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Security-Derivative Governance: Labour Migration and the Limits of ASEAN's Crisis Response in the 2025 Cambodia-Thailand Border Conflict

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Abstract: ***ASEAN has assembled one of the developing world's most elaborate labour migration architectures. It begins with the 2007 Declaration on the Protection and Promotion of the Rights of Migrant Workers, continues through the 2017 ASEAN Consensus, and extends to the 2023 Guidelines on the Protection of Migrant Workers and Family Members in Crisis Situations—an instrument written precisely for the kind of emergency that unfolded in 2025. Yet when armed conflict erupted along the Cambodia-Thailand border in May 2025 and Thai checkpoints closed in June, the architecture did not govern the resulting displacement. More than three hundred thousand Cambodian workers returned home within two months, by the assessment of the Migrant Working Group in Thailand; the Cambodian government later reported some 770,000 returnees over the following year. This article asks why nearly two decades of institution-building produced so little governance when it was most needed. Drawing on ASEAN instruments, the AMRO assessment of the conflict's economic impact and official Cambodian statements, it argues that ASEAN labour migration governance is security-derivative: its operation is contingent on the bandwidth permitted by the bilateral security relationship, and when that relationship deteriorates the architecture is bypassed rather than suspended. Three mechanisms produce this outcome—the non-binding legal form of ASEAN instruments, the institutional location of crisis decision-making in security agencies, and the political function of the architecture as a signal of normalcy rather than a guarantee of rights. The article contributes a concept that specifies the boundary conditions of soft-law governance and explains why crisis-specific instruments can exist without being activated.***

Keywords: ASEAN; Labour migration; Cambodia-Thailand border conflict; Security-derivative governance; Soft law.

1. Introduction

On 7 August 2025, the Migrant Working Group, a coalition of Thai civil-society organisations, addressed a letter to the Minister of Labour that made an unusual request. Rather than demanding new rights or higher wages, it asked the government to stop the departure of Cambodian workers, on the ground that Thailand needed "sufficient time to manage the situation and to alleviate the risk of facing a sudden labour shortage" [2]. By the date of writing, the same letter reported, more than 300,000 Cambodian migrant workers had already returned home, and the Ministry of Labour had begun recruiting from Sri Lanka to fill the gap [2]. What makes the reversal puzzling is its speed, since in 2024 some 1.2 million Cambodian workers were employed in Thailand, the great majority of the 1.4 million who worked abroad [1], and their remittances exceeded USD 2 billion, a sum equivalent to roughly 5.6 per cent of

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nominal GDP and 9.4 per cent of household consumption [1]. A flow of that size, mediated by bilateral memoranda of understanding and regulated by Thai labour law, was never a marginal or informal current at the edge of the regional economy. It was a structural relationship, and an ASEAN architecture had been under construction around it since 2007.

On paper the architecture is substantial, since the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was adopted in February 2007, when the Philippines held the chairmanship [4], and ten years later, at the 31st ASEAN Summit in Manila, heads of state signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, a document that had taken nearly eight years to negotiate and was intended to give effect to the earlier declaration [4]. In May 2023 ASEAN adopted a Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations, and in October of that year the Secretariat published accompanying Guidelines [3]. Those Guidelines address, with unusual directness, exactly the scenario that materialised two years later, since they cover crisis preparedness, crisis response and post-crisis recovery, and identify cross-border coordination and access to services as core obligations of member states [3]. When the crisis came, however, the architecture did not operate, and the public record reviewed for this study contains no indication that the 2023 Guidelines were activated, that the ASEAN Consensus was invoked, or that any ASEAN body convened to address the movement of workers across the Cambodia-Thailand border. What the regional organisation contributed, visibly, was diplomatic mediation by the ASEAN Chair, which produced a ceasefire on 28 July 2025 [1]. That was a genuine achievement in conflict management, though it was not migration governance.

Why an architecture built over two decades should fall silent in a matter of weeks is the question this article sets out to answer, and the answer proposed here is that ASEAN labour migration governance is security-derivative. The term denotes an architecture whose existence, scope and enforcement are contingent on the bandwidth permitted by the security relationship between the parties it governs. On this account the 2025 outcome was less a failure of the architecture than an expression of its design. It had been built to operate in normal times, to signal normalcy, and to depend on the continuation of normalcy. Once the security relationship collapsed, no state took the formal step of withdrawing from the architecture, yet the architecture was bypassed all the same, as ad hoc national measures replaced the standing framework and the framework itself fell silent. Three mechanisms generate that outcome. The first is the legal form of ASEAN instruments is non-binding and, more consequentially, contains no activation trigger, so that no procedure declares a crisis, no body is obliged to convene, and no consequence follows from non-use. The institutional location of crisis decision-making then shifts from labour ministries, which have a stake in the architecture, to security agencies, which are not embedded in it and have no professional incentive to operate it. Political function completes the sequence, since the architecture's purpose is to signal normalcy rather than to guarantee rights, the signal loses its audience once normalcy ends, and the architecture loses its reason for being.

Three bodies of literature bear on this argument, and each leaves the decisive question open. Studies of ASEAN institutionalism have shown how soft law enables cooperation among sovereign states, yet they have not specified the conditions under which soft law ceases to govern. Work on the migration-security nexus has explained why migration becomes securitised, but it has generally treated governance architectures as surviving securitisation rather than being displaced by it. Research on Southeast Asian labour migration has documented the architecture's content and its gaps with considerable care, while treating the architecture itself as a constant rather than as a variable whose operation requires explanation. The empirical base assembled here is deliberately narrow and fully documented, comprising the ASEAN Guidelines [3], the ASEAN Consensus as described by a participant-observer [4], the AMRO assessment of the conflict's economic impact, which supplies the most detailed publicly

available chronology together with the migration and remittance figures [1], the Migrant Working Group's August 2025 letter [2], and official Cambodian statements published by the national news agency, Agence Kampuchea Presse: the contingency plan announced on 14 June 2025 [5], the cabinet progress report of 23 April 2026 [6], the statement to the Human Rights Council [7], and the labour ministry's domestic employment campaign [8]. Where those sources disagree, most importantly on the number of returnees, the disagreement is treated as data rather than resolved by fiat. What follows examines the literature and sets out the framework (Section 2), describes an architecture that was never designed to be activated (Section 3), reconstructs the 2025 crisis and traces the three mechanisms through the evidence (Section 4), follows the aftermath into 2026 (Section 5), tests rival explanations (Section 6), and concludes (Section 7).

2. Literature Review and Analytical Framework

2.1 Literature Review

2.1.1 Soft-law governance and ASEAN institutionalism

How regional organisations govern in the absence of binding law is the first concern of this article, and ASEAN is the paradigmatic case. Its celebrated "ASEAN Way", with its emphasis on consultation, consensus, non-interference and the peaceful settlement of disputes, has long been understood as an institutional form that privileges sovereignty over enforcement, and the scholarly question has been whether such a form can govern at all. The most influential answer is that it can, provided certain conditions hold. Legalisation scholarship conceptualises institutional forms along three dimensions, obligation, precision and delegation, and arranges them on a continuum running from hard to soft law, and soft law scores low on all three, though this is not simply a deficiency, since it lowers the cost of commitment, allows states to cooperate under uncertainty and preserves room for adjustment. Read in this light, ASEAN's declarations and consensus documents are better understood as appropriate instruments for a region of sovereign states with limited trust than as failed treaties. Empirical work on ASEAN has largely endorsed that functional reading, holding that soft law creates communities of practice, socialises officials into shared norms and generates incremental convergence. The 2017 Consensus is often cited as evidence, since it took eight years to negotiate, carries no legal obligation, and yet represents a compromise that would have been impossible as a treaty [4]. Work on the region's legal order has long noted its informal character. Gallo (2021) characterises ASEAN integration as resting on “informalism”, which he treats as a close relative of soft law because of its vague operative nature and lack of an official enforcement mechanism [11], and Amri and Muliastuti (2025) reach a similar conclusion from the migration side, observing that the 2007 Declaration and the 2017 Consensus constitute a non-binding soft-law model that lacks supranational enforcement or sanction mechanisms, so that implementation is delegated entirely to member states and proceeds unevenly [13]. What this literature has not specified is the boundary condition, for if soft law works because it lowers commitment costs, it works only for as long as the underlying political relationship remains cooperative, and the literature establishes that soft law is chosen without establishing the conditions under which it continues to operate. The distinction matters more than it may appear to, because a theory that explains why states prefer soft law is not thereby a theory of when soft law governs. The present article takes up that question by accepting the functional account of why soft law is chosen, and asks what happens to the choice once the political conditions that made it functional have disappeared.

2.1.2 The migration-security nexus

A second body of work concerns the relationship between migration and security. The securitisation

framework holds that migration becomes a security issue when political actors successfully construct it as an existential threat, thereby justifying extraordinary measures and removing the issue from normal political deliberation. In Southeast Asia the framework has been used to explain restrictive border policies, crackdowns on undocumented workers, and the portrayal of migrants as carriers of disease, crime or political risk. The regional literature is substantial. Lee (2017) shows how Indonesian print media moved from describing Indochinese arrivals as refugees to labelling later arrivals "illegal immigrants" framed as security threats [16], and Zayzda, Ash-Shafikh and Kusuma (2019) find that securitising rhetoric persists in Indonesian regulations even where human-rights language is included, while civil-society actors have partly desecuritised refugees [17]. Low (2026) extends the analysis to labour migration, arguing that the demand for low-cost labour generates irregular flows which in turn feed securitisation logics, so that the labour-market and security nexuses are interdependent [18]. Two limitations reduce its usefulness here, the first being that securitisation theory is primarily a theory of policy output, in that it explains why migration policy becomes more restrictive rather than why a governance architecture stops operating, and it treats the architecture as a background condition that survives securitisation, so that the standard account has securitisation producing harsher measures within an existing framework that remains in place, albeit under strain. The 2025 case does not fit that pattern, since here the architecture ceased to matter rather than becoming harsher. No new restrictive instrument was adopted under the ASEAN framework, no existing instrument was invoked to restrict movement, and the movement itself was regulated by border closures, military checkpoints and national emergency measures, all of which lie outside the migration architecture altogether. What occurred was therefore not the securitisation of migration within a governance framework but the displacement of the framework by security governance. The distinction suggests a refinement: instead of asking whether migration is securitised, we might ask whether the governance of migration is dependent on the security relationship. The first question concerns how a policy domain is framed, the second how a governance architecture is constituted, and it is the second that matters for explaining disappearance.

2.1.3 Labour migration governance in Southeast Asia

The third body of work documents the architecture itself. Scholars have mapped the 2007 Declaration, the 2017 Consensus, the ASEAN Committee on Migrant Workers and the network of bilateral memoranda between Thailand and its labour-sending neighbours, and they have documented the architecture's substantive gaps, including the absence of complaint mechanisms, the weakness of monitoring, the priority given to national law over regional commitments, and the exclusion of undocumented workers from most protections. The governance consequences of this design have been documented in some detail. Asis and Maningat (2023) show how the "ASEAN Way", with its emphasis on non-interference and a non-legalistic, voluntarist mode of governance, shapes the region's migration governance [12], while Agusmidah et al. (2025) observe that the relevant instruments "remain non-binding and rely entirely on the voluntary commitment of member states" and that ASEAN "operates without coercive authority" [14]. Evaluated against human-security indicators, the 2017 Consensus has likewise been found to offer limited protection to low-skilled women migrant workers [15]. Rich as it is, this literature has a structural feature that limits its explanatory power, in that it treats the architecture as a constant. Studies ask what the architecture contains, whom it protects and where it fails, and they do not ask under what conditions the architecture operates at all, and the implicit assumption is that it is always available, if imperfectly. In normal times that assumption is understandable, since memoranda are renewed, committees meet and workers move through documented channels. In a crisis it becomes untenable, and the 2025 case shows that an architecture can be present on paper and absent in practice, and a theory of the architecture's content cannot explain its disappearance. The gap, then, is precise: the literature explains the architecture's design, its restriction and its content, but not its

operation, that is, why it functions under some conditions and not others. This article addresses that gap by treating operation as the dependent variable, and in doing so it follows a small but growing body of work that treats regional institutions as contingent achievements rather than settled features of the landscape.

2.1.4 The gap

Three bodies of literature thus converge on a single omission. Each explains an aspect of the architecture, whether why it takes a soft-law form, how migration becomes securitised, or what the architecture contains, and none specifies the conditions under which the architecture governs. Even the critical literature, which documents the architecture's weak enforcement [13] and its uneven implementation [14], treats the architecture as operating and asks how well it performs, rather than whether it operates at all. The omission is not accidental, since it reflects a shared assumption that governance architectures are stable background features of the political landscape, and the 2025 Cambodia-Thailand crisis provides an opportunity to test that assumption under unusually favourable conditions, since the architecture was more complete than most. It included a general framework adopted in 2007, a negotiated consensus concluded in 2017 and a crisis-specific instrument issued in 2023, and if any architecture should have operated in a crisis, this one should have. That it did not suggests the omission matters, and that a concept is needed to explain why.

2.2 Analytical Framework: Security-Derivative Governance

2.2.1 Definition

Security-derivative governance refers to a governance architecture whose existence, scope and enforcement are contingent on the bandwidth permitted by the security relationship between the parties it governs. Three clarifications follow. The concept describes a property of the architecture rather than an intention of actors, since no state designed the ASEAN architecture in order to subordinate it to security relations. The subordination is structural, produced by the interaction of legal form, institutional location and political function. It does not deny that the architecture has an independent legal existence, because the 2007 Declaration, the 2017 Consensus and the 2023 Guidelines are real documents with real content. What it denies is that this legal existence translates into political autonomy, since an architecture can exist without operating. Finally, the concept is a matter of degree, since architectures differ in how derivative they are, and one with treaty status, third-party adjudication and an independent budget would be less derivative than one resting on declarations and administrative memoranda, so that the concept invites comparison rather than asserting a binary. It is distinct from adjacent ideas in ways worth stating plainly, being neither securitisation, which concerns the framing of an issue as a threat, nor institutional resilience, which asks why institutions survive shocks, nor regime complexity, which concerns the interaction of overlapping institutions. What it claims, rather, is that a governance architecture may be constitutively dependent on a political relationship that lies outside it.

2.2.2 Three mechanisms

The concept operates through three mechanisms, each of them observable. Legal form. ASEAN instruments are non-binding and, more importantly, contain no activation trigger. There is no procedure by which a crisis is declared, no body obliged to convene when one occurs, and no consequence for failing to use the instrument. The 2023 Guidelines illustrate the point well, since they are detailed, they address precisely the scenario of a cross-border crisis, and they were noted by the

ASEAN Summit rather than adopted as a binding commitment [3]. Noting, however, is not activation, and an instrument without a trigger depends on political will for its operation, and political will is precisely what a security crisis removes. Institutional location. In normal times labour migration is managed by labour ministries, which have an interest in the architecture and a stake in its operation, whereas in a crisis decision-making shifts to security agencies, meaning defence, interior and border administration, which are not embedded in the architecture and have no professional incentive to operate it. The shift is not a usurpation, since it follows from the nature of the emergency, as border closures, troop movements and evacuation logistics are security functions. The consequence nonetheless is that the architecture's custodians lose control at the moment the architecture is most needed. Political function. The architecture's primary function is to signal normalcy. Negotiating the 2017 Consensus signalled that sending and receiving states could cooperate, and adopting the 2023 Guidelines signalled that ASEAN could prepare for crises. Such signals have value for as long as the underlying relationship is normal, and they lose their audience once it deteriorates. A state that wishes to signal toughness has no incentive to invoke a cooperative instrument, so the architecture becomes unused and, in political terms, unusable.

2.2.3 Scope conditions

The concept applies where three conditions hold together. The architecture rests on soft law, it is anchored in bilateral rather than multilateral commitments, and its operation depends on ministries that are subordinate to security agencies in a crisis. It does not apply universally, since the European Union's free movement regime, for instance, rests on treaty law, is adjudicated by the Court of Justice of the European Union and is administered by a supranational commission, so that its operation is not contingent on the security relationship between member states in the same way. International labour conventions supervised by the International Labour Organization likewise have monitoring mechanisms that do not depend on bilateral security relations, however weak those mechanisms may be. Specifying scope conditions is a condition of usefulness rather than a concession, since a concept that claimed to explain everything would explain nothing.

2.2.4 Observable implications

Four implications should be observable in the 2025 case if the argument holds. The architecture should be bypassed rather than suspended, so that no state formally withdraws from the Consensus or abrogates the bilateral memoranda and the instruments simply cease to be used. Decision-making should shift from labour ministries to security agencies, with official statements and administrative measures dominated by defence, interior and border authorities while labour ministries are confined to downstream functions such as job placement. Official discourse should move from the language of cooperation to the language of sovereignty and security, as statements emphasising partnership and mutual benefit give way to statements about territorial integrity, national security and the protection of citizens from foreign threats. And the regional level should produce mediation without migration governance, with ASEAN's visible role confined to conflict management and no invocation of the migration architecture. Each implication is examined in Section 4.

3. The Architecture of ASEAN Labour Migration Governance

3.1 From the 2007 Declaration to the 2017 Consensus

The ASEAN migration architecture has a clear point of origin. In February 2007, with the Philippines in the chair, ASEAN adopted the Declaration on the Protection and Promotion of the Rights of Migrant

Workers [4], a statement of principle rather than a legal instrument, which identified the rights migrant workers should enjoy, acknowledged the responsibilities of both sending and receiving states, and committed member states to cooperate, while creating no institutions, procedures or remedies. Paragraph 22 of the Declaration anticipated a further step in calling for an ASEAN instrument to advance its principles [4], and that instrument took a decade to negotiate. When heads of state signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers at the 31st ASEAN Summit in Manila in November 2017, they concluded nearly eight years of negotiation [4]. The Consensus is the architecture's central document, and its character is instructive. Moe Thuzar observed at the time of its adoption that the fact ASEAN had reached a consensus at all was "a feat in itself", given the divergence of interests between labour-sending and labour-receiving states [4], while remaining equally clear about its legal status: "The consensus does not have legal weight, but the expectation is that it would provide some moral suasion for the national implementation of regional commitments" [4]. Two features of that characterisation matter here, the first being that the Consensus was understood by participants as an instrument of moral suasion rather than legal obligation, its intended effect being to shape national behaviour through expectation and reputation rather than through enforcement. Its operation, moreover, depended on the continuation of a cooperative relationship between sending and receiving states, since moral suasion requires an audience willing to be persuaded and such an audience disappears when the relationship turns adversarial. The Consensus was, in this sense, a confidence-building measure dressed as a rights instrument. It signalled that Thailand and its labour-sending neighbours could manage a shared problem cooperatively, and that signal was valuable precisely because the underlying relationship was cooperative, and it was never designed to function when the relationship was not.

3.2 The 2023 Guidelines: An Instrument Without a Trigger

If the Consensus supplied the architecture's general framework, the 2023 Guidelines supplied its crisis instrument. The ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations was adopted at the 42nd ASEAN Summit in May 2023, and the accompanying Guidelines were published by the Secretariat in October of the same year [3]. By the standards of ASEAN soft law the Guidelines are unusually detailed. They begin by noting that more than seven million ASEAN migrants work within the region [3], and they set out nine guiding principles covering rights-based approaches, non-discrimination, gender equality, whole-of-government coordination and shared responsibility among member states [3], before addressing three phases of activity: strengthening resilience and preparedness, crisis response, and post-crisis recovery [3]. The crisis response section is specific, calling for outreach and emergency support to migrant workers in receiving states and stating that "when a crisis occurs, each ASEAN Member State shall provide" assistance [3]. The use of "shall" is striking, yet it does not make the instrument binding. Paragraph 73 of the Guidelines is explicit that "the use of this Guidelines is voluntary and non-legally binding", adding that member states are nonetheless encouraged to use them widely in improving national, bilateral and multilateral efforts [3], and the instrument was noted by the 43rd ASEAN Summit rather than adopted as a formal commitment [3]. What matters most here lies in the absence of any activation mechanism. The document contains no procedure by which a crisis is formally declared, no body obliged to convene when one occurs, no reporting requirement triggered by a crisis, and no consequence for failing to use the Guidelines. The word "activate" does not appear in the text, nor do "trigger" or "invoke". That is a design choice with consequences, since an instrument without a trigger depends entirely on the political will of states to use it, and while such will may exist in normal times, because using the instrument signals competence and cooperation, it is precisely what disappears in a crisis. The instrument remains available in principle and unusable in practice. The Guidelines thus illustrate a general property of security-derivative governance, namely that an architecture can anticipate a crisis, in the sense of

describing what should be done, without creating any mechanism that obliges anyone to do it. Anticipation is not activation.

3.3 The Architecture's Political Function

Why would states build an architecture that cannot be activated? The answer lies in its political function, which is primarily to signal normalcy. In normal times the Consensus and the Guidelines allow sending and receiving states to present their relationship as cooperative, give officials a forum in which to discuss problems without conceding sovereignty, provide civil-society organisations with a reference point for advocacy, and impose no costs on states that fail to comply. These are real benefits, and they explain why the architecture was built, but they are benefits of signalling rather than of governance. The architecture works by existing rather than by operating, and its value lies in what it says about the relationship rather than in what it does to the problem. The implication is important, for if the architecture's value is signalling, that value collapses when the relationship it signals ceases to exist, and a state that wishes to signal toughness towards a neighbour has no incentive to invoke a cooperative instrument, since doing so would send the wrong signal. The architecture becomes unused, and politically costly to use. The 2025 crisis tested that proposition, and the next section reconstructs the crisis and traces the three mechanisms through the evidence.

3.4 The Missing Layer: Border Control

One further feature of the architecture deserves attention, because it explains why the crisis could bypass the architecture so easily. The architecture governs labour migration, but it does not govern border control. The distinction is fundamental: labour migration governance concerns the terms on which workers may enter, reside and work, including contracts, permits, wages, conditions and rights, whereas border control concerns whether people may cross a line at all. The first is a labour-market question and the second a question of sovereignty, and ASEAN's migration instruments address the first while remaining silent on the second. That silence is not an oversight, since border control is among the most jealously guarded prerogatives of the sovereign state, and no Southeast Asian government has shown any willingness to submit it to regional governance. The ASEAN architecture could, in principle, call for the continued movement of workers during a dispute, yet it has no mechanism to require it. This asymmetry has a predictable consequence, since when a security crisis occurs, a state that wishes to halt movement does not need to amend or suspend the migration architecture. It need only close a checkpoint, and the architecture is then left describing a relationship that no longer exists. The operative decision was taken in a domain the architecture does not reach. The 2025 measures illustrate the point precisely, since what actually governed the movement of workers were checkpoint closures, changes to checkpoint operating hours, reductions in the permitted visa period from sixty days to seven, and the closure of the Poipet and Stung Bot international gates [1]. None of these is a migration instrument in the sense of the 2007 Declaration or the 2017 Consensus. All are border-control measures, adopted by security and interior authorities, and all took effect without reference to the regional architecture. This is why the concept of security-derivative governance is preferable to a simpler claim about weak enforcement. The architecture was structurally unable to reach the decision that mattered, because the decision to stop movement was taken at a level, the border, that the architecture was never designed to govern.

4. The 2025 Border Conflict and the Reverse Migration

4.1 Timeline

The conflict began on 28 May 2025, when armed forces from Cambodia and Thailand exchanged fire in the Chong Bok-Emerald Triangle area and a Cambodian soldier was killed [1]. The initial skirmish was brief, but it set off a sequence of measures that rapidly eroded the conditions for labour migration. On 7 and 8 June Thailand tightened border controls, reducing checkpoint operating hours and cutting the visa period for Cambodian entrants from sixty days to seven, and Cambodia responded in kind [1], and on 9 June Thailand closed the Poipet and Stung Bot international gates [1], on 12 June Cambodia ceased importing internet bandwidth and electricity from Thailand [1], and on 13 June it banned Thai goods at the Daung crossing and ordered television stations to stop broadcasting Thai films [1]. On 14 June, the day the sixth Cambodia-Thailand Joint Boundary Commission meeting opened in Phnom Penh, Prime Minister Hun Manet announced a contingency plan for a potential mass return of migrant workers [1]. The following days widened the breach, as on 15 June Cambodia formally submitted four disputed zones to the International Court of Justice, and Thailand rejected the Court's jurisdiction while affirming its preference for bilateral negotiation [1], and on 16 June Senate President Hun Sen called on Cambodian migrant workers in Thailand to return home [1], and on 17 June Cambodia suspended imports of Thai vegetables and fruits [1]. Armed clashes resumed on 24 July and continued for five days, with heavy weapons including artillery and rockets deployed by both sides [1]. On 28 July, following mediation by Malaysia as ASEAN Chair, Prime Minister Hun Manet and his Thai counterpart Anutin Charnvirakul met in Kuala Lumpur and agreed to a ceasefire effective at midnight [1]. The ceasefire did not restore normalcy, since border crossings remained largely closed and both sides accused each other of violations [1], and on 26 October, at the 47th ASEAN Summit in Kuala Lumpur, the two prime ministers signed an expanded ceasefire agreement witnessed by Malaysia's Prime Minister Anwar Ibrahim and US President Donald Trump [1]. The sequence matters for the argument, because by the end of June, before the major armed clashes of July, the conditions for documented labour migration had already been dismantled. Checkpoints were closed, visa periods were cut, and the Cambodian government had publicly called its workers home. The return of workers was not a consequence of the July fighting. It preceded it.

4.2 Three Numbers, Three Politics

The scale of the return is contested, and the contest is itself analytically significant. The AMRO assessment, published in November 2025, states that "since June, an estimated 0.9 million Cambodian workers have left Thailand" [1]. That is the largest figure in the public record, though it is an estimate rather than a count, and it covers all departures rather than only documented returns. The Migrant Working Group, writing on 7 August 2025, states that "more than 300,000 Cambodian migrant workers have already returned to their country unrelentingly" [2], a lower figure based on civil-society monitoring in Thailand and counting returns rather than departures. The Cambodian government's figure is different again, since a progress report adopted at a plenary cabinet meeting on 23 April 2026 states that "from May 2025 to April 10, 2026, around 770,000 former workers and Cambodian citizens have continued living and working in Cambodia" [6], a cumulative figure covering nearly a year and counting people who remained in Cambodia rather than people who crossed the border. The three numbers are not competing estimates of the same quantity, since they measure different things, namely departures from Thailand, returns to Cambodia, and returnees who stayed, and the divergence is partly a matter of definition and partly a matter of politics, since the Thai-based estimate emphasises the scale of the outflow, the Cambodian figure emphasises the success of reintegration, and the civil-society figure emphasises the immediate humanitarian pressure. For the argument, the precise number matters less than the direction and the speed. All three sources agree that several hundred thousand workers moved from Thailand to Cambodia within a few months, and that the movement was large relative to the pre-crisis stock of 1.2 million [1]. The disagreement concerns magnitude, not existence. That disagreement also illustrates a feature of security-derivative governance. In the absence of an operating

regional framework there is no authoritative regional count, so each actor produces its own figure for its own purposes, and the absence of a shared number is itself evidence that the architecture was not operating.

4.3 Legal Dimension: Bypass Without Abrogation

The first observable implication was that the architecture would be bypassed rather than suspended, and the evidence is consistent with that expectation. None of the sources examined for this study reports a formal suspension, withdrawal or abrogation of the 2017 Consensus, the 2023 Guidelines or the bilateral labour memoranda between Cambodia and Thailand. There was no denunciation, no notice of termination and no public declaration that the instruments no longer applied, so the architecture remained legally in place. What changed was its use. The measures that actually governed the movement of workers were not migration instruments at all but border closures, visa restrictions, checkpoint closures and travel advisories, adopted by security and interior authorities under the logic of border control [1]. The migration architecture was not invoked to manage the movement. It was left to one side while the movement was managed by other means. This is the pattern the concept predicts. A formal suspension would be a costly act, signalling that cooperation had failed and requiring states to rebuild the architecture afterwards, whereas bypass is cheaper. It preserves the architecture for future use while allowing states to act as if it did not exist. The instrument remains available for the day when normalcy returns, which is what happened when the ceasefire created conditions for gradual normalisation [1]. Bypass carries a political advantage as well, since a state that formally suspends a cooperative instrument admits that the relationship has broken down, while a state that simply does not use it can maintain that the relationship is intact and the instrument still valid. The architecture becomes a diplomatic asset preserved by being left unused.

4.4 Institutional Dimension: Security Agencies Take the Lead

The second observable implication was that decision-making would shift from labour ministries to security agencies, and the evidence supports this with an important qualification. The Cambodian government's response to the anticipated return was announced by Hun Sen, then President of the Senate, on 14 June 2025. According to the official account, the Ministry of National Defence, the Royal Cambodian Army and the Phnom Penh municipal administration were preparing transport to move returning workers from the border to their home villages, while the Ministry of Labour and Vocational Training prepared to help them find employment and the Ministry of Economy and Finance prepared social and economic intervention measures [5]. The division of labour is revealing. Security institutions were assigned the movement of people, which is the core operational task in a border crisis, whereas the labour ministry was assigned employment placement, a downstream function that begins after the movement has occurred, and the finance ministry was assigned social protection, another downstream function. The architecture's custodians were present, but positioned downstream of the security agencies that controlled the movement. This is less a case of labour ministries being excluded than of the crisis being structured so that security agencies lead and labour ministries follow. The structure follows from the nature of the emergency, since border closures, transport and evacuation are security functions, yet the consequence is that the migration architecture's custodians lose control at the moment the architecture is most needed. The same pattern appears in the international domain. Cambodia's statement to the 62nd session of the UN Human Rights Council in June 2026 was delivered by its Permanent Representative in Geneva, and it framed the treatment of migrant workers as a matter of discrimination, xenophobia, hate speech and violence linked to inter-state tensions [7]. The framing is a human-rights framing, but the institution is diplomatic and the audience is the international community rather than the ASEAN migration architecture.

4.5 Discursive Dimension: From Cooperation to Sovereignty

The third observable implication was that official discourse would shift from cooperation to sovereignty and security, and on this point the evidence is clear. In his message of 14 June 2025 Hun Sen did not speak of partnership or mutual benefit. He warned that "some Thai extremists and elements of the Thai army might seek to harm you" and described the risk as "real and inevitable" [5], linking the warning to Cambodia's application to the International Court of Justice and framing the return of workers as a consequence of a legal and territorial dispute [5]. The shift is not merely rhetorical, because it changes the meaning of the migration relationship. In the cooperative frame, Cambodian workers in Thailand are participants in a mutually beneficial labour market, protected by bilateral memoranda and regional commitments, whereas in the sovereignty frame they are nationals exposed to the hostility of a neighbouring state, whose protection depends on their own government rather than on the receiving state or the regional architecture. Once the sovereignty frame is adopted, the architecture becomes difficult to invoke, since invoking a cooperative instrument implies that cooperation continues while calling workers home implies that it does not. The two moves are inconsistent, and the 2025 response chose the second. The discourse shifted again in 2026, when Cambodia brought the treatment of its workers to the UN Human Rights Council. There the framing was victimhood and discrimination, with Cambodian migrant workers described as having faced "xenophobia, hate speech, discriminatory treatment, and violence" [7]. That is a different register from the June 2025 warning, yet it shares the same underlying logic. The workers are framed as nationals harmed by a foreign society rather than as participants in a regional labour market, and the architecture is again absent from the frame.

4.6 The Regional Level: Mediation Without Migration Governance

The fourth observable implication was that the regional level would produce mediation without migration governance, and this is exactly what occurred. ASEAN's visible role was diplomatic. Malaysia, as Chair, mediated the 28 July ceasefire [1], and the expanded ceasefire was signed at the 47th ASEAN Summit in October with the Malaysian Prime Minister and the US President as witnesses [1]. Those were significant achievements in conflict management, and they show that ASEAN's diplomatic machinery can operate under pressure. The diplomatic machinery and the migration architecture are nevertheless separate systems, and only the first was activated. The sources examined for this study contain no record of an ASEAN body convening on the movement of workers, no invocation of the 2017 Consensus and no activation of the 2023 Guidelines, so the regional response to the labour dimension of the crisis was silence. That silence is the more striking because the 2023 Guidelines were written for precisely this scenario. They address cross-border crises, call for emergency support to migrant workers in receiving states, and identify coordination between sending and receiving states as a core principle [3]. The instrument existed, the crisis occurred, and the instrument was not used. The gap between existence and use is the article's central empirical finding, and it cannot be explained by the absence of an instrument, because the instrument was there. It must be explained by the conditions under which instruments are used, which is what the concept of security-derivative governance supplies.

5. Aftermath: Emergency Response and Reintegration, 2025-2026

5.1 The National Emergency Response

The immediate response to the return was national, ad hoc and whole-of-government, in that order, and it was framed neither regionally nor in the language of the ASEAN architecture. The contingency plan announced on 14 June 2025 assigned responsibilities across several ministries and institutions.

Transport from the border to home villages went to the Ministry of National Defence, the Royal Cambodian Army and the Phnom Penh municipal administration, employment placement went to the Ministry of Labour and Vocational Training, and social and economic intervention measures went to the Ministry of Economy and Finance [5]. The plan was presented as evidence that the government was prepared to welcome returning workers "regardless of the duration of their stay in Thailand or the possession of Cambodian official documents" [5]. That reference to documents is significant, since it indicates that a substantial proportion of returnees lacked regular status and that the government was prepared to receive them without penalty. The Migrant Working Group's account is consistent with this, reporting that some workers had their personal documents retained by employers or recruitment agencies and could not travel home legally [2]. The finance ministry's role deserves attention as well. The AMRO assessment notes that the government adopted intervention measures including cash transfers, loan restructuring and temporary social protection, and that financial institutions were encouraged to offer loan restructuring and temporary repayment relief to affected workers and their families [1]. These are social-protection responses to a labour-market shock. They are necessary, but they are not migration governance, since they address the consequences of the architecture's non-operation rather than operating the architecture.

5.2 Reintegration and the "Khmer Help Khmer" Campaign

By 2026 the emergency had given way to a reintegration programme. The government's progress report, adopted on 23 April 2026, stated that around 770,000 former workers and citizens had remained in Cambodia between May 2025 and 10 April 2026 and that approximately 650,000 had secured employment, of whom around 340,000 obtained formal jobs through mechanisms coordinated by the Ministry of Labour and Vocational Training while an estimated 310,000 reintegrated into family-based agriculture, construction, handicrafts, restaurants, small trade and other informal activities [6]. The programme was framed as a domestic employment campaign. In May 2026 the Ministry of Labour and Vocational Training intensified what it called the "Khmer Helping Khmers Find and Provide Jobs" campaign, offering more than 10,000 localised job openings at a regional career forum in Pursat province [8], where a ministry official urged attendees to "secure formal local employment rather than risking illegal migration abroad" and warned of human trafficking, labour exploitation and the absence of legal protection associated with undocumented migration [8]. The framing is instructive. The problem is defined as a domestic employment problem and the solution as domestic job creation, so that the regional labour market, the market that had employed 1.2 million Cambodians in 2024, disappears from the frame, and so does the architecture that was supposed to govern it. The policy response has moved entirely to the national level. This is consistent with the concept's expectations. Once the security relationship deteriorates the architecture is bypassed, and the policy response reorganises around national instruments, so that reintegration policy becomes the national substitute for regional governance. That is not a failure of policy. It is a rational response to the absence of a regional framework.

5.3 Internationalisation: The UN Human Rights Council

The third strand of the aftermath was international advocacy. In June 2026 Cambodia's Permanent Representative to the UN Office at Geneva delivered a statement at the 62nd session of the Human Rights Council under the agenda item on the human rights of migrants [7], expressing support for the Special Rapporteur's call on states to uphold their human rights obligations towards all migrants and drawing attention to the situation along the Cambodia-Thailand border, where Cambodian migrant workers had reportedly faced "xenophobia, hate speech, discriminatory treatment, and violence" [7]. The Ambassador stated that migrant workers "must never be targeted or discriminated against on the basis of their nationality, nor become victims of political tensions or interstate conflicts", and called on

host countries to protect migrant workers in accordance with international human rights law [7]. The move to Geneva is significant for two reasons. It confirms that the regional architecture was not regarded as a viable venue for addressing the treatment of Cambodian workers, since there would have been no need to internationalise the issue had the ASEAN Consensus or the 2023 Guidelines been seen as usable, and it shows how a labour migration dispute can be reframed as a human rights dispute when the regional governance framework is unavailable. The reframing is a substitute for governance, not an exercise of it. The timing is revealing too. The statement was delivered in June 2026, almost a year after the initial returns, by which time the emergency had passed but the architecture had not been restored. The issue had moved from the regional to the global level and from the labour domain to the human rights domain, and both moves are consistent with the architecture's non-operation.

5.4 What the Aftermath Reveals

Three conclusions follow from the aftermath, though they are better read as observations than as findings. The absence of the architecture was not a temporary interruption. The crisis began in May 2025, and by mid-2026 there was still no evidence of the architecture's restoration, with reintegration national, advocacy was global, and the regional framework remained unused. The substitution was nevertheless functional. National emergency measures, reintegration programmes and international advocacy addressed the consequences of the crisis, and while they did not restore the governance framework they allowed the state to respond. That is what makes security-derivative governance politically sustainable: the architecture can be bypassed without producing a governance vacuum, because national and global substitutes are available. And the security relationship remained contested. The UNCLOS conciliation process between Cambodia and Thailand continued into 2026, with a first meeting in Singapore in September and a second at The Hague in October [9]. At that second meeting the Commission agreed to include four Cambodian proposals in a confidence-building package covering public communication, the avoidance of threats or use of force, the restoration of diplomatic representation and the implementation of existing agreements [10]. The legal track was active, the migration track was not, and the two were proceeding on separate logics, which is precisely what the concept predicts.

6. Discussion

6.1 Rival Explanations

Three rival explanations deserve serious consideration, and each captures part of the story without being sufficient on its own.

6.1.1 Economic Pull

The first explanation holds that the return was driven by economic factors, whether because Thai employers no longer needed Cambodian workers, because Thai wages had become less attractive, or because the conflict disrupted the sectors in which Cambodian workers were concentrated. On this account the architecture's non-operation is irrelevant, since the movement was market-driven. The explanation has some force. The conflict did disrupt construction, manufacturing and agriculture, the sectors in which Cambodian workers were concentrated [1], and border closures raised the cost of cross-border commuting and informal trade, which are central to livelihoods in frontier provinces [1]. Economic conditions mattered. They cannot, however, account for the timing or the form of the movement. The returns began in June, before the major armed clashes of late July. They followed the border closures [1] and the Cambodian government's public call for workers to return [5]. A market-

driven movement would be gradual and sectoral, whereas the 2025 movement was sudden and general. Nor does the economic explanation address why the governance architecture failed to manage the departure, since even if economic factors were decisive for individual decisions, the architecture's non-operation remains to be explained. The Migrant Working Group's assessment is relevant here, attributing the returns primarily to workers' "lack of confidence in their personal safety" as a result of the dispute and the rise of nationalism rather than to labour demand [2]. That is a security explanation, not an economic one, and while it does not exclude economic factors it places security at the centre.

6.1.2 Nationalism

The second explanation holds that the return was driven by nationalism, with public hostility towards Cambodian workers in Thailand and reciprocal hostility in Cambodia making their position untenable. On this account the architecture was irrelevant because the movement was social rather than governmental. This explanation also has force. The Migrant Working Group reported that some workers had been subjected to harassment and physical assault and that existing state and police mechanisms failed to assure people about their safety and access to justice [2], and it reported that workers' documents were retained by employers or agencies, leaving them unable to travel legally [2]. Nationalism created a hostile environment that made return rational. Yet nationalism explains social behaviour rather than institutional behaviour. It does not explain why the labour ministries did not invoke the architecture, why ASEAN bodies did not convene, or why the 2023 Guidelines were not activated. Nationalism can explain why workers wanted to leave, but it cannot explain why the governance architecture did nothing to manage their leaving. The institutional pattern, with security agencies leading, labour ministries following and regional bodies silent, requires an institutional explanation.

6.1.3 ASEAN Capacity

The third explanation holds that ASEAN is simply weak and that the 2025 outcome is another instance of a familiar pattern, so that the architecture's non-operation is unsurprising and requires no special explanation. This is partially correct and analytically insufficient. It is correct that ASEAN lacks enforcement capacity, that its instruments are non-binding and that its consensus procedures are slow. Weakness, however, is a general judgement rather than a mechanism. It does not explain the specific form of the non-operation: why the architecture was bypassed rather than suspended, why security agencies rather than labour ministries led, why the discourse shifted from cooperation to sovereignty, or why a crisis-specific instrument adopted in 2023 was not used in 2025. Security-derivative governance supplies what the capacity explanation lacks, namely a mechanism connecting the architecture's design to its behaviour in a crisis. ASEAN's weakness is a background condition, and the derivative structure is the proximate cause.

6.2 Implications for Soft-Law Governance

Four implications for the study of soft-law governance follow from the case. The boundary condition of soft law is the security relationship. Soft law works by lowering commitment costs and enabling cooperation under uncertainty, and those benefits presuppose that the parties wish to cooperate, and when they do not, soft law ceases to constrain and simply becomes unused. The literature's functional account of why states choose soft law is compatible with this finding, though it needs supplementing with an account of when soft law operates. Crisis-specific instruments are not a solution to the soft-law problem. The 2023 Guidelines were designed precisely to address the gap that the 2025 crisis exposed, and they failed for want of an activation mechanism rather than for want of design. Adding detail to a

non-binding instrument does not add governance, since it adds a more elaborate description of what would be done if someone chose to do it. The political function of soft law matters as much as its legal form. The architecture's value lay in signalling normalcy, and that value was real but contingent: when normalcy ended the signal lost its audience and the architecture lost its political use, so analyses that focus only on legal form, binding versus non-binding, miss this dimension. The architecture's reach is limited by the domains it does not govern. Labour migration governance addresses the terms of employment, not the right to cross a border, and the latter remains a sovereign prerogative exercised by interior and defence authorities who are not accountable to the migration framework. Even a perfectly designed migration architecture would therefore be vulnerable to a border closure, because the closure is not a migration decision. The lesson for institutional design is that migration governance must be linked to border governance if it is to operate in a crisis, a linkage ASEAN has not attempted. Taken together, these implications suggest an agenda rather than a conclusion: the study of soft law has devoted considerable attention to why states choose non-binding instruments and to what those instruments can achieve, and rather less to the conditions under which they cease to operate and to the domains they cannot reach. The 2025 crisis suggests that both questions deserve more attention.

6.3 Scope and Limits

The argument has scope conditions, and they should be stated plainly. It applies to architectures that are soft-law based, bilaterally anchored, and dependent on ministries that are subordinate to security agencies in a crisis, and it does not apply to architectures with treaty status, third-party adjudication and independent administrative capacity. The European Union's free movement regime is the obvious contrast, and the International Labour Organization's convention system is a partial one. The case is a single one, and the evidence base is documentary. No interviews were conducted and no access to internal government records was available, so the analysis relies on published ASEAN instruments, the AMRO assessment, civil-society documentation and official Cambodian statements. That is sufficient to establish the pattern, though not to establish its generality. The returnee figures are contested, and the article has treated the contest as data rather than resolving it, though a more precise account would require border-crossing records that are not publicly available. Nor does the article claim that the architecture was useless. It claims that the architecture's usefulness was conditional. In normal times the architecture provided a framework for cooperation, a reference point for advocacy and a signal of normalcy, and those are real goods. They are, however, goods of a particular kind, available only while the security relationship permits.

7. Conclusion

The 2025 Cambodia-Thailand border conflict produced one of the largest reverse migrations in Southeast Asia in recent decades. Several hundred thousand Cambodian workers left Thailand within months, and the regional architecture built to govern their movement did not operate: the 2007 Declaration, the 2017 Consensus and the 2023 crisis Guidelines remained in place, and none was invoked. This article has argued that the outcome expressed the architecture's design rather than betraying it. ASEAN labour migration governance is security-derivative, in that its operation depends on the bandwidth permitted by the bilateral security relationship, and when that relationship deteriorates the architecture is bypassed rather than suspended. Three mechanisms produce the outcome: the non-binding legal form of ASEAN instruments, the institutional location of crisis decision-making in security agencies, and the political function of the architecture as a signal of normalcy. The implications extend beyond the case. The study of soft-law governance should attend to the conditions under which soft law operates, not only to the reasons why states choose it. Crisis-specific instruments are not a substitute for binding commitments, because an instrument without a trigger depends on the

political will that a crisis destroys. And the political function of an architecture, what it signals rather than what it enforces, is central to understanding its behaviour. For Southeast Asia the implication is uncomfortable. The region's migration architecture is extensive and has been built over nearly two decades, yet its operation depends on a security relationship that is itself fragile. Until the architecture acquires mechanisms that do not depend on that relationship, whether binding commitments, independent monitoring or automatic activation, it will remain available in normal times and absent in crises. The workers who returned in 2025 experienced that absence directly.

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