

INTERNATIONAL MIGRATION PAPERS

57

**Asian Labour Migration: Issues and
Challenges in an Era of Globalization**

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Foreword

The *International Migration Papers* (IMP) is a working paper series designed to make quickly available current research of ILO's International Migration Programme on global migration trends, conditions of employment of migrants, and the impact of state policies on migration and the treatment of migrants. Some ten to fifteen such papers are published each year as working papers. It continues the *Migration for Employment* series started in 1975 under the World Employment Programme.

Its main objective is to contribute to an informed debate on how best to manage labour migration, taking into account the shared concerns of countries of origin and employment for generating full and productive employment of their nationals, while at the same time respecting the basic rights of individual migrant workers and members of their families.

In this paper Piyasiri Wickramasekara of ILO examines the trends and issues in Asian labour migration and challenges faced by countries and the trade union movement in protection of migrant workers. It is an updated version of a paper initially prepared for the ILO Asia-Pacific Regional Symposium for Trade Union Organizations on Migrant Workers organized by the ILO Bureau of Workers Activities in Kuala Lumpur, Malaysia during 6-8, December 1999.¹ The author first discusses problems with current terminology and examines some popular myths about migrant workers. He points out that receiving countries reap considerable benefits from migration, which are usually overlooked. He traces main trends and features in Asian labour migration in the recent past, and identifies the most vulnerable groups of migrant workers who need priority attention. The paper also highlights the current dilemma faced by labour sending countries in 'protection' of national workers abroad and promotion of overseas employment. In the final section, the author discusses the specific role of trade unions and broader policy options open to countries for protecting migrant workers in the light of ILO and other international instruments.

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¹ Wickramasekara, Piyasiri (2000). Asian Labour Migration: Issues and Challenges in an Era of Globalization. In: *Report and Conclusions: ILO Asia-Pacific Regional Symposium for Trade Union Organizations on Migrant Workers*, 6-8, December 1999, Kuala Lumpur, Malaysia, ILO. Bangkok, International Labour Office: Bureau of Workers Activities.

1. Introduction

Migration of people to other countries in search of employment has occurred all through history and it is by no means a new phenomenon. But the recent movement of labour on temporary basis, first to the Middle East and later within Asia, has certain distinctive features. The objective of this paper is to highlight in simple terms the origins, trends and consequences of labour migration in Asia and its implications. The paper is organized as follows. Following a brief discussion on terms used, I shall highlight recent trends in Asian labour migration. The next sections deal with selected issues such as vulnerable groups of migrant workers, irregular migration and impact of the Asian economic crisis. I shall take up issues related to protection next. The final section deals with policy options and the role of workers' organizations.

1.1. Notes on terminology

At the very outset, it is useful to clarify some terms commonly used in discussions of labour migration.

- *Labour is not a commodity: the terms 'labour exports and labour imports' should be avoided.*

It hardly needs repetition that labour is not a commodity. Therefore, one should refrain from using the terms - labour exports and labour imports - which imply a commodity connotation although they are common in the literature (for instance, see Stahl, 1999). "Sending labour and receiving labour" or "labour emigration and immigration" are more acceptable terms. Migrants may pass from countries of origin through countries of transit to countries of destination.

- *The term, 'irregular migration' is preferable to terms such as 'illegal' migration and 'undocumented' migration.*

Several terms are currently used in the literature to refer to the status of migrants who enter countries on an irregular or unlawful basis: illegal, clandestine, undocumented or irregular.

Elie Wiesel, the Nobel Peace Prize winner, once stated that a human being cannot be illegal. The term 'illegal' is a negative term, which ignores the contributions made by the migrant workers to the host economy. It seems to put the blame squarely on the migrant worker forgetting illegal roles of others, whereas in a number of cases, the migrant may simply be a victim only forced into an irregular situation by traffickers and recruitment agents. Behind so-called illegal migrant workers, there are always illegal local employers and/or intermediaries.

A preferred term, which can accommodate various diverse situations, is 'irregular migration'. The recent "International Symposium on Migration: Towards Regional

Cooperation on Irregular/Undocumented Migration" convened by Thailand during 21-23 April 1999 in Bangkok opted for the term 'irregular' migration.

Although the terms 'documented/undocumented' are commonly used to refer to these flows, undocumented migration does not cover all irregular cases. For instance, some documented persons such as tourists may undertake employment in the host country - violating conditions of entry. Similarly foreign workers sent by traffickers may have valid documentation thanks to a thriving fake documentation industry (United Nations, 1998). Irregularities in migration can arise at various points (departure, transit, entry and return), and they may be committed against the migrant or by the migrant.

It is important that the workers' movement adopt the broader definition of irregular migration consistent with the protection of all migrant workers.

- *Distinctions between migrants in general and migrant workers² have become increasingly blurred.*

The ILO Convention on Migration for Employment 1949, (No. 97) in its Article 11, states: "*migrant for employment* means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment." It exempts frontier workers, short-term entry of members of the liberal professions and artists, and seamen, from its application. The 1990 UN Convention on the Protection of all Migrant Workers and their Families uses a more comprehensive definition which reads as: "a person who is to be engaged, is engaged or has been engaged in remunerated activity in a State of which he or she is not a national". The UN definition specifically includes those migrant workers who may currently be out of work, but had been working earlier.³

The complexity of the present day migration stream has intensified with distinctions between migrant workers, trainees, tourists, refugees and displaced persons becoming increasingly blurred. The term "migrants" appears to be broader than the term 'migrant workers' and is increasingly used in international discussions of human rights. Migrants in this sense include both voluntary migrants and forced migrants. The IOM/United Nations World Migration Report 2000 observes:

"Voluntary migrants include people who move abroad for employment, study, family reunification, or other personal factors. Forced migrants leave their countries to escape persecution, conflict, repression, natural and human-made disasters, ecological degradation, or other situations that endanger their lives, freedom or livelihood" (IOM: United Nations 2000).

² This section draws upon Wickramasekara, 2000b.

³ The significance of this definition is that it does not regard that loss of employment results in loss of migrant worker status.

There is a tendency to refer to voluntary migrants for employment as economic migrants to distinguish them from genuine refugees, although it is increasingly difficult to make such distinctions. The UN High Commissioner for Refugees noted: “In the absence of a migration window, people who are seeking jobs and a better future try to get in through the asylum door.”⁴

It is not clear why the ICFTU-APRO Social Charter for Democratic Development has referred to migrant workers as ‘economic migrant workers’ (ICFTU-APRO, 1994). While the Charter does not define the term, the reference is probably to those migrating for overseas employment. For the concerns of the trade union movement, the term ‘migrant worker’ which refers to migrants in the world of work should be a better term than ‘economic migrant workers’ for reasons cited above.

In this paper, I shall confine myself to migrants for employment or migrant workers only, which is consistent with ILO’s mandate.

- *The term '3-D work' does not reflect the dignity of labour performed by migrant workers.*

It is a common practice to describe the nature of work performed by migrant workers in receiving countries as 3-D or dirty, dangerous and difficult (or demanding). Its origin can be traced to the Japanese term '3-K' (kitanai, kiken, kitsui). While there is little doubt about the arduous and dangerous nature of such employment, there is nothing ‘dirty’ about the essential tasks performed by migrants, and the above description fails to reflect the dignity of labour involved. It is a fact that some jobs become increasingly unattractive to local labour under conditions of fast economic growth and rising living standards. Böhning (1996) has coined the term SALEP (Shunned by All Except the very Poorest) to refer to this type of work.

- *The correct distinction is between skilled labour (professionals, technicians, etc.) and unskilled labour and not between ‘high level’ manpower and ‘low level’ manpower.*

Migration flows are characterized by a basic distinction between skilled labour (professionals, technicians, etc.) and unskilled labour. This distinction is highly relevant because the two groups interact with the labour market differently and receive differential treatment in host countries. Skilled workers face few problems overseas given their qualifications and bargaining power. Most protection issues relate to unskilled migrant workers. Some writers have used terms such as ‘high level’ manpower and ‘low level’ manpower to refer to the two categories (Stahl, 1993). These terms should certainly be avoided because they again do not reflect the dignity of labour involved. For the trade union movement, all workers are equally important irrespective of their skill levels.

⁴ <http://www.unhcr.ch/refworld/pub/state/95/chapter5.htm>

- *The term, 'female domestic helper' does not convey the workload carried out by female domestic workers or housemaids.*

Yeoh et al. (1999) correctly point out that the term 'domestic helper' does not do justice to the labour involved: '...the women do not just "help" around the house but are often employed to bear the brunt of domestic work including cooking, cleaning, and childcare.' In Hong Kong (China), women recruited as maids are even expected to act as chauffeurs driving children to school. It is more appropriate to describe them as "female domestic workers".

- *The distinction between stocks of migrant labour and flows of migrant labour is important.*

The stock of migrant workers refers to the total number in the receiving country at a given point in time including all who had migrated prior to the date and still inside the country. The flow of migrant workers refers to the numbers going out of a sending country or entering a receiving country during a particular period of time - usually a year. For instance, Thailand generally reports that 125,000 to 150,000 workers leave for overseas contractual employment every year but the total stock of Thai workers overseas is estimated to be around 450,000 at present including irregular workers. The best estimates of the stock of workers have to be obtained from the receiving country sources but many countries do not report these for various reasons (Middle East countries, Singapore). Trade unions may have to deal with all foreign workers resident in the country rather than with only new entrants.

1.2. Popular myths about migrant workers

- *Labour migration benefits only the labour sending country.*

It is a matter of common observation that receiving countries rarely mention the positive contributions made by migrant workers to their economies and societies. This is a very partial account of benefits of migration. "*What most people forget is that migrant workers have made generally made a positive contribution to the host countries, both in terms of socio-economic development and in providing labour for jobs which the local people did not want to do.*" (ILO/ACTRAV, 1996: 4). We have to look at both sides of the balance sheet - benefits to host countries and benefits to sending countries. Benefits of migration cannot be conceived as a one-way flow favouring the sending country alone. Mr Juan Somavia, ILO Director-General has stated: "*Migrant workers are an asset to every country where they bring their labour... "Migrant workers provide valuable services with their labour and furnish an often invisible subsidy to the national economies that receive them. They work in factories, produce food, provide domestic service, staff hospitals and contribute to a wide range of basic needs, often for low wages and with little recognition of the value of their contribution"*"⁵All migrant workers irrespective of their status contribute to the economic prosperity of the host society (UNFPA, 1999).

⁵ Statement by ILO Director General marking first UN designated International Migrant=S Day, 18 December 2000, URL: <http://www.ilo.org/public/english/bureau/inf/pr/2000/50.htm>

Businesses and employers in host countries reap enormous profits by exploiting migrant workers, especially irregular workers.

- The brain drain of highly skilled migrants is a major loss of the investment in human resources made by the home country and a windfall gain to the host country.
 - Receiving countries also gain by rising labour force participation of women made possible by the engagement of foreign domestic workers at low wages.
 - Some governments of labour-receiving countries earn sizeable revenues through levies on firms employing foreign workers, the burden of which may partly or fully be passed on to the workers themselves. Malaysia and Singapore are examples of countries using selective levies.
- *Foreign workers pose a risk to the maintenance of socio-cultural homogeneity of the host country population.*

The possible disruptive socio-cultural and economic consequences of having a large foreign worker population, is evident in the attitudes of Japan towards entry of unskilled and semi-skilled labour from Asian countries. There is no evidence to back this up, especially since the share of foreign worker population in Japan is insignificant compared to the shares of countries such as Malaysia and Singapore.

- *Migrant workers increase the crime rates in host countries and bring various diseases.*

This argument reflects the traditional stereotyping of migrants, which is far removed from reality. Moreover, this type of perception becomes widespread in times of crisis or recession while at other times, there is tacit acceptance of the presence of migrant workers. In fact, it is the traffickers who promote transnational crime with impunity forcing women and girls into prostitution and sweatshops when they come looking for decent jobs. The latter persons face high risk of exposure to HIV-AIDS and other sexually transmitted diseases. Moreover, lack of medical insurance and support forces migrants to forego treatment or resort to unreliable self-medication. This would naturally raise incidence of diseases among them

- *Migrant workers steal jobs from the local population.*

This argument is again not supported by the evidence. One lesson of the Asian economic crisis is that migrant workers were filling jobs, which were largely shunned by local populations. This explains the less than expected mass deportations from both Malaysia and Thailand. As Battistella (1999b) explains:

"Studies and recent episodes have indicated that unskilled migrants do not compete with nationals because they are employed in sectors that are shunned even by unemployed national workers. On the other hand, highly skilled migrants also do not compete, since the demand for highly skilled

workers in Asia is expanding and largely unmet, as indicated by the policy of Singapore to actively recruit foreign talents".

Bill Jordan observes⁶:

"... the argument that immigrants are responsible for the rise in unemployment does not hold up to close inspection. In fact, repatriating immigrants would cause a higher number of job losses than new jobs available to nationals of the country in question after their departure."

In the context of the USA, Keith Griffin (1998) has pointed out:

"Migration, it is claimed, increases unemployment. This is not true. First, most migrants enter low-wage occupations that are not attractive to the indigenous population. That is, they often do not compete directly with local labor. Second, a high proportion of migrants create their own jobs by becoming self-employed. Third, and most important, by stimulating growth, migration reduces unemployment rather than increases it."

- *National workers need to be given preferential treatment even if they perform the same jobs as migrant workers.*

Such a practice represents discrimination according to ethnicity, race and country of origin which is a basic violation of fundamental human rights. It is inconsistent with ILO Declaration on Fundamental Principles and Rights at Work⁷ and international instruments on migrant workers.

- *All migrant workers are temporary entrants.*

Philip Martin (2000) observes: "Most East Asian societies receiving migrants insist that migrants are and will remain temporary workers, not permanent residents." The experience of Western Europe clearly shows that a substantial of migrant guest workers chose to settle down in the countries of destination. While Asian countries are quite resistant to such an idea, Castles (1999) and Martin (2000) show that it is happening on a limited scale. In destinations such as Singapore and Hong Kong (China), skilled migrants stay much longer and also get accepted as permanent residents over time.

2. Labour Migration: Causes and Origins

2.1. Reasons for migration

This is a complex issue, which cannot be generalized easily. The traditional explanation of migration as a movement from poor to rich nations is too simplified. There are both economic and non-economic factors affecting these flows. I shall mention a few here.

⁶ Editorial for the ICFTU Trade Union World (1/9/98).

⁷ See ILO web page on the Declaration at: <http://www.ilo.org/public/english/standards/decl/index.htm>

Box 1: Nine Good Reasons to Love Labor Migration by Keith Griffin

We live in a liberal world where markets are allowed to work their magic, except for one curious asymmetry: There are free flows internationally of manufactured goods and services, free flows of technology and intellectual property rights, and free flows of capital. Yet the flow of labor is severely restricted, and the rich countries are becoming not more liberal but less liberal.

This makes no economic sense at all. Greater international labor mobility - particularly of low-skilled labor - would benefit everyone, host countries and sending countries alike. To paraphrase Elizabeth Barrett Browning, "Migration, how do I love thee? Let me count the ways."

I will give you nine ways in which greater freedom of migration would be beneficial:

1. It would raise total output and incomes in the rich, host countries;
2. It would increase efficiency in the use of the world's resources all around, in rich and poor countries;
3. It would increase the supply of entrepreneurship and reinvigorate the sclerotic economies of Western Europe and Japan and help to sustain growth in North America;
4. It would stimulate the creation of small business;
5. It would increase savings, investment, and human capital formation in the rich countries;
6. It would accelerate the pace of innovation;
7. It would increase the flow of remittances to poor countries; thereby
8. Accelerating the growth of per capita income in both groups of countries. Think of the growth of Western Europe in the 1960s, the growth in the Middle East in the 1970s and, for that matter, the growth in the United States in the late 19th and early 20th centuries. All of these periods of rapid growth were fueled by large-scale immigration.
9. Finally, for those of you who are worried about social security entitlements in your old age, immigration will alleviate the economic problems associated with the aging population in rich countries.

..... [Intervening paras omitted]

I conclude, then, that fewer restrictions on immigration would benefit everyone, that the alleged harmful effects of migration can easily be debunked, and that policies intended to prevent immigration into this country {USA} merely squander taxpayers' money. It is hard to imagine anything more foolish.

Source: UC-MEXUS News, Number 35, Summer 1998
http://www.ucr.edu/ucmexus/ucmnews/labor_migration-griffin.htm
 (reproduced with permission from the author).

2.1.1. Why do workers migrate?

In search of higher incomes.

This is the most obvious and popular reason given - the pull from higher wages in receiving countries. In this sense, high levels of unemployment and poverty in source countries act as a push factor in the decision to emigrate. The economic disparities among groups of Asian countries have been cited as a major factor in this connection with per capita incomes ranging from a low of US\$ 200 in the poorest countries to around US\$35-40,000 in the advanced countries. For instance, Japan, the Republic of Korea, the Taiwan

province of China, Singapore and Hong Kong SAR had record growth during the 1970s and 1980s leading to what has been described as 'the East Asian economic miracle'. These countries have achieved more or less full-employment in different stages.

Lured by friends and relatives and social networks.

Networks of friends and relatives already working in destination countries serve as sources of information and anchor communities for newcomers.

In search of adventure, exploration, curiosity.

Some are interested in visiting other lands from a sense of adventure or for exploration and the emerging demand for labour may provide the required opportunity.

Fleeing from persecution and armed conflict.

In a number of cases, the migrants have no choice. They may simply be forced out because of armed conflict, persecution at home or environmental degradation. The large inflow of migrants from Myanmar to Thailand and from Afghanistan to Pakistan, are examples of dislocations caused by armed conflict and suppression of ethnic groups.

2.1.2. Why do labour-sending countries promote labour migration?

The two basic reasons are relief of domestic unemployment pressures and earning of foreign exchange.

" Philippine overseas migration has become a pair of crutches for the local economy, serving two main objectives - to ease the unemployment situation and to generate foreign incomes to fuel the faltering economy."⁸

As a safety valve for domestic unemployment and aspirations of educated workers for higher wages.

Some countries have targets for labour emigration. For example, Indonesia in its Five-Year Plans has generally included targets for sending workers overseas. Following the economic crisis of 1997, Thailand announced sending 250,000 workers abroad as one of the emergency unemployment relief measures. Given the magnitude of unemployment in some sending countries, it is unlikely that emigration of national workers has really produced much relief at home except perhaps for small Pacific Island economies.

Contribution of worker remittances to foreign exchange earnings.

This is the major benefit received by labour sending countries. In the early eighties, remittances contributed significantly to the balance of payments of countries such as Pakistan and Sri Lanka. The ILO has stated: "*Migrant workers send remittances to their home countries of US\$ 73 billion every year, usually from relatively modest earnings. Migrant worker remittances represent the second biggest international monetary trade*

⁸ KAKAMMPI (Association of Filipino Migrant Families and Returnees), *Philippines overseas migration amidst the Asian crisis*, paper prepared for the FES Southeast Asian Regional conference on migrant workers and the Asian crisis: towards a trade union position, 5-6 November, Bangkok.

*flow, exceeded only by petroleum exports. For many countries, remittances represent greater sources of foreign exchange than total foreign direct investment or foreign aid.”*⁹

Skills acquisition by workers while overseas.

There is no clear evidence that this is a major factor in the decision to promote migration of national workers. ILO research has shown that the evidence on the actual extent of skill acquisition and the relevance of such skills to the local situation are not clear (ILO, 1988). Trainee schemes are being used by countries such as the Republic of Korea and Japan to hire migrant workers from Asian countries. Yet research in Korea has shown that these schemes are in reality disguised cheap labour mechanisms.¹⁰

2.1.3. What are the economic and structural factors causing migration?

- *Demographic changes in fast growing economies have created serious labour shortages.*

There are clearly observed demographic differences emerging within Asian countries. In general, labour-sending countries are characterized by high rates of population and labour force growth as in the case of Pakistan, Bangladesh and the Philippines exceeding two per cent per annum into the 21st century. Present-day labour-receiving countries have undergone demographic transition and are experiencing serious labour shortages. Ageing has added to the low labour force growth in these countries.

A recent United Nations Population Division report (UNPD, 2000)¹¹ on demographic trends in a number advanced countries including Japan and the Republic of Korea concluded: *"The projected population decline and population ageing will have profound and far-reaching consequences, forcing Governments to reassess many established economic, social and political policies and programmes, including those relating to international migration."* The findings are worth reporting in detail.

- It finds that for Italy, Japan, the Republic of Korea and Europe, a level of immigration much higher than experienced in the recent past would be needed to offset population decline.
- Second, to offset declines in the working-age population significantly, the numbers of migrants needed would be much larger than above. *"If retirement ages remain essentially where they are today, increasing the size of the working-age population through international migration is the only option in the short to medium term to reduce declines in the potential support ratio."*

⁹ ILO Director-General's message on International Migrants Day, 18 December 2000.

<http://www.ilo.org/public/english/bureau/inf/pr/2000/50.htm>

¹⁰ M. I. Abella, Y.-b. Park, W. R. Böhning, *Adjustments to labour shortages and foreign workers in the Republic of Korea*, October 1994, International Migration Paper, International Labour Office, Geneva, <http://www.ilo.org/public/english/protection/migrant/download/imp/imp01.pdf>

¹¹ United Nations Population Division. 2000. *Replacement Migration: Is it a solution to declining and ageing populations*, New York, Population Division, Department of Economic and Social Affairs, ESA/P/WP.160/ (<http://www.un.org/esa/population/unpop.htm>)

- Third, *"the levels of migration needed to offset population ageing (i.e., maintain potential support ratios) are extremely large, and in all cases entail vastly more immigration than occurred in the past"*.

It is estimated that replacement migration to the tune of 30-39 per cent of the population might be needed by the middle of the 21st Century. Yet these are the very countries, which pursue highly restrictive immigration policies.

➤ *Globalization is a major driving force of international labour migration.*

"In a world of winners and losers, the losers do not simply disappear, they seek somewhere else to go". (Stalker, 2000)

It stands to reason that globalization with its associated liberalization policies would result in a massive increase in mobility of labour across borders as in the case of capital and technology. Castles (1999) maintains that globalization tends to erode the sovereignty and autonomy of the nation-state and that international migration is an integral part of globalization.

How does globalization promote migration?

Globalization has made migration much easier through better communications, dissemination of information through mass media and improved transport, among others. It is the increasing trade and investment flows in the Asian region, which facilitated interest and awareness in migration to such countries as Japan, the Republic of Korea and the Taiwan province of China.

"The recent expansion of the global communications network - telephone connections, satellite dishes and video rental stores - has already had a profound effect on the consciousness of the world's less prosperous societies. Horizons have been broadened, expectations raised and cultural differences diminished. The images conveyed by such media may be largely false. Nevertheless, they convey a potent message about the advantages experienced by people living in the developed states".
(UNHCR, 1995)

- Globalization forces have reinforced the movement of skilled workers who move with FDI flows and multinational investments. Professional managers, highly skilled persons and technicians are welcomed by many countries to attract foreign investment.
- Globalization has also increased economic disparities between countries. Stalker (2000) argues that flows of goods and capital between rich and poor countries will not be large enough to offset the needs for employment in poorer countries. For instance, *"the social disruption caused by economic restructuring is likely to shake more people loose from their communities and encourage them to look abroad for work."* (Stalker, 2000).

- On the "dark side of globalization", some have argued that globalization contributes to higher trafficking and smuggling of persons across borders with the proliferation of transnational crime syndicates. (Linard, 1998; Asian Migrant Centre, 1996).

Globalization also reduces migration

- Growth in trade can reduce migration through the creation of additional employment and higher growth in labour-sending countries. Increased investments by multinationals in labour-sending countries can create jobs and incomes in the home country reducing emigration pressures.
- Another possibility opened up by globalization forces is trade in services. *"The increased tradability of skill- and knowledge-intensive services opens up new opportunities for high-wage jobs in the migrant-sending countries, and can be expected to induce skilled workers to stay in their home country"* (Linard, 1998). The phenomenal growth in software exports from India is a case in point.

While these are possibilities, the actual extent of mobility of labour under globalization has been seriously curtailed by restrictive immigration policies of labour-receiving countries, particularly in the West. Barriers to the international movement of unskilled labour are widespread and 'borderless states' are still to be realised. Keith Griffin (1998) refers to this as a curious asymmetry of globalization and argues that it has no basis in actual economic fact (Box 1).

2.2. Options for countries facing labour shortages

Enterprises in countries facing labour shortages have several options.

- *Export of capital or relocation of production to labour sending countries.*

With globalization, this is increasingly being done. Southeast Asia has received substantial amounts of direct foreign investment from Japan since the Plaza Accord of 1985 or so with the appreciation of the Yen. But this option is hardly feasible for smaller and medium enterprises, which face labour shortages. This is because they lack the necessary contacts and experience to relocate production facilities abroad. Moreover, only certain activities can be relocated. There are non-tradable goods and services – construction and services - which face labour shortages and have to be carried out locally.

- *Adoption of labour-saving high technology or automation.*

This is a costly process involving high levels of research and development expenditure, and therefore, not a viable option except in large enterprises.

- *Raising the labour force participation, especially of women.*

It has been attempted in countries such as Singapore, Hong Kong (China) and the Republic of Korea. The policy requires hiring of foreign domestic workers to relieve

women of their domestic chores. Still the impact may not be large because many women may enter the labour force only on a part-time basis or seasonally.

This highlights the limited options faced by countries with labour shortages. Therefore, employing foreign workers is a logical option. However, unlike capital and technology, labour is not free to move across borders given rigid immigration laws in various countries, as pointed out earlier.

There are basically two policy options adopted by Asian labour-shortage countries.

A. Admission of unskilled workers as a regular policy.

This has long been the practice in the Middle East, Singapore, Hong Kong (China), Malaysia and more recently in Taiwan (China). Levies on companies hiring foreign workers are used to discourage excessive reliance on foreign workers.

B. The absence of a regular admission policy or a policy of denial.

This is the case in Japan and the Republic of Korea where unskilled foreign workers are not admitted. Persistent shortages in the labour market would be met through resort to irregular migrant workers drawn from tourists, students, refugees, trainees, etc. Authorities may turn a blind eye or connive on these practices for a time, especially in boom times, but usually carry out sharp crackdowns and deportation exercises during recessions.

3. Labour Migration from Asia: Flows and Trends

3.1. Migration statistics and data

Before discussing patterns and trends in migration in Asia, it is important raise some issues about the available data on migration. Box 2 summarises the major issues concerning officially reported data on labour migration. It highlights that one has to use considerable caution in interpreting and generalizing on migration trends using official data.

3.2. Migration patterns and trends

Box 3 shows the migration status of the most important countries in terms of labour migration. There are a number of traditional labour-sending countries such as the Philippines and Sri Lanka and labour-receiving countries in the Middle East, Hong Kong SAR and Singapore. The Republic of Korea has changed from a labour-sending country in the early 1980s to a labour-receiving country by the end of the same decade. Thailand also shows a migration transition in that it has become a net receiver of labour since the early 1990s – a result of fast growth. For India and China, international labour migration is insignificant in relation to the population or the labour force. Yet states such as Kerala in India have relied on overseas labour migration for a considerable time.

Subject to the data limitations mentioned above, we can look at changing patterns of migrant labour flows from Asian countries. Table 1 shows reported or documented labour flows for a number of labour-sending countries. These show that the Philippines is the largest labour-sending country. The actual flows in the case of Indonesia will be much larger if undocumented flows are accounted for.

In the initial stages of Middle East migration, most of the unskilled workers were hired for construction projects. With the completion of infrastructure projects, demand for maintenance activities and service sectors, especially domestic services, has become

Box 2: Migration statistics and data

- Most data cover only officially recorded flows. These are grossly incomplete because of the large-scale incidence of irregular migration. For example, information on migration from Indonesia will be a major underestimate because only a few migrants use regular channels of emigration, especially to Malaysia.

- Because migration involves human beings, we like to get much more information than just numbers: information on gender; skills; destinations; wages; working conditions. These are simply not available. It is also the case that hardly any country collects information on returning migrant workers.

- Even the available data is not of good quality. They are collected as a by-product of administrative operations, and by people who have little appreciation of data.

- The data collected cannot be compared over time because of changing definitions and coverage. This is true of India where different categories of migrant workers have been exempted from registration at different points of time. Skilled workers do not require emigration clearance and are therefore, not included in emigration statistics.

- Some countries do not publish migration data or make them available to the public. For example, Singapore does not publish any data on inflow of foreign workers given the sensitivity to high dependence on migrant workers. Similarly Malaysian data systems are not transparent.

If there are problems within countries, the comparability of data across countries/time is a cause for greater concern (Athukorala and Wickramasekara, 1996).

Can trade union organisations play a role in improving the data situation?

While it is not realistic to expect unions to be responsible for large data collection exercises, they can play a useful role in enriching available information through monitoring and documenting abuses suffered by migrant workers, undertaking case studies of working conditions of migrant workers and monitoring the impact of laws and regulations on the welfare of migrant workers.

more important. In the case of Asia, the picture is mixed. While female migration is still primarily for service industries such as domestic help (Singapore, Hong Kong SAR) and the entertainment industry, male workers are found in construction (Singapore),

plantation work (Malaysia), fishing industry (Thailand), manufacturing, especially in small scale manufacturing (Malaysia, Republic of Korea, Taiwan province, Japan) etc.

Box 3: Migration Status of Asian Countries

1. Labour sending
- *Bangladesh, China, Indonesia, Nepal, Philippines, Sri Lanka, Vietnam*
2. Labour sending and receiving
- *India, Malaysia, Pakistan, Thailand*
3. Labour receiving
- *Middle East, Brunei Darussalam, Taiwan (China), Japan, Republic of Korea, Hong Kong SAR, Singapore*

3.3. Recent trends in Asian labour migration

- *Changing destinations.*

Migration of workers from Asian countries has shifted from a predominantly Middle East - bound flow to an intra- Asian flow within the past decade or so (table 2 and chart 1). This is especially true of Southeast Asian countries while South Asia has continued to rely on the Middle East labour market. (Wickramasekara, 1996). The oil price boom in 1973 caused an explosive growth in migration to the region. According to Stalker (2000) the number of immigrants in the seven States of the Gulf Cooperation Council, rose from 1.1 million to 5.2 million between 1975 and 1990. The subsequent decline in oil prices, the Gulf war and the completion of many construction projects led to a sharp fall in the demand for migrant labour since the mid-1980s. At the same time, the volume of labour migration within the Asian region was growing with rapid economic growth in East Asia and the emergence of newly industrializing economies such as Malaysia and Thailand. Yet South Asia was still heavily dependent on the Middle Eastern countries. According to ILO estimates, there were about 6.5 million foreign workers in 1997 in seven Asian countries or areas: Japan, the Republic of Korea, Malaysia, Singapore, Thailand, Hong Kong (China) and Taiwan (China).

- *Temporary migration of labour.*

Labour migration in Asia is mostly on fixed term contracts representing temporary migration. Permanent or settler migration still takes place on a limited scale to Australia and New Zealand. The short duration has obvious implications for recognition of migrant rights and their economic and social integration in receiving countries.

Table 1. Asia: Officially reported outflow of migrant workers, 1972-1998
No. of migrants (thousands)

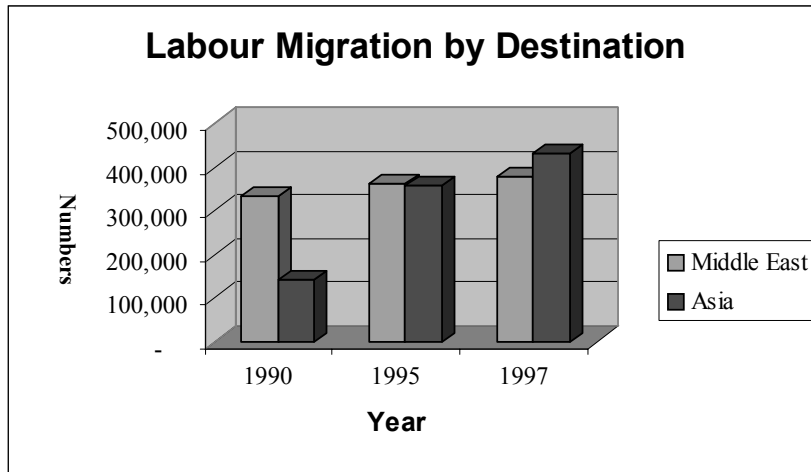
Year	India	Indonesia	Philippines	Thailand	Pakistan	Bangladesh	Sri Lanka
1972			14.4		4.5		
1973			26.4	0.3	12.3		
1974			32.7		16.3		
1975			36.0	1.0	23.1		
1976	4.2	1.9	47.8	1.3	41.7	6.1	0.5
1977	22.9	2.9	70.4	3.9	140.5	15.7	5.6
1978	69.0	8.2	88.2	14.7	130.5	22.8	8.1
1979	171.8	10.4	137.3	10.6	125.5	24.5	9.4
1980	236.2	16.2	214.6	21.5	129.8	30.1	7.6
1981	276.0	17.6	266.2	26.7	168.4	55.8	14.2
1982	239.5	21.2	314.3	108.5	142.9	62.8	22.4
1983	225.0	29.3	434.2	68.5	128.2	59.2	17.8
1984	206.0	46.0	425.1	75.0	100.4	56.7	15.7
1985	163.0	54.3	389.2	69.7	88.5	77.7	12.4
1986	113.6	68.4	414.5	85.7	62.6	68.7	15.8
1987	125.4	61.1	496.9	85.5	69.6	74.0	15.5
1988	169.9	61.4	477.8	118.6	84.8	68.1	18.4
1989	126.8	84.1	523.0	125.3	98.7	101.7	24.7
1990	143.6	86.3	598.8	63.2	115.5	103.8	42.7
1991	197.9	149.8	701.8	63.8	147.3	147.1	65.0
1992	416.8	172.2	549.7	81.7	196.1	188.1	124.5
1993	438.3	160.0	550.9	137.9	157.7	244.5	129.1
1994	426.0	176.2	565.2	169.7	114.0	186.3	130.0
1995	415.3	120.9	488.6	202.3	122.6	187.5	172.5
1996	414.2	517.3	484.7	185.4	127.8	211.7	162.6
1997	416.4	235.3	559.2	183.7	153.9	381.1	149.8
1998	355.2	411.6	562.4	175.4	104.0	267.7	158.3

Sources: Wickramasekara, 1996; Indonesia: Hugo, 1999; South Asia - ILO/ACTRAV studies on Bangladesh, Pakistan and Sri Lanka; Statistical Handbook, Sri Lanka Bureau of Foreign Employment, 1997 and 1998.

- *A migration flow dominated by semi-skilled and unskilled workers.*

Most migrant workers are unskilled or semi-skilled such as construction workers and female domestic workers. These workers face numerous problems in protection in both sending and receiving countries compared to skilled workers and professionals who move with foreign capital and enjoy more bargaining power.

**Chart 1. Officially reported Labour outflows by destination
Indonesia, Philippines and Thailand (combined)**



Source: based on table 4.

- *Explosive growth in irregular migration*

The most important trend in total migration from the viewpoint of protection of migrant rights in Asia is the rising share of ‘irregular migration’ – commonly referred to as ‘illegal’, ‘undocumented’ or ‘clandestine’ migration. Since these workers have no legal status in the host countries, their rights are subject to frequent abuse as discussed later.

- *Feminization of migration*

Another observed tendency has been the increasing share of female workers migrating on their own for overseas employment. The bulk of them migrate for low wage occupations such as domestic work. Hong Kong (China) and Singapore represent the major destinations of domestic workers in Asia. A sizeable number migrate to the Middle East, especially Saudi Arabia and Kuwait as well. Entertainers also represent an important group of women migrants, mostly going to Japan. Women migrants are one of the most vulnerable groups in all countries.

Table 2. Migration flows to the Middle East and Asia 1993 and 1998
(per cent of total recorded emigration)

Year	1993	1993	1998	1998
Region	Middle East	Asia	Middle East	Asia
Bangladesh	94.1	5.9	60 (1997)	40.1 *
India	96.7	3.3	93.4**	6.6**
Indonesia	57.6	42.4	69.4	30.6
Pakistan	99.7	0.3	96.2	3.8+
Philippines	74.9	24.1	47.1	48.3
Sri Lanka	93.2	6.8	96.7	3.3
Thailand	12.2	84.7	9.3	64.4

Note: * Malaysia only; ** excluding the others category which cannot be allocated to either group; + others category which does not separate Asia;

Sources: based on Wickramasekara, 1995 and 2000a; ILO/ACTRAV country studies in South Asia; table 4.

- *Commercialization of the recruitment industry.*

The share of public employment services in sending workers overseas has fallen drastically giving way to a thriving industry of intermediaries in both sending and receiving countries. Some are large firms while many are unregistered small enterprises. It is well documented that the recruitment industry has been responsible for various malpractices and growth of irregular migration in the region.

4. Most Vulnerable Categories of Migrant Workers in Asia

The Report of the Director-General to the 87th session of the International Labour Conference in 1999 stated: *A... the primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.* @ (ILO, 1999c). Seen in this light, it is clear that most Asian migrant workers fail to secure decent work. The most seriously affected among them are three categories: female domestic workers and entertainers, trafficked persons and irregular migrant workers. These categories may not be always mutually exclusive since some of the first two may also be in irregular status.

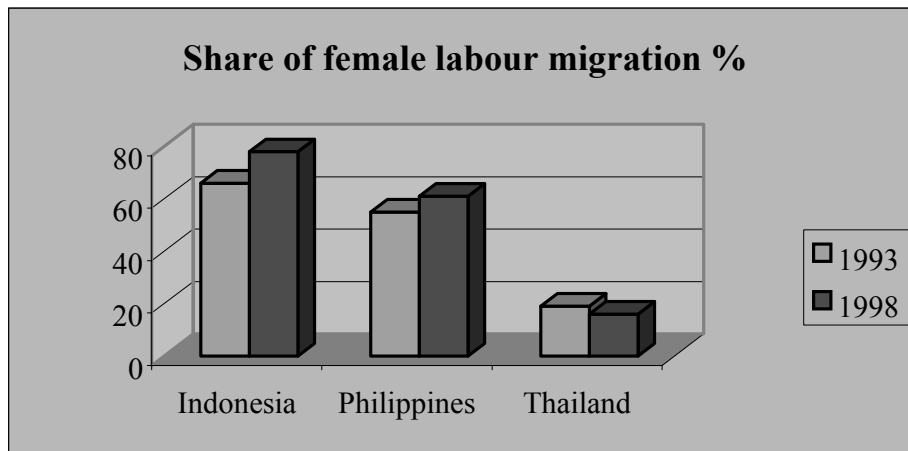
4.1. Women workers: domestic workers and entertainers

Indonesia, the Philippines and Sri Lanka mainly account for sending women as domestic workers for overseas employment. The popular destinations are the Middle East, Hong Kong (China) and Singapore. Entertainers are regarded as a professional category.

Chart 2 summarizes some available information on documented labour flows from major Asian countries sending female labour, which does not provide strong evidence of feminization of migration flows. However, given the large undocumented flows affecting both males and females in the region, one should exercise extreme caution in arriving at firm conclusions.

The problems faced by domestic workers are well known (Wickramasekara, 1995; Gulati, 1993). Being confined to private homes as the work place, they have to work long hours for low pay and are quite often subject to abuse and exploitation. Confiscation of passports is a common practice. Sexual harassment is a common complaint by domestic workers. They enjoy hardly any protection and the national laws invariably favour employers. These abuses are proverbial in the Middle East while they are common even in Singapore and Hong Kong (China), which have better labour administration systems (Asian Migrant Centre, 1999).

Chart 2. Share of female migrants in reported labour outflows, 1993 and 1998



“The isolation of domestic workers, most of them women, who are as a rule excluded from national labour laws, is conducive to serious violations of human rights. The conditions of domestic workers often can be comparable to slavery: unduly long working hours, poor remuneration, no access to social security, inadequate food and isolation because they are afraid of the authorities and often do not speak the local language. As with

trafficking, they are lured by the empty promises of agencies that are well organized and operate worldwide” (CHR, 2000).

Entertainers and women who are trafficked into the sex industry become virtual slaves in debt-bondage to pay back exorbitant charges claimed by traffickers.

4.2. Trafficked persons

The other disturbing aspect not conveyed by data is the increased trafficking of women and children across borders, often for commercial sex and other exploitative and abusive purposes. Organized gangs worldwide are believed to traffic an estimated 4 million people every year as "human cargo", yielding around \$5 to 7 billion in annual earnings. The new UN Convention on Transnational Organized Crime¹² defines trafficking of persons as follows.

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”

The Convention is supplemented by a series of protocols targeting specific types of crime and the two relevant Protocols in this context are: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Air and Sea. The *ILO Convention 182 on Worst Forms of Child Labour, 1999*, defines all forms of slavery or practices similar to slavery, such as the sale and trafficking of children among the worst forms of child labour.

Among ASEAN countries, Thailand has become a major hub in this process of trafficking.¹³ Quite often, women and girls, recruited for jobs that they believed to be legitimate, have discovered later that they were being trafficked for the purpose of prostitution. Girls are lured from Myanmar, Cambodia, Lao PDR and South China for the sex market in Thailand while Thai women are trafficked to more affluent destinations such as Australia, Germany, Japan, Malaysia, the Republic of Korea, and the Taiwan province of China. According to a recent study, 80,000 women and children have been trafficked along the Thai-Myanmar border to work in the sex industry between 1990-97 (Archavanitkul, 1998). A report on Vietnam also reveals disturbing figures. At least 10,000 women and more than 14,000 children have been sold abroad since the early 1990s according to a UNDP report. They were mostly sent to China, Cambodia, Taiwan,

¹² United Nations Convention against Transnational Organized Crime adopted in November 2000 by the General Assembly. http://www.undcp.org/adhoc/crime/a_res_55/res5525e.pdf

¹³ The Bangkok Post, 2000. *Gangs make Thailand a regional hub: Yakuza operating with local mafia*, 6 September 2000.

Hong Kong SAR, Macao SAR, Australia, the USA and Singapore to be child brides, housekeepers, prostitutes or slaves.¹⁴ In China also, the trafficking rings have been long in operation. The Fujian province is well known for trafficking and smuggling networks, which charge exorbitant fees (ranging from US\$30,000-50,000) to send persons to Western countries. In South Asia also, it is a major problem with persons being trafficked from Bangladesh and Nepal to India and Pakistan. An ICFTU study (Linard, 1998) summarizes the situation as follows:

"With no visa and little money, many prospective migrants have no choice but to turn to the modern day-day slave traders. In addition to the risks they run (including being sent home if caught) it could cost them US\$3,000 to go from the Philippines to Kuwait, between US\$4,000 and US\$6,000 from Bangladesh to Germany, and US\$25,000 from China to the United States. The illegal traffic in labour involves more than 6 million people every year, duped and exploited by middlemen. In total, it earns the mafias that organise it some US\$7 billion a year".

What are the problems of trafficking?

Trafficking involves serious violations of basic human rights of victims. Most trafficked women and children find themselves in extremely vulnerable positions and work in conditions amounting to virtual slavery and perpetual debt-bondage in brothels, sweatshops, entertainment industry, etc. The work involve serious health and other hazards including exposure HIV/AIDS. They cannot have access to legal provisions or any support structures such as NGOs or trade unions because of strict control by traffickers who keep them isolated.

What can be done to eliminate trafficking?

A welcome trend is that countries are increasingly becoming aware of the seriousness of the problem and try to look beyond the traditional practice of punishing the victims only. For example, the Bangkok International Symposium on Irregular Migration recognized this problem and made the following recommendation in the Bangkok Declaration (1999):

"The participating countries and region should be encouraged to pass legislation to criminalize smuggling of and trafficking in human beings, especially women and children, in all its forms and purposes, including as sources of cheap labour, and to cooperate as necessary in the prosecution and penalisation of all offenders, especially international organised criminal groups."

¹⁴ cited in *Women and kids tagged for export*, By Bich Ngoc, Vietnam Investment Review: 1,213, May 08, 2000.

Thailand has taken some important initiatives including specific legislation to combat trafficking.¹⁵ Following the initial efforts by NGOs to combat trafficking, the Ministry of Labour and Social Welfare, the Ministry of Education and several provincial governments have joined this effort. The Ministry of Labour and Social Welfare plays a key role in the implementation of the National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children, developed under the aegis of the National Commission on Women's Affairs. There are major subregional programmes to combat the trafficking of women and children in the Greater Mekong Subregion with ILO and other international agency and donor support. ILO is playing a major role in this area by promoting the Declaration on Fundamental Principles and Rights at Work and its Follow-up covering core Conventions on forced labour and child labour.¹⁶

4.3. Irregular migrants

Irregular migration has emerged as a major issue affecting the management of international migration globally. The seriousness of the problem led the Royal Thai government to convene an international symposium on the issue with the participation of 18 countries and Hong Kong SAR in April 1999.

Box 4 provides a definition of irregular migrants who are commonly branded as illegal migrants. Typical examples of irregular migrant workers are: overstayers on tourist visa and engaged in work; students engaged in employment; trainees overstaying their visas; regular migrants continuing beyond the contract period; regular migrants running away from their designated employer/s before expiry of contract; and persons trafficked into the sex industry. A recent ILO Symposium on trade unions and migrant workers stated:

“In the flows of migrant workers in Asia-Pacific, where the pressure to migrate is accompanied by restrictive migration policies, irregular or undocumented migration has become widespread. Whether as overstayers of legal visas, trainees turned into migrants, runaways from difficult employment conditions, or outright undocumented migrants, irregular migrants comprise between 30 and 40 percent of the estimated 6 million migrants in Asia. Their irregular situation puts them at the mercy of unscrupulous agents, employers and officials and weakens their possibility to seek redress.”¹⁷

Are there reliable estimates of irregular workers?

In view of the very nature of irregular migration, it is difficult to estimate the numbers involved. Normally, researchers rely on press reports and data relating to overstayers,

¹⁵ The Bangkok Post, *Thailand in forefront of fight*, 24 November 2000.

¹⁶ see ILO, *Stopping Forced Labour: Global Report Under the Follow-Up To The ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Conference, 89th Session 2001- Report I (B), International Labour Office, Geneva, 2001.

¹⁷ *Report and Conclusions: ILO/ACTRAV*, 2000.

apprehensions and regularization exercises. There are varying estimates and table 3 provides some information based on the country papers presented at a Japan Institute of Labour workshop in January, 2000¹⁸.

Box 4: Definitions of regular and irregular migrant workers

Regular or lawful (e)migrant worker: *a person who*

- (a) *has been granted the requisite authorizations in respect of departure from his or her State of nationality or habitual residence and in respect of employment in another State where such authorizations are required, and*
- (b) *who complies with the procedural and substantive conditions to which his or her departure and employment in another State are subject.*

Irregular or unlawful (im)migrant worker: *a person who*

- (a) *has not been granted an authorization of the State on whose territory he or she is present that is required by law in respect of entry, stay or employment, or*
- (b) *who has failed to comply with the conditions to which his or her entry, stay or employment is subject.*

Source: ILO 1999a.

The problem is much more acute for ASEAN countries than for East Asia given the larger share of foreign labour in the workforce of the former group (Wickramasekara, 2000a). Malaysia and Thailand are the countries facing the largest numbers of irregular workers. Still the Malaysian data should be interpreted with caution because it may well be an underestimate.

Causes of irregular migration

Irregular migration should not be treated in isolation from regular migration as the Bangkok Declaration has clearly pointed. It is most important to deal with root causes in trying to minimize irregular entry and employment. The following causes seem to be among the most important.

- *Restrictive immigration policies in receiving countries.*

Rigid immigration laws in receiving countries and the continued tendency on the part of labour-shortage countries to refuse admission to unskilled workers are a major cause of irregular and disorderly migration. In some countries, fast growth quickly has created severe imbalances in the labour market, which cannot be remedied in the short run except

¹⁸ Japan Institute of Labour in cooperation with OECD and ILO, 2000. “*Workshop on International Migration and Labour Markets in Asia*”, Japan Institute of Labour, 26-28 January 2000, Tokyo.

through the entry of foreign labour. Where this happens to be inconsistent with existing immigration policy, the consequence is usually the growth of irregular migration. (Abella, 1999).

**Table 3. Estimates of Regular and Irregular Migration
Selected Asian Countries**
Numbers

Country	Year	Regular	Irregular
Australia	April 1999		53,143*
Japan	January 1999		271,048
Indonesia	1998	33,295	
Republic of Korea	1998	11,143 (professional) 30,180 (trainees)	99,537
Malaysia	1998	1,127,652	244,730
Singapore	1998	530,000	23,000**
Thailand	1998	89,862	897,027 (1998) 652,878 (1999)

* unlawful citizens (overstayers) only. ** apprehensions

Source: based on country papers presented at the "Workshop on International Migration and Labour Markets in Asia", Japan Institute of Labour in cooperation with OECD and ILO, 26-28 January 2000, Tokyo.

- *Acute poverty and unemployment problems in countries of origin resulting in acute emigration pressures.*

This is a root cause of migration as seen from extensive cross border labour movements between Thailand and the neighbouring countries, especially Myanmar, and between Malaysia and Indonesia. Bleak prospects of employment at home and the absence of a regular migration window induce unskilled workers to cross borders into neighbouring countries in the hope of improving their livelihoods.

- *Political suppression and armed conflict.*

Repressive policies towards ethnic minorities and forced labour practices such as in Myanmar promote refugee movements. Most of them may end up as irregular migrant workers in host countries.

- *Malpractices of private recruitment agencies.*

The role of the highly commercialised private recruitment industry in Asia to send workers abroad through regular or irregular means to reap greater profits is well-

documented. They tend to send workers abroad without firm job orders and charge exorbitant fees. This is a common practice in the Middle East where sending country agents link up with local intermediaries (kafeels or sponsors) to recruit labour, which may have no relationship with actual employer demand. The outcome is that a large number of workers who enter countries such as Bahrain, Kuwait, etc., find that there are no jobs waiting for them, and immediately fall into irregular status.

- *High migration costs*

Box 5 tries to look at different aspects of these costs. Thai private employment agencies charge anything between Baht 80,000-140,000 for migration into the Taiwan province. Migrant workers can have only one fixed-term two-year contract in the Taiwan province, and therefore, it is common that some run away before the expiry of the contract to save enough to meet these costs. Entertainers to Japan get only six-month visas, which is grossly inadequate to repay the agent fees let alone make any savings. If there is more flexibility for foreign workers to change jobs or status within the designated sector of employment, it would prevent them from going underground when retrenched. The problem is more acute in the case of migrant smuggling and trafficking. The fees charged by Chinese agents for smuggling and trafficking persons to premium destinations such as the USA ranges from US\$30,000-50,000, which may imply lifetime slavery or bondage for repayment.

- *Activities of criminal gangs and traffickers.*

Trafficking also gives rise to various forms of irregular migration through collusion among recruiters, immigration officers, traffickers and job placement agents (IOM, 1999). Women are especially vulnerable in this regard, through possible absorption into the sex and entertainment industries. The traditional approach of punishing and deporting victims of trafficking normally provides a 'green light' to traffickers and brokers to continue these practices..

- *Bureaucratic procedures which add to high costs of emigration*

ILO (1999b) rightly pointed out that both the cumbersome nature of the approval procedures and the financial burdens involved induce many migrants to take a short cut through irregular channels. Kassim (2000) has highlighted the burden of the foreign worker levy in Malaysia, which is acting as an incentive to irregular recruitment. The Indonesian system also encourages irregular channels given the heavy burden of the formal system.

Box 5: Costs of Migration

Types of Costs

Direct and indirect costs

Monetary (financial) and non-monetary costs (social and human costs)

Financial costs incurred by migrant workers (not exhaustive)

- Fees charged by recruitment agents and middlemen in both sending- and receiving-countries. Some charges may be open while others may be hidden in the form of short-payment of agreed wages.
- Other fees; registration fees; passport fees, visa fees, exit permit fees, etc.
- Travel and transport expenses before departure, air tickets, expenses in transit.
- Interest on loans and mortgages to finance overseas travel.
- Various government levies and legal costs.
- Repatriation costs.

Financial costs in relation to earnings

This is very important: in a number of cases, most of the first year earnings would be fully absorbed by these costs ranging from 25 per cent to 100 per cent. For trafficked persons, it could be lifetime debt-bondage.

Human costs (not meant to be exhaustive)

- Mental and physical stress of being alone without family.
- Various types of discrimination in the workplace and in the host country.
- Sexual harassment, violence and abuses faced by women workers.
- Unhealthy working and working conditions.
- Sickness and inadequate medical benefits.
- Work injuries and physical violence leading to disability and even death.
- Separation from family; impact on families left behind and children.

Who Pays?

In the final analysis, it is the migrant workers and their families who bear most of the above costs. Costs may often exceed benefits, especially for workers with low skills and irregular migrants.

Why is irregular migration undesirable?

Some migrant workers may not even be aware that they are entering another country under irregular status because of false information provided by the recruiters. Yet there are major problems associated with irregular migration.

- The situation is a prime ground for perpetration of various rights abuses against migrant workers. It exposes them to extreme risks and exploitation. Employers can afford to pay the lowest possible wages and deny them all rights. One telling example is the case of foreign workers (mostly from Myanmar) in rice mills of Thailand. When the government wanted the mills to switch to Thai workers following the economic crisis, it revealed the appalling working conditions where a foreign worker was expected to lift rice bags each weighing 100 kg. The government ordered the mill owners to make them into 50 kg. bags to attract Thai workers.

- Irregular workers can be blackmailed by the local mafia, labour brokers, criminal gangs, etc. Incidents of employers tipping off the police (who work in collusion with them) to avoid payment of wages, once the workers have been employed for some length of time, are common complaints by migrant workers.
- Irregular migration causes friction between the country of origin and the host countries.
- Receiving country governments feel no obligation to provide decent treatment to workers. National laws or international conventions cannot be enforced to help them. It also works against the protection needs of genuine asylum seekers.
- Fear of detection keeps migrant workers away from even legitimately available services.

In sum, they are not able to “*secure for themselves protection against hazards to their health and safety, join unions or organize themselves for collective bargaining, obtain fair wages, ask for compensation in case of injury or illness, or have any security of employment.*” (Abella, 1999).

How should we deal with it?

The answer is very clear. Irregular migration should be minimized or eradicated because it results in violation of basic human rights of migrant workers. Only migration under regular conditions can provide an environment conducive to their socio-economic improvement and respect of their rights and dignity as human beings.

ILO policy towards irregular workers is based on several factors and elaborated in ILO's contribution to the 1999 Bangkok Symposium on Undocumented/Irregular Migration (ILO, 1999a):

- The basic human rights of all migrant workers are covered by universal human rights instruments and ILO's core Conventions even if they are not ratified.
- Countries of origin and host countries should cooperate in curbing irregular migration.
- The root causes of irregular migration flows should be addressed. One major cause is that migration laws and policies in receiving countries are out of line with actual labour market needs.
- The safe return of irregular migrants in conditions of dignity should be ensured in case they cannot be regularized.
- Countries of origin should try to reduce emigration pressures by local development strategies.

5. Migrant Workers – Scapegoats of the Asian Economic Crisis?

Among ASEAN countries, Indonesia, Malaysia and Thailand were hit particularly hard by the recent economic crisis. Three of the countries were receiving countries while Indonesia was a major labour-sending country. Sharp falls in GDP growth, business

failures, capital outflows and rising local unemployment and worker layoffs naturally affected the migrant worker populations.

What was the immediate impact?

- *The crisis reduced overall demand for labour with the economic downturn.*

The construction sector was worst affected, which was a major source of demand for foreign workers. Apart from direct job losses, migrant workers including skilled workers suffered declines or loss of wages and other benefits.

- *Migrant workers treated as 'disposable commodities' to save jobs for local workers.*

Both Malaysia and Thailand, hosts to a large migrant worker population, mostly on irregular basis, announced plans for deportation of irregular workers and non-renewal of work permits for regular workers. In Thailand, immigrant worker replacement was one of the seven planks of the Unemployment Relief Scheme announced by the government. Malaysia also toughened its stand in the drive for saving jobs for the locals. Some have voiced concerns on the treatment meted out to migrant workers, particularly in detention centres, and possible human rights violations (Human Rights Watch 1998). The Republic of Korea offered an amnesty to illegal workers to leave voluntarily and many took advantage of this. The legal trainee scheme also was downsized.

- *Yet, repatriations and deportations were not high as expected.*

While there have been significant return flows in many countries, predicted mass deportations did not take place, however (SCM, 1998). While complete figures are not available, Malaysia had sent back about 200,000 Indonesian workers employed in the services and construction services in 1998 while Thailand reported repatriation of about 200,000 Myanmar workers by end of 1998. Philippines was largely unaffected from the crisis given that Philippines has been able to diversify countries of overseas employment.

While unemployment rates rose in Thailand and Malaysia, some sectors were still reporting labour shortages (SCM, 1998). This is because local workers have not been keen to go into these jobs involving arduous and risky work with low pay, usually one third to one half of wages paid to national workers. Both Thailand (rice milling and fishing industry) and Malaysia (plantation sector) therefore, eased some of the restrictions initially imposed. This highlights the structural nature of the demand for migrant labour (Martin, 2000). It is also noteworthy that domestic workers were not affected to that extent although they have suffered wage cuts as in Hong Kong (China).

At the same time, there was considerable pressure for re-emigration on the part of countries like Indonesia to escape from the trap of poverty and unemployment in the heat of the crisis. Hugo (1999) reported that largest official migration was in 1998 under these conditions.

Migrants as scapegoats of the crisis

The media and politicians in the crisis-affected countries fuelled public resentment against migrant workers in the wake of the crisis. The ICFTU observed in 1998: “The financial tornado that is devastating Asia's economies has found an easy target: the migrant workers from neighbouring countries”.¹⁹ The statement issued by the Conference on Social and Political Dimensions of the Asian Economic Crisis at the Second Asia-Europe Meeting (ASEM) in March 1998 is highly relevant in this context. It urged ASEM governments to stop the forced repatriation of migrant workers immediately. It also added: “... migrant workers should not be used as a scapegoat for economic problems or manipulated by governments and business to fragment labour and bring down wages”.²⁰

6. Protecting ‘the Least Protected’: Some Issues

A pioneering study on the role of trade unions in the protection of migrant workers (ILO/ACTRAV, 1996) described migrant workers as ‘the least protected’. This term aptly describes the current situation of migrant workers in Asia. The major issues, challenges and some policy options in regard to labour migration in Asia have been summarized in chart 3 as an illustrative exercise.

6.1. Protection of migrant workers and international instruments

For a labour-sending country, protection of migrant workers has two aspects: protection of prospective migrants before their departure from the home country; and, protection of national workers while they are abroad. National laws in the country of origin can do little in helping its workers in foreign countries. In a labour-receiving country, the issue mainly revolves on the protection accorded to foreign workers, whatever their status. For countries sending and receiving labour such as Thailand, there are two issues: protection of national workers while abroad; and, protection of foreign workers inside the country.

Böhning (1999b)²¹ has pointed out that migrant workers can be protected at three levels: national level, regional level and international level. There are a number of regional and global instruments designed to protect migrant workers and members of their families.²² The ILO has pioneered the development of international instruments for the protection of the rights of migrant workers when employed in countries other than their own. The major Conventions are: the Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143). The latter represents the first attempt to deal with the issue of irregular migration at the

¹⁹ ICFTU Online Bulletin: Asian Financial Crisis - Migrants made the scapegoats 9/2/1998.

²⁰ cited in: Chantavanich, Suphang 1999. *Responses of ASEAN to global challenge of migration*. Asian Research Centre for Migration, Institute of Asian Studies, Chulalongkorn University, Bangkok.

²¹ Bohning, 1999b.

²² See Wickramasekara, 2000b for a detailed description of these rights and provisions.

international level. More recently in 1990, the United Nations General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This is the most comprehensive instrument, which clearly defines the rights of all migrant workers including irregular workers. In addition, the ILO has adopted several Conventions pertaining to social security rights of migrant workers. These instruments represent vast potential for improving national migration policies and protecting migrant workers (Böhning, 1999a; Wickramasekara, 2000b).

Unfortunately neither major labour sending countries nor receiving countries in Asia have ratified these Conventions. Only New Zealand (in 1950) and the Sabah State of Malaysia (in 1964) have ratified the ILO Migration for Employment Convention, 1949 (No.97). No country in Asia has ratified the ILO Migrant Workers Convention, 1975 (No. 143). The UN Convention on All Migrant Workers and their Families, which has been ratified by Philippines and Sri Lanka, is not yet in force even after 11 years since it still lacks the mandatory 20 ratifications.²³

6.2. Protection of migrant workers against abuses and malpractices remains a high priority

Protection means elimination of exploitation and respect for basic human rights and rights at work of all migrant workers. Yet this is far from the case in practice. The following malpractices enumerated by the ILO Tripartite Committee of Experts which met in 1997 seem to be the order of the day for migrant workers in Asia: (ILO, 1997).

“Malpractices exist where the treatment of migrant workers and members of their family is not in accordance with national legislation or ratified international standards and where such treatment is recurrent, deliberate and involves groups of people rather than merely individuals. Exploitation exists where such treatment incurs very serious pecuniary or other consequences, such as when migrants are charged fees bearing little resemblance to actual recruitment or placement costs, have remittance transfers imposed on them without their voluntary consent, are enticed into employment under false pretences, are made to sign work contracts by go-betweens who know that the contracts will generally not be honoured upon commencement of employment, have their passports or other identity documents confiscated, are dismissed or blacklisted when they join or establish workers' organizations, suffer deductions from wages without their voluntary consent which they can recuperate only if they return to their country of origin, or are summarily expelled without regard to their rights arising out of past employment, stay or status.”

²³ However, given that 19 states have ratified it already, the convention is likely to come into force soon.

To quote from Bill Jordan:

*"Unfortunately, and in spite of a battery of international conventions, migrant workers' rights are increasingly being flouted. So there is no need to enact new laws. Standards already exist. Governments must now be led to ratify them - and most importantly of all they must be enforced."*²⁴

6.3. Dilemma of labour-sending countries: Promotion of labour emigration and protection of national workers abroad

Labour-sending countries in Asia are generally confronted with the dilemma between "promotion" and "protection". In the face of bleak employment prospects at home and the economic gains from foreign exchange remittances, countries would like to see expansion in overseas migration of national workers. At the same time, they cannot turn a blind eye to the rampant abuses of basic human rights suffered by their nationals abroad. For the Philippines, this dilemma came to the forefront when a Filipino domestic worker in Singapore, Flora Contemplacion, was convicted of murder and hanged despite appeals for clemency by the Philippines (Battistella, 1999a). The Republic Act 8042: The Migrant Workers and Overseas Filipinos Act of 1995, created in response to the above case, unequivocally states that "the State does not promote overseas employment as a means to sustain economic growth and achieve national development." Furthermore, it stated that the state would deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. Although the 1995 Act downplayed the dependence on overseas migration as a national policy, there has been no abatement in numbers migrating abroad up to now. The Act also stressed the need to focus on sending skilled workers abroad who can protect themselves more effectively. Another contradiction in policy was the government wish to fully deregulate the labour emigration industry by 1999 (Asian Migrant Centre, 1998). This would mean that protection issues would also be left largely to the private sector.

6.4. What role can trade unions play in the protection of migrant workers?²⁵

Traditionally, trade unions in both sending- and -receiving countries have not played an active role in the protection of migrant workers. In the Middle East, such a role is hardly feasible given the strict restrictions on the right to organize. Within Asia, the trade union movement is much stronger. Yet there are formidable obstacles to their role in regard to migrant workers. The ILO/ACTRAV study of 1996 highlighted problems faced by trade unions in providing support to migrant workers under two categories: institutional/policy making level and operational level.²⁶ The ILO/ACTRAV 1999 Symposium on the role of trade unions on migrant workers also identified a number of problems unions typically face in this regard. The major ones are:

²⁴ ICFTU Trade Union World editorial on Migrant workers and exploitation (1/9/1998)

²⁵ see ILO/ACTRAV, 1996 for a detailed discussion.

²⁶ The findings are based on information obtained through a questionnaire survey of 22 countries. In Asia, the countries surveyed were: Indonesia, Japan, Pakistan, Republic of Korea, Sri Lanka, and Thailand.

- Difficulty of unions in labour-sending countries to offer services to migrants while they are abroad;
- Lack of access to relevant information relating to migrant workers;
- Non-representation on decision/policy making bodies and at meetings dealing with migrant workers;
- Lack of accessibility; migrants work for many different employers and in a variety of sectors; communication problems because of language and cultural barriers;
- Reluctance to become union members due to low education and lack of relevant information on the role of trade unions;
- Migrant workers in irregular situation are not keen to contact unions for fear of detection and deportation by authorities;
- Lack of resources on the part of unions and limited networking;
- Restrictive policies and practices in receiving countries and widespread pressure from employers not to join trade unions;
- Insufficient organizational facilities, trained personnel, etc., on the part of unions.

Yet there has been a change in attitudes of unions for several reasons. The ILO/ACTRAV 1999 symposium noted that globalization had contributed to changes of this perspective. *"... unions realize that migrants are not necessarily in direct competition for jobs with local workers and that increasing the standards for migrants will result in better standards also for national workers."*²⁷

The 1994 ICFTU-APRO Social Charter For Democratic Development (1994) has laid down five recommendations for migrant workers. It urges trade unions particularly to pay greater attention to the rights and freedoms of economic migrant workers along with governments and employers. It also advocates provision for tripartite consultation and the full involvement of trade unions in the respective countries on migrant matters. It recommends that ILO Conventions and other instruments established by specialized international agencies concerning migrant workers should be ratified and implemented. The Charter however, does not refer to special problems of women workers, irregular migration or trafficking. The latter problems were probably not serious by mid-1990s in the Asian region - when the Charter was formulated.

The Asian economic crisis served as a setback for trade union support for migrant workers in view of serious unemployment problems at home. In Malaysia and Thailand, unions did not take any stand against the mass deportation of migrant workers in the wake of the crisis.

The ILO survey on migration instruments (ILO, 1999b) noted that employers' and workers' organizations had the greatest potential among NGOs in the field of migration. In 1994, the Asian and Pacific Regional Organization of the ICFTU carried out a survey on the role of unions on migrant workers in 13 countries and organized a conference

²⁷ See chapter on Report and Conclusions, ILO/ACTRAV, 2000.

entitled "The role of trade unions in the protection of migrant workers".²⁸ It identified ways in which trade unions in sending, receiving and hybrid countries can contribute to the protection of migrant workers. The main mechanisms of assistance identified were: information provision, counselling services, regulation of employment agencies, welfare centres in cooperation with governments, integration assistance and building networking capacity. It also recommended that States should be encouraged to ratify and respect ILO standards on migrant workers.

At the national level, trade union federations in the Republic of Korea, the Philippines and Pakistan are more active in carrying out welfare and other activities related to migrant workers. The Malaysian Trade Union Congress is hindered by obstructive national legislation in trying to reach migrant workers. The fragmented trade union movement in Thailand has hardly made any effort to provide any support to either national workers abroad or foreign workers in Thailand.

The conclusions of the ILO Asia Pacific Regional Trade Union Symposium on Migrant Workers of December 1999 identified clearly the roles of governments, unions and the ILO in protection of migrant worker rights.²⁹ The participating unions agreed to recommit themselves to encourage union membership of migrant workers and to provide protection to migrants and adopted a number of recommendations. The major recommendations to the governments are: ratification of relevant ILO conventions related to migrant workers and the UN convention; adoption of bilateral and multilateral labour and social security agreements to ensure that migration occurs in an orderly and protected fashion; provision of equal treatment to migrants with regard to the right of association and collective bargaining, conditions of employment, social security, non-discrimination and the other rights as provided for in ILO conventions; provisions for the participation of trade unions in the making of policies, laws, regulations, and practices concerning migration.

The Symposium made a number of recommendations to trade union organizations in both sending and receiving countries. These pertain to: awareness raising; lobbying governments for ratification of international conventions; monitoring recruitment agencies and traffickers; provision of referral services to migrant workers; promotion of union membership by migrants; promote social and cultural integration of migrants; and, facilitating re-integration of returning migrants.

7. Policy Implications and Options

The preceding analysis has shown that Asian countries have a long way to go to ensure adequate protection to migrant workers who are contributing in a major way to the economic development and prosperity in the region. The basic elements of a policy agenda towards this end are outlined below.

²⁸ See ICFTU-APRO contribution in: ILO/ACTRAV 2000.

²⁹ ILO/ACTRAV 2000.

- *Management of migration flows is crucial because international labour migration is likely to increase in the future.*

There is general agreement that migration in the future is likely to increase rather than decrease and it should not be thought of as a transient or temporary phenomenon. Therefore, labour-receiving countries should attempt to formulate a suitable migration policy based on longer run considerations of their labour market needs and basic human rights of migrant workers rather than on ad hoc decisions. Incentives and taxes may be levied on enterprises to discourage the perpetuation of low productive non-competitive industries based on cheap unskilled foreign workers. At the same time, migrant-sending countries should attempt to reduce undue dependence on overseas employment through efforts to reduce emigration pressures at home. ILO has developed detailed guidelines for formulation of migration policies for labour-sending and -receiving countries.

- i) *Employing foreign workers: A manual on policies and procedures of special interest to middle-and low-income countries*, Geneva, ILO, 1996.
- ii) *Sending workers abroad: A manual for low-and middle-income countries*, Geneva, ILO 1997.

These manuals should be widely disseminated among tripartite partners because they contain good practices based on international experience.

- *Bilateral and regional consultations and agreements*

Given the international nature of migration processes, it is imperative to pursue bilateral and regional consultations. Orderly migration policies consistent with the basic rights of migrant workers are possible only when there is cooperation between sending and receiving countries. Yet labour-receiving countries in the region have shown a high degree of aversion to formulation of bilateral agreements to obtain labour or provide social security to foreign workers. The Bangkok Symposium on Irregular/Undocumented Migration, which called for a regional mechanism is an encouraging step in this context, although much more work remains to be done on evolving such a mechanism. The Asia-Pacific Consultations and the Manila Process – both sponsored by the International Organization for Migration – are important consultative processes among governments in the region. It would be necessary to make them more transparent and to include other actors such as employers, workers and civil society organizations in them. The countries in the region can draw upon international good practices in Western Europe with guest worker schemes to identify suitable policies and practices.

- *Protection of human rights of migrant workers*

It is imperative that countries should ensure the basic human rights of all migrant workers, whatever their legal status. These are protected by fundamental human rights instruments of the UN including the Universal Declaration of Human Rights even if countries have not ratified the migrant-specific Conventions (Wickramasekara, 2000b). ILO conventions and the UN Conventions provide ample guidelines for formulating

migration policy consistent with worker rights and human dignity. Therefore, priority consideration should be given to supporting and ratifying ILO and UN Conventions or enacting legislation consistent with the spirit and letter of these instruments. At the same time, more effective regulation of the recruitment industry is needed to prevent malpractices and other abuses. Governments should also simplify procedures and regulations to facilitate migration.

- *Greater role by social partners in migration issues.*

National and international NGOs already play an important role in providing protection and redress to migrant workers, especially women workers, in receiving countries but the role of social partners has been limited. I have already discussed in detail the role of trade unions in this respect in section 5.4. While regional consultations and networking can obviously help, it is at the national level that trade unions have to actively support migrant workers and promote their rights. At the same time, formation of migrant associations should be encouraged. There are several organizations of female domestic workers in Hong Kong (China). Trade unions should actively liaise with them for effective support. Employers also need to share social responsibility for the plight of migrant workers, and provide them equal treatment in respect of pay and working conditions. Employers' organisations can also exert pressure on the recruitment industry and employers of foreign workers to prevent abuses. Networking among employers' and workers' organisations in sending and receiving countries should be attempted.

- *Control of trafficking of women and children*

ASEAN countries should take a firm stand on trafficking of women and children. It is a major humanitarian issue and the criminal syndicates and traffickers behind these practices should be harshly dealt with as accepted by the Bangkok Declaration. Thailand has passed some laws, which introduce punishment of traffickers. These have to be strictly enforced. Trade unions can monitor their activities and bring them to the notice of concerned agencies.

- *Information campaigns and orientation*

Public information campaigns on the risks and dangers of irregular migration and the phenomenon of migrant trafficking and related abuses should be launched as a preventive measure. Asian countries can coordinate information networking to generate better information on all aspects of migration, both documented and irregular. Trade unions can play an important role in this context.

References

- Abella, Manolo. 1999. *Protecting Temporary Migrant Workers: Challenge for Modernizing States in Asia*, paper presented at the “Workshop on International Migration and Labour Markets in Asia”, Japan Institute of Labour, January 1999, Tokyo.
- Archavanitkul, Kritaya 1998. *Trafficking in children for labour exploitation including child prostitution in the Mekong subregion: a research report*, ILO-IPEC, Bangkok, Thailand.
- Asian Migrant Centre Ltd. 1996. *The Globalization of Asian Migrants*, Asian Migrant Forum, Issue 11, November 1996, Hong Kong.
- Asian Migrant Centre Ltd. 1998. *Asian Migrant yearbook 1999: Migration facts, analysis and issues in 1998*, Hong Kong.
- Asian Migrant Centre Ltd. 1999. *Asian Migrant yearbook 1999: Migration facts, analysis and issues in 1999*, Hong Kong.
- Athukorale, Prema-Chandra and Wickramasekara, Piyasiri. 1996. *International labour migration statistics in Asia: An appraisal*, in: International Migration, 1996 - Volume 34, Number 2, pp. 539-566.
- (The) Bangkok Declaration on Irregular Migration, International Symposium on Migration: Towards Regional Cooperation on Irregular/Undocumented Migration, Bangkok 21-23 April 1999. URL: http://www.mfa.go.th/osce_hdc/document/BKKDeclaration.pdf
- Bangkok Post. 2000. *Gangs make Thailand a regional hub: Yakuza operating with local mafia*, 6 September 2000.
- Battistella, Graciano 1999a. *Philippine Migration Policy: Dilemmas of a Crisis*, SOJOURN, Vol.14, No.1, 1999, pp.229-48.
- Battistella, Graziano. 1999b. *Free Movement of Labour in ASEAN: Points for discussion*, paper presented at the Conference on "Beyond AFTA and towards an ASEAN common market, Center for Research and communication in cooperation with the ASEAN Secretariat, Manila, 18-20 October.
- Böhning, W.R. 1996. *Employing foreign workers: A manual on policies and procedures of special interest to middle-and low-income countries*, ILO, Geneva.
- Böhning, Roger 1999a. *The Role and Functions of International Organizations in the Field of Migrant Workers*, paper presented at Regional Workshop on the ILO and International Labour Migration organised by the Canadian Human Rights Foundation and others, 11-12 January 1999, Manila, Philippines.

Böhning, Roger 1999b. *Protection, international norms and ILO migrant workers standards*, paper presented at ILO Asia-Pacific Regional Symposium for Trade Union Organizations on Migrant Workers, 6-8 December, 1999, Kuala Lumpur, Malaysia.

Castles, Stephen. 1999. *Globalization, migration and the nation-state: Western experiences and Asian dilemmas*, paper presented at the APRMN Symposium: *New Trends in Asia Pacific Migration and Consequences for Japan*, Waseda University, Japan, September 23-27, 1999.

Chantavanich, Suphang 1999. *Responses of ASEAN to global challenge of migration*, Asian Research Centre for Migration, Institute of Asian Studies, Chulalongkorn University, Bangkok.

Cholewinski, Ryszard. 1999. *International Human Rights Standards and the Protection of Migrant Workers in the Asia Pacific Region*. (Internet document)
<http://www.december18.net/paper1standards.htm> (visited on August 20, 2000)

CHR (UN Commission on Human Rights). 2000. Fifty-sixth session Item 14 (a) of the provisional agenda, *Specific Groups and Individuals, Migrant Workers, Human rights of migrants, Report of the Special Rapporteur*, Ms. Gabriela Rodríguez Pizarro, submitted pursuant to Commission on Human Rights resolution 1999/44, E/CN.4/2000/82, 6 January 2000.

Griffin, Keith. 1998. *Nine good reasons to love labor migration*, Guest editorial, UC-MEXUS News, Number 35, Summer 1998, (The University of California Institute for Mexico and the United States).
http://www.ucr.edu/ucmexus/ucmnews/labor_migration~griffin.htm

Hugo, Graeme. 1999. *The Crisis and Population Movement in Indonesia*, report prepared for ILO Employment Mission, ILO Area Office, Jakarta, July 1999.

Human Rights Watch (HRW). 1998. *Bearing the brunt of the Asian economic crisis: the impact on labor rights and migrant workers in Asia*, March 1998.

ICFTU-APRO. 1994. *Social Charter for Democratic Development*, International Confederation of Free Trade Unions – Asia and Pacific Regional Organization (ICFTU-APRO), Singapore.

ILO. 1988. *Agenda for Policy: Asian Migration Project*, ILO Regional Office for Asia and the Pacific, Bangkok.

ILO, 1997. *Protecting the most vulnerable of today's migrant workers: Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration*, Geneva, ILO, April 1997. <http://www.ilo.org/public/english/90travai/migrant/papers/protvul/index.htm>

ILO. 1999a. *Contribution by the ILO's Regional office for Asia and the Pacific*, International symposium on Migration: Towards Regional Cooperation on Irregular/Undocumented Migration, 21-23 April 1999, Bangkok, Thailand.

ILO. 1999b. *Migrant Workers, Report III (Part 1B)*, International Labour conference, 87th Session, 1999, ILO, Geneva, 1999.
<http://www.ilo.org/public/english/standards/relm/ilc/ilc87/r3-1b.htm>

ILO. 1999c. *Report of the Director-General: Decent Work*, International Labour Office, International Labour Conference, 87th Session, Geneva, June 1999.
<http://www.ilo.org/public/english/standards/relm/ilc/ilc87/rep-i.htm>

ILO/ACTRAV (Bureau for Workers' Activities). 1996. *Protecting the Least Protected: Rights of Migrant workers and the Role of Trade Unions (Guidelines for trade unions)*, Interdepartmental Project for Migrant Workers 1994-95, ILO, Geneva.

ILO/ACTRAV 2000. *Report and Conclusions: Asia Pacific Regional Trade Union Symposium on Migrant Workers, 6-8 December 1999, Kuala Lumpur, Malaysia*, Bureau for Workers Activities, International Labour Office, Geneva.

IOM. 1999. *Overview of the current situation of irregular or undocumented migration in the East and Southeast Asian region: the need for a policy response framework*, paper presented at the International Symposium On Migration: Towards Regional Cooperation On Irregular/Undocumented Migration, Bangkok 21-23 April 1999.

IOM: United Nations. 2000. *World Migration Report 2000*, International Organization for Migration / United Nations, Geneva.

Japan Institute of Labour. 2000. *Workshop on International Migration and Labour Markets in Asia*, Japan Institute of Labour in cooperation with OECD and ILO, 26-28 January 2000, Tokyo.

Kassim, Azizah. 2000. *Integration of Foreign Workers and Illegal Working in Malaysia*, paper prepared for the "Workshop on International Migration and Labour Markets in Asia", Japan Institute of Labour, 26-28 January 2000, Tokyo.

Linard, Andre. 1998. *Migration and globalization: The new slaves*, Brussels, ICFTU, July 1998.

Martin, Philip, et. al. (edited). 1995. *Overview in Labour Migration in Asia*, ASEAN Economic Bulletin, Special issue, Volume 12 (2), November, 1995, Institute of Southeast Asian Studies, Singapore.

Martin, Philip. 2000. *Labour Migration: What role did it play in the Asian economic miracle*, Working paper #00-02-F, The Centre for Migration and Development, Princeton University, May 2000.

SCM 1998. *The impact of the crisis on migration in Asia: conference report*, by G. Battistella and Maruja Asis, in: Scalabrini Migration Centre (SCM), Asian Migrant, April-June 1998, Manila.

Stahl, Charles, W. 1993, *Low-Level Manpower Migration to Japan: Trends, Issues and Policy Considerations*", International Migration, Vol. 31, Nos. 2-3, pp. 349-360.

Stahl, Charles W. 1999. *International Labour Migration in East Asia and Policy Issues*, paper presented at the APRMN Symposium: New Trends in Asia Pacific Migration and Consequences for Japan, Waseda University, Japan, September 23-27, 1999.

Stalker, Peter. 2000. *Workers without frontiers: The impact of globalization on international migration*, International Labour Office, Geneva.

United Nations, 1998. *International Migration Policies*, Department of Economic and Social Affairs, Population Division, United Nations, ST/ESA/SER.A/161, New York, 1998.

United Nations Population Division. 2000. *Replacement Migration: Is it a solution to declining and ageing populations*, New York, Population Division, Department of Economic and Social Affairs, ESA/P/WP.160/
(<http://www.un.org/esa/population/unpop.htm>)

UNHCR. 1995. *The State of The World's Refugees: In search of solutions*, United Nations High Commissioner for Refugees, Oxford University Press, London.

Wickramasekara, Piyasiri 1995. *Female Migrant Workers in Asia: Emerging Issues and National and International Responses*, resource paper prepared for the International Seminar on International Female Migration and Japan: Networking, Settlement and Human Rights, International Peace Research Institute, Meiji-Gakuin University, 12-14 December 1995, Tokyo.

Wickramasekara, Piyasiri 1996. *Recent trends in temporary labour migration in Asia*, in: OCED, Migration and the Labour market in Asia: prospects to the Year 2000, OECD documents, Paris, 1996.

Wickramasekara, Piyasiri. 2000a. *Migrant workers* in: Towards an integrated market in South East Asia: the ASEAN experience, The trade union agenda, Labour Education 1999/4 (117), Geneva, ILO.
<http://www.ilo.org/public/english/dialogue/actrav/publ/117/117e.pdf>

Wickramasekara, Piyasiri. 2000b. *Migrant workers in Asia and the Pacific: Issues in human rights and the principle of non-discrimination*, Paper prepared for the Asia-Pacific Regional Seminar of Experts in preparation for the World Conference on Racism, Xenophobia and Related Intolerance: "Migrants and Trafficking in Persons with particular reference to Women and Children", Organized by the Office of the High Commissioner for Human Rights and UN ESCAP, 5-7 September, 2000, Bangkok, Thailand.

Yeoh, Brenda S.A.; Huang, Shirleena; Gonzalez III, Joaquin. 1999. *Migrant domestic helpers: debating the economic, social and political impacts in Singapore*, International Migration Review, Spring 1999, V.133.

Annexure

Chart 3. Labour migration in Asia: Issues, challenges and responses

Issues	Challenge/s	Possible actions by all actors including trade unions
Irregular migration has increased in the region and is posing serious problems.	How to minimize irregular migration?	<ul style="list-style-type: none"> • Assess the root causes of irregular migration, especially poverty and inequality • Enter into bilateral and multilateral discussions among sending and receiving countries. • Enforce existing legislation in both countries of origin and destination • Impose sanctions and penalties on organizers of irregular migration • Follow international labour standards in dealing with the issue • Receiving countries should adopt regular admission policies for migrants when there is a persistent demand for immigrant labour to meet needs of the economy.
Protection of migrant workers continues to be a serious problem.	How to ensure basic human rights and protection of all migrant workers?	<ul style="list-style-type: none"> • Ratify international conventions on migrant workers and/or follow the principles enshrined therein in national legislation. • Receiving countries should adhere to commitments made at global summits, and respect universal human rights instruments already ratified. • Trade unions should lobby governments for ratification of international instruments. • Promote tripartite consultative processes • Carry out pattern and practice studies when serious abuses occur. • Punish organizers . / intermediaries rather than victims
Monitoring of migration flows in the region is inadequate.	What kind of national, regional monitoring systems can be improved upon or initiated; how to achieve greater regional co-operation in this area?	<ul style="list-style-type: none"> • Greater interaction of researchers and policy makers with data gathering systems; cooperation of social partners • Cooperation between sending and receiving countries and among international agencies concerned with migration issues. • Support to new initiatives for generation of missing or unsatisfactory data: sue sample surveys and censuses to obtain migration information • Support to migration research centres
Migration management policies in Asia lack credibility, and are still undeveloped.	How to evolve more credible, orderly and consistent migration policies?	<ul style="list-style-type: none"> • Learn from good practices and guest worker schemes in other countries • Follow the spirit of international labour standards and recommendations • Respect for basic human rights • Greater regional cooperation and transparent regional consultative processes • Trade unions should clarify their position and lobby governments .

Regional and bilateral cooperation in this field is lacking	How to promote bilateral and regional cooperation?	<ul style="list-style-type: none"> • Periodic consultations among sending and receiving countries • Use existing fora such as, ASEAN, SAARC and APEC and ASEM to address these issues • Strengthen existing initiatives such as Bangkok Declaration, APC and Manila Processes, Migration Policy and law courses for Asia and the Pacific • Promote tripartite consultations involving workers' and employers' organizations • Promote networking among unions, employers and NGOs in sending and receiving countries • For countries especially affected, initiate bilateral discussions; <ul style="list-style-type: none"> - Thailand and Myanmar - Malaysia and Indonesia
Trafficking of women and children across borders has increased with serious human rights violations.	How to identify trafficking channels and networks and effectively regulate their operations? How to offer relief and rehabilitation to victims of trafficking?	<ul style="list-style-type: none"> • Gathering and sharing of information among countries • Ratification of ILO Convention of Worst Forms of Child Labour, 1999 (no.182) and the UN Convention against Transnational Organized Crime and its relevant Protocols • Stiff measures against traffickers as accepted in the Bangkok Declaration • Build partnerships and alliances among concerned government and non-govt. agencies active in the field • Disseminate research findings including ILO research on the issue. • Implement technical cooperation projects for dealing with trafficking issues: ILO-IPEC Mekong sub-region project
Trade Unions play only a limited role in assisting and protecting migrant workers.	How can trade unions play a more active role in the protecting and supporting migrant workers, especially vulnerable groups.	<ul style="list-style-type: none"> • Mainstream migrant worker issues in the agenda of national, regional and international trade union activities. • Promote networking between origin- and host-country unions • Drive to recruit migrant workers as members • Dialogue with migrant worker associations and NGOs helping migrants. • Lobby for more support from the employers and governments to union activities in this area • Monitor activities of recruitment agents, other intermediaries and traffickers with a view to preventing and exposing abuses and malpractices • Lobby for changes in national legislation to provide protection to migrant workers.

**Table 4. Officially reported Labour outflows by destination
Philippines, Indonesia and Thailand**

Table 4a. Thailand (percentages)

Destination	1986	1990	1995	1998
Middle East	84.4	43.5	9.9	9.3
East Asia	1.9	19.4	66.5	64.4
Western Countries	3.9	9.7	0.8	3.1
Total %	100	100	100	100
Total number	85,700	63,200	202,300	191,735

Comment: Check data.

Source: based on data from Ministry of Labour and Social Welfare, Thailand.

Table 4b. Filipino Overseas Contract Workers by destination*

Year	1990	1995	1997
Asia	27.1	38.2	48.3
ASEAN	4.0	7.0	8.4
Middle East	65.1	53.6	47.1
Americas	4.4	4.9	3.0
Europe	2.0	2.4	3.2
Africa	0.4	0.8	0.7
Total %	100.0	100.0	100.0
Total number	334,883	436,884	486,627

* The 'Others' category is omitted. Based on Philippine Overseas Employment Administration data.

Table 4c. Indonesia

Year (Single Year)	1997-98	1994-95	1990-91	1989-90	1984-85	1980-81
Middle East	56.0	56.6	48.5	71.9	77.3	69.4
Malaysia/ Singapore	30.5	32.6	44.8	22.0	13.1	3.5
Other	13.5	10.9	6.7	6.1	9.6	27.1
Total	235,275	176,187	86,264	84,074	46,014	16,186

Based on Hugo, 1999.

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