

# **Improving Conditions for Sectoral Migration of Cambodians to Thailand: Legislation, Monitoring and Awareness**

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## **ABSTRACT**

This paper examines the living conditions of Cambodian illegal immigrants in Thailand, focusing on the experiences of 30 people, 15 of whom are working as construction workers in Bangkok and 15 of whom are working as fishermen in Rayong province, Thailand. The broadest conclusion that can be drawn about the Cambodian migration narrative is that, to some degree, asymmetrical power relations at the institutional-macro level (i.e. between the governments of Cambodia and Thailand) are projected down to the level of employers and migrants to the detriment of the migrants. The result is that Thai employers, and thus the construction and fishing sectors receiving immigrants, are able to appropriate much of the producer surplus entitled to hard-working Cambodian immigrants. In practice, the immigrants are working and living under harsh and dangerous conditions and are often treated indecently. However, the incentives for migration remain far more compelling than the risks of migration and Cambodian workers continue to flow into Thailand. This paper investigates these conditions and the broader Cambodian experience with ethnographic detail and concludes with recommendations for equalising the distribution of benefits from migrant work.

## INTRODUCTION

In Thailand it is commonly known that Cambodian illegal immigrant workers are living in vulnerable conditions—especially the fishermen and the construction workers. There is little to no adequate research studying the specifics of this problem as yet, and as a result plans for improving immigrant workers' condition have not progressed. Potentially, the lessons of this paper will provide a framework for policy makers from both the sending and receiving countries (Cambodia and Thailand) to adequately address the deteriorating conditions of migrant workers. Critical to an understanding of the current status of migration is a discussion of historical narrative of Cambodian and Thai socio-economic development, which has informed the current incentives and rationales of Cambodian migrants. At present, the difficulties faced by Cambodian migrant workers is attributable to disadvantageous power relations with Thai employers and the migrants own lack of knowledge about basic living strategies in Thailand. Any initiative toward improving worker conditions, such as legislation and monitoring, must be cognizant of these issues.

## THEORETICAL APPROACHES TO MIGRATION

There are many theories addressing the causes of migration and migration process. The *neo-classical economic equilibrium* perspective approach, *historical-structuralist* approach and the *migration system theory* are the main contenders. Each approach directly or indirectly informs and emphasizes certain aspects of Cambodian migration experience.

The neo-classical approach originated in the 19<sup>th</sup> century from *geographical theory* and is still popular among geographers as well as economists (Castles, 1995: 1-23). The “Push and Pull” model is often referenced in this approach because it sees migration flows as being caused by push factors (poverty, lack of land, natural disasters, overpopulation, etc) in the sending countries, and pull factors (economic opportunities, real or perceived) in the host countries (See *Figure 1*). Although this theory suggests more generally that labour will migrate from low wage countries to high wage countries

until the real wages are equalized<sup>1</sup>, it helps us understand specific incentives for migration and specific conditions in the sending country that impel out-migration. This theory is essentially individualistic and ahistorical. It emphasizes the individual decision to migrate, based on rational comparison of the relative cost and benefit of remaining in the area of origin or moving to various alternative destinations. However, as Borjas (1989) points out,

The search is constrained by the individual's financial resources, by the immigration regulation imposed by competing host countries and the emigration regulation of the source countries. In the immigration market several types of information are exchanged and the various options are compared. In a sense competing host countries make migration offers from which individuals compare and choose. (461)

This theory, however, has been criticized by the *historical-structuralists* in the 1970s because the assumption of free choice for the individual is unrealistic (Hugo, 1991: 71-74). The historical-structural approach has its intellectual roots in Marxist political economy, and stresses the unequal distribution of economic and political power in the world economy. Migration is seen mainly as a way of mobilizing cheap labour for capital. It perpetuates uneven development, and exploits the resources of poor countries to make the rich even richer. Inequalities in resources and power between different countries, combined with the entry policies of potential immigration countries, put great constraints on migrants' choices (Zolberg et al., 1989: 14-17). Migration cannot simply be explained by income differences between two countries, but should also be looked at through factors such as the likelihood of secure employment, availability of capital for entrepreneurial activity or consumption, and the need to manage risk over a long period.

The most common reason to permit entry is the need for workers—with states sometimes taking on the role of labour recruiter on behalf of employers—but demographic or humanitarian considerations may also be important (Castles & Miller,

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<sup>1</sup> For a more thorough discussion of Neo-classical economic equilibrium, see Savitri (1974: 12-44)

1998: 5). The idea of individual migration, making free choices which not only maximizes their well being but also leads to equilibrium in the marketplace, is so far from historical reality (especially in conflict-ridden Southeast Asia) that it has little explanatory value. It seems better, as Zolberg suggests, to analyze labour migration as a movement of workers propelled by the dynamics of the transnational capitalist economy, which simultaneously determines both the 'Push' and the 'Pull'.

The *historical-structuralist* approach has been, in turn, criticized by many migration scholars on this basis: if the logic of capital and the interest of Western states were so dominant, how could the frequent break down of migration policies be explained, such as the unplanned shift from labour migrants to permanent settlement in certain countries? Both the neo-classical perspectives and the historical-structuralist approach seemed to be too one-sided to analyze adequately the great complexity of contemporary migration. The neo-classical approach neglected historical causes of the movements, and downplayed the role of the state, while the *historical-structuralist* approach often privileged the interests of the state and capital while paying inadequate attention to the motivations and action of the agency of the individuals and groups involved (Castles and Miller, 1998: 12-19).

Out of such critiques emerged a new approach, the migration systems theory, which has become increasingly influential in comparative research. Migration systems theory emphasizes international relations, political economy, collective action and institutional factors. Many countries have developed a migration system, which serves to exchange migrants between countries. The tendency, however, is to analyze regional migration systems, such as the South Pacific, West Africa and also Southeast Asia region. The migration system approach calls for examining both ends of the flow and studying all the linkages between the places concerned. These linkages can, among other things, be categorized as 'state-to-state' relations, mass culture connections and family and social networks (Fawcett & Arnold, 1997: 45-49).

Migration systems theory suggests that migratory movements generally arise from the existence of prior links between sending and receiving countries based on such factors as colonialism, political influence, trade, investment or cultural ties. Thus, the migration forms between Mexico and the USA, on the one hand, were created by the

expansion and deliberate recruitment by US employers in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The migration from the Dominican Republic to the USA, on the other hand, was initiated by the US military occupation of the 1960s (Portes & Rumbaut, 1990: 224-230). Similarly both the Korean and the Vietnamese migration to USA were the long-term consequences of the US military involvement (Sassen, 1998: 6-9). The migrations from India, Pakistan and Bangladesh to Britain are linked to the British colonial presence on the Indian sub-continent. Caribbean migrants have also tended to move to their respective former colonial power. The Algerian migration to France was expanded by French colonial presence in Algeria, while the Turkish presence in Germany is a result of direct labour recruitment by Germany in the 1960s and early 1970s (Castles and Miller, 1998: 24).

The interaction of a parallel influence, the micro-structure within the migration system approach, clarifies the role of informal networks developed by the migrants themselves to cope with migration and settlement. This structure is very similar to the concept of chain migration, which refers to personal relationships and family patterns, friendship and community ties and mutual help in economy and social matters. Such links provided vital resources for individual and groups, and may be referred to as “social capital” (Bourdieu & Wacquant, 1992: 119).

Informal networks bind migrants and non-migrants together in a complex web of social roles and interpersonal relationships (Boyd, 1989: 639). These bonds are double-sided; they link migrants with non-migrants in their areas of origin, but also connect settlers with the receiving population in various relationships of cooperation, competition and conflict. Such networks are dynamic cultural responses, which encourage ethnic community formation and are conducive to the maintenance of transnational families and group ties. The family and community are crucial in migration networks.

Research on Asian migration has shown that migration decisions are in response to conditions of rapid change, i.e. a family may decide to send one or more members to work in another region or country in order to maximize income by the elders, especially the men, while the younger people and women are expected to obey patriarchal authority.

Family linkages, often mediated through facilitators,<sup>2</sup> often provided both the financial and cultural capital, which make migration possible. Typically, migratory chains are started by an external factor, such as an initial movement of young pioneers. Once a movement is established, the migrants mainly follow ‘beaten paths’, and are helped by relatives and friends already in the areas of immigration (Stahl, 1993: 16-24). Networks based on family or common place of origin have provided shelter, work, and assistance in coping with bureaucratic procedures and support in personal difficulties. These social networks make the migratory process safer and more manageable for the migrant and their family. Migratory movements, once started, can become self-perpetuating social processes (Castles & Miller, 1998: 26).

However, the social networks are complex and often ambivalent in character. Some people (both migrants and non-migrants) become facilitators of migration. A migration industry emerges, consisting of recruitment organizations, lawyer, agents, smuggler and other middlemen (Harris, 1996: 132-36). Such people can be both helpers and exploiters of migrants. Especially in the situation of illegal migration or of oversupply, migrants may find that they have been swindled out of their savings and are marooned without work or resources in a strange country.

Migration networks also provided the basis for processes of settlement and community formation in the immigration area. Migrant groups develop their social and economic infrastructure: place of worship, associations, shops, and cafés, professional services like lawyers and doctors, and other services. This is linked to family reunion; as length of stay increases, the original migrants begin to bring their spouse and children in, or simply find a new family. People thusly begin to see their life in the new country as long-term. This process is especially linked to the situation of migrants’ children: once they go to school in the new country, learn the language, form peer group relations and develop bicultural identities, it becomes more and more difficult for the parents to return to their homelands.

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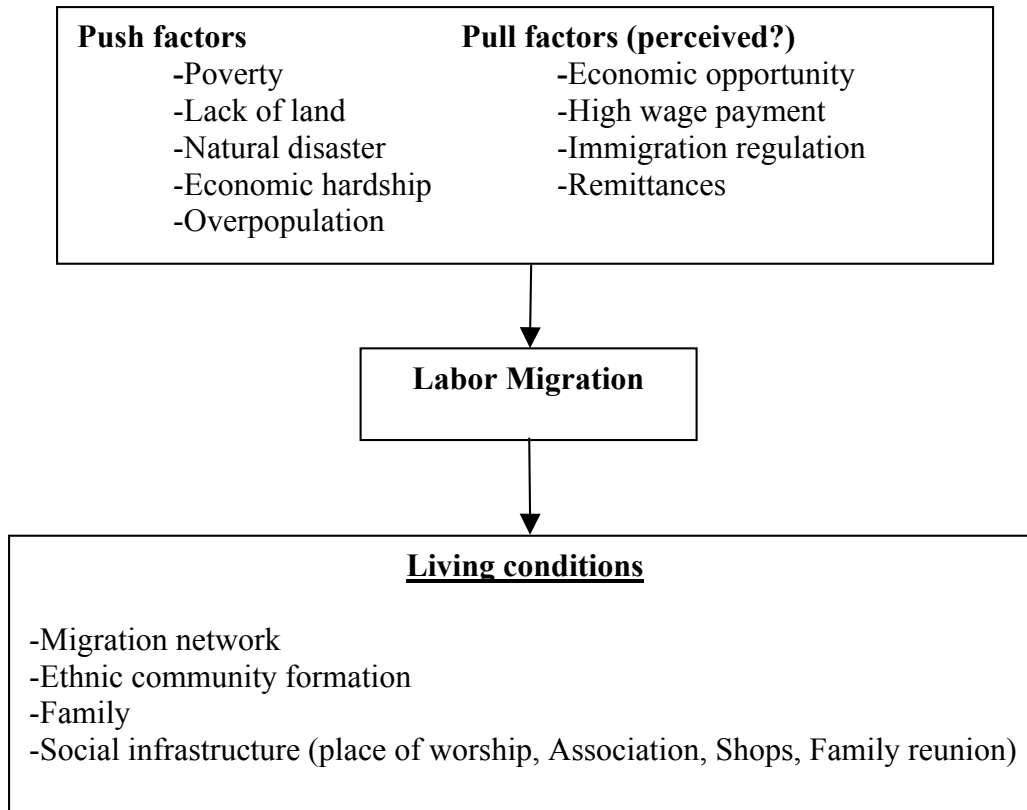
<sup>2</sup> Facilitators, in the context of migration, can refer to any number of individuals who assist in the process of migration, either by providing information, recruiting, or arranging travel and guaranteeing work.

That being said, the links between immigration community and area of origin may continue to persist over generations. Remittances may fall off and visits home may decline in frequency, but familial and cultural links remain. People stay in touch with their area of origin, and many seek marriage partners there. Communication and relationship with areas of origin also increase dramatically during times of crisis at home or abroad.

Although each migratory movement has its specific historical patterns, it is possible to generalize about the process to some degree. For example, most migrations start with young, economically active people. They are target earners, who want to save enough in a high-wage economy to improve conditions at home by buying land, building a house, setting up a business, or paying for education or dowries. After a period of time in the receiving country, some of these 'primary migrants' return home but others prolong their stay or return and then re-migrate. The frequency of these patterns depends upon the relative success of the migration: migrants may find the living and working conditions in the new countries to be better than in the homeland, or it may be because of relative failure that migrants find it impossible to save enough to achieve their aims, thus necessitating a longer sojourn (Bohming, 1984: 31-41).

Out of the debate concerning the appropriate conceptual understanding of migration, it is becoming increasingly clear that a more holistic, comprehensive understanding of migration, as suggested by migration systems theory, will more adequately explain the empirical data being drawn from non-'Ideal Type' examples (if a typical example ever did exist) of migration. Cambodian worker migration to Thailand is just one of these examples. The following paper will discuss how these various migration models can be applied to create a deeper understanding of the Cambodian migration system and, consequently, inform policy making.

Figure 1. Conceptual Model of Neo-classical Economic Equilibrium Model of Migration



## RESEARCH METHODS

There are two main sources of information drawn upon for the preparation of this paper. The first source is ethnographic research collected from the fieldwork and the second source is documentary (archival) research. Both secondary and primary data collection time period was almost five months, from July till February, 2005. I spent one month for secondary data collection both in Thailand and Cambodia and three months conducting primary data collection (ninety days in Rayong (case of fishermen) and ninety days in Bangkok (case of construction workers)). Fifteen individuals from each case were interviewed in-depth and I had an additional six key informants.

### **Primary Data Collection**

The participant observation and interviewing took place at the same time. The observation focused mainly on the socio-economic, living and working conditions. Unlike a typical interview, the guidelines of a semi-structured in-depth interview were used. The guidelines of this interview covered various aspects of the participants' background, life in Cambodia, the migration journey, living and working condition, legal status, health problems, and aspirations.

The snowball technique was used to select the cases. Initially, the Cambodian illegal migrants were introduced by a person who claimed to be a worker leader or monks. The role these persons played was very important in forming rapport with the workers, both fishermen and construction workers. These 'gatekeepers' were considered as key informants as well. After the initial introductions, I relied on snowball sampling with referrals from the migrants themselves. Informants' real names are kept confidential.

### **Secondary Data Collection**

Various documents and previous research study papers relevant to the field of migration were collected. Many public libraries, NGO documentary resource centres and newspapers in both Cambodia and Thailand were contacted and used to collect this particular information.

## **HISTORICAL BACKGROUND**

In this section, I intend to explain the historical context of the Cambodian and Thai economic situations that have created the basis for later incentives for migration. The relative situations in Thailand and Cambodia have evolved throughout their contemporary histories and are clearly responsible for the current experience of migration. In order to elaborate on the origins of various 'Push' and 'Pull' factors, and their deeper narratives, I will briefly describe the relevant historical economic conditions in Thailand and Cambodia and how they have complemented each other over time.

Leading up to 1970, the economic conditions in rural Cambodia were generally comparable to, or better than, those in Thailand. Indeed, after independence Cambodia benefited from advanced cultivation methods as a result of technology transfer from the French protectorate. Overall, the post-independence labour situation and rice production allowed for a sustainable livelihood in the rural area. Following the Lon Nol coup d'état on 18 March 1970, fighting occurred in the country and people dispersed all over the country. The movement led the people to flee into the forests and to organize a resistance as guerrillas. More than two million people were moved from their villages to safe places because of the turmoil, civil war and American bombing. In all the cities and towns, there were plenty of people who had 'migrated' from the rural areas.<sup>3</sup>

After an internal communist revolution led by Pol Pot from 1975-1979, which additionally displaced and killed millions of Cambodians, the Vietnamese Communist Party deposed Pol Pot and halted the migratory flight out of Cambodia. Displaced and destitute Cambodians, however, continued to mobilize in search of new homes and more than 100,000 people reached the Thai border to ask for political asylum after the revolution was ended. Many refugee camps were set up along the border with humanitarian assistance (Robinson, 1994: 4-9). The Paris Conference on 23 October, 1991 was the day that a Peace Agreement was signed and marked of the end of civil wars in Cambodia. Thereafter, more than 360,000 refugees were repatriated (Rogge, 1991: 10).

As the political situation in Cambodia changed very often from 1970 until 1993, most Cambodians experienced at least one migration, either within the country or to a neighbouring country. This experience is a clear precedent for later willingness to migrate, whether for waged labour or to escape destitution. Thailand played a very important role in providing asylum and humanitarian assistance in cooperation with the foreign community. This historical role in facilitating migration is now furthered by Thailand's rapid modernisation and sector-specific labour needs. Cambodia is now a constitutional monarchy and has moved from a centrally planned economy to a free market economic system, but the job market is still poor and the labour wage remains low.

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<sup>3</sup> Forced migration of this type may later have set a precedent for work migration in more recent years.

As claimed by the government, the Cambodian economy is dependent on agriculture, although periods of flooding and drought in many regions have hampered this sector intermittently from 1997-2002. In this period, the phenomenon of emigration emerged more dramatically as an opportunity for higher-paying waged labour. Thailand was the first choice for migration as it is commonly perceived to be a more advanced capitalist economy than Cambodia and does not bear the same stigma that Vietnam does for Cambodians.

Although the preferred alternative for labour migration, Thailand's policies are not particularly hospitable to Cambodian migrants and, as experiences during the Asian Financial Crisis have shown, are subject to drastic reform. Thai policy in the 1990s attempted ineffectively to control the migrant labour flow and to increasing the legibility of the extant migrant population. High registration fees and other bureaucratic measures have generally failed to convince Thai employers and migrant workers to register, although some improvement was made prior to the financial crisis in 1997 (Caouette et al., 2000: 45-47).

Following the economic crisis of 1997, the Thai Government was faced with the urgent task of restructuring its labour field to make room for the masses of newly unemployed Thai nationals. While this resulted in the deportation of nearly 250,000 illegal migrants in 1998, the Royal Thai Government (RTG) was unable to find Thais willing to replace workers in so-called "3D jobs".<sup>4</sup> Consequently, by April and May 1998, the Thai Ministry of Labour and Social Welfare found it necessary to reassess the labour force's employment needs and initiate a new registration phase. Although official Thai calculations show that roughly 231,000 positions needed to be filled, only 99,974 migrants had registered by December of 1999 (Thai Ministry of Labour and Social Welfare, 2003: 13). The void required the RTG to readjust its labour policy to facilitate a more effective registration of undocumented migrant workers (from Burma, Cambodia and Laos) from September to October of 2001. This initiative resulted in the registration of persons from ten labour sectors, not including seasonal workers, workers in the service industry or child workers (Caouette & Pack, 2002: 24).

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<sup>4</sup> 3D jobs are considered Dirty, Dangerous and Difficult

More recent registration programmes have further complicated the procedure for obtain legitimate work permission and have thus fuelled illegal migration. For instance, work permits held a mandatory health check up (implemented in 2002). The health test checked for seven health “risks”, with the risk that any individual proving positive for any test was faced with immediate deportation (Awatsaya et al., 2004: 13-14). In addition to the multitude of opportunities for deportation, high registration fees most often compromised the ability of these policies to attract legal registrants.

Initial registration and subsequent re-registration is contingent on payment of a required fee. For the first round, a fee of 3,250 baht (US\$ 1: 39 baht, in 2002) was collected to pay for health insurance (1,000 baht), to pay the fee related to returning migrants to their home country (1,000 baht), and for administrative costs of the registration process (1,250 baht). The second round, commencing after six months, included the health exam and payment of related administrative costs totalling 1,200 baht. Fees were increased the following year (2003) to a total of 3,650 baht, and work permits fees have increased as well. In the year 2002, approximately 850.8 million baht were garnered from the registration process (Chantavanich et al., 2000: 12-17).

Clearly, a number of problems have limited the success of this registration system. First, the fees are high for migrants, and are usually deducted from the workers’ wages. Second, the risk of deportation can be quite high. Third, the system makes it difficult to change employers, forcing migrant worker to make a choice of staying with an abusive employer or changing employers, and risk potentially losing their documentation. Fourth, for fishermen especially, the limited period for registering may not coincide with shore leave, and they may still be at sea. In this case, fishermen may miss the registration or re-registration periods and drop out of the system. Finally, many employers and migrant labourers generally fail to see any benefit from registration. This is especially true amongst migrants whose employers keep their registration card as a form of insurance to prevent their employee from fleeing, thus effectively nullifying the rights granted by registration in the first place.

As a result of these limitations to the registration system, the number of migrant workers registering has steadily decreased. At the end of the 2002 registration period, which included supplemental registration periods, 409,339 migrants had registered; in

November 2003, without any supplemental registration, the initial number registered was 288,780 (compared to 363,100 in the same period of previous year prior to the supplemental registration) (Thai Ministry of Labour and Social Welfare, 2003: 4-15). The majority of those who did not re-register are most likely still working in Thailand without documentation. It is estimated that the actual total number of unskilled migrant workers in Thailand, including registered migrants, ranges from 800,000 at the conservative end up to 1.2 million or more.

Migrants who are not registered are considered as illegal by law. Immigration Police make regular sweeps, which intensify prior to registration periods, arresting undocumented migrants and deported them back to their home countries. The Thai government has recently declared its intention to remove up to 600,000 illegal migrant workers (Martin, 2003: 14-19). It is estimated that approximately 10,000 migrants are currently being returned to the borders every month (The Nation, 2004). By the end of September 2003, it was reported that 96,296 migrants from Burma, as well as Cambodia, had been returned through the border checkpoints (The Nation, 2003). It is suspected that many of these people return to Thailand as soon as possible.

## **MIGRANTS' NARRATIVES**

To sum up these interviews and other findings, it appears that the influences compelling Cambodian people to migrate to Thailand has been strongly related to their life in their homeland, perceived benefits of migration to Thailand, and changing aspirations and needs of rural Cambodians. The 'Push'-factors are structural and aspirational in nature. Structurally, no cash wage opportunities, high unemployment compounded by the difficult living conditions in the rural sector, which include inadequacy of food, debt, sickness, poverty and so on. Aspirationally, motivation factors might include being just married and wanting to make money to feed the children, wanting to buy farming tools for the parents, saving money for an uncertain future event such as sickness or sending children to school, or simply seeing others successful stories as they return from Thailand. Other factors also increase the 'push' phenomenon, such as

escaping from personal problems such as murder, divorce, disputes within family, a desire to get rich quick, and responsibility for many children.

Sareourn, 22 years old, from Banteaymeanchey Province is currently working as a construction worker. He first migrated to Thailand in 2000.

I had nothing to do in Cambodia and the yields from farming were also not enough to eat. Moreover I had 6 siblings and four of them were studying. I went to find a job in the town but all the time I could not get it because I did not know anybody in the city. Finally my parents suggested that I go to Thailand to work because most of my neighbors migrated to Thailand and they had a lot of money when they visited home. I saw them wearing a big necklace of gold and building a big house for themselves and as well for their parents. My parents had borrowed money from lender in the village for my travel to Thailand. Now I already repaid the debt but I have not built the house. My brother came to Thailand last year and he is now working with me.

Ra, from Preyveng Province, 35 years old is currently working as a fisherman in Rayong. He migrated into Thailand in 1995. He has two children.

I was a poor farmer in Cambodia because I had a small rice field to cultivate and the yield was never enough for eating even though we are a small family. Even though the yields were low, this is not the main reason I migrated to Thailand, rather what worried me were my family's future and my children. I was always afraid of what I would do if someone in my family got sick and what would become of my children if I am in this condition. I kept thinking about this many times before I decided to migrate to Thailand. Actually, I did not want to come to Thailand because I always heard that the workers were killed easily and they were forced to use drugs and the working condition was very difficult. But I had no choice because if I did not migrate to Thailand I also did not know which country I could go to, and if I kept staying in the village my family might fall into big trouble in the near future. So, finally I migrated to Thailand and have worked in many place since I arrived here, but always as a construction worker. I feel confident working in Thailand.

The 'Pull'-factors are also structural and aspirational in nature. In no particular order, these factors are the availability of unskilled jobs, high waged payments, the witnessed success of friends and relatives who are working in Thailand, and the simple fact that it might be enjoyable to live in Thailand, which is often seen as a modern country.

While many factors influence the decision about whether to migrate, once the decision has been made, the perceptions about what migration will achieve must face scrutiny. The transition experience of a migrant worker involves four basic steps: travel arrangement, border crossing, job placement, and condition of work and life. The first three steps require a decision about whether to proceed with the aid of a facilitator or to attempt it on one's own. The living and working conditions depend on the payment system being used for the labour; daily wages, salary, and contract wage payment each entail different risk and benefit. Whether one will be cheated by a facilitator or employer depends on luck, circumstance, and how aware the migrant is of his rights and the basic laws applying to him. As making policy advantageous to migrants requires an understanding of the stages of migration, and what mediates them, I will now discuss each of these stages in turn.

### **Migration Facilitators: Their Roles and Business Activities**

There are many types of migration facilitators, both male and female. They could be the real brokers, who includes the recruiter that they working with closely, police and local authorities who cooperate and make this kind of business more convenient, and the workers themselves who serve a role as brokers. All of them work and cooperate in a very systematic way and maintain intricate networks. Cooperation between the Thai brokers and the Cambodian brokers, between the broker and the employers, between the workers themselves who play roles as the brokers with the employers, police with the brokers, police with the employers and police with workers, makes up the network of this particular enterprise.

It is also useful to point out the scope of these networks depend up on larger macro-level condition in Cambodia and especially in Thailand. Migration network

develop when the Thai government seems to need foreign unskilled workers from the neighboring countries and decreases when the Thai economy or job market faces any problem, such as the Asian financial crisis.

### *The Roles and Activities of the Brokers*

There are two types of Cambodian brokers who are engaged in migration facilitation. There are those who serve as recruiters in the village and those who serve as border passing guides. Recruiters in the village could be village heads, members of the village themselves or former workers who have long working experience in Thailand and communicate with villagers. The recruiter always announces to the villagers the availability of jobs, higher wages, and the ease of passing the border to work in Thailand. When someone in the village wants to work in Thailand they have to contact these recruiters and pay them in advance. Usually, when there are at least five recruits, the recruiters will take those villagers to the border and transfer them to another facilitator. Brokers working along the border will guide those villagers over the border at night. The migrant workers have to walk or follow brokers in a very strict line otherwise they might step on landmines or lose their way during the journey. When the broker reaches a meeting place that was set up in advance with Thai brokers, they will transfer those migrants to Thai brokers, although sometimes the Cambodia brokers continue along with migrant workers until they reach the destination or workplace.

Both Cambodian and Thai police directly or indirectly contribute to this enterprise. They serve as the facilitators in the process of passing the border illegally, although both Cambodian and Thai brokers have to pay them in order to 'open the ways'. Thai Police also serve as one conduit for immigrants wishing to return home. A Cambodian worker planning to return home often contacts the Immigration Police, 'Tor Mor', who will act like they have arrested the illegal immigrant worker and are sending him or her back to Cambodia. This is one type of business that brings very good money to the Thai police if the migrant worker pays the necessary bribe and the size of the group wishing to return is large enough. The reason why many workers want to go back by this means is because it is a convenient and safe way of reaching Cambodia. If the illegal immigrants elect to go back to Cambodia by themselves, they may have to pay nearly

equal or perhaps more that amount of money for travel and are not guaranteed a safe journey overland and through the border. Once in the hands of Cambodian police, returning immigrants may be asked for additional money. The police might delay them by forcing them to stay at the border for two or three days or longer without any food and water if the illegal worker is not able to come up with the funds. Passing the border back into Cambodia is not easy, although it is a frequent experience migrants must endure.

### *The Roles of the Workers Themselves*

Some workers intend to be recruiters when they go back to their original village. One reason is that recruiting is an opportunity for some extra income, both in the form of local income and also commission from the employers. Those who do become recruiters are generally successful workers in Thailand. This phenomenon perpetuates the perception that work in Thailand is always a positive experience. Such recruiters always enlist their own relatives first and often neighbors in the village. However, even recruiters have to use professional brokers to help them pass the border because of the growing complexity of crossing the borders and guarantying work. On the other hand, these local recruits are often the most successful because they are trusted by the villagers, or are their relatives and friends.

One illustrative example is that of Uncle Sovann, 42 years old, from Preyveng Province. After quitting his job as a province banker in 1995, he migrated to Thailand to work as a fisherman. Currently he works as a fisherman and also as a cook on a boat in Rayong Province, Thailand. He is considered a successful fisherman because in the first one and half years of his work he managed to send 100,000 baht to his wife in Preyveng.

When I visited home after I sent money to my wife, many people came to my house and asked me to take them along. I did not recruit anyone at all but they saw me making a lot of money. At that time there were 60 people coming along with me to Thailand. Now some of them are still working with me, some returned to the village, many are successful, and some simply do not have anything to go back to because they enjoy Thailand so much.

### *Problems Travelling to Thailand*

There are two options for potential migrants to Thailand. In the first option, migrants pay a recruiter for the whole journey from the village to the destination. In the second option, the migrant workers can travel by themselves to the border area and then contact the brokers there to guide them past the border. According to my sample, most of the migrant workers prefer to use a recruiter in the village due to the ease of transaction and security.

There are many illegal crossing points along the Thai-Cambodia border. There are at least eight main checkpoints where Cambodian illegal immigrants pass regularly, the most popular being Poipet by land and Koh Kong by water. At Koh Kong, most of the illegal immigrants do not even need a broker because this point is difficult to patrol by land and using a boat bypasses the overland route and can be accomplished easily via Klong Sun town. Immigrants might have to wait for a few days for a fishing boat to their destination. Most of the migrants who cross at Koh Kong will become fishermen by default, or at least they will serve as fishermen en route until they reach the Thai shore.

For land crossings, such as Poipet, immigrants have to walk through the forest from the border areas on the Cambodia side in order to reach the meeting point prearranged by the Cambodian and Thai brokers. Land crossings can be problematic as many circumstances can slow the journey by anywhere from 2 hours to 10 days. During these periods of time, migrants must often stay in the forest waiting for the situation to improve before proceeding. Upon reaching the international lines, the broker typically observes or negotiates with the Thai police or soldiers, and, if the situation is bad, may be forced to take the migrants to an alternate crossing point. The traveling conditions vary with each checkpoint. For some passing points, the migrants have to walk very long distances on difficult roads; sometime they have to walk up mountains and cross rivers, or worse. After crossing the international line, migrants can spend as little as two hours to reach the meeting point. However, there are serious dangers associated with this journey, such as: shooting by the Thai police or soldiers, landmines, rape by the brokers, losing their way and so on.

Many migrants report that the brokers made for an easy transition into Thailand. However, there are also many stories of migrants who have suffered due to the

negligence or misconduct of the broker. A good example of this is the tale of Mr. Veng, 29 years old, from Kompong Cham province, who is currently working as a construction worker. He passed at the Sasda checkpoint and reported that:

During the journey passing the border, it was very difficult and I felt very afraid. We crossed during the rainy season, and it was pouring every night. We had to walk at night only and I remember walking two nights without reaching the meeting point and all the time we were assured by the broker that we had nearly reached that point and not to worry, as we were luckier than most other groups. I slept under trees with nothing to cover me. It was very cold and there were a lot of mosquitoes and naturally we had nothing to eat at all. The broker gave us a small piece of bread in order to reduce the hunger and he told us that we would have to wait until the situation got better for more food. When we reached the destination, one of my relatives told me that the broker raped a girl in the forest and now we did not know where that girl was because we were divided at the meeting point. So, the reason why we spent many nights in the forest was not because of the bad conditions but because of the broker's plan for raping this girl. That was the first time I migrated to Thailand.

In summary, it is clear that Cambodian migrants have many means of crossing the border into Thailand and the migration facilitators play important roles in this flow of people. Facilitating Cambodian illegal immigration is the fact that it is a very profitable business, both for local police and other authorities, in addition to the brokers and employers. The migrants often pay between 2,500 (~\$65) and 3,500 baht (~\$90) for a whole journey from the village to the destination, which includes all expenses and a job guarantee. I found that migrants who attempt to cross the border on their own may still have to contact a broker along the border to guide them, and that the costs are almost identical to purchasing an organized trip. Adventurous migrants can come to Thailand on their own but they will inevitably face the problem of finding a job, ensuring their own safety, and, in any case, the financial costs may still turn out to be similar or higher. I now turn to the living conditions and daily life of Cambodian immigrants in Thailand by focussing on the case of fishermen and that of construction workers.

## **Living Conditions and Daily Life of Migrant Workers**

While the experience of transitioning to Thailand is generally similar for those seeking to be fishermen or construction workers, upon arrival conditions of life can be dissimilar. Housing, work risks and hours, contract arrangements, presence of female workers, police intervention, and the extent of substance abuse differ greatly between construction sites and fishing communities. Each of these factors, as I will illustrate, increases or decreases the relative risk of working in that sector. Fishermen and construction workers do, however, experience many similar challenges relating to their foreignness, legal status, and personal identity within Thailand. In addition, the social relations among immigrant Khmers and between Thais and Khmers are reproduced consistently across work sectors.

### *Fishermen*

The boats are a fisherman's house, kitchen, relaxing place, and refuge from police scrutiny, in addition to their workplace. Due to their illegal status, immigrant workers' mobility within Thailand is constrained, and they find it difficult to access Thai national institutions or to join in ceremony. Generally, they have a limited domain, such as around the port, in which they can live and travel freely. By contrast, they have abundant access to various forms of entertainment, such as karaoke bars, *toob pucks*<sup>5</sup> and brothels, as these businesses are located nearby purposively for fishermen on land. These forms of entertainment create several social problems and often promote violence. Competition over the girls who work in this industry is often the catalyst for violent conflict.

In these ports, fishermen regularly resort to physical violence and murder to solve problems, instead of communicating with each other. Currently, the conflicts erupting amongst Khmer fishermen are clearly the most common in their communities. As a result, many fishermen have formed their own cliques, or 'gangs', ostensibly in order to protect each other. Such groups procure various unique weapons, which are readily available in the local market. The result, from my observations, is that these 'gangs'

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<sup>5</sup> These are unique locales or pubs where one can enjoy drink and female accompaniment casually.

usually act not to protect themselves, but in order to create conflict with unaligned fishermen. These 'gangs' can be quite cruel and sometimes commit murder arbitrarily. Conflicts do also erupt between Khmer fishermen and local Thais, Burmese fishermen and also with employers on occasion, although such incidents are rare these days. The police do not seem to be intent on intervening in conflict amongst Khmer or between Khmer and Burmese fishermen, but they will intervene urgently if the conflict involves Thais.

As a result of the violence in the ports, fishermen often sustain injuries in addition to many health ailments related to the poor sanitation and poor housing. Generally, they avoid going to the hospital because there are many barriers to accessing the health services resulting from their illegal status. For fishermen without a working permit, there are two healthcare options; first, they can go back to Cambodia if the condition is sufficiently serious, and, second, they can remain in Thailand and pay out-of-pocket. The first choice is the most common when the illness is serious, but in most other cases a private pharmacist is used. All of the fishermen claimed awareness about the dangers of HIV/AIDS but their attitudes toward this virus are cavalier; most fishermen simply want to enjoy their life and feel confident that they can avoid HIV/AIDS simply by not going to prostitutes. One local NGO plays a very important role in respect to awareness about HIV/AIDS and birth control, both in Banphe town and in Rayong Province. According to the respondents, this NGO also acts as a middleman between the fishermen and government institutions on occasion, especially hospitals.

Despite the violence and difficult conditions, the fishermen rarely wish to change their job because they perceive that fishing carries with it the most 'free' benefits. They always emphasize the amount of time for relaxation, the free accommodation and free food. These perks seem to counterbalance the physical strain and dangers inherent to their work and society. At most, if they are dissatisfied with their job, they can change the boat they are on. This occurs especially when the fishermen think they are being cheated or forced to work too much by the employers. The fishermen also endure their situation because they expect to return to Cambodia some day. In any case, they cannot do anything to improve their situation because they will be threatened if they try to protest. In contrast, because of their status, the fishermen try to speak, dress and act like Thai

rather than Khmer people because they want to integrate into Thai society. Those who are successful accrue some benefits as a result of not being scrutinised by the police, but this is often not possible because local Thais can distinguish work-hardened Khmers.

Obtaining legal status, despite the rights and freedom a worker can gain, is hardly ever sought. Few fishermen know anything about policy or immigration law relating to them; they simply know that they have come to Thailand illegally. The fishermen typically want to have a working permit but they do not want to go through the application process; the permit seems meaningless to them and at the same time they are unlikely to be granted permission by their employer to hold onto the original card, which is required for travel. Yet, in theory the fishermen would like to have a permit, because it assures them certain rights, travelling privileges, and immunity from the police. All of the respondents who reported being cheated or mistreated by their employer explained that challenging their employer was out of the question, since they have no rights as illegal immigrants in Thailand. In addition, most of the immigrants that were interviewed who have stayed and worked as fishermen in Thailand for more than two years have experience arrest at least once. This has serious repercussions and is a clear example of how their illegal status has a very significant impact on their living and working conditions, especially their freedom and rights.

Illegal status compounds the problem that most Khmer migrants are initially unaware of their rights and responsibilities within the industry itself. Most of the fishermen have no prior skills, experience or background related to the sea before they became fishermen. They simply arrive and begin work and are informally trained on the job. Employers hardly ever provide training because they believe that there is nothing particularly difficult about working as a crew member on a fishing boat. Employers also control the system of wage payment, of which there are three types: daily wage, salary wage and contract wage payment. The contract wage payment is considered the most risky since employers have adequate opportunity to cheat the fishermen. For instance, there is no bonus provided to the fishermen for hard work or overtime, and every expense that the employer has for food, boat repair, net maintenance, ice, oil, and so on is deducted from the fishermen's wages (sometimes arbitrarily). The fishermen also have little control over their free time. The work timetables are dependent on the situation at

the sea, the season and the captain's orders. The working conditions on the boat are circumstantially related to the size of the boat and the kindness of each employer. Accidents and dangerous work conditions are common in the fishermen's working environment and no safety equipment is provided to the fishermen. Fieldwork has readily shown that the illegal status of the fishermen allows the employers and police to take advantage of the fishermen. This power dynamic has allowed the conditions of life and work to remain consistently poor over time.

In the longer term, the migrant worker must consider the well-being of the family. This entails a decision about where to locate the family (in Cambodia or Thailand) and whether to remain in Thailand indefinitely. Although there are a small number of fishermen who bring their family and children along with them due to the risks associated with the journey and life, there are many Khmer women and children living and working in Rayong. There are a number of reasons why the immediate family of the migrant move to Thailand or remain in Cambodia. One main reason is that the family can save money by locating everyone in Thailand. Another reason is that the family has decided to settle in Thailand. This decision, however, does not affect the lives of the children past school age. The reason one finds only children under school age in the ports is that upon reaching school age, the children are typically sent home for education and to live with the extended family. If the family decides, for whatever reason, to remain in Cambodia, the primary link with the migrant abroad will be through remittances. Usually, remaining apart represents the expectation that the worker will eventually return home. In the meantime, remittances can represent of the success of the family member abroad. This is often visible in the living standards of the family in the village of origin and through behaviour such as building a house or wearing gold.

### *Construction workers*

The Cambodian illegal immigrants who work as construction workers are provided with free accommodation, which is mostly located in or close to the worksite. In practice, these places are simply large worker camps that look and feel like slums. In such slums, there are many Thai shops and Thai food 'trucks', which allow local Thai people to profit from the construction workers. Migrant workers can even buy food from

the Thai sellers on credit and then pay at the end of each *wiss*.<sup>6</sup> Due to this credit arrangement and fear of the police outside the slum, the workers generally choose not to leave the slum to procure basic needs. Because of their illegal status, the Cambodian construction workers cannot readily fulfil many social and spiritual needs. Workers are, however, freely able to celebrate wedding ceremonies and other events in their slum.

Entertainment in construction work camps is of a different nature than that in fishermen's ports, primarily due to the availability of private accommodation. Television and karaoke videos are the favourite form of entertainment. Another key difference between fishermen's and construction workers' lives is that women, often wives but also children, can assist in construction and earn additional income. As a result, most of the construction workers bring their families along with them. This also helps make the social environment in the slum more balanced than that of the fishermen. That being said, violent conflict does occur routinely in the slum, although to a lesser degree than in the ports. Unlike the fishermen's situation, the primary catalyst for violence in the slums is alcohol. Usually, the disputes remain small, but the workers tend to solve these conflicts by fighting when under the influence of alcohol. And due to the presence of wives in the slums, domestic violence is a widespread problem. An additional problem is the influence of the local Thai gangsters, who are often unofficially hired by the police to patrol the slums. These gangsters can be very powerful and the construction workers are scared of them. Their task is to crack down on the conflicts erupting in the slums, but their methods are usually violent and intimidating.

Despite these dangers, young children must accompany their parents (if they migrate together) because nobody is usually available to feed an extra mouth in Cambodia. The children thus live in squalid and dangerous conditions, with poor supervision and with no access to education and medical care due to their parents' illegal immigrant status. Yet, even though they are illegally in Thailand, construction workers' living conditions can be better than those in Cambodia. The lack of freedom to travel and lack of services for the children is offset by the improved economic conditions.

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<sup>6</sup> A *wiss* is the biweekly payment cycle

The labour wage for Cambodian illegal construction workers, according to my survey, ranges between 110 and 300 baht (\$2.50 to \$7.50) per day.<sup>7</sup> Comparatively, rice farming in Cambodia might barely allow for subsistence living. The workers, however, do not receive holiday or pay benefits and work 10-hour days with a one-hour break midday. The construction workers are not expected to wear any safety equipment because it allegedly inconveniences the worker. Cambodian foreman, who are generally longstanding employees of Thai companies, hardly ever provide safety equipment, whereas many Thai foreman do. Cambodian foremen have worked in these slum conditions for so long, it appears they have internalised many negligent practices, which they transmit to the workers under them.

Although none of my respondents took seriously ill, they often face accidents at the workplace because of negligent practice and the poor (or lack of) provision of safety equipment. Like the fishermen, the construction workers avoid hospitals if possible and rely on private medical services such as pharmacies or drug stores for basic medical services and advice. When they take seriously ill or have a serious accident on the job, the employer will usually take them to the hospital even if the worker is deported thereafter (unless he or she carries a valid working permit). In terms of awareness, construction workers generally know how to protect themselves from HIV/AIDS, although this is a result of previous education programmes in Cambodia.

Prior to their first arrival in Thailand, construction workers are rarely aware of the regulations governing their sojourn abroad. Their primary goal is finding a stable, high-paying job and to simply avoid being arrested by the police. For instance, they know that if they have no working permit card, it will not be easy to find work, to travel and to live in Thailand. Furthermore, when they are arrested by the police, which, based on my interviews, happens at least once a year, they will be deported to Cambodia and have to re-immigrate. Notwithstanding all these conditions, many workers elect not to obtain a working permit because they do not want to pay for it and the application system can be complicated.

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<sup>7</sup> Other studies, such as Cooperation Committee for Cambodia (2003), have found wages as low as 70 baht (\$1.75)

The construction workers whom I interviewed seemed to enjoy and benefit from working in their jobs, despite some of the problematic conditions of work and life. They are not interested in changing jobs but they will do so if they can make more money. Again, this demonstrates that the main purpose of immigrating to Thailand is to make money quickly and return to Cambodia with the capital for a better life. However, while in Thailand, the construction workers do often act and dress like Thai people in order to avoid police confrontation and integrate somewhat during their limited stay. Workers commented that acting Thai smoothes power relations, making them feel more confident when they interact with Thai people, including their employers (which can bring benefits over a number of years).

## **CONCLUSION**

The living conditions of Cambodian immigrant workers in Thailand have remained relatively undocumented, while quantitative assessments of migrant movements and economic impacts have taken centre stage. As a result, polarised discussions about immigration policy and monitoring have crowded out the voices and realities of the migrant workers themselves. This paper has aimed to rectify this in some measure by investigating the migration process, incentives, aspirations, and perspectives of Cambodian migrants in Thailand using a deeper, ethnographic approach. The most broad conclusion that can be made about this process is that, to some degree, asymmetrical power relations at the institutional-macro level (i.e. between the governments of Cambodia and Thailand) are projected down to the level of employers and migrants to the detriment of the migrants. But because the combined effect of the 'Push' from Cambodia and 'Pull' from Thailand are more compelling than the risks and dangers of migration, Cambodian workers continue to flow into Thailand. The result is that Thai employers, and thus the construction and fishing sectors receiving immigrants, are able to appropriate much of the producer surplus entitled to hard-working Cambodian immigrants. In this way, Thailand maintains immigration policies restrictive enough to prevent large-scale adoption of working permits, but policies open enough to let enough migrant workers 'slip through' the borders and enter into unequal power relations with

employers. This unequal power relationship is what allows fishing industry employers to provide poor housing, unfair work hours, inadequate safety measures gives them the ability cheat their employees with immunity. This unequal power relationship, similarly, allows construction industry employers to set up dangerous work camps, overwork their employees, appropriate employees' spending on basic goods and services, and leave them vulnerable to frequent deportation. Despite this apparent power inequality, Cambodian immigrants are often to blame for taking a bad situation and making it worse. Selection bias of successful brokers allows an overly optimistic view of Thailand to be reproduced, which draws more workers than would otherwise be the case. In Thailand, Cambodians have been relatively unsuccessful at resisting the measures for social control (slum life, tempting karaoke girls, etc.) employed by Thais.

An unavoidable reality for making policy is that the incentives for migrating to Thailand are very compelling. Controlling migration, therefore, should be a longer term and well thought out development goal secondary to improving the livelihoods and handing back some of the producer surplus to Cambodian migrants. Ease of permitting should increase dramatically, and the governments of both countries should be forthcoming about the basic rights migrants have in transit and in-country. Thailand bears the added responsibility of providing fora for challenging cheating by employers and for providing a minimum of basic services to legal and (during a policy transition) illegal workers. With these changes, migration can become mutually beneficial for both countries without creating human rights issues.

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