicable diseases was, for many, a close second. The fiscal stress imposed on the Thai government by the need to finance more preventative and curative health services for migrant workers was yet another. Finally, for some, the spectre of Thai workers having to compete for work with foreigners who were willing to work for a pittance was a major grievance. One observer of the situation complained that Thai workers in Ranong were directly affected by the presence of migrant workers. He opined that the government's decision to open employment opportunities in 19 different industries to migrants was the kind of "[lenience] toward alien workers" that would result in five to ten thousand Thai workers being laid off, probably permanently.<sup>8</sup>

## **Stakeholder Reactions to the Problem**

There was no question but that finding and implementing a solution to the migrant worker problem presented Thai policymakers with a daunting task. Not only did they have to cope with the multiple and sometimes directly conflicting expectations and demands of various Thai stakeholders, but also cope with the tension between the domestic pressure for solutions to rectify the socio-economic consequences of illegal migrant workers and the international pressure for humanitarian assistance. This tension manifested itself at every stage of policy formulation and implementation. A more in-depth account of the perspectives of opposing stakeholders would shed additional light on the near-intractable nature of the problem that appropriate public policy was supposed to "solve."

### **Select Stakeholders in Favor of an Intensified Crackdown on Illegal Migrants**

Ranong Governor Wanchat Wongchaichana was strongly in favor of a "major clean-up" of illegal workers, which he announced his intention to order that it be done immediately after the second round of migration work registration ended on July 15 for general workers and on August 15 for fishery laborers. "Illegal worker issues had been chronic," he explained, "and [had] affected the province in many ways - socially, public health, the environment, and crime."<sup>9</sup> Pointing out that the number of illegal

migrant workers in the Ranong area had increased exponentially without clear and consistent policy intervention from the government, he went on to state that provincial government officials responsible for community safety had indicated that there were currently 100 communities in which the illegal worker population kept growing. Such continued growth could only lead to more social, public health, environmental, and community safety problems. The situation along the province's maritime borders and islands were of particular concern.

*"It is time to implement harsh measures to deal with illegal migrant workers,"* the governor contended, *"particularly those who are not [in] our database. We must arrest and send them home as quickly as possible."* His point of view was echoed by other local government officials – e.g., the one who acknowledged that the presence of Burmese workers in his community had created many chronic problems, such as crime, environmental degradation, and waste management problem.<sup>10</sup>

In an effort to begin "systematically tackling all dimensions of the illegal migrant worker problem," the governor mentioned that the provincial government had come up with a pilot project to address the Burmese urban worker communities. As such, the Ranong pilot project – which entailed the use of an identification database system to keep track of all migrant workers in the province<sup>11</sup> -- was the first government-initiated project in all of Thailand to directly address the illegal migrant worker issue.

Meanwhile, the deputy director of the Ranong Crime Suppression was particularly concerned about the stiff competition between Thai workers and Burmese migrant workers for jobs. Thai workers were being disadvantaged on their own home "turf," he explained. Also, some Burmese workers had purportedly purchased land, buildings, and houses in direct contravention of Thai law. The deputy director explained that loopholes in the Thai legal system prevented police officers from arresting the culprits. In the deputy director's view, to address this problem, closer and ongoing cooperation among government agencies was necessary. However, as of mid-2012, neither a plan nor a lead coordinating agency had materialized.<sup>12</sup>

Several members of the military voiced their support for stricter enforcement of the country's immigration laws. The head of the 4<sup>th</sup> regional army head, echoing the provincial governor's earlier observation

about “corruption problems in government agencies,” concurred in the view that the migrant worker problem was rooted in the tendency of government officials to accept bribes from human traffickers. There was a serious need for comprehensive solutions to this problem, he stated.<sup>13</sup> Other army officers were concerned that not only did a large number of Burmese workers move to Thailand for jobs, they also established permanent communities and built temples and public gathering places.<sup>14</sup> Among the longer-term effects of these encampments was that Burmese children who were born in Thailand became stateless people because their parents were not legal aliens.<sup>15</sup>

Former Deputy Prime Minister General Sonthi Boonyaratglin whose erstwhile portfolio had included national security was of the opinion that a permanent mechanism supervised by the National Security Council (NSC) would need to be devised to deal with the migrant worker problem. General Sonthi added that:

*There have been many problems concerning high birth rates, disease control, conflicts with Thai people and among themselves along with social issues, which will all become long-standing problems. They may demand more and more for their rights. These problems may become unsolvable one day.*

Describing himself as concerned by the alarming facts, the former deputy prime minister further noted, “*We need to organize the whole issue now, but we will follow the right steps, because if there is anything overdone, human rights groups may get involved to take care of the issue.*”<sup>16</sup>

Support for an intensified crackdown on illegal migrant workers extended to segments of the business sector, including those organizations and establishments involved in various aspects of the tourist industry. For example, the chairman of the Ranong Tourist Industrial Council pointed out that the influx of Burmese workers was triggered by huge demand for labor in the business sector as well as by the income gap between Myanmar and Thailand that also influenced labor movement between the two countries. Representatives from Ranong business associations complained that the central government agencies needed to pay sufficient attention to the illegal immigration problem and its consequences.

Several business representatives voiced regret that an innovative approach that had shown results had recently been halted due to insufficient budgetary resources. The now-defunct approach, which had

been designed and implemented by the provincial office of the Ministry of Labor, had incorporated both proactive and communicative techniques to deter illegal immigration. At its core were bi-monthly meetings between provincial Labor Ministry officials and business owners for purposes of discussing and seeking solutions to labor shortage problem. The provincial head of Ranong's labor control and management authority made it his central policy to regularly arrange these meetings, either formally at the provincial labor control and management office or informally at the owners' business establishments. According to one labor control and management authority representative, these meetings were a preventive approach to unraveling the complex migrant worker problem by getting to know firsthand the specifics of the situations encountered by local entrepreneurs and what was needed in order for their businesses to survive in the increasingly competitive national and global economies.

Moreover, apart from having formal discussions with local entrepreneurs, the provincial labor office employed an innovative tactic rarely used by Thai bureaucrats. That is, the labor management and control staff members visited each local business establishment in Ranong to converse with the owners about their business problems in a friendly, informal, and non-bureaucratic environment. This approach, commonly referred to by locals as the "Ranong approach," had also featured an effective database system, healthy work relations with local communities, and constant communication with Myanmar's government authorities – exactly the kinds of processes that, in the view of its proponents, needed to be emulated throughout the country on a larger scale.<sup>17</sup>

Thai worker representatives, too -- with their emphasis on community safety and job security for Thai workers -- threw their support behind a stricter approach to illegal migrant worker immigration. Pointing to the transportation department's new regulations that permitted the issuance of driver's licenses to Burmese migrant workers, they described such policies as negatively affecting the Thais' economic opportunity by enabling Burmese drivers to compete with Thai truck drivers for customers.<sup>18</sup> Further, they pointed out that when the licensed migrant workers had an automobile accident, they tended flee to Myanmar, making it difficult for Thai authorities to do a thorough investigation and fairly resolve the case.

Adding their support for an intensified crackdown, private sector representatives from the tourist industry also expressed their concern about community safety, loopholes in government regulations, and ineffective law enforcement. These issues would eventually affect Ranong's tourist industry, they maintained, because safety was an important psychological factor influencing the foreign tourists' decision to spend their holidays in Ranong.<sup>19</sup>

Finally, several local citizens spoke for many ordinary local residents when they asserted that they were not satisfied with the provincial government's leniency towards the Burmese illegal workers. For these citizens, special treatment of the Burmese workers consumed limited government budgetary resources that could be used to benefit Thai nationals. Like some of their counterparts in the provincial government, the military, and the private sector, they also cited the Burmese illegal workers' involvement in the illegal drug trade, criminal activities, and in conduct that had a detrimental impact on public safety in the Ranong local community.<sup>20</sup>

### **Select Stakeholders in Favor of the Existing “Pro-Migrant Worker” Policy**

Notwithstanding these voices in support of a concerted “crackdown” on illegal migrants, not all public sector, private sector, and nonprofit sector stakeholders believed that government policy and actions regarding migrant workers had been misguided or inappropriate. To the contrary, there were those in each of these sectors who were either entirely supportive of the government's current stand or who felt that government needed to do more to support the illegal migrant communities. Like their counterparts in the “anti-” migrant worker camp, the reasons for their support varied from stakeholder to stakeholder.

Former Ranong governor Peerasak Hinmuangkao was a case in point. Far from Burmese workers being a nuisance or a threat, the former governor held that they were actually “hard-working, but cheap, laborers, who [were] the real backbone of the Thai economy.” Further, not only were these workers almost indispensable to certain sectors of the Thai economy, they afforded the country an opportunity to gain an early start on adjusting to the labor policy requirements of the AEC (ASEAN Economic Community). More specifically, the AEC requirement for the free movement of labor by

2015 made the immediate enactment of clear and consistent labor management policy the central preparatory mechanism for the Thai society.<sup>21</sup> This, in his view, was the most pressing issue – one that the country had the opportunity to begin to address, using the migrant worker problem as the test case.

Another former provincial governor went even further in pointing to a specific policy decision that could help alleviate the problem while not doing major harm to a central pillar of Ranong's economic well-being. He elaborated:

*Ranong's economy is dependent on fishery and food-processing industries. The two industries generate approximately 1 billion Baht each year for the province. The government can help business owners cope with labor shortage by permitting illegal migrant workers to register with the provincial government authority. At the provincial level, all government offices are ready to facilitate the registration process.*<sup>22</sup>

In this connection, both former Ranong governors viewed Burmese workers as an effective solution to boost Ranong's provincial economy. However, both also emphasized that clear and consistent labor management policy must be in place to protect the rights and economic opportunities of Thai workers.

Certain voices within the Ranong private sector were similarly kindly disposed toward the government's existing posture toward illegal migrant workers in the province. For example, reacting to the suggestion of some opponents of the government's policies who had argued that illegal migrant workers should be returned to Burma forthwith, the chairman of the Ranong Fisheries Society stated that deporting all illegal workers was "idealistic." Elaborating, he pointed out that:

*If the Thai government [were] to start the nationality identification process in the Burmese worker community, all businesses in the Ranong area [would] come to a halt because most of the workers are Burmese fishermen and workers in the food-processing industries. Thai people no longer want to do these jobs because they are dirty and dangerous.*<sup>23</sup>

Further, he explained, the Burmese government was unlikely to take back all the illegal workers due to the Burma's slow and inefficient nationality identification process. Not only would such an action create a backlog of persons to be cleared for re-entry into Burma that would take years to clear, but a sizable number of the illegal migrants (e.g., Burmese ethnic minority group members) would most likely never be able to establish their Burmese nationality to the satisfaction of Burmese authorities – thus becoming new additions to the burden of “stateless persons” living inside Thailand.

One big problem that made resolution of the problem all the more difficult, according to some representatives from the Ranong Fisheries Society, was the central government's exclusive control over all decisions concerning immigration. Past labor management policies had been centrally planned in Bangkok, with little or no input from the affected provinces, lamented these representatives. In their view, this top-down approach was ill-advised and should no longer be used, as it blindsided central government authorities to some of the harsh realities confronting businesses in the area. If all the involved central government agencies were to establish their headquarters in Ranong, they stated, the concerned agencies would gain useful *first-hand* insights into the illegal worker problem – insights that might make for more realistic and effective interventions into the problem. For instance, pointed out one member of the Society, they would better appreciate the fact that most business owners hired illegal workers not because they wanted to break the labor and immigration laws, but because their businesses faced serious labor shortages.<sup>24</sup> If they took no action to deal with the problem of labor shortages, their businesses – their main source of livelihood – would simply become unviable and soon altogether disappear.

Concurring with the views expressed by members of the Ranong Fisheries Society, the Society chairman added:

*All business owners are willing to help the government authority by registering all their foreign workers, but they are not comfortable with the bureaucratic red tape and inconsistent enforcement of immigration and labor laws. What we want is to designate Ranong as a special district where provincial and local government bodies have more*

*discretionary authority to manage the illegal worker problem. Private business owners are confident in Ranong's potential to conduct a pilot project from which lessons and implementation models can be drawn for other provinces with the same problem.*<sup>25</sup>

Another private-sector individual, a member of the local Chamber of Commerce, saw the benefit of the proposed immigrant worker registration requirement. The resulting database would enable the police and other government agencies to effectively monitor and manage the illegal worker population. He was also concerned, however, that the presence of Burmese workers in Ranong's business sector would complicate current and future unemployment problem among the Thais.<sup>26</sup>

Finally, international labor organizations in Ranong were also supporters of the government's current "pro-worker policy," to the extent that the policy was seen as consistent with international standards for the treatment of workers. However, from the viewpoint of the local representatives of these organizations, government policy was not fully compliant with accepted international standards. For example, contrary to the views of those business owners whose comments reflected their general satisfaction with the plight of migrant workers in Ranong, representatives of international labor organizations pointed to the control measures that, in their view, trampled on the rights of workers and made their lives unnecessarily difficult. In particular, they pointed to the fact that alien workers were not allowed to drive motorcycles or congregate with more than four other people in their living quarters, and that employers were required to maintain and submit to provincial authorities a list of alien workers who had mobile phones. Going further, one international labor organization representative also stated that Thai people tended to look down on migrant workers from neighboring countries – an attitude that he felt aided and abetted employer's violation of migrant workers' basic human rights.<sup>27</sup>

## Human Rights Considerations

Importantly, whatever policies and actions were ultimately taken to address the problem of illegal migrant workers had to be attentive to both Thai law and international covenants and agreements concerning human rights that were a prime concern of various United Nations agencies.

In fact, along with the drive to secure international peace, the desire to develop standard mechanisms to protect human rights had been a major motivation of the core group of 51 nations that formed the United Nations in 1945, in the aftermath of the end of World War II. Since that time, human rights issues had been at the forefront of international political affairs, with UN agencies translating the many human rights provisions in the UN Charter into action by continually emphasizing the importance of human rights and by providing humanitarian aid and assistance for people in war-ravaged countries. Member nations of the UN, such as Thailand, were expected to demonstrate an ongoing commitment to promoting both human rights and peace.

As perhaps the world's most authoritative writing on human rights, the UN Charter served as foundation of Thailand's legal framework regarding the protection of humans for citizens and non-citizens alike. In this connection, the National Human Rights Commission of Thailand, founded in 1999 in accordance with the UN Charter, was made responsible for promoting human rights, monitoring and investigating all human rights abuse cases, and creating public awareness of the human rights issues. One of the Commission's actions in pursuit of its mission was the issuance of a practice manual entitled, "Principles and Guidelines on International Human Rights," to all Thai public organizations and general citizens.<sup>28</sup>

One factor that had tended to make human rights a delicate public policy issue was the fact that the concept could be divided into two dimensions: *natural rights* and "*citizen*" *rights*.<sup>29</sup> Natural rights were deemed to be people's absolute right to life and liberty, which said rights existed prior to the emergence of society and the state. Hence, these natural rights could not be violated under any circumstances. No ruling parties or elite groups had a legitimate right to take away or violate natural rights.

By contrast, citizen rights arose after the emergence of modern state and were legitimate only when modern state institutions knowledge and guaranteed them. The right to participate in the government decision-making process, the right to form political parties, and the right to peaceful assembly – each of these were considered to be a citizen's right in a liberal democracy. Citizen rights varied among countries with different political

and administrative systems, while natural rights were universal and could not be violated.

Although rigorous enforcement mechanisms against countries accused of violating human rights were relatively rare (often depending on the particulars of internal political processes in individual member states), leaders of countries accused of such violations generally bristled at reports identifying their nations as being in violation of the human rights provisions of the UN Charter. In a world slowly, but surely, moving toward international codes of conduct in various areas of human conduct, criticisms concerning how a country treated either its own or others' citizens had the potential to impact an offending nation in a number of non-trivial ways. The possibilities were numerous: Bilateral trade relations might suffer through executive orders or legislation that put a "hold" on trading relations with, or raising the tariff on goods imported from, the offending state; foreign direct investment and development aid might decline in consequence of opposing nations' actively discouraging their corporations and citizens from investing in the offending state and by denying access to state-sponsored development aid; tourism might suffer as travel restrictions were imposed, banning an opposing country's citizens from traveling to the offending nation; international student and professional exchange and tertiary education opportunities might be suspended via visa restrictions or new designations of "ineligible" on nationals of the offending country, and so on. For these reasons, as well as for reasons of national pride, most nations of the world – with a few exceptions -- did their utmost to avoid being labeled by the international community as being chronic abusers of human rights, whether the human rights of their own citizens or the human rights of guest residents or workers within their borders.

While knowledgeable observers felt that treatment of Burmese workers would, in all probability, have to be considerably harsher and more inhumane than anything that had been implemented to date, they also believed that it behooved Thai authorities at both the central and local government levels to be mindful that a solution to the growing problem of illegal migrant workers had to be sensitive to the established norms of human rights in the larger world community. That is, as they assessed various options, they were obliged to develop and implement policies and take those actions that their fellow member-states of the UN would find "reasonable and warranted."

## **Illegal Migrants in Ranong: Intractable Problem or Hidden Opportunity?**

To some extent, the migrant worker problem was an acute symptom of technical and practical problems that could occasionally bedevil, even defeat, public policy. For instance, the national identity verification process was still in the state of flux because Thai and Burmese governments had yet to agree on the nuts and bolts of the identity verification process. Many stakeholders were of the view that the technical difficulty with the identity verification process was beyond repair due to the Burmese government's lack of mechanisms to verify the national identity of their own citizens in the tribal areas.

Meanwhile, the presence of a growing illegal worker population had stirred up a host of concerns covering a wide range of issues – issues such as national security, legal loopholes and corruption, labor shortage, and consequences for the Thai workers and economy. There were those who contended that policy solutions to the illegal worker problem must come from a careful cost-benefit analysis of all feasible alternative solutions. Such analysis, the proponents argued, would necessarily need to address the economic, social, political, and national security aspects of the problem.

The question that some interested parties held to be the crux of the matter was how to make policy decisions that balanced the Burmese workers' universal human rights with preservation of Thai workers' employment opportunities. In the view of some observers, this question would become even more important after the emergence of the ASEAN Economic Community (AEC) in 2015, when much freer movement of labor across the AEC was slated to commence. As Bangkok developed its multilateral cooperation with other ASEAN member states, many of the same issues raised in discussions concerning the current illegal migrant labor problem would need to be revisited, but on a larger scale.

The need to ensure Thailand's national security and the citizenry's access to economic activities, including jobs, was almost certain to underscore the advisability of adopting of proportionate precautionary measures. In this regard, neither the involved government authorities nor the several groups of stakeholders were under any illusion that the problem of illegal migrant workers would be resolved either easily or to everyone's satisfaction. Indeed, there were those who speculated that a feasible solution might well entail more "satisficing" than "optimizing" or "maximizing."

## Endnotes

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- <sup>2</sup> Proceedings the 26 May 2003 “Undocumented Migrant Workers,” organized by “PICUM,” the Platform for International Cooperation on Undocumented Migrants, as retrieved from [http://picum.org/picum.org/uploads/file/UM\\_workers\\_in\\_europe\\_1.pdf](http://picum.org/picum.org/uploads/file/UM_workers_in_europe_1.pdf), on July 19, 2012
- <sup>3</sup> “Europe’s Policy Options for Fighting the Illegal Employment of Migrant Workers,” retrieved from the website, “[http://www.eipa.eu/files/repository/eipascope/20090130170221\\_SCOPE2008-3\\_1\\_KaterinaKyrieri.pdf](http://www.eipa.eu/files/repository/eipascope/20090130170221_SCOPE2008-3_1_KaterinaKyrieri.pdf),” on July 19, 2012
- <sup>4</sup> <<http://www.industry.go.th/ops/pio/ranong/Lists/annuity/Disp.aspx?List=7aadc3d2%2D0e41%2D46a9%2D8fa%2Dc8da61323bdd&ID=143&Source=http%3A%2F%2Fwww%2Eindustry%2Ego%2Eth%2Fops%2Fpio%2Ffranong%2Fpage%2Fhome%2Easpx>>
- <sup>5</sup> Meeting minutes of the 5/2555 meeting of the Provincial Anti-Illicit Drug Trafficking Committee, <[http://www.ranongcities.com/files/public\\_doc/20120326162239lffyp.pdf](http://www.ranongcities.com/files/public_doc/20120326162239lffyp.pdf)>.
- <sup>6</sup> Bangkok Post, May 19, 2009
- <sup>7</sup> Than Setakit, May 10, 2009.
- <sup>8</sup> Than Setakit, July 2, 2009.
- <sup>9</sup> The Nation Issued date 23 August 2011.
- <sup>10</sup> Kom Chad Leuk, June 9, 2011.
- <sup>11</sup> Kom Chad Leuk, October 17, 2011.
- <sup>12</sup> Kom Chad Leuk, April 24, 2009.
- <sup>13</sup> Than Setakit, January 13, 2008.
- <sup>14</sup> Than Setakit, June 26, 2011.
- <sup>15</sup> Matichon, June 11, 2008.
- <sup>16</sup> The Nation, November 15, 2007.
- <sup>17</sup> Kom Chad Leuk, August 25, 2011.
- <sup>18</sup> Matichon, July 22, 2010.
- <sup>19</sup> Kom Chad Leuk, March 5, 2009.
- <sup>20</sup> Bangkok Today, June 3, 2008.
- <sup>21</sup> Matichon, December 26, 2011.
- <sup>22</sup> Krung Thep Thu Ra Kit, March 19, 2007.
- <sup>23</sup> Post Today, January 10, 2009.
- <sup>24</sup> Than Setakit, November 11, 2007.
- <sup>25</sup> Siam Thu Ra Kit, December 17, 2008.
- <sup>26</sup> Than Setakit, July 2, 2009.
- <sup>27</sup> BANGKOK POST, June 6, 2007.
- <sup>28</sup> National Human Rights Commission <[http://www.nhrc.or.th/menu\\_content.php?doc\\_id=32](http://www.nhrc.or.th/menu_content.php?doc_id=32)>
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