

Rethinking Border Management: A Human Security Approach to Combating Human Trafficking in the Mekong Subregion

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Abstract

The research examined the relationship between border regulations, human trafficking, and human security in the Mekong subregion. The research applied a qualitative case study methodology to analyze border management policies from 1993 to 2023, employing the first and second-generation human security concepts as a theoretical framework. By focusing on specific regulations and agreements within the Mekong Subregion, the research assessed their ability to address transnational threats such as human trafficking. The findings reveal that while political and economic dimensions dominate, critical aspects of human security – such as personal, environmental, and community security – are often overlooked. Only 23% of border regulations explicitly address human trafficking, reflecting the persistence of state-centric, first-generation approaches that prioritize sovereignty and economic interests over people-centered solutions. The second-generation human security framework highlights the need for a multidimensional, collaborative approach to border management. However, the research analysis shows that existing policies fail to fully integrate human security dimensions, leaving significant gaps in addressing systemic vulnerabilities. This research contributes theoretically by bridging human security concepts with international relations studies, offering a more comprehensive understanding of border management's role in combating human trafficking. Empirically, it critically evaluates policy gaps and their implications for regional governance. By integrating human security principles, border management frameworks in the Mekong Subregion can better address the root causes of human trafficking, providing both theoretical advancements and practical insights for policy development.

Keywords: Mekong Subregion, human security, border management, regulations

Introduction

Equitable development covers urban areas in a country and ideally includes communities in border areas. Several empirical pieces of evidence show that the success of border management not only brings prosperity to local communities but also increases the intensity of the economy between countries (Scott & Liikanen, 2010; Carter & Goemans, 2018; Hastings & Wang, 2018; Vinokurov et al., 2022; Moorthy & Bibi, 2023). The Schengen visa, for example, has activated the mobility of people, goods, and services, improving the economy and more strategic cooperation relations (Popa, 2016; Felbermayr et al., 2018; European Commission, 2024). The management of the borders between the European Union (EU) member states enlivens the dynamics of the borders of each country.

In the Mekong Subregion, the cooperation among countries contributes to the economic growth. Between 1993 and 2018, the Mekong Subregion experienced an average annual economic growth rate of 6.3%, with Gross Domestic Product (GDP) per capita rising by 5% annually and intra-regional trade expanding 90 times over (Duong et al., 2020). Thailand has 59 projects valued at around US\$ 16 million (Embassy of The People's Republic of China in the Kingdom of Thailand, 2023). The Great Mekong Subregion (GMS) programs had reached around \$30 billion in 2024. The program connected over 1,000 km of railway lines and installed over 3,000 megawatts (Greater Mekong Subregion, 2023). The hydropower project also significantly accelerated energy trade among six countries for 10 years (2012-2022), achieving annual 5% of GDP growth (Shin & Lee, 2024). The mobility of people in the tourism sector peaked in 2019 at approximately 33.7 million before plummeting significantly in 2020 due to the COVID-19 pandemic (ASEANStats, 2023).

On the other hand, the development in the Mekong Subregion also brought broader challenges. From an environmental perspective, hydropower projects harm farmers and fishermen from the upper to the lower Mekong basin. Additionally, uncontrolled development has led to land and water degradation, while deforestation and severe flooding pose ongoing threats to the region's member countries (Corrado et al., 2023; UNODC, 2019a). Furthermore, illegal drug trafficking has increased sharply along with various infrastructure development projects that have opened connections between countries. For example, in 2018, Thai law enforcement seized 17 times more methamphetamine than was confiscated over the entire previous decade (UNODC, 2019b). Based on the International Centre for Prison (ICPS), the female prisoners increased by an estimated 40% from 2000 to 2023 (Walmsley, 2014). Lastly, the COVID-19 pandemic significantly decreased the number of tourism visitors within the subregion by over 99,66% from 1,538,767 in 2019 to just 5,222 in 2021 (ASEANStats, 2023).

Despite various mechanisms for countering human trafficking through the years, Mekong Subregion countries still face critical issues (Pearson et al., 2005; Surtees, 2017; Division of Anti-Trafficking in Persons (DATIP) & Japan International Cooperation Agency (JICA), 2019; UNODC, 2024). The research explores how border regulations in the Mekong subregion incorporate human security dimensions in addressing transnational issues, particularly human trafficking. Unlike previous research that primarily focuses on multilateral cooperation or specific sectors, such as natural resource management in the

Mekong region, this research aims to provide an empirical contribution by situating the human security framework more explicitly within border management policies in Southeast Asia. The novelty of this paper lies in its emphasis on integrating human security into border regulation, moving beyond traditional state-centric or crime-focused approaches.

The research argues that regulations built by each country or multiparty are still conducted with the mindset of economic development and neglect border and humanitarian aspects. National laws from each country barely consider human security frameworks as the baseline in formulating the act. Furthermore, bilateral and multilateral agreements do not protect migrant workers or victims of human trafficking at the border. Theoretically, the paper can provide input for expanding the analytical thinking framework related to more humane and comprehensive border management.

Literature Review and Analytical Framework

The research on human security places a "people-centered" approach at the core of its analysis. Over time, it evolves through two generations. The first generation, introduced by the United Nations Development Programme (UNDP), proposes dimensions of human security to provide more detailed and measurable indicators (UNDP, 1994). However, these seven indicators have proven challenging to fully implement in practice. Scholars have critiqued the fragility of this framework in addressing increasingly complex global issues, its inability to avoid the perception of liberal interventionism, and the irony of relying on state actors as the sole legal executors with binding authority. Another critique highlights the instructive nature of the framework, which is often promoted by developed countries and international regimes to developing nations (Booth, 2007; Grayson, 2008; JICA Ogata Sadako Research Institute for Peace and Development, 2022). It is difficult for developing countries to adapt, as they are frequently part of the root causes of insecurity due to their inability to fulfill their citizens' basic needs.

The concept of human security emerged from the need to protect civil rights and the state's right to defend its sovereignty. The United Nations (UN) developed the framework under the United Nations Development Programme (UNDP), introducing seven dimensions of security with a development-oriented focus (UNDP, 1994). The sectors in question include economic, food, health, environmental, individual, community, and political security (UNDP, 1994). A few roots of insecurity in the seven sectors are used as the basis for action to promote human security. Table 1 shows types of human insecurity and the root of the problem according to the UNDP report.

Table 1 Type of Human Insecurity and the Root Causes based on UNDP

Type of Insecurity	Root Causes
Economic	Persistent poverty, unemployment, lack of access to credit and other economic opportunities
Food	Hunger, famine, sudden rise in food prices
Health	Epidemics, malnutrition, poor sanitation, lack of access to basic health care
Environmental	Environmental degradation, resource depletion, natural disasters
Personal	Physical violence in all its forms, human trafficking, child labor
Community	Inter-ethnic, religious, and other identity-based tensions, crime, terrorism
Political	Political repression, human rights violations, lack of rule of law and justice

Source: (UNDP, 1994)

Over time, human security has become a tool to justify various UN policies and the European Union (EU) in addressing global issues such as climate change, disease outbreaks, terrorism, and human trafficking (United Nations Educational, Scientific and Cultural Organization, 2008; United Nations Trust Fund for Human Security, 2017). Within the collective security framework, human security has been brought into deeper realms, involving multiple actors—UN member states—acting together under agreed-upon humanitarian operations. However, these actions often maintain liberal-democratic hegemony favoring Western powers in regions deemed conflict-prone or developing areas labeled as weak states or even failed states (Newman, 2020; Martin & Owen, 2010). Another critique of the implementation of first-generation human security is its alignment with securitization, which has been subject to misuse by states. Stakeholders have politicized specific issues, framing society or individuals as threatened objects (Neocleous et al., 2011; Zedner, 2009; Chandler, 2008; Buzan, 2004) from external actors (Mateos & Dunn, 2021). At this securitization stage, human security is often used to justify extreme policies and as a pretext to override established norms and regulations. Consequently, even when such issues are successfully suppressed, minimized, or eliminated, their recurrence or worsening remains possible because the individuals involved are not provided with a sense of legal security or a sustained commitment to protection. Without addressing these gaps, the potential for instability and insecurity at borders will persist, undermining long-term solutions.

Martin and Owen (2010) propose a new concept of human security called the second-generation human security. While the first generation focused on protecting individuals from threats and fostering development, the second generation offered a system to support these efforts. Their work offers a more refined conceptualization of human security grounded in a post-liberal peace perspective. This concept has been further developed by the Human Security Study Group (2016), and Kaldor, Rangelov, and Selchow (2018).

Based on EU perspective, the concept of human security has been further developed against the backdrop of ongoing wars and conflicts in various parts of the world, which are

likely to affect European stability. New instruments are proposed, including multilateral diplomacy at multiple levels, a focus on impartial justice, smart sanctions involving local communities, adherence to international law, and efforts to combat corruption, predation, sectarianism, and impunity – prioritizing these over introducing neoliberal reforms. Civilian-based missions are also envisioned, combining humanitarian workers, human rights observers, legal experts, police, and military personnel when necessary, emphasizing the inclusion of both men and women (The Human Security Study Group, 2016).

Concerning border issues, The Human Security Study Group (2016) briefly discussed the formulation of border security policies during the 2015 refugee crisis. The group argued that these policies reflected the failure of European states to address the migrant crisis as a global issue that affects not only Europe but also other regions worldwide. Moreover, Suhrke (2003) has long criticized the securitization of borders to block the arrival of foreign migrants for fundamentally neglecting humanitarian principles.

Focusing on Europe and the EU, Kaldor et al. (2018) advance the concept of second-generation human security by addressing crises in 21st-century conflicts. Kaldor and colleagues sought to reinforce human security by positioning it as a practical strategy in response to global and regional conflicts. This strategy must originate from both local and international contexts rather than being purely instructive, as was criticized in the first-generation concept.

In this framework, international law is reinterpreted as an instrument that empowers local groups to reduce violence and enhance community security, protecting individual rights. In certain situations, international intervention may be necessary to achieve human security. When this occurs, the concept emphasizes the importance of community engagement and the ability to manage the interests of foreign and private actors involved.

This expanded framework also includes a broader range of grassroots actors, such as local activists, community leaders, women’s groups, professional organizations, and critical intellectuals, aimed at transforming social conditions toward a hybrid peace. Collaborative initiatives to achieve this condition encompass political, economic, and security dimensions, cutting across local, national, regional, and global levels.

The concept of human security continues to generate debate, as its practical implementation has fallen short of achieving the outcomes envisioned by its advocates. Newman (2020) identifies key gaps, including the challenge of preserving the concept’s original intent while ensuring tangible policy impacts despite its normative appeal and longstanding analytical weaknesses (Newman, 2004, 2010). He underscores the need to refocus human security on pressing global issues – such as armed conflict, disease prevention, and human trafficking – through interdisciplinary research and targeted policy efforts. To address these challenges effectively, future approaches should prioritize operationalizing policies over conceptual debates, positioning human security as a practical and ethical framework for addressing emerging global threats.

Despite advancements in human security discourses, Southeast Asia remains underexplored as an empirical focus, with much of the literature concentrating on regions like Europe, Africa, and the Balkans (Moyo et al., 2021; Panebianco, 2021, *The International Conference on the Great Lakes Region (ICGLR)*, 2006; United Nations Educational, Scientific and Cultural Organization, 2008). Existing studies in Southeast Asia often adapt the UNDP's 1994 framework, examining the region's diverse political, economic, ethnic, and geographic contexts through issues like migration, human trafficking (Ford et al., 2012), and climate change (Elliott & Caballero-Anthony, 2013). The Association of South East Asia Nations (ASEAN) is viewed as a potential promoter of human security, though its principles of non-interference and consensus-building limit systematic integration of the concept, especially in areas like civil society mobility and refugee protection (Oishi, 2016). Non-governmental organizations (NGOs) also play a significant role in addressing community vulnerabilities (Carnegie et al., 2016). In the Mekong region, human security research primarily addresses non-traditional security issues, including environmental challenges, food security, health, transnational crime, and human trafficking (Chantavanich, 2020; Shimazaki, 2021). These partial analyses highlight the region's complex vulnerabilities and the multifaceted nature of human insecurity.

Previous research has highlighted the importance of collaborative roles for state and non-state actors, both domestically and externally, including community organizations, international governmental organizations (IGOs), and international non-governmental organizations (INGOs) (Caballero-Anthony, 2004; UNODC Regional Office for Southeast Asia and the Pacific, 2023). These collaborations aim to maximize resources and ensure targeted outcomes. However, they also underscore the inability of states to meet the demands for human security enforcement. Unfortunately, agents within state governments, from central to local levels, are often complicit in perpetuating insecurity.

Several scholars have explored border regions as critical areas of vulnerability that contribute to human insecurity due to escalating conflicts among bordering entities. Borders are perceived as weak points for central government oversight, enabling the establishment of hubs for illicit economic activities such as casinos, human and goods smuggling, and money laundering (GI-TOC, 2023; Molland, 2012; Ullah & Hossain, 2011; Wagner, 2021). Johnson et al. (2020) propose guidelines to address human trafficking from the experience of five ASEAN countries, including Cambodia, Laos, Thailand, and Vietnam. The border check-up procedures help identify trafficking victims. Border police play an important role in rescuing and protecting the victims at the frontline before being referred to other government agencies to provide initial guidance.

Guo (2005, 2015) highlights the complexities of border management through a regime-based framework, categorizing approaches into cooperative management, joint management, and third-party trusteeship. While these regimes focus on resource-sharing and conflict resolution, their implications for human security remain underexplored. For instance, internet access in border areas, which Guo identifies as crucial, underscores the need for equitable access that aligns with human security goals, but further research is necessary to integrate these aspects into border management frameworks.

Scholars linking human security with border management often adopt issue-centered approaches, with human rights serving as a focal point and human security treated as a secondary concern (Fontana, 2021; Panebianco & Tallis, 2022). Current border frameworks prioritize state or institutional interests, leaving people-centered approaches largely absent. Policies like the EU's Dublin and Interoperability Regulations illustrate this disconnect, as they emphasize territorial security over human security, often at the expense of vulnerable populations, including refugees and children (Casagran, 2021; West et al., 2021).

In the Mekong subregion, borders are identified as hotspots for human trafficking due to inadequate border controls and weak victim support systems (Chantavanich, 2020; JICA, 2022). Although initiatives such as the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) and the United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT) have established standards for victim identification and repatriation, their implementation remains inconsistent. Although countries like Laos and Vietnam have bilateral frameworks, regional efforts still lack the integrated border management to address trafficking comprehensively (ASEAN, 2016a). Additionally, resistance from countries such as Cambodia and China to adopt international guidelines reflects broader challenges in aligning border policies with human security principles (Plümmer, 2022).

Debates surrounding the role of non-state actors in border management add another dimension to this issue. While IGOs, NGOs, and private entities promote human protection, their involvement often raises concerns about state sovereignty and the ethical management of personal data collected at borders (Ford & Lyons, 2013; ODIHR, 2021). These dynamics highlight the urgent need for a balanced approach that integrates human security into border governance while effectively addressing both state and non-state roles. The discourse shows a paradigm shift between the conceptualizations of first and second-generation human security. First-generation scholars emphasize a liberal perspective focusing on individual rights, whereas second-generation approaches have transformed to promote post-liberal values as an alternative to neoliberal reforms. Furthermore, the first generation relied heavily on states and supranational institutions to manifest the concept. In contrast, the second generation mobilized non-state actors such as civil society, stakeholders, and other multilateral participants to engage in long-term, sustainable processes.

While first-generation human security focused on preventive and mitigative measures against threats, the second generation extended its scope to include crisis management and reconstruction. In pursuing collaborative human security, international institutions such as the UN and the EU have become key units of analysis. Their attempts to institutionalize this concept internally and externally have been tested, yielding both positive outcomes and unintended consequences. However, there remains a need for more interdisciplinary studies that can explore the deeper internalization of human security, both in terms of policy and implementation, to ensure that all dimensions of individual human security are adequately protected.

Non-state actor involvement remains a dilemma. On one hand, these actors support governments in advancing human security. On the other, asymmetric dependency may

tarnish the image of the state. The capacities of nations and international organizations to address this issue vary significantly. For developed countries and well-established regional organizations like the EU, systematic proposals are carefully designed to incorporate non-state actors into formulating border regulations to safeguard human rights. The EU, for instance, strives to create a framework ensuring that third-party actors do not exceed their authority in managing borders. This framework includes regulating the handling of databases on individuals and goods crossing boundaries. However, such measures do not eliminate the risk of negative consequences, such as data breaches or misuse.

Developing countries, such as those in Southeast Asia, face significant challenges. Efforts to strengthen border management cooperation were only initiated in 2019 and have not resulted in specific regulations (ASEAN, 2024a). The current focus of such collaboration is predominantly aimed at combating transnational crimes, such as drug trafficking, human trafficking, and the illegal arms trade (ASEAN, 2024a; Johnson, et al., 2020), while mainly neglecting a people-centered approach. As part of Southeast Asia, the Mekong subregion is included in several cooperative action frameworks (ASEAN 2024b; Department of Foreign Affairs and Trade of Australia, 2021)

ASEAN has partnered with the EU to initiate regulatory frameworks under programs such as the EU-ASEAN Migration and Border Management Programme (ASEAN, 2016b). However, there has yet to be an integrative, region-wide regulation developed within the human security framework. Previous research on this issue have primarily been limited to the context of multilateral cooperation frameworks and specific sectors, such as the management of natural resources in the Mekong River Basin (Asian Development Bank, 2005; Campbell, 2016; Pitsuwan & Caballero-Anthony, 2014).

By examining the intersection of human security, border management, and human trafficking, this research bridges gaps in international relations scholarship that often separate these domains. The research provides a nuanced analysis of how Mekong Subregional cooperation, despite its current limitations, could evolve to align more closely with people-centered principles. Moreover, this research highlights the comparative challenges that developed countries in Southeast Asia face compared to more established regions like the EU, offering new insights into how international and regional organizations can address asymmetric dependencies and regulatory gaps. Through a content analysis of national and regional border management regulations, this research aims to deepen the discourse on how the principles of human security can be operationalized in a region where such integration remains underexplored.

Research Method

This research uses the qualitative method by focusing on case studies. Moreover, this research compares border management regulations at the national and regional levels, among countries, and between countries with international organizations. As Britannica (n.d) defined, regulation refers to the promulgation of targeted rules, typically accompanied by

some authoritative mechanism for monitoring and enforcing compliance. Regulations become essential instruments for the government to put in order all aspects within its territory and abroad, organize particular economic entities and activities, and maintain stability among diversity and heterogeneity (Chevallier, 2001; Olcese & Miranda, 2019). Feasible civilization will be preserved when the proper legal regulations are continuously produced and improved as the environment changes (Such-Pyrgiel et al., 2023).

A total of 40 regulations related to border management are collected from governmental and international government organizations (IGOs) websites of six Mekong countries. There are 23 national regulations, eight bilateral agreements and protocols, and nine multilateral agreements, including the Memorandum of Understanding (MoU). Official reports from research institutes, non-governmental organizations, and journal articles are also gathered to support the research. The document analyzes using content analysis methods (Schreier, 2012). By classifying regulations and agreements based on seven dimensions of human security by UNDP, the research starts by making the coding analysis baseline to determine whether it has been filled with the context of human security. Creating scales are used as the supporting tool for analysis. Three scaling ranges are provided as the guideline to categorize whether the regulation has met the indicators of each UNDP's human security dimensions. A scale of 0 denotes the complete absence of a dimension, 0.5 reflects partial inclusion, and 1 indicates full incorporation. In the next stage, the analysis explores to what extent the regulation meets the dimension's indicators and whether the regulations have accommodated efforts to combat human trafficking in the Mekong Subregion. Additional references, such as official report documents from government agencies and databases in each country, supported the investigation. Information from the Great Mekong Subregion database and academic reviews from journal articles enriched the findings.

Analysis

This section analyzes border management regulations and human trafficking issues from a human security perspective, with the Mekong subregion countries as case studies. It introduces border management regulations, produced nationally by six countries in the Mekong subregion, and some multilateral agreements for further analysis. The analysis focuses on two main points. First, assessing the availability of human security dimensions within these regulations and evaluating how well the articles align with the indicators of the UNDP's human security framework. The seven dimensions, central to the first-generation human security discourse, are used as the main element promoted globally. The section also explores how these regulations are interpreted through the second-generation human security perspective. Second, examining the extent to which these regulations have effectively addressed human trafficking issues. Findings and discussion enrich this section by capturing the pattern of border management regulations in the subregion and how they can be improved to complete the core of human security principles and resolve the threats in human trafficking and other potential threats ahead.

Border Management in The Mekong Subregion

The Mekong River is one of the strategic natural resources that connects five Southeast Asian countries with one major country in the East Asia region. Cambodia, Laos, Myanmar, Thailand, Vietnam, and China are the member countries of the Mekong subregion. In 1992, these countries agreed to develop their multi-party cooperation with the assistance of the Asian Development Bank (ADB), which was later known as The Mekong Subregion (GMS) (Asian Development Bank, 2005; Greater Mekong Subregion, 2024). Since then, land and water connectivity has developed, including border zones. This chapter examines the transformation of border management by each country under specific regulations. The regulations collected included national regulations and bilateral/multilateral involved state and non-state actors. Not all rules founded directly or specifically revolve around borders.

Laos

Regarding border management, Laos has several regulations for managing its land and rivers. The law on road transportation was published in 1997 to accommodate business activity (VERTIC, 1997). The updated Customs Law was released four years later, which stated the border as the place for goods mobility checkpoints, replacing the 2005 Customs Law (VERTIC, 2011). Other decrees were issued in 2015 and 2018 (Bank of The Lao P.D.R., 2014; Lao People's Democratic Republic, 2015; Ministry of Public Works and Transport, Lao PDR, 2019; VERTIC, 2021). Unfortunately, these two decrees only included administrative border management regulations. Arrangements for the entry and exit of people, goods, and services are regulated in it.

There is a special decree for managing the trade zone in Dansavanh, which has been in force since 2002 (Nouansavanh, 2010). In this Decree on the Dansavanh Border Trade Zone, some articles specifically regulate the movement of people in and out of Vietnam, which borders Laos in the east. Certain regulatory bodies at the local level have the authority to issue permits to enter and exit the area. Unique permit cards are issued to help identify the mobility of Vietnamese citizens (World Trade Organization, 2002). Meanwhile, with the Thai government, Laos signed an MoU on handling the issue of human trafficking (UN Women, 2013). Laos also received foreign assistance from Japan in designing energy supply projects to support cross-border development from 2014-2019 (Ministry of Foreign Affairs of Japan, 2012).

In a multilateral scope, the cooperation framework of the Great Mekong Subregion (GMS), Laos and Thailand is connected through a bridge infrastructure project that connects Khammouane Province in Laos with Nakhonephanom Province in Thailand (Nouansavanh, 2010). Further expansion of cooperation is directed at energy, telecommunications, tourism, agriculture, environmental maintenance, human resource development, investment, and trade promotion (Nouansavanh, 2010). Apart from the GMS, other cooperation frameworks focus on providing alternative funding sources to realize land connectivity in the Southeast Asian region. The Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy

(ACMECS) was formed in 2018 by Laos, Thailand, Myanmar, Cambodia, and Vietnam. Unfortunately, this collaboration was a vacuum due to initiatives from the United States, China, South Korea, and India trying to hook these countries separately (Thalang et al., 2023).

Unfortunately, the orientation of border management in Laos is still dominated by the need to build infrastructure. The aspect of human security has not become a priority concern. The MoU on handling human trafficking faces challenges because the costs to be incurred by prospective migrant workers from Laos to Thailand are still relatively expensive, which is around 18,000 baht. These funds are used to take care of agency fees, additional costs upon arrival in Thailand, residence permit fees, costs for purchasing work application forms, medical examination fees, and transportation costs from the border to the destination workplace (Chalamwong, 2011).

Thailand

Meanwhile, border management in Thailand is no less complex. This country, which is the destination of legal and illegal migrant workers from neighboring countries, must think hard to reduce the high number of transnational crimes, which, among others, occur in border areas. From the 1990s to 2011, Archavanitkul and Hall (2011) identified a few efforts made by the Thai government in dealing with the issue of human trafficking, especially the sector of low-skilled illegal migrant workers. Several laws were published and implemented nationally to prevent and deal with this issue. Those are the 1996 Prostitution Prevention and Suppression Act, Labor Protection Act BE 2541 (1998), the 1997 Act concerning Measures to Prevent and Suppress Trafficking in Women and Children, the 2008 Alien Employment Act B.E. 2551, and the 2008 Anti-Trafficking in Persons Act B.E. 2551 (Chalamwong, 2011).

Within bilateral cooperation, Thailand entered MoU with neighboring countries such as Vietnam, Laos, Myanmar, and China. These MoUs seek to prevent and protect the human rights of migrant workers (Chalamwong, 2011). Unfortunately, according to Chalamwong (2011), this MoU has not been effective in dealing with human trafficking and border management issues. Lengthy and complicated procedures, low staff capacity, high cost of recruiting migrant workers, strict regulations in sending countries, and the lack of experience of migrant workers in the company environment are some of the obstacles they face. It is suggested to improve rules, strict law enforcement, and advocate more effective cross-border management by involving non-governmental organizations. Strengthening cooperation between countries through bilateral and regional cooperation is also another prescription.

Dialogue with international institutions such as the United Nations Office on Drugs and Crime (UNODC) shows Thailand's seriousness in managing borders (UNODC, 2022). All parties are committed to strengthening the border office network within the ASEAN Border Management Cooperation Roadmap framework. This cooperation framework between UNODC and ASEAN includes support for capacity building and preparing a better policy framework in border management. Thailand is noted to have 28 offices spread across the region bordering Myanmar, Laos, and Thailand. The activities include exchanging

intelligence information between neighboring countries, which has been carried out for years. The decline in illegal drug transactions is claimed as the success of this collaboration.

Besides state-to-state cooperation, Thailand has also tried collaborating with the social community to address migrant issues at the border. The government coordinates with civil society, including the Keng Tung MRC and the FOCUS Foundation, to pursue better foreign labor rights (International Labour Organization, Australian Aid, and Canada, 2023). However, the obstacle may remain because migrants still face difficulties obtaining new passports or other legal documents to support their legal existence across the border.

Myanmar

Myanmar's government faces a more complicated situation. The country's political and government conditions are fragile and are still dominated by the military junta. The Myanmar Special Economic Zone Law 2014 only informed the border as a gateway for international economic activity (Myanmar Law Information System, 2018). The current law was published by the government in 2022. The Myanmar Police Force Law mentions borders as the areas that need to be protected by special forces to prevent transnational organized crime threats. As a result, police forces are stationed on the border, collaborating with International Criminal Police Organization (INTERPOL) and other International organizations (Myanmar Centre for Law and Democracy, 2022).

All illegal migrant workers who come to Thailand, 80-90 percent come from Myanmar (Chalamwong, 2011). Most of those who cross are ethnic minorities in Myanmar who are afraid of the government's military action that discriminates against them. Even though there is a Ministry of Border Affairs, which legally has progressive tasks and programs, it focuses more on efforts to raise awareness of nationalism internally (Myanmar National Portal, n.d.). The flow of trade that crosses Myanmar's border areas benefits traders regardless of using formal or informal channels. Aung (2009) shows the critical role of informal liaison at the border. They are considered capable of turning the wheels of the economy and contributing to the lives of people around the border (Aung, 2009). The Martial Law No.8/2023 declaration also put people in townships near Thailand's borders, making it hard to cross the border (NPNews, 2023).

Bilaterally, Myanmar signed a border security protocol with China in 1997. This protocol regulates security movements at the border to prevent criminal acts (Ministry of Foreign Affairs People's Republic of China, 2018). Myanmar also signed an MoU with Thailand in 2003 to manage the flow of migrant workers. However, its implementation is questionable because of the high number of illegal Myanmar migrants who enter neighboring countries (McGann, 2013). Thailand receives support from Australian NGOs for handling the border related to the issue of increasing refugees from Myanmar to their country due to the political crisis that never subsided. This support includes managing refugee tents, providing food and health services, and providing vocational education (AusAid, 2012). However, landmines along the border between Thailand and Myanmar still exist, making the situation still dangerous (UNHCR, 2024).

China

The Beijing government released the Exit and Entry Administration Law in 2012 to manage the mobility of entry and exit people. Border management aspects are controlled in the context of people and goods inspections. The central government allows the provinces and autonomous regions that border with other countries to formulate local regulations and rules to manage the flow of residents in both areas under Article 90 (National Immigration Administration The People's Republic of China, 2012). In 2021, China tightened its border regulation by issuing the Land Border Law. This law is the first Chinese regulation focusing on governing the land border (NPC Observer, 2021; Wei, 2021). Furthermore, this law is enacted in response to the emergence of 122 illegal hubs along the northern Myanmar-China border, which became hotspots for drug trafficking, human trafficking, and prostitution (Gong, 2023). The law provides a detailed explanation of central government authority and the mechanism of intra-coordination among agencies at the multilevel. The central government gives certain a degree of flexibility in the border management toward local governments, but there's no standardization of border regulation and facilities (Plümmer, 2022).

Cambodia

The Cambodian government's attention to the border was established in the Law on Immigration published in 1994. The legislation manages the movement of foreigners living along the borders who have met specific requirements (World Trade Organization, 1994). The Cambodian government received the initiative proposed by the Chinese government to strengthen the community. After the summit meeting between the two leaders in early 2023, both agreed to address human rights advancement by fulfilling people's basic needs and countering the politicizing of human rights issues. Border management also stated the scope of countering illegal gambling, drug trafficking, and human trafficking. Exchange and sharing of information between officials is conducted under the China-Cambodia Law Enforcement Cooperation and Coordination Office (Ministry of Foreign Affairs and International Cooperation (MFAIC) Kingdom of Cambodia, 2023). This border issue can be considered new in the meeting agenda since the 2018 Joint Communiqué between the two governments did not raise it (Press and Quick Reaction Unit, 2018).

Vietnam

Vietnam's government had detailed regulations about borders so far among Mekong subregion countries. In 2004, regulation related to national security was released. Border areas such as land, sea, and air must be controlled with special measures. The border guards and civil officers were assigned and responsible for administrative and security purposes (International Commission on Jurists (International Commission on Jurists (ICJ), 2004). The Regulations on Land Border Gate was formulated in 2005 to manage the economic activity on the border. The mechanism for entry and exit of people and goods for export-import transactions is regulated in this decree (VERTIC, 2005). The following legislation released in

2014 complemented previous legislation published in 1997, 2001, and 2003 (Thu Vien Phap Luat, 2019; Văn Bản Pháp Luật, 2017). It regulated the activities of people and vehicles, and the responsibility for construction (Food and Agriculture Organization of The United Nations, 2014). Moreover, it put more concern on protecting the border areas from mismanagement of people activities. The environmental preservation aspect comes together with the prevention effort from illegal actions and transnational organized crime. The 2020 Law was released to strengthen the border defense. This regulation governed border management from peaceful to critical situations. International political aspects were also included with the involvement of the international community in managing borders through peaceful means (Vietnam Law & Legal Forum Magazine, 2021). At the multilateral level, China, Vietnam, and Cambodia signed a Memorandum of Understanding (MoU) to counter human trafficking in their region in 2004.

Discussion

Based on Guo's border management framework (Guo, 2005, 2015), countries in the Mekong Subregion exhibit varying levels of cooperation. Laos demonstrates level 2 cooperation, involving information exchange and occasional low-level meetings with Thailand. However, Thailand reaches level 4, regularly coordinating with neighbors and UNODC to manage and protect transboundary resources. In contrast, Myanmar, marked by conflict and negative cross-border impacts, remains at level 1, with minimal collaboration. None of the three countries implement claims-based joint management, relying on crisis-based approaches to address transnational crime. At the same time, only Thailand incorporates community-based resource management through partnerships with Australian NGOs. Despite having basic legal frameworks for border management, operational guidelines involving non-state actors are lacking, and bilateral agreements often fail in practice. Weak political stability, economic disparities, and precarious livelihoods render border areas vulnerable to threats like human trafficking, with victims frequently detained due to unclear legal statuses (Zimmerman, 2014).

From 1993 to 2023, Mekong Subregion countries enacted 40 national, bilateral, and multilateral border management regulations, with Laos and Vietnam leading in national-level frameworks. National regulations dominate, reflecting a state-centric approach focused on sovereignty and internal policy alignment. Bilateral agreements remain minimal, with Laos being slightly more active due to its landlocked position. Multilateral cooperation, though underrepresented across individual countries, gains prominence in the Mekong Subregion's four agreements with external actors, emphasizing international collaboration in addressing transnational organized crimes, such as human and drug trafficking.

The region prioritizes agreements with ASEAN, UNODC, and ADB, balancing infrastructure development with efforts to combat cross-border crime. However, the low participation in bilateral and multilateral agreements highlights gaps in regional cooperation. The reliance on national regulations and limited multilateral engagement indicates the need for more cohesive, people-centered policies to address shared challenges like economic

integration and human trafficking. External actors' involvement underscores the potential for greater international collaboration to enhance regional border governance and human security. Figure 1 illustrates the distribution of border-related regulations across the Mekong Subregion countries (1993–2023), categorized into national, bilateral, and multilateral frameworks.

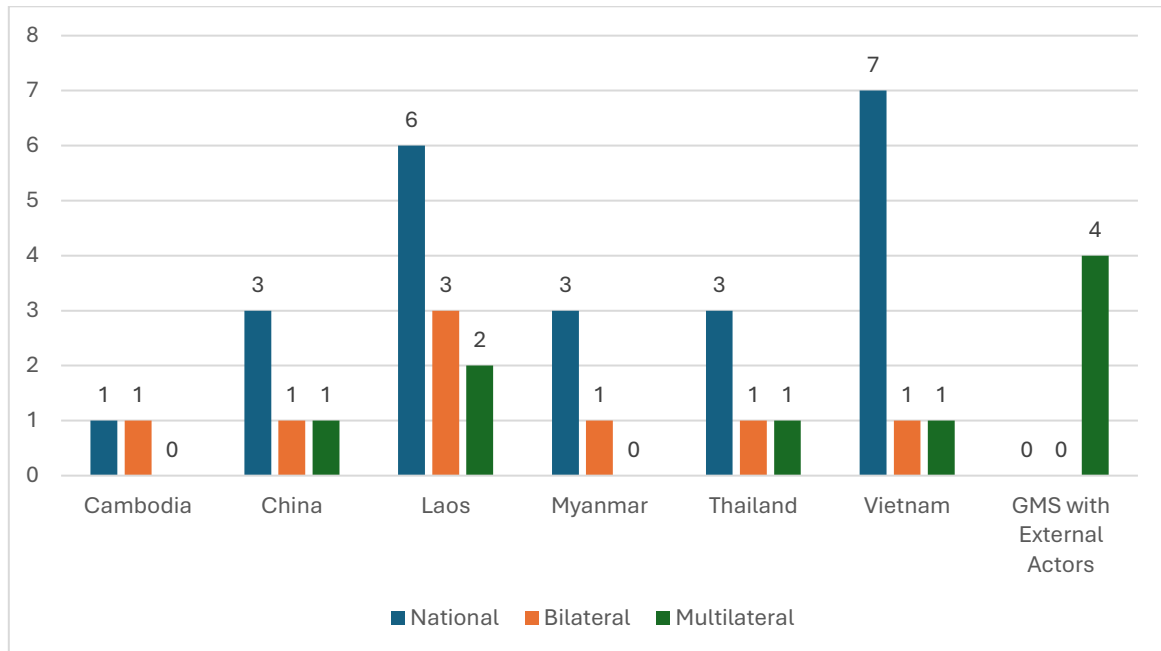


Figure 1 Regulation related Border of the Mekong Subregion Countries (1993-2023)

Sources: Collected by Authors from Various Resources

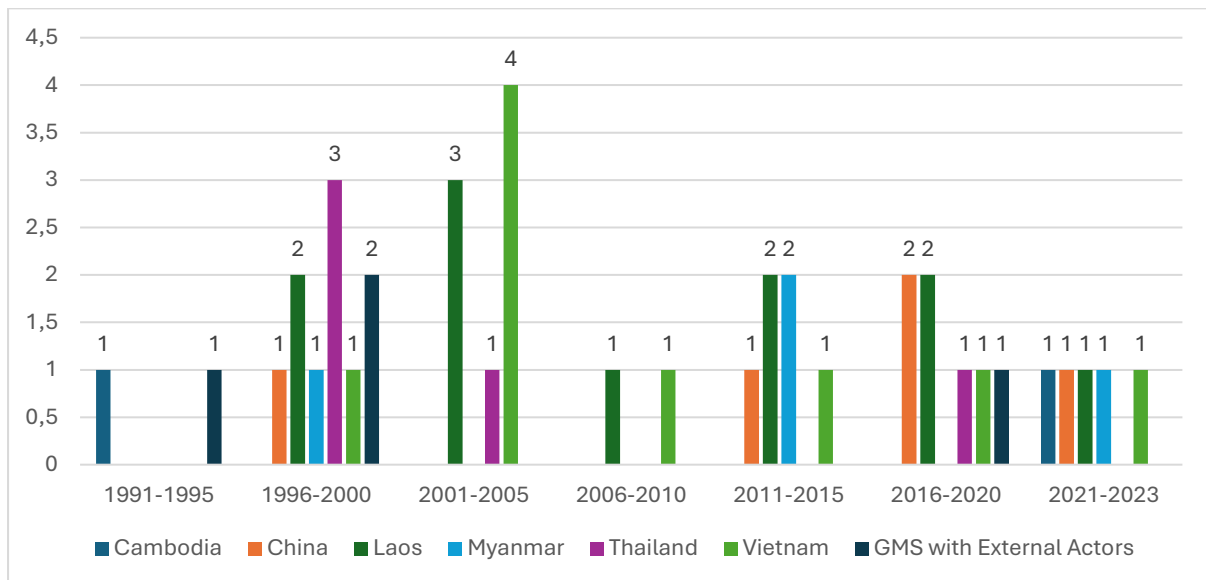


Figure 2 Timeline of Regulations Related Border Published by the Mekong Subregion Countries (1993-2023)

Source: Collected by Authors from Various Resources

Figure 2 displays the timelined border-related regulations in the Mekong subregion (1993–2023), highlighting the influence of historical and regional events on policy development. A regulatory peak between 1996 and 2000 coincided with the region’s transition from economic growth to the 1997 financial crisis. During this period, Thailand spearheaded initiatives focused on transportation and human security, exemplified by the formation of the Human Security Network. This period also saw the adoption of four national, two bilateral, and three multilateral agreements, signaling growing awareness of cross-border challenges.

From 2016 to 2023, regulatory developments reflected pre and post COVID-19 pandemic. Pre-pandemic efforts prioritized connectivity, such as border checkpoints and transportation infrastructure. However, in the post-pandemic years, the focus shifted to border security, driven by rising transnational threats like drug trafficking. During 2017–2021, methamphetamine seizures in East and Southeast Asia accounted for 44% of global distribution, highlighting the urgent need for strengthened border controls (UNODC, 2023a). Additionally, the 2021 military coup in Myanmar further intensified regional vulnerabilities, with border areas becoming hubs for illicit activities and refugee crises (UNODC, 2023b).

Despite the implementation of these regulations, human trafficking remains a significant challenge in the Mekong Subregion. By 2022, trafficking cases exceeded the global average by two points, aligning with global trends of increasing victim counts, which reached approximately 115,000 in 2022 (Global Initiative Against Transnational Organized Crime, 2023; Statista, 2023a; Statista, 2023b). This timeline underscores the need for more effective implementation of border management policies to balance regional connectivity and transnational security.

Based on The United Nations Trafficking in Persons (UN TIP) Protocol and the United States Trafficking Victims Protection Act of 2000 (TVPA), most of the countries in the Mekong subregion scored with Tier 3 for the last decade (2013–2023). A Tier 3 score indicated that the government is still considered to have not met the minimum standard of TVPA (U.S. Department of State, 2024). There have been periods when assessments placed some countries on the Tier 2 Watch List (2WL), which means the country has made significant attempts to comply with the TVPA’s standard but still has not yet fully achieved the standardization. There were no active or progressive efforts when the cases of human trafficking increased from 2022 to 2023. The highest-ranking position ever reached by Cambodia, Laos, Thailand, and Vietnam was Tier 2. Despite the failure to reach the minimum standard of TVPA, these countries were still acknowledged for their efforts to comply with the standard (United States Department of State, 2023).

The failure of governments to improve this situation is rooted in several factors, such as fragile institutional infrastructure and widespread corruption among government officials, both at the central and local levels, particularly along the borders (UNDP, 2017). Insufficiency in criminal justice reform worsened the condition (Ropes & Gray, 2021; UNODC, 2019). Governments tend to focus more on addressing external perpetrators while neglecting the systemic issues within institutions that perpetuate the persistence of the problem. Table 2 shows the dynamic status of the trafficking in-person index.

Table 2 Trafficking in Person Index of Mekong Subregion Countries 2013-2023

No.	Country	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
1	Cambodia	2WL	2WL	2WL	2	2	2	2WL	2WL	2WL	3	3
2	China	3	2WL	2WL	2WL	3	3	-	3	3	3	3
3	Lao PDR	2	2WL	2WL	2WL	2WL	3	2WL	2	2	2	2
4	Myanmar	2WL	2WL	2WL	3	2WL	3	-	3	3	3	3
5	Thailand	2WL	Tier 3	3	2WL	2	2	2	2	2WL	2	2
6	Vietnam	2	2	2	2	2	2	2WL	2WL	2WL	3	2WL

Source: (US Office to Monitor and Combat Trafficking in Persons, 2024)

Note:

WL: Watch List

The social welfare indices in three countries, such as Myanmar, Laos, and Cambodia have not improved much over time. Domestic political instability adds to society's vulnerability. About 85% of cross-border movement from Laos to the outside is illegal (UN Women, 2013). In 2006-2010, the number of illegal migrant workers from Myanmar, Laos, and Cambodia who entered Thailand ranged from 500,000 to 1 million people.

In dealing with the issue of illegal migrant workers and human trafficking, border control has not been one of the major investment sectors among numerous efforts from academic and practitioner perspectives. The need for multi-actor involvement in border security proposed by Niyomrerks, the Deputy Permanent Secretary Ministry of Foreign Affairs Thailand (Border Management Conference, 2010). The need for multi-actor involvement in border security is proposed by Niyomrerks, the Deputy Permanent Secretary of the Ministry of Foreign Affairs Thailand (Border Management Conference, 2010). The protective procedure on personal documents check-ups at the border checkpoint, especially for children, is also part of the NGO's concern as they become easy targets for this crime (World Vision Australia, 2014). The presence of Border Liaison Offices supports the identification of human trafficking cases and raises closer inter-state engagement to address it. Furthermore, bilateral cooperation mechanisms, such as the Border Cooperation on Anti-Trafficking in Persons, also conducted between Myanmar and Thailand (Division of Anti-Trafficking in Persons (DATIP) & Japan International Cooperation Agency (JICA). However, Division of Anti-Trafficking in Persons (DATIP) and Japan International Cooperation Agency (JICA) (2019) also revealed the challenges arising from numerous agreements, policies, and guidance from the cooperation.

The proportion of regulations and agreements in the Mekong Subregion and its international partnerships that explicitly address human trafficking as a threat and provide mechanisms to combat it reveals a stark disparity. Only 23% of the regulations and agreements directly address human trafficking. So, less than one-fourth of the policy frameworks in the Mekong Subregion explicitly recognize human trafficking as a significant threat or include specific mechanisms to address it. The remaining 77% of the regulations and agreements do not address human trafficking directly. These policies likely prioritize broader issues such as trade facilitation, economic development, or cross-border movement of goods

and people, often sidelining critical human security concerns. Considering that the Mekong Subregion is a hotspot for human trafficking, the limited number of regulations targeting this issue highlights a significant policy gap. This lack of focus undermines efforts to protect vulnerable populations and combat transnational crimes effectively.

The small percentage of regulations addressing human trafficking reflects a potential misalignment between regional and international priorities. This underscores the need for more vital collaboration between Mekong countries and their global partners to develop comprehensive frameworks integrating human trafficking prevention and protection mechanisms. Figure 3 presents an analysis of border regulations in the Mekong Subregion based on the seven dimensions of human security as defined by UNDP. Moreover, Figure 3 compares the total regulations (blue line) with elements of all human security dimensions (orange line), using a scale where 0 indicates the absence of any dimension, 0.5 represents partial inclusion, and 1 represents full inclusion.

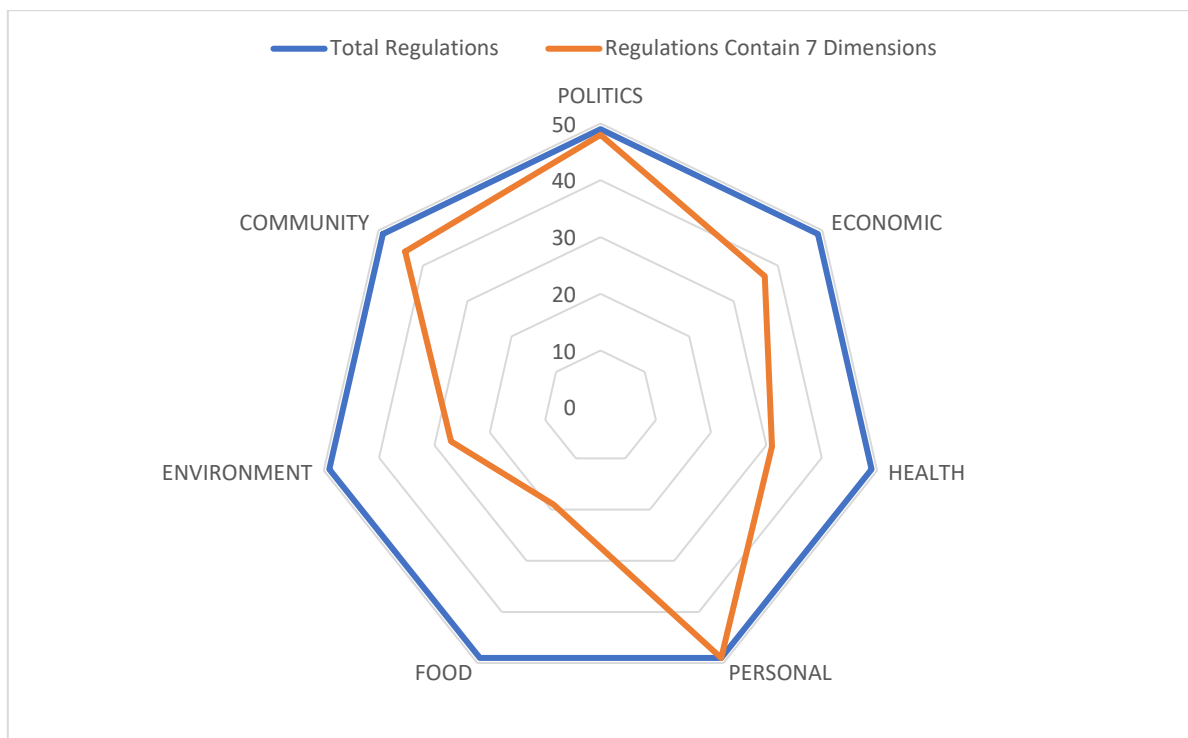


Figure 3. Regulation's Analysis of the Mekong subregion Borders based on 7 UNDP's Human Insecurity Dimensions

Source: Author

The analysis of border regulations in the Mekong Subregion highlights critical gaps in integrating the seven UNDP human security dimensions. Political and economic security dominate, reflecting a state-centric approach driven by governance and trade priorities. Political dimensions focus on territorial protections and coordination mechanisms among actors but neglect the civilian impacts of disputes, such as Rohingya refugees being forced back into Myanmar by Thai authorities (Human Rights Watch, 2023). Bribery, such as the

15,000-baht fee for smuggling or trafficking persons (Duncan, 2022), further undermines personal security.

Health-related regulations in the region remain reactive, emerging temporarily during crises like the COVID-19 pandemic (Laocharoenwong, 2020). While ADB-supported projects in Laos emphasize disease prevention and health protection (Asian Development Bank, 2010), healthcare policies still exclude undocumented migrants, leaving survivor of human trafficking in precarious situations (Ropes & Gray, 2021). Female migrant workers face cultural barriers to reproductive healthcare, influenced by beliefs about karma (Brase, 2020). Moreover, competition among ex-trafficking victims further complicates anti-trafficking efforts (UNODC, 2019a). While infrastructure projects, like the China-Vietnam adaptive mechanism, contribute to economic security (Speelman, 2022), protections for migrant workers remain inadequate, allowing illegal labor markets to persist at borders. Food security is also inadequately addressed, as dams disrupt essential ecosystems for agriculture and fisheries in the Mekong River. Comprehensive public health policies are needed to protect biodiversity, food security, and livelihoods along the Mekong River (Manohar et al., 2023; Park, 2022).

Community security is strained by social inequalities and informal networks sustaining trafficking at the Thailand-Laos border. While shared tribal identities reduce internal conflict, illegal migration and social disparities contribute to rising criminality and systemic harm. Trafficking victims often become brokers, perpetuating exploitation (Molland, 2012; Senawong, 2019). This condition reflects a lack of inclusive regulatory framework to harmonize border communities. Environmental security suffers from weak regulations and law enforcement, with ecological damage from hydropower projects and rising sea levels. Vietnam's environmental policies lack enforcement mechanisms for restoration after infrastructure development (Ly et al., 2023; Triet et al., 2020). Personal security remains a major concern, particularly for over 90,000 refugees on the Thailand-Myanmar border, facing violence, blocked aid, and statelessness due to the ongoing Junta conflict (ASEAN Parliamentarians for Human Rights (APHR), 2024; Nyunt & Ric, 2019). Additionally, shifting Chinese policies near the Vietnam border force migrant workers to adapt continuously, creating further instability (Speelman, 2022). These issues highlight the critical need for personal security protections in border policies.

These findings emphasize transitioning from state-focused, economically driven frameworks to a multidimensional, people-centered approach. By addressing these insecurities and fostering multilateral partnerships, such as those suggested by Molland (2019), the Mekong Subregion can better tackle transnational challenges like trafficking and border governance. This transformation requires inclusive governance involving diverse actors under a second-generation human security framework, ensuring sustainable and equitable border management.

Conclusion

The border regulations analysis in the Mekong Subregion underscores a critical need to transition from the predominantly state-centric and economically driven frameworks of the first generation of human security to the transformative, people-centered agenda of the second generation. By addressing the multidimensional insecurities affecting individuals, fostering multilateral partnerships, and prioritizing the inclusion of non-state actors, the Mekong Subregion can develop border management policies that truly reflect the principles of human security. This shift will not only strengthen the region's capacity to address transnational issues like human trafficking but also contribute to building sustainable and equitable governance systems.

The Mekong Subregion, situated at the heart of Southeast Asia, presents unique challenges and opportunities for advancing border management and human security compared to regions like Europe. While European integration, exemplified by the European Union (EU), operates within a more structured institutional framework that prioritizes human rights, regional governance in Southeast Asia—particularly through ASEAN—follows a principle of non-interference and often prioritizes state sovereignty. This contrast shapes how border management and human security are conceptualized and implemented in the Mekong subregion.

This research, rooted in the Mekong Subregion, contributes to expanding multidisciplinary approaches by addressing the intersection of human trafficking, border management, and human security. By examining these issues through an Asian lens, the study highlights the importance of aligning border policies with human security dimensions in regions where state sovereignty remains dominant. It also seeks the potential of regional mechanisms, such as ASEAN, to incorporate human security principles while respecting the cultural and political dynamics of the region.

The Mekong Subregion represents a vital yet underexplored context for advancing human security in border management. The research, grounded in Asian perspectives, underscores the importance of tailoring human security frameworks to the region's unique socio-political and cultural contexts. By addressing the limitations of state-centric approaches and embracing the multidimensional nature of human security, future policies, and research can contribute to creating more equitable, inclusive, and sustainable frameworks for addressing transnational challenges like human trafficking. Through these efforts, the Mekong subregion has the potential to serve as a model for integrating human security principles into border management in a way that respects regional diversity while advancing global human security goals.

Future research could compare the Mekong Subregion's border management and human security approaches with those of other regions, such as Europe, Africa, or Latin America. This would highlight unique regional challenges and opportunities while identifying transferable best practices. Comparative research related to assessing human trafficking regulations from human security approaches or border management perspectives is also crucial, as this analysis has not yet been explored comprehensively in this paper.

About The Authors

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