PROBLEMS OF MIGRANT WORKERS: A CASE STUDY OF THE TAK SPECIAL ECONOMIC ZONE

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This research aims to study the problems of migrant workers in the Tak Special Economic Zone, in order to solve these problems and develop the SEZ's economic potential. The Tak SEZ is the first high-value trade zone on the border between Thailand and Burma. Many foreign workers cross the border to find work. In the past, it was found that foreign workers who come to Thailand frequently do so both legally and illegally. This causes economic, social, and political problems that affect all sectors at the local, regional, and national level. This issue remains unresolved, despite the fact that the government plans to develop the SEZ. Based on the study, the researcher found that the problems of migrant workers are a major cause of the slowdown in the development of the Tak SEZ. The researcher's study of migrant workers in the Tak SEZ shows that they make it difficult to develop the region and reduce the potential for regulated competition.

BACKGROUND OF THE BORDER ECONOMY

The Thai and Burmese governments took most of the twentieth century to consolidate control over their border regions. During this time, the Mae Sot-Myawaddy border region turned into a critical border crossing. Before the 1980s, the Thai government was mainly concerned with events in Indochina to the east, and the Burmese government was unable to control the border regions. This meant that the border economy of Mae Sot and Myawaddy developed mainly without government involvement. This area remains an area in which local interests hold more power than central governments, despite the fact that the central governments have largely regained control of the region (Siriyanun 2017).

After World War 2, the Burmese border region was not a primary concern of the Thai government. To the east, powerful communist movements had emerged, and war ravaged the countries of former French Indochina. As a result, the concern of the anti-Communist Thai government was on the Lao and Cambodian frontiers (Lang 2002, 141-2). Burma's neutralist government and the largely right-wing Karen insurgent movement meant that the Thai government did not feel ideologically threatened by events on its western frontier. In addition, the Thai government lacked the ability to control its entire border with Burma, and, indeed, was unable to effectively govern much of its northern highlands until the 1970s (Race 1974). Limited government resources and the presence of a major Cold War battlefield on the eastern frontier thus combined to ensure a limited government presence on Thailand's western frontier.

The Burmese government took a greater interest in the border than the Thai government. Unlike the Thai government, however, they lacked the resources to control the border. Under the leadership of the Karen general Bo Mya, the Karen National Union (hereafter, KNU), an armed group active in the Thai-Burmese border region, established a de facto independent state that only began to lose ground to the Burmese government in the 1980s (Smith 1999). The Mae Sot-Myawaddy region prior to the 1980s was thus a peripheral region, in which there was little government control. The primary economic movers on the Burmese side of the border were the Karen, and the KNU in particular. On the Thai side, local entrepreneurs and government officials served as the main economic actors.

In the late 1990s and 2000s, the Mae Sot-Myawaddy region emerged as a major economic crossroads. In 1992, the border crossing was selected as a point on Asia Highway 1. In 1998, it was earmarked as the westernmost border crossing on ASEAN's East-West Economic Corridor, linking Mandalay in Burma with Danang in Vietnam. In the 2000s, the Thai government selected Mae Sot for the development of a Special Economic Zone (SEZ), a plan which accelerated under the governments of Yingluck Shinawatra and Prayuth Chan-ocha, and reached its completion in 2016. The Mae Sot-Myawaddy border crossing is currently the most active border crossing on the Thai-Burmese border, and the third most active border crossing in Thailand, accounting for 15% of all of Thailand's cross-border trade in 2013 (Royal Thai Government). The Mae Sot-Myawaddy region is no longer peripheral.

However, the economy of the Mae Sot-Myawaddy region remains a border economy. The border is porous and loosely controlled, with frequent unauthorized movement back and forth. The Thai government, rather than controlling the border directly, focuses much of its effort on controlling the highways from the border region to the Thai heartland. This necessitates a large law enforcement and military presence in the border region itself, with numerous army checkpoints between the border and the major highways, and police checkpoints along the

highways. On the Burmese side, government control remains tenuous and subject to the whims of ethnic militias, which still retain considerable power.

THE ROLE OF MIGRANTS IN THE TAK SEZ

The main purpose of developing an SEZ is to enable the use of cheap labor for companies in the country where the SEZ is located. This is because labor laws, business laws, and manufacturing laws in an SEZ are different than in the rest of the country. In China, the country where the first SEZs emerged, they allowed Chinese companies to set up as manufacturers for foreign companies, despite China's very restrictive economic laws. However, the SEZs in Thailand fulfill a different purpose. Thailand is already an economically free country, and as such, cheap manufacturing is available in most parts of the country. However, while China is a communist state in which free enterprise is restricted, Thailand also has certain economic restrictions, specifically on labor and migrant labor. These are the restrictions that Thailand's SEZs, including the Tak SEZ, hope to circumvent.

The Tak SEZ is located on the border between Thailand and Burma. As such, the primary purpose of the SEZ is to exploit migrant labor from Burma. A company that builds a factory in the center of Thailand will have to pay a higher price for labor than a company that builds a factory in Mae Sot. This is because a factory in central Thailand has two choices about who it can employ. The first choice is to legally employ Thai citizens. Thai citizens have better jobs available to them than foreign migrants, and as such will require a higher salary and more benefits. In addition, because they are being legally employed, the company will be required to provide them with minimum wage, and abide by all Thai labor laws. The company's second option is to illegally hire migrant workers. Migrant workers exist in a more precarious and dangerous position than Thai workers. Most jobs are off limits to them, and they constantly run the risk of being arrested and deported back to their home country. As such, companies can pay them less, and do not have to provide them with a minimum wage, benefits, or workplace protection. However, companies who hire migrant workers run the risk of getting in trouble with the police. This can either send the owners to jail, financially damage the company, or force the company to pay a significant amount of money to the police to look the other way.

The Tak SEZ, and other SEZs on Thailand's borders, provide a solution to this problem. Specifically, they provide an area in which it is possible for companies to legally employ migrant labor. This is an area in which labor laws are less restrictive than in central Thailand, so companies can save money compared to what they would spend if they hired Thai workers. At the same time, there is government oversight, and labor laws do exist. As a result, conditions are better for the migrant workers, and companies are required to provide a certain degree of protection and benefits. In short, it is a middle ground and a compromise, that takes advantage of the existence of a border economy by harnessing it rather than attempting to suppress it.

Problems of Migrants in the Tak SEZ

In the long run, however, migrant labor in SEZs can create problems as well as solving problems. One problem is that designating an area as an SEZ does not make it any easier to control the border. While the SEZ allows migrant workers from ASEAN countries to work in Thailand, many Burmese migrants are not documented. They not only do not have Thai citizenship, but are unable to prove Burmese citizenship as well. This is especially the case for members of minority groups who live in the border region. For these migrants, they find themselves in a similar situation to illegal migrant workers in central Thailand. Like migrant workers in central Thailand, they run the risk of arrest and deportation, and they demand less in terms of wage and benefits from local companies. Therefore, while migrant labor may be legalized in the SEZ, there are still forms of illegal migrant labor that may prove tempting for some employers.

Another problem emerges when stateless migrant workers become involved in disputes or get in trouble with the law. As they do not have documentation, they prefer to evade the authorities return to Burma rather than remaining and attempting to resolve their dispute. In addition, because they legally do not exist, it is impossible to prove that they were involved in a crime. In addition, stateless migrant workers, much like illegal migrant workers in central Thailand, do not receive health benefits from the companies that employ them. This means that when they have a health problem, or suffer an injury at work, the company does not pay for their healthcare, and they do not have insurance to cover their health either. The institution which ends up with the bill is the hospital. This is because hospitals have a state-mandated and moral obligation to treat anyone who is not well. When a migrant worker comes to the hospital with an injury or disease, and does not have any documentation as to their identity, or money to pay for treatment, the hospital is forced to treat them for free. This has an additional side effect of making it extremely difficult to control contagious diseases that might be widespread among the migrant population.

A third problem relates to children born in Thailand to illegal migrant workers. Legal migrants will generally produce documentation for their children. This means that while their children may not be Thai citizens, they will be able to attend Thai schools, and receive the protections afforded to legal residents and non-residents of Thailand. However, illegal migrant

workers will produce children with no documentation. Because they are not in their home country, they may not make use of their home country's educational system. Because they are in Thailand illegally, they will not have access to Thai schools either.

CONCLUSION

The creation of an SEZ in Tak Province has been part of the government's agenda for over a decade, and was finally put into practice five years ago. This SEZ serves an important role in regulating migrant labor, and providing a better alternative to the brutal working conditions faced by illegal migrant laborers throughout Thailand. However, it creates its own set of problems, relating to the nature of the border economy and how difficult it is to regulate traffic across the border. While the economy of the border region may improve, the quality of life may decrease, not only for the migrant workers who the law is supposed to protect, but for Thai entrepreneurs and residents as well. It is important, if the government wishes the Tak SEZ to be a success, to delegate more resources to assisting migrant workers and ensuring that companies do not continue with the unethical hiring practices that the SEZ is supposed to prevent.

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