

EXPLOITATION IN GLOBAL SUPPLY CHAINS: BURMESE MIGRANT WORKERS IN MAE SOT, THAILAND¹

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BACKGROUND

Mae Sot is a town in Tak Province, Northern Thailand. It is located on the Moei River, across from Mywaddy town in Karen State, Burma. Following the Thai government policy of “constructive engagement” with Burma, which began with the Chatchai Choonhavan government (1988-91), factories have begun to open and relocate to Mae Sot. Constructive engagement has meant an increasingly porous border for capital, goods and labour. As the cost of labour increased during Thailand’s boom decade (1986-96), and particularly from 1991, when real wages grew at eight percent a year, increasing numbers of Burmese workers migrated to Thailand to take low-waged jobs. These jobs, often shunned by locals, are primarily in fisheries and seafood processing, plantations and agriculture, domestic work and factories. The Thai economy has become increasingly reliant on cheap migrant labour, and labour supply problems have only been eased through the influx of migrant workers, both legal and illegal.

The migrants in Mae Sot come from nearly every part of Burma. Access to Mae Sot is easy for Burmese. Many simply cross the bridge into Mae Sot as one-day passes are available at official checkpoints. It is also possible to walk across the river during the dry season. Illegal migrants simply go to Thailand on a one-day pass and do not return. Even those deported can cross back with relative ease. Mae Sot-Mywaddy is the busiest of the border crossings along the Thai-Burma border.

A range of factors encourage Burmese workers to migrate to Thailand, with the interconnected social, economic and political factors in Burma often make it difficult to distinguish between “economic migrants” and refugees. Thailand is the main destination for Burmese migrants, but many also go to India, Malaysia, Japan and South Korea, escaping forced labour, a lack of economic opportunity and low wages, and human rights abuses.² Thailand is an attractive destination due to proximity, the relative ease of crossing the Thailand-Burma border, rapid economic growth and employment opportunities and higher wages.

Over the past decade the severity of Burma’s poor socio-economic situation has resulted in an increasingly desperate situation for the Burmese population, many of whom rely on remittances from family members working in neighbouring countries. The 2001-02 private sector (joint venture companies) minimum wage in Burma was 3,000 Kyat (Kt.) per month³ (Htay 2003). Educated professionals in Burma might earn Kt. 2,000-3,000 a day while unskilled workers earn about Kt. 400-500 per day. In Mae Sot, factory workers report earnings of Kt. 500-1,500 a day.

While demographic data on migrant workers in Mae Sot is limited, non-governmental organisations (NGOs) estimate that 70 percent are women, mostly in their teens and mid-twenties. They are employed primarily in factories producing textiles and garments, cement, food and ceramics. Migrants are also employed in agriculture, restaurants, construction, domestic work, sex work and in small businesses.

According to a report by the Federation of Trade Unions-Burma (FTUB 2004), in the roughly 200 factories in Tak, Burmese constitute about 95 percent of the workforce. Many factors account for the increasing number of factories in Tak Province and in Mae Sot in particular, but it seems that the primary motivation is the seemingly endless supply of cheap, unregulated and easily exploitable of labour.

At the same time, Thailand’s Board of Investment (BOI) has long offered investment privileges to encourage the decentralisation of industrial development. The BOI offers tax-based incentives (tax holidays or tariff exemptions), some of which involve additional incentives for locating in Special Investment Promotion Zones, and non-tax privileges (guarantees, protections, permissions, and services). In 1993, three investment promotion zones were created. Tak Province is in the most heavily promoted Zone 3, and in late 2004, 26 companies (involving 39 activities) were receiving BOI privileges in Tak Province (data from <http://www.boi.go.th/english>).

Zone 3 offers exemption from import duty on machinery, corporate income tax exemption for eight years provided that a project with capital investment of 10 million baht or more (excluding cost of land and working capital) and obtains ISO 9000 or similar international standards certification within two years of start-up. Otherwise, the corporate income tax exemption is reduced by one year. The total corporate income tax exemption is 100 percent of investment capital.

Exemption from import duties on raw or essential materials used in export manufacturing is five years (see <http://www.boi.go.th>).

Such incentives respond to global capitalism's drive for lower production costs. In fact, while labour is often only a small portion of total production costs, particularly for medium- and large-scale enterprises, labour is generally the primary target in the pursuit of cost savings. An additional incentive for factories to relocate to the border is to access low-waged labour without the international condemnation that would come with establishing in Burma itself.

The vulnerability of Burmese workers is at the heart of complex issues including poverty, trade, workers' rights and globalisation. The expansion of international trade often puts downward pressure on workers wages and conditions in corporations that are engaged in global competition to expand markets and enhance profits. Burmese workers in Thailand are easy prey. Because of difficult conditions at home (see Pim 2001: 13-54), these workers often accept high levels of exploitation, including long hours, unsafe conditions and wages well below Thailand's minimum. They often live in cramped dormitories and enjoy few rights (Pim 2001: 85-107). These workers are prohibited from forming their own trade unions or acting as union committee members, so rights such as freedom of association are denied.

Migrant workers in Mae Sot generally earn 50 to 70 baht a day while overtime is paid at roughly seven baht an hour. The official minimum wage in Tak Province is 135 baht a day (January 2004) and 25 baht per hour for overtime. Living conditions in factory dormitories are often crowded and unsanitary, and the rice provided by employers is of poor quality. Even so, salary deductions for accommodation and food are made at rates often disproportionate to actual costs.

Estimates of the number of Burmese workers in Thailand vary, with 1-1.5 million being a figure cited by researchers (Supang et al. 2000: 13-14; Pimpawun et al. 2003: 167-9). Tak Province is estimated to have about 200,000 Burmese workers, while estimates for Mae Sot are 70,000 to 100,000. In 2001, the then Ministry of Labour and Social Welfare estimated 71,096 migrants in Tak Province, placing it second nationwide to Samut Sakhon, with 100,000, and Ranong third, with 43,700.

In September 1996 the Thai government directed that migrant workers from Burma, Laos and Cambodia be registered and issued with temporary work permits. Only 43 provinces were permitted to register migrant workers, in eight occupations. By April 1997, 293,652 workers had been registered, with more than 87 percent being Burmese (Supang et al. 2000: 13-14). By 2001 migrant workers were permitted employment in all provinces and all occupations. Nationwide, in September-October 2001, 560,000 migrant workers registered for six months; with 350,000 being re-registered for a further six months in February-March 2002 (Martin 2003). According to the Department of Employment, between September 2002 and January 2003, 41,526 Burmese

workers registered with the Tak Employment Department, down from 47,489 in September-October 2001. In 2003 Tak Province had the highest number of registered migrants in Thailand (FTUB 2004).

In 2003, the number of workers registering declined. In large part this was due to the high cost of registration and the limited benefits it bestowed. Workers paid 4,450 baht for a one-year permit, which included medical benefits. Migrants were registered through a single employer and were not permitted to change employers unless they re-registered, paying another full registration fee. In addition, registration only took place twice a year, leaving many workers “illegal” through much of the year.

Generally employers paid for the work permit and deducted the cost from wages. In most cases, small businesses and farms could not afford to pay these permit fees or simply did not want to pay, so many workers remained illegal, meaning that both employee and employer were potentially subject to harassment and extortion by the authorities. When employers paid for the permit there were incentives created to “control” their workers for fear of losing them before the fee had been repaid. As the majority of employers held the original permit, many workers were unable to access health care, and could be deported as copied permits were not recognised by the authorities; this also leaves workers subject to extortion and harassment.

Under this registration system, workers were often unaware of both the procedures and benefits. This is because official information is in Thai and there are few NGOs and trade unions to inform workers; those agencies that do operate have difficulty accessing workers. Likewise, few Thai civil servants implementing registration have appropriate language skills to enable them to inform migrant workers about their rights and Thai labour law.

In sum, the costs associated with registration outweigh the benefits for workers. Tellingly, registered workers received wages that were generally the same as those for unregistered workers. Thus the difference between being registered and unregistered has not been substantial.

THAILAND AND LABOUR STANDARDS

The basic right to organise unions is restricted for migrant workers in Thailand. Their rights are systematically abused, leaving workers relatively powerless and vulnerable. NGOs operating in Thailand provide some assistance in health-care, education, advocacy and labour-specific areas; indeed, there is one Burmese trade union federation and several workers’ organisations. However, these organisations are restricted in their ability to assist and organise due to their uncertain legal status and pressure from employers and the authorities. In any case, it is impossible for them to deal with the large number of migrant workers subject to rights abuses.

The wide variety of factors that contribute to the vulnerability of migrant workers include: the constant threat of deportation, with and without work permits; extortion by officials; heavy debts to recruiters and traffickers, often leading to bonded labour or similar conditions; restrictions on the freedom of movement imposed by employers; lack of health care; inability to speak Thai; and a lack of information or awareness of their human and labour rights. Many human and labour rights are denied them either in Thai law or in practice (e.g. the freedom of association, right to organise and collective bargaining).

International labour standards

According to the International Labour Organization (ILO), Thailand has ratified 14 Conventions (<http://www.ilo.org/ilolex/english/newratframeE.htm>). Thailand was a founding member of the ILO, but has not ratified three of the eight core Conventions, including C87, Freedom of Association and Protection of the Right to Organise Convention, 1948, C98, Right to Organise and Collective Bargaining Convention, 1949 and C111, on Discrimination (see Brown et al. 2002). In 2002, the Government of Thailand announced the intent to sign C98 and C138 on Minimum Age (another core Convention), and in May 2004 only C138 was ratified.

Even though Thailand has not ratified some ILO Conventions, the ILO Fundamental Declaration of Rights and Principles requires ILO members to uphold the core ILO conventions even if they have not ratified them. This is because the core conventions are considered to be part and parcel of being a member state. Additionally, freedom of association and the right to form and join trade unions are protected under Article 22 of the United Nations International Covenant on Civil and Political Rights to which Thailand is a party by ratification in 1996. Article 8 of the UN International Covenant on Economic, Social and Cultural Rights, ratified on 5 September 1999, states the right to form and join trade unions of choice for the promotion and protection of workers' interests. Article 23 of the Universal Declaration of Human Rights also protects these rights.

National security concerns are typically cited as rationale for policy toward migrant workers in Thailand. Yet it is impossible to explain how or why adherence to one of the most fundamental rights – to form and join trade unions – could jeopardise Thailand's national security.

Thai labour standards

Section 30 of the 1997 Constitution states:

All persons are equal before the law and shall enjoy equal protection under the law.... Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal

status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted.

According to the US State Department (2003),

The 1997 Constitution stipulates that all persons are entitled to equal protection by law. However, migrant workers, particularly those from Burma, faced significant hardships and physical danger.... Burmese factory workers, both illegal and properly registered, faced poor wage, safety and health conditions.... Community groups and NGOs alleged instances of physical intimidation and abuse by criminals employed by factory owners, and harassment and robbery by gangs of young men. There were several instances of sexual abuse of the primarily young and female Burmese migrants employed in textile production....

Section 45 of the 1997 Constitution states: “A person shall enjoy the liberty to unite and form an association, a union, league, co-operative, farmer group, private organization or any other group”. Yet Article 87 of the 1975 Labour Relations Act (LRA) requires that the ten persons who apply to register a union must be Thai nationals.⁴ A non-Thai can only be a member of a union. Article 100 of the LRA states that all elected union committee members must be Thai nationals from birth, and must be at least 20 years of age. These laws contradict the principles of the constitution, and violate several international labour and human rights standards to which Thailand is legally bound. To date, the constitutionality of the 1975 law has not been challenged.

While migrant workers can legally join Thai unions, a number of factors make it difficult for unions to take on these members. Areas with high numbers of migrant workers, such as Samut Sakhon, Ranong, Mae Sot and Surat Thani, have few or no unions. Only a minority of migrant workers speak Thai or English, and few Thai union leaders speak English or Burmese well. In addition, there are cultural barriers between Thais and Burmese. Because of their shaky legal status and the constant threat of deportation, Thai unions tend to view Burmese workers as a high risk group. Thai unions are also constrained in terms of resources and networking, and even if resources were available, migrant workers generally lack much knowledge and information regarding the role of trade unions. This is a major impediment for unions and NGO activists as Burmese in Burma, and now in Thailand, have been oppressed and denied access to rights education for several decades. In addition, most migrant workers are young, grew up under the military dictatorship in Burma, dating back to 1962, and know nothing about trade unions since such organisations are illegal in Burma. For the older generation, unions are still identified with the Communist Party of Burma and their patriotic fronts – which also tends to discredit unions in the eyes of these workers. Recently, steps have been taken to bridge the gap between unions and migrant workers, but obstacles remain,

not the least being employer and government resistance to union membership by migrant workers.

From the workers' perspective, a major impediment to union membership has to do with problematic benefits. They may see membership dues as simply another fee imposed by "the Thais." Work permit problems are also common once workers become members of unions, with employers being reluctant to renew permits for workers known to be unionists.

Finally, there remains the general problem facing unions in Thailand, where no government has shown the political will to improve the situation for labour, Thai or migrant (see Brown and Hewison 2004).

WORKERS' MOVEMENTS IN MAE SOT

In Mae Sot, a number of NGOs, international organisations (IOs) and Thai government offices deal with Burmese migrants. NGO activities are broad, including health care, Burmese democracy promotion, and political prisoner advocacy. While the FTUB is active in Mae Sot, it is not a legal trade union under Thai law (see [http:// www.tradeunions-burma.org](http://www.tradeunions-burma.org)). IOs include the UNHCR and the International Committee for the Red Cross.

Key government agencies include Thailand's Labour Protection Office in Tak Province (in 2003 the Tak Labour Protection Officer was in Mae Sot only on Tuesdays) and Immigration Police. While under the supervision of the Ministry of Industry, the Federation of Thai Industries (FTI), Tak Chapter but meant to be independent, the links with government remain strong. For example, in late 2003, the Tak Labour Protection Office shared a building with, and owned by, the FTI, a location selected on the suggestion of the Tak Governor.

As already noted, migrant workers have some limited protection under the labour law. However, this is far removed from practice and reality. Minimum wage and overtime regulations have already been mentioned, as have the housing and other deductions from wages made by employers in Mae Sot; these practices contradict the labour law.

Under the law, workers are entitled to one day off in seven, a normal working day is not to exceed eight hours and a normal working week is not to exceed 48 hours. Overtime is not to exceed 36 hours per week, and employees must agree beforehand to work overtime. None of these requirements are commonly observed for migrant workers in Mae Sot. The labour law also requires that, at any place of work, employees representing at least 15 percent of the total workforce, or a trade union with a combined membership of at least 20 percent of the workforce, may apply to alter the conditions of their work. Applications must be submitted in writing to the employer, and employers and employees must enter into negotiations within three days of demands being made. If the two parties cannot reach an agreement, a labour dispute will exist. Labour arbitration officials will attempt to resolve the dispute within five days; if

agreement cannot be reached, an unresolved labour dispute is held to exist. In this case, workers may strike with 24 hours advance notice to employer and labour officials; an arbitrator may be voluntarily agreed upon by both parties, or labour arbitration officials may continue their discussion with employees and employer (see Brown et al. 2002). These requirements are regularly ignored in Mae Sot.

In cases where a dispute is declared, Ministry of Labour Orders can be issued to employees and employers. For example, in Mae Sot, the Labour Protection Department has ordered factory owners to pay compensation to workers. In this situation employers can pay compensation and settle the case or appeal to the Labour Court. If employers refuse to comply with the order workers can also appeal to the Labour Court. These courts can become involved when a dispute is unresolved. The following case studies will outline disputes in Mae Sot.⁵

Migrant workers organise

Despite their inability to form registered trade unions, many migrant workers still seek to organise within workplaces, sometimes with the assistance of unions and other labour support organisations; in most cases these organisations are Burmese. But organising is difficult. Migrant workers usually have only one day off a month, and are not always permitted to leave the factory compound on Saturday or Sunday night, making it difficult to contact workers. In addition, dismissal can be arbitrary, meaning that workers are often unwilling to take any actions that may be perceived as risky. Following dismissal or even preceding it, immigration officials are routinely called in by employers to deport their migrant workers. Time and again, when Burmese workers representing a minimum 15 percent of workers in their workplace have applied to alter their conditions of work, have demanded their rights through informal collective bargaining agreements, organised walk-outs and wildcat strikes or have simply attempted to engage in dialogue over working conditions, they have been sacked and usually find themselves deported.

The Yaung Chi Oo Workers' Association (YCOWA)

YCOWA has been active with migrant workers in Mae Sot, assisting them in taking their complaints through the legal system, both in the arbitration and Labour Court processes. In 2003-4, YCOWA assisted many workers from factories to contact the Labour Protection office to alter employment conditions. Workers seeking to alter their conditions of employment usually refer to adherence to payment of wages, working hours and overtime as defined by Thai labour laws.⁶ In 2003, YCOWA reported a number of strikes and disputes, involving hundreds of workers. The following cases are presented as indicative of these disputes and the unwillingness of employers to negotiate with Burmese migrant workers.

Nut Knitting Limited Partnership

In October 2002, there were reports that Nut Knitting workers had called a strike in support of 19 undocumented workers arrested by Thai police (*The Irrawaddy* 23 July 2003). Prior to this, workers claimed that management had reassured them that undocumented workers would be assisted if they were taken into custody by police or immigration authorities. Following the arrests, the workers felt that management had reneged on this promise, so 60 workers protested. As well, the workers were fed-up with their conditions:

The Nut Knitting workers slaved for more than the regulation eight-hour day for as little as 50 baht... Many worked up to 18 hours a day, collecting 6 baht an hour for overtime. They could not refuse overtime, and sick leave was not on offer. ... [T]he laborers could not bear it any longer. The disgruntled workers protested publicly against their working conditions and miserable pay rates. Scuffles broke out with factory officials, and Nut Knitting then summarily dismissed the protesting workers. Thugs apparently hired by the company assaulted the sacked workers as they left the factory (Baynes 2004).

With assistance from the Law Society of Thailand, YCOWA and the MAP Foundation for the Health and Knowledge of Ethnic Labour, these workers attempted to use legal channels to recoup the wages due to them. In early 2003 the Tak Labour Protection and Welfare Department ordered the employer to pay the 34 workers a landmark 4.6 million baht in compensation.⁷ The employer then appealed to the Labour Court. The first hearing was set for 23 January 2004, and was postponed, with the employer claiming illness. The next court date on 11 February was used to pressure the workers into settling the case out of court.

The court proceedings were subject to numerous delays. In the meantime, the Nut factory was closed. The case was pursued for two years, with fifteen of the workers staying in a safe house in Mae Sot, while the rest crossing the border for court hearings. The workers staying in Thailand were in an extremely difficult situation – their families pressured them to find work or to settle out of court, for they depend on remittances from the workers. Initially the workers were hoping to receive about 100,000 baht each in a settlement, but 15 workers settled out of court for a combined total of 410,000 baht during the court proceedings.

Finally, on 24 August 2004 the 18 remaining workers were awarded 1,170,000 baht, in what is considered a landmark case for migrant workers in Thailand (Macan-Markar 2004). Although the final settlement falls short of the original order to pay 4.5 million baht, that the workers persevered in legal proceedings is an example for other migrant workers, suggesting that it is possible for labour standards to be upheld (Baynes 2004).

King Body Concept

King Body Concept is a Mae Sot garments factory. A web site advertising the company claims that the factory produces for major brands including Carter's, Disney, Harley Davidson and Absorba. It also claims to "currently supply importers with products for Sears, Wal-mart and K-mart."⁸ On 23 June 2003 420 Burmese workers were sacked, soon after submitting a complaint about their working conditions to the Tak Labour Protection Office (Asian Human Rights Commission 2003a). Prior to this the workers had submitted their demands to management, but felt that their demands were ignored. Soon after the submission of the demands to the Labour Protection Office, the Mae Sot police were called and the workers deported, despite the fact that the law permitted workers seven days from the day of termination of work to find new jobs.⁹

Siriwat Garments¹⁰

In late 2003, the Siriwat Garments factory employed 78 Burmese migrant workers. Most of these workers were women, and all held work permits. From September that year, workers reported that they had had to work an average 15 hours a day, receiving 90-100 baht per day, including overtime. They stated that on 19 September they had had to work for 24 hours, with management threatening dismissal for anyone who disobeyed. Then, after 28 hours of continuous work, the workers were forced to work 13 more hours on 20 September to midday the next day. On 22 September the workers refused further overtime and called on the Labour Protection Office to intervene. Despite intervention of this office and the Thailand Human Rights Commission, the workers were dismissed, with compensation well below their legal entitlement.

Export Garment (EG)

In October 2003 some 200 EG workers negotiated a minimum wage payment with management. However, in late 2003, when the President of the FTI Tak became a shareholder in the factory and took over management, he announced that he intended to fire all Burmese workers, replacing them with Thais. In an interview with TLC (29 December 2003) he insisted that Burmese workers lacked skills and did not deserve the minimum wage. However, rather than sack workers, in March 2004 management attempted to abolish the minimum wage, replacing it with a piece-rate system. Management's efforts failed, and in August 2004, workers were still receiving the minimum wage. EG remained the only Mae Sot factory paying the minimum wage.

Value Trend Co. Ltd.

Value Trend is a Taiwanese-owned ceramics factory. On 19 November 2003, 119 women workers filed a claim with the Tak Labour Protection Office over compensation for unpaid overtime. Claiming that they often worked 16 hours a day, at below minimum wage, and received only seven baht per hour

for overtime, workers prepared legal action. Negotiations were held between the Tak Labour Protection Officer, the factory owner and workers, resulting in 5,000 baht compensation for back wages, whereas the workers had sought 50,000 baht each. After returning to work, the workers were given both the full minimum wage and the legal overtime wage. However, the factory shut down in January 2004, retaining the employees' work permits, preventing them from finding legal work with another employer.

Nasawat Apparel Co. Ltd.¹¹

Nasawat is a garments factory in Mae Sot, employing 285 workers. Sixteen of the workers are Thai and the remainder are Burmese, with 70 percent of the workforce being women and all legally registered by the company (it was later found that the factory manager also employed unregistered workers). In late 2003, 269 workers, most of them women, were arrested by police at a Mae Sot temple and deported on 16 December 2003.

This deportation followed an 11 December walk out from the factory. The workers claimed that they had negotiated a contract with management for the legal minimum wage and overtime pay on 26 November. This agreement was to replace previous arrangements where the workers received just 50 baht a day and eight baht an hour for overtime which, after various factory deductions, left the workers with in-hand wages of just 500-1140 baht per month. Factory and workers' living conditions were sub-standard. Nasawat management had a reputation for poor labour relations, and had previously called in the police and had had workers deported during industrial actions.

On the first payday following the agreement (10 December 2003), the workers said that the employer had reneged. The following day, the employer held a meeting with a Labour Protection Officer, a local lawyer and other local employers from the FTI. After this meeting management then called 25 leaders from amongst the workers for a meeting and attempted to negotiate an agreement whereby only the leaders would be paid the minimum wage. The leaders refused, and the remaining Burmese workers walked out with the leaders and took refuge at the temple. Despite intervention by the National Human Rights Commission, heavily armed police deported the workers with support from Labour Protection officers.

Following this, with assistance from the Law Society of Thailand, the workers began action to seek owed wages. The Tak Province Labour Protection Department ordered the factory owner to pay 16,136,076 baht compensation to the workers (Seng 2004). The employer appealed the compensation order to the Labour Court, and in late 2004 the case remained unresolved.

Issues and implications

One of the outcomes of these collective actions was a rise in threats and intimidation of those assisting migrant workers in Mae Sot (Moe 2004). For

example, on 14 January 2004, an officer in the Tak Labour Protection Office relayed a message to NGOs warning them to cease using labour protection mechanisms and calling for the enforcement of the legal minimum wage. The officer warned NGOs that using these methods was biased in the workers favour. He advised that a better process was direct negotiations between employers and employees. Factory workers also complained that some managers posted photographs of NGO workers and asked them individually whether they knew these people. It was claimed that some who answered positively were dismissed while others were harassed. It was also claimed that certain factory managers made death threats against those advocating the enforcement of labour laws (see <http://www.thailabour.org/news/index.html-nasawat> info release 5).

CAPITAL AND THE LOCAL STATE

Migrant workers in Mae Sot face a range of pressures from employers who are regularly supported by local organisations and local officials. The Thai police are known for their corruption and it is widely reported that they engage in abuses of migrant workers (Pasuk and Sungsidh 1996; Human Rights Watch 2004; Wai 2004). Migrant workers avoid the police and simply do not contact them for assistance unless there is no alternative. Workers, whether Thais or migrants, view Provincial Labour Protection Offices as ineffective, and migrant support organisations find them unsympathetic. Employer organisations such as the chambers of commerce or the FTI actively constrain the actions of workers, particularly by limiting freedom of association and colluding to maintain low wages. Labour leaders report that, if their organising activities are discovered, then they are often blacklisted, and find it difficult to work in the area again. Employer organisations are influential in local communities, and in the case of Mae Sot, are influential with government agencies, even sharing the same office building in Mae Sot. These factors contribute to the vulnerability of Burmese migrant workers who, given the desperate political and socio-economic conditions in Burma, have little choice but to stay in Thailand. The inability of workers to form trade unions is a severe handicap for all efforts to improve the poor situation facing workers.

The Federation of Thai Industries, Tak Chapter

On its web site (http://www.fti.or.th/Fti%20Project/ex_organintro_eng.aspx), FTI states that it developed from the Association of Thai Industries (founded in 1967), with the Federation of Thai Industries Act, 1987 establishing FTI. FTI is supervised by the Minister of Industry. Its role is to strengthen the private sector and promote industrialisation. The FTI states that it has "... gained ... countrywide recognition as the only voice of the industrial community ... in addressing the issues and in co-ordinating with the Government...." (cited at http://www.fti.or.th/Fti%20Project/ex_organintro_eng.aspx). FTI is a part of the Joint Public-Private Sectors Consultative Committee headed by the Prime Minister.

The Tak FTI is highly influential in Mae Sot, capable of co-ordinating employers' efforts to "manage" workers, organising to keep wages low, and blacklisting strike leaders. In addition, NGOs report that the FTI seeks to constrain their activities. Because its member businesses are major contributors to the local economy, the FTI has considerable local media support.

The President of FTI Tak argues that Burmese workers should not be paid the minimum wage because they are of poor quality when compared with Thai and international workers. He believed that countries like Taiwan, Hong Kong and the USA, pay migrant workers below the minimum wage, and argues that Thailand should follow their example.¹² He asserts the right of employers to make deductions for food, shelter, and the like, meaning that workers would not receive the minimum wage. Finally, he stated that piece rates were preferred to a daily wage. The FTI President repeatedly mentioned the need to keep wages low (interview, 29 December 2003).

The close relationship between state and capital was emphasised when TLC sought to meet the Labour Protection Officer, and was referred to the FTI. This was reinforced by the Labour Protection Officer who repeated comments by the FTI President. He stated that wages were low because of deductions, reiterated that other countries pay migrants below minimum wages, and added that employers are not able to pay the minimum wage because of "economic hardship." When asked why overtime rates were low, he answered that he had not had time to look into the matter, adding that his time had been consumed in dealing with numerous strikes. Regarding workers being unable to hold their original work permit, which Thai law requires, he said that workers tend to lose the permit so employers provide them with protection against both loss and blackmail. The fact is, however, that when workers do not hold the original permit, they are subject to both extortion and deportation.

In December 2003, FTI Tak requested that the provincial governor investigate the operations of NGOs in the area, claiming that they were inciting workers to strike and causing damage in Mae Sot. YCOWA and the MAP Foundation for the Health and Knowledge of Ethnic Labour were targeted, and it was said that Value Trend's management initiated the FTI request. The governor ordered an investigation, and a few days later local thugs holding photographs of YCOWA staff, questioned workers in several factories. Shortly afterwards the two YCOWA staffers went into hiding. On 27 January 2004, a Human Rights Commission team conducted a fact-finding mission to Mae Sot regarding the situation facing workers and NGOs. The Tak Labour Protection Officer acknowledged the threat to NGO staff, but claimed that as the case was public, they were unlikely to be hurt.¹³

The Police

NGOs and workers in Mae Sot are reluctant to seek police assistance as they consider the police complicit in human rights violations. Workers report that police and immigration officials are the principal source of rights violations.

Police and immigration officials take bribes from employers and regularly extort money from workers. Allegations that the police are involved in trafficking drugs and women into prostitution, among a range of other serious human rights violations, are not uncommon.¹⁴

In January 2004 the UN Secretary-General received a written statement from the Asian Legal Resource Centre (ALRC) calling on the Thai government to “ensure that domestic law is upheld with regards to migrant workers, legal or illegal, as it is to Thai citizens.” The statement identifies many of the problems migrant workers face, especially their lack of rights and the violence to which they are subjected¹⁵:

Murders, rapes, abductions, torture and other abuses of Burmese migrant workers ... have occurred with alarming regularity..., particularly in the Mae Sot district ..., but for a long time only cases of extreme brutality were ever made public. In January 2002, for instance, the bodies of at least 21 persons were found in the Mae Lamao stream. No one has ever been brought to account for that atrocity.... In the past year, abuses have increased, as impunity has spread in Thailand with new government policies favouring extra-judicial killing [in the war on drugs], and because migrant worker's rights have been further curtailed...

...In 2003, the [ALRC reported] ... that immigration officials, police, and other officials ... abuse illegal migrants at time of arrest, in detention centers, and during deportation. These abuses include extortion, physical and sexual assault, and murder. These activities by the police lead others to commit the same offences without fear of the consequences....

It is clear that intimidating and sacking Burmese migrant workers who demand their rights has become a management strategy for Mae Sot-based companies. As we have shown, employers are generally supported by the local authorities. It is also evident that even when workers are sacked for reasons other than this, such as factory closure, production slowdown or relocation, accessing their legal entitlements such as severance pay or other compensation is problematic.

CONTROLLING WORKERS

Migrant workers were permitted seven days to find new employment after terminating a work contract. However, since June 2003 this has been reduced, and migrant workers are subject to deportation in less than three days. Legally registered migrants are not permitted to change employers as permits are valid with a single employer. If they quit or if they are fired, they are liable to immediate deportation. The ability of workers to change employers without re-registering is essential both in making work permits practical for workers, and in

protecting migrant workers' freedom of association. Employers use these provisions to prevent migrant worker organising. Those who dare to complain or request changes in their work conditions are usually fired by the employer and handed over to the Immigration Department.

A recent agreement between the Thai and Burmese governments (see details below) requires that Burma begin to replace "illegal" workers by exporting legal and registered labour. By this process, the military government in Rangoon stands to profit – politically and financially – by facilitating and controlling the flow of migrants to Thailand (Human Rights Watch 2004). Workers not approved by the government, especially exiled political dissidents, are unlikely to receive authorisation from either government. Under this policy, they will be returned either directly to Burmese officials or deported across the border.

Registered migrant workers do have access to the Thai legal system, but this system is difficult even for Thai workers; migrant workers have even fewer opportunities, and to use the courts requires great courage and perseverance. Employers also make use of the courts, but this is often to buy time and to pressure their workers – Thai or migrant – to give up their fight and to accept out-of-court settlements that benefit the employer.

In Mae Sot, Burmese workers have not legally registered any strike, though wildcat actions are common. This is because workers feel that employers do not negotiate in good faith or according to the law; in rare cases where strikes are legal, workers are often fired before the arbitration process has been exhausted. That Thai nationals face major obstacles in organising strikes – there were only 14 official strikes in Thailand between 1998 to June 2001 (<http://www.dlpw.go.th/>), it is unlikely that migrant workers will regularly use the legal system and legal strikes to advance their claims. This means that the legal labour relations system has been overshadowed by issues related to registration as the most pressing issue for migrant workers in Thailand.

Migrant worker registration¹⁶

Registration and work permits allow employers to use migrant labour on a regularised basis and provide government with a tool to better regulate migrant labour. On 1 July 2004 Thailand began a new round of migrant worker registration for workers from Burma, Cambodia and the Lao PDR. The process aimed to implement the Memorandum of Understanding (MOU) between Thailand and each of the other three governments. The Thai government expected to register about 800,000 migrant workers by November 2004. This process is likely to be complicated and difficult to fully implement, particularly in the case of Burma. The bilateral channels for migrant labour are based on the model set up at the end of World War II and codified in ILO Convention 9 (Migration for Employment Convention), which Thailand, Burma, Laos and Cambodia have not ratified.

Workers who are registered will be covered by Thai labour law, except that they will not be able to form trade unions or act as union committee members; they can join Thai unions. Those outside the registration process will be vulnerable, and many of those who do register are likely to remain unaware of their rights under the law. Migrants will be permitted to take work deemed unskilled, in fisheries and related industries, manufacturing, domestic work, farming, plantations, rice mills, labouring for shipping businesses and construction works, if no Thai can fill these positions.

The total paid in fees for registration are set at 2,450 baht for a 3-month registration, 2,900 baht for six months, and 3,800 baht for a year (under the old scheme, the yearly fee was 4,450 baht). A potential benefit of the new scheme is that workers should be permitted to change employers.

Under the MOUs, the Thai government will send workers records to their nominated home country, with a request that the home country verify each worker's citizenship. If confirmed, the home country is then responsible for issuing travel documents. This process may take years to fully implement, and raises immediate problems and human rights issues. For example, given ongoing human rights abuses in Burma, and the corrupt nature of the governing regime, many Burmese workers will have little trust that their citizenship will be easily determined and will not be used for political purposes.

Perhaps the greatest obstacle preventing workers from taking advantage of this registration system and of Thailand's labour laws is a lack of information. The government made little effort to distribute registration information to workers. It has been left to NGOs to translate information into Khmer, Burmese, Lao, Shan and other languages and to distribute information to workers. But NGOs do not have the capacity to reach all workers, leaving many uninformed, making them relatively easy to control and subject to exploitation. The registration process should mean that registered workers are better protected under the law. However, this means that workers need information about their rights.

The problematic registration process means that many workers fear they will be sent home or become stateless if their home citizenship is not confirmed. There is also a fear that when a migrant registers, that this may open the way for their families at home to become the targets of extortion. Finally, past work permit schemes have not attracted a significant number of registrants because even registered workers remained subject to arbitrary deportation and extortion by employers and local authorities. While many workers do not believe that their conditions will change with the new registration scheme, for those who do not register, the risks and vulnerabilities increase.

Despite reservations, by August 2004, 1.2 million migrant workers and their families had registered for the one year residence permit (*Nation* 1 August 2004). Tak Province is second to Bangkok in the number of registered migrants, and Burmese account for 70 percent of the total registered. Those who have

found work and registered will be permitted to stay in Thailand after the residence permit expires. Those who do not have a work permit must leave by 31 July 2005. Thus the registration process is granting a kind of amnesty to migrant workers for one year.

The issues associated with registration and work permits are significant for organising the relationship between migrant workers, production and global supply chains.

MAE SOT IN THE GLOBAL SUPPLY CHAIN

Globalisation, while producing unprecedented wealth for a few, has also resulted in increased insecurity for many of the already poor who work and produce for the global production system. In the textile and garments industry manufacturers are increasingly driven to exploit workers. The business model in the industry is based on intense downward pressure on prices, a demand for fast and flexible delivery and a constant shifting in production location, searching for cheaper and more productive labour (on supply chains, see SOMO 2003; on poverty and globalisation, see Wade 2001). Supply chain management mapping, which begins in corporate headquarters, based on consumer demand, is complex, even for something as simple as a T-shirt. The current logic of global capitalism dictates that manufacturers must comply with both corporate and consumer demand for cheaper products. In the end it is workers who pay the highest price with low wages, long hours, poor social and employment security and a failure to implement labour standards. In this competitive production process, manufacturers and trading companies seek low-waged workers in order to squeeze profits from ever-cheaper commodities.

With wages at roughly US\$45 per month or less in countries such as Cambodia, Vietnam, China and Bangladesh, wages in Thailand are high at about \$100 a month in the Bangkok area and \$80 in the provinces. In this context, over the past decade, Mae Sot, with wages a fraction of the legal standard and little attention to labour laws, has become a centre for garments production.

Workers in Mae Sot are not always aware of brands popular among international consumers, but when shown logos they are often able to identify the garment brands they are producing. However, identifying the origin and destination of orders is difficult as factories maintain tight control over shipping and receiving. While major brands are no longer commonly seen in Mae Sot factories, it is believed that some major brands are subcontracted from factories in and around Bangkok (where factories have export quotas) to the lower-waged factories on the border. Labelling is probably done in the factories with quotas so that production in Mae Sot factories, which do not meet corporate standards, can lower costs.

In 2002 and 2003 Norwegian Church Aid (NCA) and the Burma Labor Solidarity Organisation (BLSO) conducted research regarding the alleged

production of Tommy Hilfiger products in Mae Sot. Based on shipping documents, labels and purchase orders collected from inside the New Products Knitwear Co. Ltd. (a BOI-promoted company), the NCA claimed to have proof that Tommy Hilfiger-labelled goods were being produced in Mae Sot as late as 2003. In response, the Tommy Hilfiger Corporation claims that this production was either unauthorised or involved fake goods (see <http://www.tommy.com/info/values.jhtml>).

Regardless of whether the production was of fakes or was of authentic goods, workers at the New Products factory reported significant changes shortly after the NCA released its findings in Norway in May 2003. These workers reported that in July 2003 all under-age workers were sacked and labels, documents and patterns from past orders were destroyed. The following month, workers reported that the labelling and packing sections were closed and workers were moved to other sections. In October work slowed, and in November, 200 workers were fired and sent back to Burma. On 9 December 2003 the factory was closed and 800 sacked workers reported that they were pressured to sign a “voluntary leave statement” (in fact, a letter of resignation) and received 900 baht for transportation back to Burma. No compensation was provided, but management promised to rehire the workers in March 2004, a promise it kept.

New Products, Sunrise Knitting and the BOI

Investigations by the NCA and BLSO found that New Products is linked to Sunrise Knitting in Nakhon Sawan (also BOI-promoted), and that they were sub-contracting orders for Tommy Hilfiger-branded goods at the Champion/New Products factory in Mae Sot in 2002-03. Sunrise Knitting and New Products are linked to the Hong Kong-based South Ocean Group (see below).

New Products was established in 1990, at the height of a period of rapid expansion in the industry. It had a registered capital of 10 million baht, and was a joint venture between Thai and Hong Kong investors (the law at the time required that Thai investors hold the majority of shares). Following the 1997 economic crisis, the company changed its name to New Products Knitwear Company Limited in March 1998 and increased its registered capital to 20 million baht in order to garner BOI privileges. The major shareholder, with 75 percent of shares, was then Long Dragon Limited, registered in the British Virgin Islands. At the time, New Products changed its BOI “authorised person,” to Mr. Woo Ping Tung and Mr. Ying Wa See, both executives of Long Dragon. The company has factories in Samut Prakarn province and in Mae Sot.

Sunrise Knitting was established in 1999. Its founders, major shareholders and committee were all Thais. This group of founders are also amongst the shareholders and committee members for New Products Knitting. Soon after, the company increased the registered capital from five million to 15 million baht in order to gain BOI privileges. The authorised persons of Sunrise were Woo Ping Tung and Ying Wa See of Long Dragon, which is now the major

shareholder. The head office for both companies is at the same office in Bangkok.

The company's business is to produce knitted sweaters and shirts. The documents collected did not indicate that the company held an export quota. Even so, companies without export quotas can "buy" them from other companies or can make goods for companies with a quota. According to data from the Garment Institute of Thailand, the markets for New Products are the US (90 percent), Japan (four percent) and Europe (two percent). Its customers include brands like Sears, DKNY, Kohl's, L.L. Bean, Gap, Wal-mart, Tommy Hilfiger, Donna Marshalls, Target, Secausus and J. Crew.

The Hong Kong and Tommy Hilfiger connection¹⁷

The investigations by NCA, Erling Borgen of Borgen Production A/S and BLSO found documentation that indicated a business relationship involving Sunrise Knitting, New Products, Champion Knitwear International (Hong Kong) and Gracedon Knitters (also based in Hong Kong). Gracedon and Champion Knitwear share the same mailing address at the Novel Industrial Building in Hong Kong and the same building as the South Ocean Group, Tommy Hilfiger and Novel Enterprises.

Novel is one of the world's largest producers of garment products. According to the Directory of the Hong Kong General Chamber of Commerce (<http://www.chamber.org.hk/hkdir>), "Novel Enterprises Limited started in 1964 as a holding company and with business interests in manufacturing and trading of textiles and garments. In 1987, Novel became a [Stock Exchange of Hong Kong] listed company...". The company was de-listed in 1995, when it was privatised.

Silas Chou and Lester M Y Ma, two of the top managers in Novel, have been Hilfiger managers or directors.¹⁸ Chou is also one of the listed owners of the Novel group. According to the Tommy Hilfiger Corporation's web site (<http://www.tommy.com/info/history.jhtml>), in 1989 an "affiliate of Novel Enterprises, owned by Silas Chou and Laurence Stroll, acquire[d] majority ownership of Tommy Hilfiger, Inc." Chou is Chairman of the Board of Novel Denim Holdings Ltd., which is NASDAQ-listed. He was, from 1992 until October 2002, Chairman of the Board of Directors of Tommy Hilfiger (see <http://yahoo.investor.reuters.com>). Reuters provides this description of Novel:

Novel Denim Holdings Ltd., incorporated in 1989, is a vertically integrated supplier of denim and chino garments and fabric and printed and dyed fabrics to the European Community ... and the United States.... Novel's customers include major manufacturers, retailers and licensees that market under proprietary labels and trademarks (<http://yahoo.investor.reuters.com>).

Listing Novel customers, Reuters states:

Novel sells its garments to over 50 customers and its fabric to approximately 180 customers. Its major garment customers include The Burton Group plc, ... Gap, Mi-Temps and Tommy Hilfiger. The Company's major fabric customers are VF Corporation and Jordache International and fabric converters such as Cogimex (France) and China Point (Asia) Limited.

It is added that, in 2003, three customers – Tommy Hilfiger, Gap and Mi-Temps – accounted for more than a quarter of Novel's sales.

According to Borgen, through a report commissioned in September 2003, the International Bureau of Credit information in London reported the following on South Ocean:

Main share holder: South Ocean Knitters (South Ocean Group) is owned by a holding company in the tax haven British Virgin Island [the same location as the primary shareholders of Sunrise and New Products]... Novel Enterprises Ltd and Gracedon Knitters are two of the subsidiaries of South Ocean Knitters.

The purpose of highlighting the links between Tommy Hilfiger, South Ocean, Novel, Gracedon, Champion and the factories in Mae Sot is to indicate the complexity of the textile and garment supply chain and the management of this chain. It also emphasises the difficulties posed in adhering to corporate codes of conduct, which major labels such as Tommy Hilfiger cite as their way of ensuring labour standards in the production of their products (see <http://www.tommy.com/info/code-of-conduct.jhtml>).

Implications for Mae Sot

The economic development of late developing economies like Thailand owed much to the expansion in labour intensive industries. Thailand's industrialisation saw textile and garment manufacturing, first established in the 1960s, play a significant role in the expansion of export-oriented industrialisation (Hewison 1989; 1997). Over the past two decades the BOI has promoted Thailand as a secure place for investment, with abundant and cheap labour. There is also the reality that investors realise that there is a lack of adherence to labour laws, and this "ease of doing business" is sometimes attractive, especially in textile and garment production, where there is often a desire for an easily controlled workforce.¹⁹

In one of its responses to NCA's report and questions, the Tommy Hilfiger company wrote a letter to Thailand's Minister of Labour, stating that the products being made in Mae Sot were unauthorised and contradicted their corporate code of conduct (see <http://www.tommy.com/info/values.jhtml>). While counterfeiting is not his Ministry's responsibility, the letter urged the Minister to ensure that counterfeit production was prevented. The company's letter, written

in terms that do not specify particular companies or problems, can be seen as an effort to shift responsibility to the government.

Global supply chains pose serious dilemmas for some international companies. Through years of consumer campaigning, major textile and garment corporations have begun to respond positively to demands for better regulated factories.²⁰ But this fact creates a dilemma for those who publicise the production of branded products in places like Mae Sot. These corporations make much of their codes of conduct and there is always the possibility that negative publicity about labour standards will cause the companies to cut and run, with workers losing their jobs, even if these are poorly paid and have poor conditions. In addition, international campaigns sometimes draw criticism from the Thai government and some labour organisations as it is claimed that international pressure causes orders and jobs to be sent to countries where factory-level monitoring is less effective or absent.

The Mae Sot case challenges trade unions and labour rights organisations by demanding that they focus on the entire supply chain rather than just the consumer demand end that stresses factory-level conditions (see AMRC 2004). Clearly, it is unacceptable to allow corporations to exploit workers for fear that they will relocate if criticised. It is also unacceptable that international brands use suppliers who exploit workers. At the same time, it is important to consider the situation that faces workers within supply chains, where they are often exploited, but remain keen to have opportunities to work.

CONCLUSIONS

As outlined, the situation in Mae Sot makes it difficult for organisations to operate effectively in support of Burmese workers. In mid-2004 there were no Thailand-based organisations working specifically on labour issues in Tak. As we have shown, migrant workers are in a vulnerable situation and greater organisational and protection efforts are needed. This organisational and political weakness is in stark contrast to that of employers who enjoy the support of the state. This imbalance makes it difficult for workers to organise to protect or promote their rights. The handful of Burmese organisations attempting to assist workers is limited because of their problematic legal status in Thailand and the intimidation prevents them from operating without fear of reprisals.

Structural factors promote the exploitation and human rights violations of Burmese migrant labourers. Burmese leave Burma due to political oppression and socio-economic hardship, and subsequently have a high threshold for the difficulties they endure in Thailand. Thai authorities and employers, regardless of nationality, are eager to exploit this vulnerability in their effort to maximise profits. A lack of corporate social responsibility and adherence to corporate codes of conduct means workers at the bottom of the supply chain, in places such as Mae Sot, produce textiles and garments and other products for developed country markets in a state of constant exploitation and oppression.

It is obvious that Burmese migrant workers in Thailand face a myriad of human rights issues in Thailand and Burma. Denying the freedom to organise effectively undermines any attempts by migrant workers to improve their situation.

The policy of the Thai government towards Burmese refugees and migrants is changing. Prime Minister Thaksin Shinawatra's government has forged closer economic and political ties with the Burmese junta and this has involved an increasingly hard-line stance towards Burmese migrants and refugees. Some million and a half Burmese migrant workers in Thailand are now stuck between one the most brutal military dictatorships in the world, and a Thai government intent on maintaining good relations. While the Thai government trumpets "constructive engagement," there is no doubt that the government's attitude is driven by business interests.

It is worth noting that the traditional gap between migrant support organisations and workers, and Thai labour organisations has been reduced over the last year or so. This, in combination with greater advocacy for migrant rights – by Thailand's Human Rights Commission, international and global trade unions, academics in Thailand and the region, governments and human and labour rights organisations both in the region and internationally – is creating space and the potential for greater transparency and respect for labour rights and adherence to labour laws and standards. It may enhance the ability of migrant workers to organise and improve work conditions, but the struggle will still be a long and difficult one.

NOTES

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² On conditions in Burma, see Human Rights Watch (<http://hrw.org/doc/?t=asia&c=burma>), The Burma Campaign UK (<http://www.burmacampaign.org.uk/index.php>), and Smith (1999).

³ The exchange rates used are: 1 baht=22 kyat, US\$1 = 855 kyat, US\$1 = 40 baht.

⁴ The draft Labour Relations Act proposed by the government and amended by Council of State was to replace the 1975 LRA and was approved in principle by the Cabinet on 1 December 1998, and was ratified by the Council of State and the Cabinet in 2004. One article of the proposal aims for the "Revocation of legal qualification that any founding member of a labour union or any union official must be of Thai nationality."

⁵ The information presented summarises selected events in specific factories and is not comprehensive in terms of organisational activities, workers' actions or labour problems in Mae Sot. This account is based on information releases from Yaung Chi Oo Workers Association (YCOWA) and, from the end of 2003, the Action Network for Migrants (of which YCOWA is a member). These sources were supplemented by discussions and interviews with members of the organisations and workers and by media and other reports.

⁶ YCOWA's work in Mae Sot was recognised with the South Korean Tji Hak-soon Justice and Peace Foundation announcement that YCOWA would be its 2004 Justice & Peace Awardee (*The Irrawaddy* 23 November 2004).

⁷ The Labour Protection Officer who made the order was soon transferred.

⁸ See the web site <http://www.wtichina.com/comm/showoffer.aspx?PageId=20770>, World Trade Online, which profiles King Body Concept.

⁹ In 2003, the seven day clause was to be phased out under the Thailand-Myanmar Memorandum of Understanding on labour.

¹⁰ For more detailed information on this case see Asian Human Rights Commission (2003b).

¹¹ The information in this section is drawn from a series of Information Releases provided by the Action Network for Migrants, the first on 14 December 2003. These releases are available from: <http://www.thailabour.org/news/archive.html>. Other information on this case can be found at: <http://www.december18.net/web/docpapers/doc1027.doc> and Seng (2004).

¹² There is no minimum wage in Hong Kong, except for foreign domestic servants (Chiu 2002).

¹³ Harassment affects many NGOs in Mae Sot. Tak FTI has complained about organisations including the Mae Tao clinic (known as Dr. Cynthia's), which provides migrants with free medical assistance.

¹⁴ There are numerous reports on these matters. See GlobalSecurity.org (<http://www.globalsecurity.org/military/world/war/thai-drug-war.htm>), and Human Rights Watch (<http://www.hrw.org/doc?t=asia&c=thaila>) and Amnesty International (<http://www.amnesty.org/ailib/aireport/index.html>). For reports of police activities against migrants, see Myint (2004) and Pim (2001).

¹⁵ The ALRC statement to the UN is available at: <http://www.alrc.net/pr/mainfile.php/2004pr/61/>

¹⁶ Details of the registration process are available at <http://www.thailabour.org/past/wnews-index.html>, prepared by the Action Network for Migrants and in Arnold (2004).

¹⁷ The information used in this section is based on NCA and Erling Borgen's unpublished reports. For further information contact: fredrik.gjernes@nca.no.

¹⁸ The 2002 Annual Report for the Tommy Hilfiger Corporation lists Silas Chou as Co-Chairman of the Board. Lester Ma is listed as a Director (Tommy Hilfiger Corporation n.d.: 2, 16).

¹⁹ The monitoring of labour standards is the Ministry of Labour's responsibility. However, at a 31 August 2003 conference, questions were raised about this and BOI's claim that they promote adherence to labour laws. Chokdee Sangkaew, Director of BOI, stated that when BOI promoted companies violate the law, they will be "punished" (see ACILS 2003).

²⁰ Of course, there remain many firms, particularly the "generic" brands and East Asian transnational manufacturers, of which there is little consumer awareness or pressure.

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