Smuggling of Migrants
A risk assessment of border communities:
Cambodia, Lao PDR and Thailand

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<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<tr>
<td>BCC</td>
<td>Border Community Committee</td>
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<td>GMS</td>
<td>Greater Mekong Sub-Region</td>
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<td>PAO</td>
<td>Provincial Administrative Organizations</td>
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<td>PATROL</td>
<td>Partnership Against Transnational Crime Through Regional Organized Law Enforcement</td>
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<td>SoM</td>
<td>Smuggling of migrants</td>
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<td>TAO</td>
<td>Tambon Administrative Organizations (Commune level)</td>
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<td>TOC</td>
<td>Transnational organized crime</td>
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<td>VSP</td>
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Executive Summary

Southeast Asia continues to experience rapid economic and social development. In the Greater Mekong Sub-Region (GMS), economic development in Cambodia, Lao PDR, Myanmar, and Thailand is progressing at different paces. The resulting economic disparity between these countries is a driving force for both regular and irregular labor migration to Thailand. Since regular labor migration channels and opportunities are not sufficient to match the demand for unskilled or low-skilled migrant workers in Thailand, irregular migration continues to flourish. In this context, migrant smuggling – the procurement of illegal entry of a person into a State of which the person is not a national for a financial or other material benefit – accounts for much of the irregular migration in the GMS.

Driven by supply and demand, illegal flows of goods and people tend to be more prevalent in specific border areas, which become core hubs for organizing illegal border transportation and crossing. This makes the underdeveloped border communities of these GMS countries susceptible targets for organized criminal groups that seek to generate profits from transporting and facilitating illegal entry for migrants.

The objectives of this study are to determine key motivators and facilitators of irregular migration, explore the concept of Border Community Committees and their potential effectiveness in reducing the smuggling of migrants, evaluate existing mechanisms for combating irregular migration, and assess the role of law enforcement officials in preventing and prosecuting migrant smuggling and irregular migration practices.

This study offered an opportunity to engage with border community residents from Cambodia, Lao PDR, and Thailand in order to gauge key motivators for participation in irregular migration activities, as well as explore alternatives for improving the regular migration process.

Despite limitations with regards to time and budget available for the study, the principal conclusion that emerged suggested that border community residents are particularly vulnerable to being lured into illegal migration and to the exploitation and human rights violations that ensue from participation in this criminal activity. While poverty is often prevalent in these communities, lack of access to education, poor credit, and higher earnings also motivate border community residents to engage in migrant smuggling.

Local residents of these communities are commonly recruited by external brokers to facilitate illegal movements of goods and people, given their in-depth knowledge of the culture and surroundings. The involvement of locals in this recruitment process exacerbates the susceptibility and willingness of other local residents to participate in these criminal activities. Given their role – directly carrying out the action of illegally bringing goods and people across the borders – residents of border communities are more likely to be intercepted by law enforcement authorities while those persons who organize and mainly profit from the illegal operations remain unidentified.

Residents from communities in both Cambodia and Lao PDR were less concerned with the impact of irregular migration on their community, its members and their rights. Most troubling is that many residents deemed the risks of being deceived, exploited, and abused while trying to generate income for their family to be natural and inevitable. In contrast, border communities in Thailand – a common destination of smuggled migrants – perceive the influx of migrants as a threat negatively impacting their communities.

Despite efforts to mitigate these threats and to facilitate the legal movement of migrant workers between neighboring communities using a border pass regime, smuggling of migrants remains pervasive, particularly in busier border areas where the convergence of organized crime is difficult to control due to both scarce resources and collusion between the public and private sector.

Though some disparities exist between the countries studied, the general perception of law enforcement authorities amongst border communities is one of distrust and diffidence. This perception stems from instances where officers participate in the facilitation of these crimes in exchange for money. Intimidation, blackmailing and discrimination are also techniques reportedly employed by law enforcement officials to extort information and force collaboration of local residents. In the course of interviews with local residents, complaints of this nature were frequent, particularly in Cambodia.
To address the various findings of this study, the establishment of regulated Border Community Committees (BCCs) is recommended as a viable solution for mitigating these challenges. In short, BCCs are small committees composed of local leaders (political or otherwise), well-regarded community members, local police, and border authorities. The objective of such a committee is to educate community members of the dangers and repercussions of irregular migration, as well as the process for adhering to regular migration practices. The BCC will provide a confidential communication channel for community members to report concerns and criminal activities related to migrant smuggling to law enforcement officials. The committee may also serve as a tool to assist those who have been victimized in either regular or irregular migration processes. Essentially, BCCs aim to provide a voice to members of border communities and reduce the prevalence of irregular migration and migrant smuggling.

Implementation of BCCs will require a tailored approach for each particular community to respond to the prevailing threats in that area. The report also provides recommendations for increased coordination between government officials of neighboring countries to improve border control and reduce the prevalence of transnational organized crime.
Background

In brief, human trafficking relates to those acts which lead to – and create – situations in which people are forced to work against their will – either for sexual exploitation, forced labor, or domestic servitude. Migrant smuggling is the act of assisting irregular migration across State borders. To be more specific, it is the act of procuring illegal entry of a person into a State of which the person is not a national, for the person’s financial or other material benefit. In other words, human trafficking is a crime against a person, whereas migrant smuggling is a crime against a State. Even though migrant smuggling and human trafficking are two different forms of crime, they are often interconnected.

Migrant smuggling is a lucrative and relatively low-risk activity for smugglers and is primarily carried out through sophisticated and organized networks. Irregular migration and migrant smuggling are among those key challenges that Greater Mekong Sub-Region (GMS) countries face at the onset of the 2015 economic integration of ASEAN Member States. These crimes are particularly prevalent in the GMS where organized crime groups exploit porous borders. The demand for unskilled or low skilled labor in the more industrialized economies of the Mekong countries, particularly Thailand, is driving the persistence of migrant smuggling. It is estimated that 55,000 migrants from Cambodia and 44,000 migrants from Lao PDR are smuggled into Thailand each year.¹

Against this backdrop, UNODC conducted a study to determine what is necessary to increase adherence to regular migration practices.

The study of border communities offers an opportunity to understand the drivers of illicit cross-border activities. It is essential to determine what motivates residents to migrate illegally in order to develop and implement sustainable solutions. UNODC conducted this study within the framework of the PATROL initiative, which aims to support law enforcement authorities in the protection of borders. By focusing on the unique challenges of border communities, UNODC hopes to explore preventive solutions to migrant smuggling beyond the traditional realm of law enforcement and crime suppression.


Figure 1 During the border inspection at a local passing, a Cambodian woman is seen crossing a shallow stream from Cambodia into Thailand

The key objectives of the study are:

1. To gauge the understanding and determine the general sentiment of border community residents towards transnational organized crime
2. To explore the viability of establishing a Border Community Committee in selected communities as a means to reduce the smuggling of migrants and to identify potential community leaders to participate on these committees and raise awareness on the threats to health, safety and prosperity posed by migrant smuggling
3. To evaluate the existing community-based mechanisms for preventing and countering the smuggling of migrants and other forms of transnational organized crime
4. To assess the role of law enforcement authorities in preventing and prosecuting irregular migration and migrant smuggling, as well as assess the relationship between these authorities and community members
Methodology and Procedure

The methodology for gathering data on border communities in Cambodia, Lao PDR and Thailand included research, site visits, focus groups, community dialogues (candid discussions between community members and leaders) and individual interviews. Data was collected from a total of 165 people: 87 people participated in community dialogues, 17 people were interviewed one-on-one, and 61 people participated in focus groups. For the purpose of the study, government records and immigration statistics with relevance to the selected border sites were consulted together with border crime records and official minutes from cross-border meetings.

The site visits in Cambodia included two international border crossings, six local crossings, two communes, and four villages. In Lao PDR, the site visit included one temporary border crossing and two villages. In Thailand, the site visit included one temporary border crossing with Lao PDR, one international border crossing, and four villages.

The villages visited were selected based on recommendations from national authorities in each country. Other basic criteria for selection of the communities included proximity to the border, prevalence of smuggling-related crime, and existing relationships with community leaders. Each site visit took place over one to three days.

The limited time available to conduct the study posed some challenges in establishing rapport with the selected community members. To make participants more comfortable, interviews were held in informal settings and conducted as a conversation rather than question-and-answer style inquiries. Future studies should allow time for multiple visits to the same border sites over a longer period of time in order to develop a relationship of trust.

Cambodia

Two field visits were made to Cambodia. The first visit was a fact finding mission in February 2014 to two border crossings: Doung (Battambang Province) and Poi Pet (Banteay Meanchey Province). On the second visit in April 2014, community dialogues were organized to identify and discuss the various challenges local border communities faced.

During the fact-finding mission at the Doung border area, the Boung Rieng Commune and the Savyrieng Village were visited. Four out of six villages in Boung Rieng Commune share a border with Thailand. A total of 14 members from Boung Rieng Commune participated in a focus group discussion at the Doung Border Liaison Office (BLO). The group included the deputy governor of Battambang Province, the deputy of the provincial police, the head of Kamrieng District Office, the head of Kamrieng District Police, eight commune committee members, the commune chief, and the commander of Border Police.

In Poi Pet, a total of 16 members of Poi Pet Commune participated in the community dialogue, including the Bateay Meancheey deputy governor, deputy director of Sangkat Phsa Kandal, deputy director of Malay District Administration, deputy of Poi Pet Municipality, deputy commander of Border Police 911, director of Poi Pet International Checkpoint, as well as other local authorities and leaders.

Participants were selected for the focus groups based on their familiarity or direct involvement with local border management. The majority of these participants was born in the target community and had been working in the field of border management or associated fields for an average of 7 years.
Lao P DR
The site visit to Lao PDR took place from April 24-25, 2014, in Muang Khob in the province of Kwaeng Xayaburi, which borders Thailand’s Phusang District in Phayao Province. A team from the Ministry of Public Security facilitated the field visit.

During the site visit, interviews were conducted with local officials from the Ministry of Public Security, the Muang Khob police chief, the chief of Muang Khob Border Checkpoint, and the village chief. The participants were selected for their occupational involvement in cross-border cooperation with Thai border authorities and their familiarity with migrant smuggling. At the border sites, informal conversations with villagers were conducted while inspecting the local border passes.

Thailand
Site visits to Thailand included two border communities: one sharing a border Cambodia and the other with Lao PDR.

The first site visit was to Bahn Kok Sabaeng, Klong Luke-Aranyaprathet-Sra Kaew Province, opposite of the border crossing in Poi Pet, Cambodia, in February 2014. The second visit was held in April 2014 in Bahn Pakkard and Bahn Laem, Chantaburi Province, neighboring the Cambodia Province of Battambang. As a follow-up to the initial fact gathering visits, community dialogues were organized at each of these sites over four days, March 7-10, 2014.

A total of 32 people were interviewed across these sites including village chiefs, commune chiefs, village committee members, representatives from the district police, chiefs of local police, officers from both the Deputy Investigation Units and the Prevention and Suppression Units, a coordinator for Thai-Cambodian borders, border police officers, the chief of Navy Checkpoint 523 and Para-Navy Protection Unit 4 and Unit 129. These participants were selected for their involvement and familiarity with the community, various forms of transnational organized crime at the respective border sites, and with migrant smuggling activities in particular.

Due to time constraints, only one site visit was made to Bahn Huak, Phusang District of Phayao, Thailand, on the border of Lao PDR. The fact-gathering visit helped identify vulnerable groups and migrant smuggling threats in the area.

During the visit, 13 interviews were conducted, including a commune chief, a chief of Tambon Administrative Organization, a village chief, village committee members, immigration officers, customs officers, volunteer border police officers, female senior village advisor, a village monk, and two female villagers.

Lessons Learned
Future research in border communities will require strong political support from the host countries and local officials. A positive perception of the value of such research is vital for the success of future similar studies.

• More time should be allocated for site visits to allow for relationships, rapport, and trust to develop with the target groups. A minimum of two to three visits per community is highly recommended.

• Local civil society organizations should be involved more actively in future research to facilitate the dialogue between local institutions and the relevant communities.

• The presence of law enforcement officers as facilitators was helpful to meet a broad range of interlocutors and to build bridges with local communities. However, it is possible that, at times, the presence of law enforcement officers during community gatherings may have been intimidating and inhibiting.

• Community dialogues were useful for the initial visits in order to build rapport with community leaders and local residents. The dialogue helped local residents to voice common problems and seek feedback in the presence of local authorities and other community leaders. This resulted in a valuable exchange that ultimately generated enthusiasm for the study and fostered a willingness to participate.

• Both community dialogues and individual interviews should be used in future studies to gather useful qualitative data.
1. Organization of Selected Border Communities

Cambodia, Lao PDR, and Thailand share porous land borders, at some locations demarcated merely by small streams of water that can be easily crossed on foot. The three countries share many similarities in terms of culture, religious practices, and language. They also share similar approaches to local governance and administrative structures.

In Cambodia, a “phume” (village) is the smallest administrative unit, similar to the “bahn” in Thailand and Lao PDR. The administrative structure above these units is the commune in Cambodia and the “tambon” (sub-district) and “amphur” or “kwaeng” (district) in Thailand and Lao PDR.

In Lao PDR, there are more layers of administrative structures than is common in Cambodia and Thailand. Further, the Lao People’s Revolutionary Party Committee still plays an important role in local governance and monitoring of local committees.

Throughout the three countries, decentralized administration has been implemented with varying degrees of success. From feedback received during the interviews, there seems to be a lack of commitment to establishing well-functioning, decentralized government systems. Within the structures that do exist, women are underrepresented. The level of access and participation of women in local governance in border areas is low. As of May 2007, the representation of women in government roles in Lao PDR was 7.8% at the national level, 8.9% at the provincial level, and 4.5% at the local level.2

In the community dialogues, the concept of a Border Community Committees (BCC) was presented and discussed with all stakeholders. The concept of a BCC was developed as a mechanism to mitigate the risk of isolation and vulnerability of border communities that result from a shortage of support from administrative structures. Although the organization of a BCC can vary, the participation of local community leaders was identified as an essential component of the equation. Resident community leaders are ideal representatives for voicing the concerns of community members directly to the administrative and law enforcement authorities. Ideally, such interactions would heighten transparency in the governance structures of border areas and help to reduce corrupt practices.

In the course of the dialogues, the common feedback provided is that any implemented BCC would require three components.

1. Equal participation of men and women recruited from diverse backgrounds including local government, business leaders, public and private agencies, border community members, school officials, public health centers, and temples
2. A shared sense of ownership among BCC committee members for maintaining the safety and well-being of community members
3. Incorporation of local resources and expertise in order to understand border culture and to reflect the particular values of local residents in the decision making process of the BCC

1.1 Cambodia

The residents of the communities visited during this mission were predominantly employed in the agricultural sector where the primary income is generated from farming rice or other small seasonal crops. Most of the residents do not receive sufficient income from their farming operations and need to supplement the family income through any work they can find locally or abroad.

The administrative system divides the country into provinces and municipalities. Each province is divided into districts (srok), which are further divided into communes (khume) and villages (phume). Villages are not considered formal administrative units. Next, each municipality is divided into sections (khan), and each section into quarters (sangkat)3.

There are also cities and towns, which take on some of the responsibilities of the districts and communes. These all have an elected board and an elected mayor.

Based on population size and tax revenues, Poi Pet in Banteay Meanchey is a city while Doung in Battambang is a town. Therefore, Doung – being a town – receives less administrative and financial support than Poi Pet.

By sub-decree, the Ministry of Interior is in charge of administration in provinces and municipalities. While villages (phum e) are not considered formal administrative units, the communes are more established entities for district authorities.

Within the Battambang Province, visits were conducted to three villages in the Bung Rieng Commune that borders Thailand. In Bantey Meanchey Province, visits were conducted to Phsa Kandal Village, Poi Pet Commune and Ochrouv District, Obey Chun Commune also bordering Thailand.

During the visits to the selected villages, meetings were organized with the village committees. A village committee comprises three members: a village chief, a deputy village chief, and a community member. Members of the village committee are chosen by villagers and submitted to provincial authorities for approval.

During the interviews, it was reported that village committees receive no training nor financial support from the central government. The district government gives authority to the village committees to implement their mandate in relation to development, security, order, and the promotion of family unity. Occasionally, village committee members receive ad hoc training on topics such as the dangers of HIV, condom usage, and basic human rights from local non-government organizations. According to the villagers, the policies regulating the mandate of the village committees are too broad and too vague to be enforced. Without clearly elaborated policies, the village committee is at high risk of becoming irrelevant.

The dialogues with residents were helpful to discuss different ways in which to improve the usefulness of the village committee system. These dialogues also served to promote cooperation between local authorities and residents in the prevention of migrant smuggling. In the Bung Rieng Commune, the creation of a new Border Community Committees was proposed wherein the commune chief would act as head of the committee with the support of the three village chiefs acting as deputies. A very similar proposal was made in Banteay Meanchey Province, where the deputy governor and senior local law enforcement officers advocated for the establishment of three BCCs – one for each of the three communes.

1.2 Lao PDR

The relationship between the neighboring border communities is quite close. The selected village in Lao PDR maintains a strong flow of trade activity with Thailand in both agricultural and forest products. It is common for Thai citizens to invest in Lao PDR to grow and harvest a variety of crops, such as corn, chili peppers, and peanuts for sale in Thailand. Laborers on these farms in Lao PDR are largely Lao citizens. However, on average, one hundred Lao citizens cross the border daily to work on farms in Thailand. Besides employment, on the 10th and 30th of every month, approximately 250 to 300 Lao PDR citizens cross the border into Thailand to buy household necessities.

Since 2000, the Lao PDR Government has been shifting its public administration policy to adopt a more decentralized approach. The motivation for doing so is to disperse planning and budgeting responsibilities to local level administrative bodies. The prefect, the governors, the chief of the zone, and the district chiefs are appointed by the government, while the village heads are directly elected by the villagers themselves and must be approved by the governor. Each of these positions is supported by a deputy.

Heads of the district and provincial levels report to their respective governors, who each serve as General Secretary of the local Party Committee. At Muang Khob Village where the initial fact-finding mission was conducted, the village head was working with the Village Party Unit (a local branch of the Lao People’s Revolutionary Party).

Three sub-committees supporting administration in Muang Khob Village are as follows:

- **The Village Development Committee** consists of 7 members. The main tasks are

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to identify and implement general development activities, women’s development initiatives, and income generating activities for their community.

(2) The Village Committee for Peace and Order consists of 5 to 10 members, depending on village size. The main task is to monitor community safety in conformity with national policy guidelines.

(3) The Cluster Village Volunteer Police consists of 10 to 12 volunteer villagers trained as police and 1 to 2 local professional police. The main tasks are to carry out community policing and prosecute petty crimes.

These sub-committees report directly to the village head, who in turn reports to the district chief.

After holding discussions and sharing information on transnational organized crime and the Border Community Committees (BCC) concept, the communities and local government expressed strong support for the implementation of BCCs as a means for reducing migrant smuggling. The participants were interested in learning more about the threats posed by transnational organized crime and the unique challenges likely to arise as the infrastructure surrounding the border is developed. The community would also like to further explore how the BCC concept could fit into the existing local structure.

1.3 Thailand

Since 1997, through the promulgation of the Constitution and the Determining Plans and the Process of Decentralization Act of 1999, the Thai Government has been undertaking public administration reform to improve its efficiency. In doing so, a shift has been made towards decentralized management of services by local level authorities. However, new local authorities, such as the Provincial Administrative Organizations (PAO) and the Tambon Administrative Organizations (TAO), created by this public administration reform operate with limited resources. Roles and responsibilities of these new administrative bodies are still unclear and require further review.

Local authorities have developed various community-based mechanisms to enhance cooperation between local government officials and local community leaders. Examples of such mechanisms include community and village committees for general local administration, project development, volunteer policing, village security protection, and general security. Typically, community and village chiefs are selected by popular vote of community members. After the voting process is verified, the elected persons will be appointed as the community or village chief by a district officer, with deputies to assist them.

The difficulties associated with this administrative approach are that community members are often confused by the numerous meetings, conflicting messages by the committees, and the variety of member roles with undefined hierarchy.

1.4 Lessons Learned

While similarities are shared among the social, cultural and religious practices of Cambodia, Lao PDR, and Thailand, the current political climate and history of each country influence their respective administrative bodies. On the surface, the current decentralized system in place in Cambodia appears dysfunctional. The system in Lao PDR is tightly controlled by the Lao People’s Revolutionary Party, which may not provide sufficient autonomy to local authorities. Lastly, the system in Thailand seems to be inefficient with an overabundance of weakly-coordinated, village-based groups. In particular to Cambodia and Lao PDR, the lack of public resources to support community-based initiatives is perceived as an impediment to community level governance and empowerment.

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http://www.th.undp.org/content/dam/thailand/docs/ExecutiveSummaryImprovingLocalAdmStructure.pdf
2. Relationship with Law Enforcement

A strong relationship between communities and police is a prerequisite to preventing crime before it occurs. The development of tighter cooperation amongst law enforcement personnel and community members in high-risk areas for transnational organized crime – particularly border communities – can significantly reduce the prevalence of such crime.

Over the past few decades, different models of policing have been implemented in order to determine how best to manage this relationship; these models include community policing and volunteer policing. In the villages surveyed during this study, it was common for police officers to report that establishing a partnership with the community is a core responsibility of their job. It is customary for police authorities to recruit or transfer low-ranking officers back to their native communities where they are familiar with local culture and history and where they have an established network of local connections.

Based on the interviews conducted during the study, police and other law enforcement authorities agreed that there are advantages in improving the quality of communication with local leaders and community members. They admitted that more effective communication with the communities could lead to more proactive investigative approaches to transnational organized crime. Compared to customs and immigration officers who are appointed and rotated by central authorities to perform very specific functions, local police officers seemed to have longer postings and a closer relationship with community members. As part of the strategy to prevent border crimes, police officers must encourage community members to come forth with information on suspicious activities. However, a lack of trust and confidence in police forces has prevented this level of information sharing.

2.1 Cambodia

The relationship between law enforcement agencies and border community members seems to be problematic in Cambodia. Despite a national policy encouraging border authorities to cooperate closely with local leaders and community members, the actual practice does not reflect this ideal. Police officers in the area perceive policing activities to be the responsibility of the police force only, while community members are merely on the receiving end of a service. In other words, there should be no overlap in the roles of community members and law enforcement personnel.

Several community members reported that selected residents with special connections to local law enforcement officials are commonly used as informants. In return for sensitive information, police would provide these informants with various privileges in relation to tax collection, opportunities for border trade and special flexibility for border crossing.

As a result, border communities have developed a negative perception of police as perpetrators of criminal activity as opposed to protectors of the public. Particularly in underdeveloped border communities, there is such distrust towards police and law enforcement officers that residents actively avoid the officers and do not report crimes to them.

The majority of community members were aware that government wages for local officers is inadequate. Therefore, it is expected that officers will look for opportunities to supplement their income, e.g. through accepting bribes.

The flawed recruitment process, performance evaluation system, and disciplinary procedures in place for law enforcement officials affects how they are perceived by residents, as well as their performance. For example, the current systems provide opportunities to individuals closely connected with high-ranking law enforcement officers – such as through familial ties - to enter into the force. This pervasive nepotism is having adverse effects on the credibility of the police force. Aware of the issues related to police performance and integrity, the Cambodian government is currently taking steps to promote good governance within the public sector. Some examples include a civil service census and a plan for public administration reform that includes increased wages to reflect the cost of living.6

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2.2 Lao PDR

In Lao PDR, all state organizations, including those at the community level, are established and functioning in accordance with the principles of democratic centralism under the order of the Lao People’s Revolutionary Party. The existing system of community empowerment seems to have fostered a positive relationship between communities and the local law enforcement agencies.

The establishment of a Village Volunteer Policing (VVP) force for security purposes has contributed to creating a positive perception of law enforcement officials among border communities. When criminal activities take place, the VVP are to report to the local police. When minor conflicts occur in the village, the VVP attempt to settle them in consultation with the village head or deputy village head.

Typically, villagers between 25 to 40 years of age holding a clean personal record and recommended by a village leader can volunteer for the VVP.

In sum, the VVP seems to be an effective format of policing the border areas; however, a lack of knowledge and resources for reducing irregular migration and migrant smuggling present an ongoing challenge.

2.3 Thailand

The Royal Thai Police recognizes the need for cooperation with the community and, in fact, have encouraged community members to come forth not only as informants but also to take a more active role in preventing crime. The key to success in developing a better relationship between community members and local police is encouraging community participation in policing work as much as possible.

Working to develop this relationship is a criterion for receiving a promotion within local police. In addition, there is regular on-the-job training for local police, which features different approaches to community integration.

To assist local police in delivering policing services at the village and community level where fewer resources are invested, Village Volunteer Policing (VVP) and Village Security Protection (VSP) systems have been established. These systems have improved the relationship between local communities and law enforcement agencies.

Village Volunteer Policing (VVP) officers are recruited from villages based on recommendations from community leaders. The VVP are consulted for intelligence work by local police and also receive quarterly training from local police.

Village Security Protection (VSP) officers are recruited by the Ministry of Interior and approved by the provincial governor. All new recruits undergo a training regimen before they are officially appointed. The main responsibilities of the VSP are to assist local public administration officials, patrol the village for the security and protection of residents and community properties, control village access points, gather intelligence, and report all incidents to local officials as soon as possible.

These mechanisms help to bridge the gap of communication between police and community members. Even with limited financial and technical support from upper level administration, these community-based mechanisms are practical and effective.

2.4 Lessons Learned

Development of cooperation between law enforcement agencies and community members is progressing at different stages in the targeted border communities of Cambodia, Lao PDR, and Thailand.

From the survey, it became clear that the perception of law enforcement authorities among border communities is plagued by distrust. This negative perception strengthens with each instance that law enforcement personnel become entwined in corrupt practices, such as the facilitation of migrant smuggling by allowing illicit border crossings in exchange for compensation.
Another factor tarnishing the credibility of local police is their information collection approach. Intimidation, blackmailing and discrimination are techniques reportedly used by law enforcement officers to gain information from residents. Residents sampled in this study, particularly those in Cambodia, are unlikely to report criminal activities committed by law enforcement authorities or other community members for fear of retaliation from local law enforcement.

Community policing mechanisms cultivate a relationship of trust and cooperation between community members and police, as well as encourage community members to take an active role in safeguarding their community from crime. Establishing such mechanisms in the targeted border communities will effectively reduce transnational organized crime, particularly migrant smuggling, in these border areas.

Figure 4 One of the posters translated into local languages distributed on the field visits as part of the awareness-raising campaign for border communities
3. Security Threats for Border Communities

The illegal flow of goods and people tend to converge at specific border crossing areas. Residents of border communities, particularly those sharing a border with Thailand, are commonly targeted by migrant smugglers intending to take advantage of them. Complicit neighboring residents either become actively involved as facilitators or passively involved as irregular migrants. Criminals not familiar with the border area often recruit local residents in order to facilitate the illegal movement of goods and people. These residents are in a superior position to identify weak areas in border security.

Poverty, lack of access to education, poor credit, and higher earnings are among the reasons why some border residents become motivated to migrate irregularly. Another factor is their close proximity to Thailand, which reduces transportation time and costs to destinations inside Thailand.

Residents of border communities are more likely to be intercepted by law enforcement authorities while the individuals directing and profiting most from the illegal operations remain unidentified.

During each of the visits to border communities, general gatherings were organized to raise awareness of the issue of migrant smuggling. In this context, various posters explaining the risks associated with irregular migration in local languages were introduced and donated to local authorities and community groups. Through the discussions with the border community residents on migrant smuggling facilitated by these posters, it became evident that there are key differences in how locals perceive and weigh the impact of human smuggling activities in their respective communities.

For instance, amongst those interviewed in Thailand, which is a common destination for smuggling operations, migrant smuggling from neighboring countries is seen as a threat, causing destructive consequences for the community as a whole. Conversely, in source countries like Cambodia and Lao PDR, the participants did not consider the facilitation of irregular migration to be a threat to collective welfare. Rather, it is considered to be a risk taken by single individuals that does not affect the community.

3.1 Cambodia

Cambodians are drawn to Thailand by better employment opportunities. Many participants confirmed the high demand in Thailand for Cambodian migrant workers. Also recognizing the demand for unskilled and low-skilled workers are private agencies involved in recruitment and job placement. According to local residents, many of these companies are not registered. It was also frequently reported that local authorities protect these private agencies from prosecution. As a result, reporting these agencies or filing complaints regarding their activities is futile.

The majority of the migrant workers would like to obtain official documents, such as border passes, passports, and permits to work in Thailand; however, the administrative process to obtain such documents is reported to be both lengthy and expensive. For a work permit, migrants must first obtain a non-immigrant visa to enter Thailand. Following that, they must find an employer willing to hire them and assist in filing for a work permit. This process requires the employer to provide documentation and details regarding the business, as well as pay certain taxes for foreign employees. Employers are often reluctant to go through this process and take on the additional cost to hire foreigners. When employers do take on the cost to hire employees through regular migration, this cost is typically absorbed by the migrants as a deduction from their wages over roughly a 10-month period.

Local residents claim they cannot afford the official fees for the documents, nor the unofficial payments that brokers and government officials require to expedite the official processes. The cost to obtain a passport in Cambodia is reported to be about 400 USD. This is more than the annual income of agricultural workers which, according to some participants, is approximately 300 USD. As of July 2014, only one location in Cambodia accepts passport applications - Phnom Penh - and the process takes approximately 4 months. Many residents cannot afford traveling to Phnom Penh, let alone pay for a passport. Furthermore, when migrants seek the services of intermediaries to obtain legitimate papers and a job in Thailand, they often struggle to pay their debts to the intermediaries later on. Under debt bondage, their legitimate employment documents are seized by intermediaries until the debt is paid, making the migrants vulnerable to exploitation and human trafficking. These exploited migrants have few other options but to contact Thai authorities and be repatriated back to Cambodia.
In other instances, it is the employers who report the illegal status of their migrant employees to the authorities. The employers use this technique of having them deported to avoid paying their promised salaries.

Many migrant workers are willing to take the risk of crossing the border illegally despite the perceived disadvantages associated with irregular migration. The potential consequences remain an unlikely deterrent. In fact, residents report that it is quite common for irregular migrants, once deported back to Cambodia, to obtain new identity documents and re-enter Thailand illegally. Despite poor working conditions and treatment, these irregular migrants often return to their previous employers.

3.2 Lao PDR
Similar to the findings in Cambodia, community leaders interviewed in Lao PDR report poverty to be the main driver behind irregular migration to Thailand. They don’t perceive this illegal movement of people as a threat to their community. On average, residents estimated that there are around 100 local citizens crossing the border daily to work on Thai farms. Through an agreement between the governments in Lao PDR and Thailand, residents can cross the border by using a border pass. Each person can stay for up to three days for each border pass permit. Residents may go into Thailand as far as Chiang Kham district (about 35 km from the border) while the Thai citizens may enter into Lao PDR as far as Muang Khob (about 20 Km from the borders).

Locals anticipate that the upcoming construction of a new road connecting Lao PDR and Thailand will lead to a major increase in the prevalence of migrant smuggling. As economic integration strengthens, it is assumed that crimes associated with illegal movement of goods and people will increase. The construction is expected to attract a much higher volume of goods and people from China, Lao PDR and Viet Nam crossing these borders. Both local community leaders and law enforcement authorities recognize that without adequate investment in border protection, the prevalence of illicit trades through this developing infrastructure will be extremely high.

3.3 Thailand
During the focus group discussions and individual interviews, several villagers reported being aware of ongoing smuggling operations. Many also indicated that the identities of many smugglers are known to villagers. However, villagers are not willing to report them to the local authorities for fear of repercussions for themselves and their families. The situation is exacerbated by the fact that some government officials actively facilitate the smuggling of migrants conducted by private brokers.

Irregular migrants smuggled through the border crossings into Thailand often find jobs in the agricultural sector, fish-processing industry, and other low-skilled labor. Some migrants are taken far from the border areas towards Bangkok. When irregular migrant workers travel to areas which are more distant from the border areas, the smugglers use private cars or public transportation to a specified location where new brokers will be responsible for transporting the migrants to the final destination. Often, brokers have tested these travel routes before the trip takes place. If it happens that law enforcement authorities intercept the operation, the illegal workers are arrested and fined or jailed before being deported back to Cambodia or Lao PDR. The smugglers providing the services generally are not penalized as it is difficult to establish proof that they are aware they are participating in illegal operations. Since the migrants typically pay fees in advance, brokers keep the income for the smuggling activity while migrants are deported and ultimately recommence this process.

The reported fees charged by smugglers to cross into Thailand and secure a job can vary significantly:
• To secure a job in border areas without proper immigration papers and stay longer than a week, workers pay 1,000-2,000 Thai Baht per person ($30-60 USD).

• To secure a job in an inner province of Thailand, each worker pays between 2,500-10,000 Thai Baht per person ($80-300 USD).

In Bahn Laem Village, administrative structures similar to Border Community Committees have become part of the local system to monitor the legitimacy of migrant workers and their movements. Members of this committee are private business operators, government officials, and local leaders.

This Bahn Laem committee organizes an annual meeting in January with roughly 4,000 to 5,000 business operators to discuss regulations related to migrant workers. Urgent meetings are also conducted when the need arises.

Business operators are required to report the number of migrant workers they need for each season to the committee. Business operators are responsible for the workers they hire and for recording all incoming and outgoing workers. These responsibilities include resolving disruption of peace and order involving migrant workers, such as petty crimes and quarrels. This is in attempt to mitigate any additional strain on resources of the destination communities. As for migrants who cross the border looking for daily work or longer-term work without the assistance of an employer, they will be required to go through the regular migration process.

Business operators typically do not feel that the smuggling of migrants is a threat at the Thai-Cambodia borders, claiming they have established positive working relationships with the migrant workers who return each year during the peak of agricultural seasons.

Despite this relatively well-developed system, some Thai participants reported that smugglers collude with business operators and corrupt border officers to circumvent the existing regulations to manipulate the duration of stay granted by the border passes (7 days) and the identification documents of the migrant workers. In particular, residents seem to be pointing toward corruption between businesses, administrative and political officials that work together to facilitate illicit operations for personal financial gains. This hidden collaboration system supports highly profitable businesses related to border trades, agricultural production, and casinos in the Thai-Cambodia border areas. Thai participants also reported one instance where influential individuals had the power to transfer border officers who were obstructing their illegal business operations to a different patrol area. The prevalence of these extreme measures is unknown.

Villagers feel they are powerless in combating this system of nepotism and corruption within and between the private and public sector. Villagers also view the influx of irregular migrant workers as a threat to their community, particularly in terms of job opportunities, health care, reputation, development, and personal security. Most residents of the border communities fear the migration will also place a strain on local resources.

3.4 Lessons Learned

While border communities in Thailand generally perceive irregular migration and migrant smuggling as a threat to their well-being, the communities in Cambodia and Lao PDR were less concerned with the impact of irregular migration and migrant smuggling at the community level, and personal concerns were commonly outweighed by the possible benefits.

More specifically, residents in Cambodia and Lao PDR feel that the risk of being deceived, exploited, and abused in the course of trying to secure an income for their family was inevitable and worth taking.

The usage of border passes to facilitate the movement of workers between neighboring communities has mitigated only in part the exposure to exploitation perpetrated by purported job providers and brokers. The 3-day pass is insufficient for migrants aspiring to work legally in Thailand. Impunity for migrant smuggling remains high, especially in high-traffic border areas where the convergence of various transnational crimes is acute and the collusion between public and private authorities is systematic.
4. Findings and Recommendations

This study offered a unique opportunity to engage with border community residents. The conclusions drawn from the study confirm that poverty is a key driver motivating border community residents to pursue irregular migration or become facilitators of this process. Other motivating factors include their geographic positioning, lack of understanding of the possible repercussions and dangers to personal safety, and disregard for existing regulations.

While there are very similar social, cultural, and religious practices among the three countries, the current political climates and history of each nation influence their differing administrative bodies. On the surface, the current decentralized system in place in Cambodia appears dysfunctional. The system in Lao PDR is tightly controlled by the Lao People’s Revolutionary Party, which may not provide sufficient autonomy to local authorities. Lastly, the system in Thailand seems to be inefficient with an overabundance of weakly-coordinated, village-based groups. Particularly in Cambodia and Lao PDR, the lack of public resources to support community-based initiatives is perceived as an impediment to community level governance and empowerment.

In most areas studied, the situation is further perpetuated by collusion between public officials, private businesses, and law enforcement personnel. Law enforcement agencies in border communities appear to lack the capacity to ensure safety and security to community residents. As a result, community residents doubt the credibility of law enforcement agencies and their commitment to enforce laws.

After discussing and sharing the information on transnational organized crime and the Border Community Committees (BCCs) concept, the communities and local governments interviewed in both Lao PDR and Cambodia expressed strong support for the implementation of BCCs as a means for reducing migrant smuggling. Participants are motivated to learn more about the threats posed by transnational organized crime and the unique challenges likely to arise as the shift towards the ASEAN economic integration of Member States progresses.

4.1 Recommendations: Improving the organization of border communities

Many border communities receive little financial and technical support from public institutions for crime prevention and protection activities. As a result, there is a need to re-evaluate the current organization of border communities and to arrange the system in a way that includes both preventative measures against cross-border crime and an adequate mechanism for reporting these crimes.

4.1(i) Cambodia and Lao PDR

(1) To develop national regulations for the establishment and empowerment of Border Community Committees (BCC) that will serve the following functions:

   a. Strengthening communication among local residents, leaders and law enforcement authorities in matters related to migrant smuggling by providing an anonymous and confidential channel

   b. Promoting cooperation among key stakeholders, such as government border agencies, business operators, and local leaders to prevent and detect crime

   c. Providing consultation services for those residents wishing to migrate for work, including education on the required documentation and procedures to be followed for regular migration, as well as the dangers of migrating irregularly

   d. Acting as the unified voice of border communities in developing cooperative strategies with similar committees in neighboring countries

   e. Providing counseling services to irregular migrants, smuggled migrants, and victims of human trafficking.

(2) To collaborate with non-governmental organizations and involve them in the establishment of BCCs

(3) To ensure BCCs are structured to include equal participation of both men and women from diverse backgrounds, a shared sense of ownership in the well-being of the community, and to reflect unique demands of each particular village
(4) To request support from the international community for in the initial development stage of the BCCs in order establish the appropriate regulations, structure, and monitoring systems

Specific to Cambodia

(5) To implement the proposal that emerged from discussions in Bung Rieng Commune, namely the creation of a BCC wherein the commune chief would serve as head of the committee with the support of three village chiefs as deputies

(6) To implement the proposal that emerged from discussions in Banteay Meanchey Province, namely the creation of three BCCs: one for each commune, advocated for by the deputy governor and senior local law enforcement officers

4.1(ii) Thailand

(7) Efforts should be made at both the national and provincial levels to improve the functionality of Provincial Administrative Organizations and Tambon Administrative Organizations by providing each with a sufficient budget and mandate to:

- a. Promote integration of migrant workers into the hosting village’s milieu with a view to reduce the risk of marginalization and discrimination

- b. Educate the local community on the dangers and repercussion related to facilitating migrant smuggling and employing irregular migrants

- c. Improve gender representation in administrative and law enforcement institutions by recruiting more females

4.2 Improving the relationship between communities and law enforcement

From interviews with local police and other law enforcement agencies across the three countries studied, there was consensus that it would be advantageous to improve the quality of communication between police and local leaders in order to reduce organized crime. However, this study identified several potential deterrents to establishing this channel of open communication. These deterrents include a general lack of trust and confidence in police, discretionary use of border community residents as informants, abuse of power, and corruption. Overcoming distrust may require national reform of policing operations in relation to codes of conduct. As discussed, the establishment of Border Community Committees (BCCs) can promote bottom-up changes by providing a credible channel of communication which integrates inputs of all relevant stakeholders.

4.2(i) Cambodia

(1) To institutionalize the support of police authorities in the establishment of BCCs

(2) To generate awareness amongst police on the dangers of migrant smuggling at both the individual and community level; awareness raising initiative should include discussion of the sanctions officials may face for participating in corrupt practices or direct involvement in illegal activities

(3) To develop a consistent approach for delivery of training and education to national police with the objective of:

- a. Defining a strict code of conduct that increases transparency, accountability, and integrity

- b. Establishing an anonymous mechanism to report incidents involving corrupt public officials

- c. Promoting a gender-balanced recruitment of border officers

4.2(ii) Lao PDR

(4) To increase financial support to the existing Village Volunteer Policing (VVP) system; with sufficient resources (slight increase in wages and training), it is likely the VVP would be more effective in preventing, reporting, and acting upon minor security threats as well as forms of transnational organized crime
4.3 Reducing migrant smuggling in border communities

The findings of this study indicate that the border management system and border officials in Cambodia, Lao PDR, and Thailand are not effectively countering migrant smuggling. Border communities are at an increased risk of facing the threats posed by transnational organized crime networks and receive neither adequate protection nor sufficient education on these matters from centralized law enforcement authorities. In order to reduce the prevalence of migrant smuggling, community leaders and members need to improve their understanding of the motivators and the implications of these crimes. The following recommendations are made in consideration of the fact that successful deterrence of cross-border crimes requires cooperation from both the origin and destination countries.

4.3(i) Cambodia and Lao PDR

(1) To decentralize the administrative bodies that issue travel documents (e.g. passports) and reduce the time and cost to obtain these documents

(2) To launch an awareness campaign to inform community members, especially those in border communities, about:
   a. The risks associated with irregular migration
   b. The advantages of regular labor migration
   c. The step-by-step administrative process to obtain legitimate documents to work in Thailand, including information on legitimate actors and their responsibilities, duration of the process, associated fees, and mechanisms for reporting corrupt practices in the process

(3) To develop an electronic monitoring system that provides border authorities the ability to keep track of entries and exits of migrants travelling with passports or border passes; this system would ideally be shared with Thai authorities and regularly analyzed in order to identify discrepancies and suspicious movements

(4) To audit existing private businesses providing job placement services abroad in order to:
   a. Ascertain the legitimacy of their practices
b. Implement strict criteria for complying with ethical standards of conduct

c. Demonstrate the sanctions in place for attempts to circumvent the legal process

(5) To provide specialized training to Border Community Committees, border patrol officers, and village level police in border communities; this is especially important in Lao PDR in order to cope with the increased volume of trade expected from the developing infrastructure and the shift towards the economic integration of ASEAN Members.

4.3(ii) Thailand

(6) To improve monitoring of labor standards for migrant workers as well as the compliance of business operators in Thailand, particularly those in border communities, with the requirement to report to local authorities the number and identity of each foreign worker employed

(7) To strengthen the enforcement of national laws relating to migrant smuggling; BCCs will be ineffective if border control personnel and law enforcement officials do not collaborate to identify and prosecute irregular migrants and migrant smugglers

(8) To explore alternatives to simplify the regular migration process and the number of steps involved

(9) To identify and implement additional deterrents to irregular migration

(10) To request participation and involvement of the existing Village Volunteer Policing and Village Security Protection in the established Border Community Committees

(11) To launch an extensive anti-corruption campaign in border areas and establish an anonymous mechanism for reporting criminal activity

(12) To comply with Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC) in support of the Bali Process to build evidence-based knowledge on migrant smuggling and irregular migration; this web-based data collection system will make it easier for countries to collect, share, use, and analyze data on these issues

(13) To strengthen regional and international institutions dealing with migrant smuggling

Given ASEAN integration and a globalizing economy, migrant smuggling cannot be addressed in isolation, since such an approach would only displace the common pathways for irregular migration. A more permanent solution requires greater cooperation amongst origin, transit, and destination countries which may be achieved in part through use of the VRS-MSRC.
5. Recent Developments

In June 2014, Thailand’s National Council for Peace and Order announced its intention to strictly enforce migration regulations. As a result, local and regional media indicate that some 250,000 irregular migrants fled Thailand to return home to Cambodia. Reports maintain that mere “rumors of a crackdown” provoked this massive movement of migrant workers.

In response to the announcement, Cambodia’s Ministry of Interior drastically reduced the cost of passports from 124 USD to 4 USD (June 24, 2014). The objective of providing this low-cost option is to encourage regular migration, thereby reducing the production of fraudulent documents and the prevalence of migrant smuggling and irregular migration from Cambodia to Thailand.

To apply, workers must first provide proof of employment from a recruitment agency enlisted by the government or from a Thai employer to the Ministry of Labor in Phnom Penh. The ministry will then provide a letter to the applicant to take to the passport office. Following this process, the applicant must apply for a Thai work visa, which carries additional costs and may take up to two months.

The success of these changes is difficult to assess as they are still relatively new. It will be an ongoing challenge to make Cambodian citizens aware of the reduced-price option, as well as the necessary steps to apply for passports. Further, the conditional requirements for pursuing this option, as well as the subsequent Thai visa requirement, may remain significant deterrents to regular migration. Reports from local media indicate that Cambodian citizens would like more information on this new process and that a decentralized structure will be needed to administer passports, as it is not necessarily feasible for all citizens to make several trips to Phnom Penh.

After the mass-fleeing of the irregular migrants in June, Thailand’s National Council for Peace and Order established One Stop Service Centers in 53 provinces in Thailand to facilitate the registration of migrant workers. These centers are part of a reform program designed to empower migrant workers with proper identification, legal work status, and workplace protections. For 43 USD, these One Stop Service Centers help migrant workers with identification cards register themselves and obtain a pass for 60-day temporary stay. After passing a verification process, these registered migrant workers will be allowed to apply for permanent work permits by using their passport. This improved system and database of registered workers will enable Thai labor and law enforcement authorities to more effectively monitor the movement of migrant workers throughout Thailand. This initiative also extends to include countering the activities of corrupt police and other government officials involved in the smuggling of migrants from neighboring countries by criminal prosecution.

As of July 30, 2014, the Thai Ministry of Labor claimed that approximately 400,000 migrant workers have registered themselves at a One Stop Service Center. Approximately half of those who registered (185,757) are Cambodian, and nearly 15% (55,375) are from Lao.

As of August 7, 2014, approximately 500 applications for passports were submitted to the passport office in Cambodia. Cambodia can magnify its efforts to encourage regular migration by simplifying the issuance of legitimate documents, in turn helping migrant workers obtain permanent work permits in Thailand.

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9 Ibid.
11 Digital Content, “Jobs Lost: Subcontracting jobs in Thailand worrisome”, MCOT.net, August 1, 2014. http://www.mcot.net/site/content?id=53db51efbe0470a0fb8b459b#U_sQEsW1Z1Q
13 Reaksmey, Hul, op. cit.
14 Reaksmey, Hul, op. cit.