



The Economic Crisis and Labour Migrants: A Test for Human Security?



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As the current global economic crisis deepens, labour migrants have begun to experience the consequences of both political and economic insecurity. How effective are legal frameworks in protecting the economic well-being of migrants in the Asia-Pacific? Can the adoption of a human security approach guarantee migrant welfare? This issue attempts to answer these questions, and to determine if more can be done.

by Kevin Punzalan

The Current Global Economic Crisis and its Effect on Labour Migration

The World Bank announced that it had cut forecasts of GDP growth in the developing world from an original estimate in November 2008 of 4.4 per cent to almost half at 2.1 per cent on 31 March 2009. In East Asia, with half a century of economic growth fuelled by economies that are export oriented, the current economic crisis has deeply affected the demand for labour. Growth in the region has been highly affected by the decline in global investment and trade, resulting in cuts in industrial production and capital spending. This has resulted in a lower growth rate forecast of 5.3 per cent. Similarly, South Asia has also seen a fall in its growth rate forecast from 5.6 to 3.7 per cent. If India and China were excluded from growth estimates for the developing world, per capita growth would actually decline. So significant is the current economic crisis that it has resulted in over 53 million more people living on less than the equivalent of US\$ 1.25 a day. It has become clear that problems originating from the subprime mortgage crisis in the United States in the latter half of 2007 have had wide reaching global consequences, but how have labour migrants been affected?

The Phenomenon of Labour Migration

Labour migrants, defined by Prema-chandra Athukorala as people 'who migrate for work reasons', have long been a feature of the East Asian economic system. From the nineteenth century up to the 1930s, colonial Southeast Asia imported labour from the Indian subcontinent and from China. From the 1960s, workers began to migrate to Hong Kong and Singapore. Japan, South Korea, Taiwan, Malaysia, and Thailand followed suit and began to import significant numbers of workers to sustain their industrialisation.

While a variety of reasons exist for labour migration, it can be simplistically divided into push and pull factors. Push factors, or those which impel people to leave their countries of origin, include persistently low wages and divergent demography. Pull factors, or those which attract migrants to work in particular countries include the prospect of higher wages, labour shortages, and the growth in demand for labour in newer industries. The more developed economies of Asia are expected to draw in more workers as their own domestic working-age populations shrink. Simultaneously, working age populations in the Mekong countries, the Philippines, Bangladesh, Nepal, Sri Lanka and Pakistan are projected to increase over the next ten to fifteen years.

According to the International Labour Organization (ILO), over 30 per cent of the total workforce in Singapore was composed of foreign workers as of 2008. Malaysia has over 2.1 million registered foreign workers. Thailand has approximately 1.8 million foreign workers in the agricultural, services and construction sectors. South Korea has more than 400,000 foreign workers, excluding 200,000 ethnic Chinese. Migrant workers are now integral to the workforces of many Asian countries.

Table 1 Rates of immigration of developing Asia.

2.3.2 Rates of Immigration and emigration of developing Asian economies, %		
	Immigration	Emigration
Central Asia		
Armenia	7.8	21.2
Azerbaijan	2.2	14.0
Georgia	4.3	18.6
Kazakhstan	16.4	19.6
Kyrgyz Republic	5.5	10.6
Tajikistan	4.7	10.8
Turkmenistan	4.6	5.1
Uzbekistan	4.8	7.6
East Asia		
China, People's Rep. of	0.0	0.5
Hong Kong, China	42.5	9.2
Korea, Rep. of	1.2	3.3
Mongolia	0.4	0.6
South Asia		
Afghanistan	0.2	7.5
Bangladesh	0.7	3.1
Bhutan	1.5	5.8
India	0.5	0.9
Maldives	1.1	0.5
Nepal	3.0	2.7
Pakistan	2.1	2.1
Sri Lanka	1.9	4.7
Southeast Asia		
Cambodia	2.2	2.4
Indonesia	0.1	0.8
Lao PDR	0.4	6.8
Malaysia	6.4	5.4
Myanmar	0.2	0.9
Philippines	0.4	4.1
Singapore	42.6	5.0
Thailand	1.7	1.2
Viet Nam	0.0	2.6
The Pacific		
Fiji Islands	2.1	15.2
Kiribati	2.8	5.0
Marshall Islands, Rep. of the	2.9	15.2
Micronesia, Fed. States of	3.2	17.3
Palau, Rep. of	15.2	25.8
Papua New Guinea	0.4	0.8
Samoa	5.0	35.4
Solomon Islands	0.7	0.9
Timor-Leste, Dem. Rep. of	0.6	1.4
Tonga	1.2	34.3
Vanuatu	0.5	1.4
Developing Asia	0.7	1.5
Developing Asia (excl. China, People's Rep. of and India)	1.8	3.3

Note: The immigration rate is defined as the ratio of the immigrant stock to the total population of the receiving country, and the emigration rate is defined as the ratio of the emigrant stock to the sum of the sending country's population and emigrant stock.

Sources: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2006 Revision*, available: <http://esa.un.org/unpp>, downloaded 9 January 2008; University of Sussex and World Bank, *Bilateral Estimates of Migrant Stocks*, available: www.worldbank.org, downloaded 15 October 2007.

Source: Asian Development Bank, 2008.

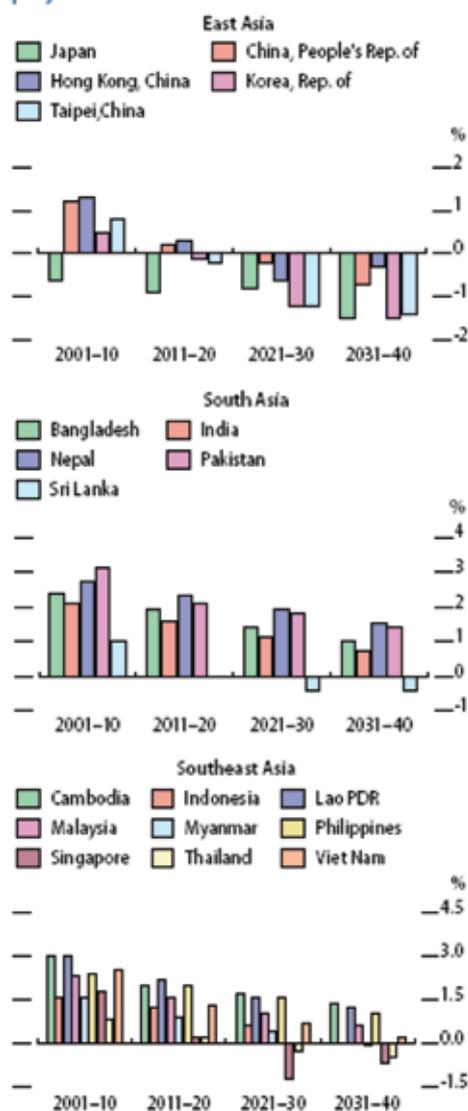
However, this general trend may be vulnerable to disruption, as the demand for labour can fluctuate due to adverse economic conditions, as the current economic crisis has begun to prove.

Direct and Indirect Effects of the Economic Crisis on Labour Migrants

Properly addressing the problem of migrant welfare entails an analysis of the different effects of the economic crisis on migrants, both direct and indirect, which this paper will attempt to provide. The International Organization for Migration (IOM) has released a Policy Brief that provides a useful framework for analysing areas where migrants have been affected by the crisis.

Table 2.

2.3.8 Annual growth of working age population: United Nations median projections



Sources: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2006 Revision and World Urbanization Prospects: The 2005 Revision*, available: <http://esa.un.org/unpp>; <http://eng.dgbas.gov.tw>; downloaded 20 February 2008.

The first and most apparent category is the increased restrictions on admission of migrant workers, and the non-renewal of work permits. According to the IOM, a halt on all new entries of foreign workers was put into place in some East, Southeast and Central Asian countries. William Gois, the regional coordinator of the Non-Governmental Organisation (NGO) Migrant Forum in Asia, argued, 'in times of an economic slump, the first thing that governments do is crack down on undocumented workers because they are seen as a burden to the economy and a problem to society.' Many workers in the service industry in Singapore and Hong Kong are worried that retrenchments are forthcoming, which could lead to a halt in the flow of money that many migrant workers send home for food, clothing and education. Already, estimates have been released that say that up to 45 per cent of the construction workforce in the United Arab Emirates (UAE) could be laid off as a direct result of the current economic crisis. In February 2009, South Korea announced that it would stop issuing new visas to temporary migrant workers, which was preceded in January 2008 by a freeze on issuing work permits to migrant workers in the manufacturing and services sectors by Malaysia's government.

A second point raised by the IOM Policy brief is that employment, working and living conditions are worsening. According to the International Herald Tribune, tens of thousands of factory workers have had hourly wages and their workweek cut from five to three or four days in Singapore. In Taiwan, over 200,000 workers in the electronics industry have been put on unpaid long-term vacations. According to the IOM, in certain countries, such as Malaysia and Singapore, deliberate policies have been put in place to encourage employers to retrench migrant workers first and/or to replace them with unemployed nationals. There have also been reports of reductions or non-payment of wages, and of poorer working conditions for irregular and temporary contractual workers in Malaysia, Singapore and the Russian Federation. There have also been instances of discrimination and xenophobia against migrants in the United Kingdom, where they

are perceived as taking away jobs of residents or nationals. Temporary workers are particularly at risk when they lose their employment because they are not entitled to unemployment insurance.

ance or are unwilling or unable to return home. In Dubai, many workers are being forced to take 'unpaid vacations', which may be a way for companies to get rid of workers without paying them, since laws in the UAE requires employers to provide severance pay to workers who are laid off. Finally, premature termination of employment contracts has very serious consequences for newly arrived workers, who have yet to earn enough to recoup their initial expenses for recruitment and travel.

A third point raised is that more workers are being compelled to return home, where they face inferior economic conditions. There are fears that an increase in the number of returning migrants could constitute a potentially disruptive element to economic and social stability. To cope with return migration, several countries of origin have instituted measures to help returnees. Bangladesh's Ministry of Expatriates' Welfare and Overseas Employment has formed a task force composed of different ministries, civil society groups and migrant workers associations to monitor developments and propose action. The Philippines has established 'help desks' in provinces to help match the skills of retrenched returnees with available jobs in the country and abroad. President Arroyo has also ordered that 250 million pesos (approximately S\$8 million) be set aside to provide 'livelihood' support to displaced workers. The Philippine Overseas Employment Administration has also provided legal assistance to displaced workers to help them acquire refunds for air ticket expenses, placement fees and other expenses incurred from recruiting agents and their employers.

Fourth, the growth of remittance flows is slowing. A decline in remittance flows has been recorded in a number of countries of origin, including Morocco, the Philippines, Sri Lanka, and several Latin American and Caribbean countries. The ILO's Migration Information System for Asia has shown that the growth of remittances to the Philippines has dropped from an average rate of 16 per cent over the previous six years to only 2 to 6 per cent for 2009.

Fifth, it is possible that an increase in irregular migration might occur in informal markets to meet the demand from employers seeking cheaper labour in countries of destination. Informal labour markets will strengthen as more employers in countries of destination seek cheaper labour. Unemployed migrants, because they are unable to return or to extend their stay in host countries legally, may choose to stay and work illegally, as opportunities for regular employment decrease.

Finally, female migrants are also expected to be disproportionately affected by the crisis. This category of migrants may find themselves in situations that may either put them at risk or make

Table 3 An Enumeration of Alkire's Human Security Definition.

The objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, without impeding long-term human fulfillment.	
Safeguard	Provide and Promote Human Security by: <ul style="list-style-type: none"> • Identification (of critical pervasive threats) • Prevention (so that the risks do not occur) • Mitigation (so that if risks occur the damage is limited) • Response (so that victims or chronic poor survive with dignity and maintain their livelihoods) Respect Human Security by <ul style="list-style-type: none"> • Identification, Prevention, and Mitigation of predictable side-effects that threaten human security, regardless of the primary objective
Vital core	<ul style="list-style-type: none"> • A rudimentary but multidimensional set of human rights and human freedoms based in practical reason • Spans the freedom from fear and the freedom from want • To be specified by appropriate procedures in context
All human lives	<ul style="list-style-type: none"> • 'People-centred' - focused on individuals and their communities • Universal and non-discriminatory
Critical pervasive threats	<ul style="list-style-type: none"> • Critical threats cut into core activities and functions • Pervasive threats are large-scale, recurrent dangers • Threats may be direct, such as genocide or a civil war • Threats may also be indirect, for example underinvestment or financial collapse.
Long-term human fulfillment	<ul style="list-style-type: none"> • Human security is not sufficient for human fulfillment. • Human security processes should be consistent with ongoing human development by supporting participation, freedom, institutional appropriateness, and diversity.

Source: Alkire 2003.

them vulnerable to HIV infection if they are forced to enter the flesh trade. Women are also overrepresented in the informal, low-skilled, and unregulated sectors of the economy, (such as domestic work), and may feel the impact of job losses and poorer working conditions disproportionately.

Human Security and Migrant Workers

It must be noted that while much attention has so far been focused on the direct consequences of the current economic crisis on migration, less attention has been given to its longer-term, more indirect effects. Migrant workers are often viewed as sources of cheap labour, or as a source of remittances. Others have viewed them as threats, accusing migrant workers of depressing wages and stealing local jobs. Migrants are also human beings whose economic insecurity must be addressed, both because they have a right to human security, and also because their welfare is linked to that of their countries of origin.

While 'human security' has long been a fluid concept, subject to different interpretations, Sabina Alkire provides a useful working definition: 'the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfilment.' Her definition of human security combines the two rival concepts of 'freedom from want' and 'freedom from fear', and shifts the emphasis of security from 'instrumental objectives' (such as economic growth and state rights) to human rights. This enables the individual to become 'the "end" of development', and not just 'the "means" to increased economic productivity or legal coherence'. This concept of human security is broad enough to include economic crises as a threat because they have the potential to cause a large proportion of the population to experience deprivation. Caroline Thomas adds to the debate in providing a similar definition, where material sufficiency lies at the core of human security.

In defining economic crises as a threat, and in calling for the protection of the material welfare of individuals without bias, human security is instrumental in justifying the protection of migrant worker welfare. It provides a justification for the existence of legal measures at the national, regional and international levels to ensure the protection of migrant rights, and obligates politicians and officials responsible for immigration and labour to treat migrants as human beings with the right to economic independence. It is therefore important to ensure that international frameworks are consistent with the principles of human security. However, this ideal is imperfectly realised by the various legal frameworks that exist, as the next section will demonstrate.

Legal Frameworks and the Extent of Protection They Provide

Several international and regional legal frameworks exist that attempt to protect migrant rights with varying degrees of success. The first of these, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, came into effect in March 2003 after 20 countries ratified it. The Convention aims to guarantee equality of treatment and the same working conditions for migrants and nationals, which allows it to be a useful model for setting standards with regards to other legal instruments for protecting migrant rights. It also aims to protect the rights of migrants to remain connected to their country of origin. At present, 41 countries – mostly origin countries of migrants – have ratified the Convention. However, no Asian, American, or European host states have signed or ratified it.

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was signed at the 12th ASEAN Summit, Cebu, Philippines on 13 January 2007. The Declaration called upon the ASEAN community to 'promote the full potential and dignity of migrant workers in a climate of freedom, equity and stability in accordance with the laws, regulations, and policies of respective ASEAN member countries.' To enable this, host states were obligated to facilitate

access to justice and welfare services 'as appropriate', and to promote fair and appropriate employment protection, payment of wages, and decent working and living conditions for workers. Sending countries, on the other hand, were obligated to ensure access to employment for their citizens as an alternative to migration and to facilitate recruitment, preparation for deployment and the protection of migrant workers abroad. They were also obligated to regulate the recruitment of migrant workers, eliminate recruitment malpractices by providing legal contracts, and blacklist negligent or unlawful recruitment agencies.

On paper, both the Convention and the Declaration are commendable efforts to protect migrant rights. However, both instruments share certain flaws, of which the most glaring is the lack of enforcement mechanisms. The absence of such mechanisms may indicate the difficulty of securing enough political will to ensure the successful prosecution of offenders. Both sending and host countries face difficulties in this regard. In the case of the Convention, the absence of a monitoring body to ensure compliance by its signatories impedes the effectiveness of the measures to protect migrant rights. Even if there was a monitoring body in place, the signatories should take the lessons from ILO Convention 90 into account. Signed in 1947 to protect migrant rights, the latter agreement remains difficult to enforce because of the lack of inspectors available to ensure compliance. The ASEAN Declaration also suffers from the lack of effective enforcement mechanisms, but this is because the Declaration was not intended to be a binding legal instrument, as is the case with other ASEAN agreements on transnational crime. The Declaration also differs from the Convention because the range of rights that it aims to protect is not as comprehensive as the latter. In particular, the freedom of movements and of association, migrant worker access to justice (as many migrants facing legal proceedings lack the means to afford a lawyer), and social support services have no concrete measures for protection under the Declaration. Human Rights Watch has called for the end of restrictions on these particular rights for migrant workers, and for states to institute screening procedures to identify and assist victims of trafficking and abuse. On the other hand, the Convention's comprehensive nature with regards to migrant rights prevents many host states from signing it, due to concerns that acceding may limit the state's freedom of action with regards to immigration matters. Many politicians 'securitise' migration because of the perceived risk that it may pose a danger to the integrity of the state or the nation, which requires them to exercise particular care in crafting policies.

Despite the promulgation of the Declaration, there are gaps in other areas of public policy which have led to the failure to protect migrant workers, and have failed to address the root causes led to failures in both protecting migrant workers and in addressing the root causes of illegal migration. Brian McCartan asserts that migrant policing in Southeast Asia is still left to individual countries, which has proven inadequate in ensuring the protection of migrants. Cases which require transnational cooperation on law enforcement, such as the case of the Rohingya people, are ill-suited to purely unilateral, state-led action as was illustrated by Thailand's handling of the aforementioned refugees. Finally, despite the Declaration, poor working conditions, low wages and exploitation by employers all remain endemic in parts of Southeast Asia, feeding the flow of illegal migration and triggering negative externalities. Malaysia is a case in point. An ill-trained 'People's Volunteer Corps' operates with powers of arbitrary arrest and detention of those they suspect to be illegal migrants, despite the fact that Malaysia is a signatory of the Declaration. It is clear that instituting or rewriting national laws to put the agreements into action is necessary. Ensuring that law enforcement agencies reform their existing practices with sensitivity to migrant rights will also prove crucial in ensuring that these legal instruments are translated into action.

The Way Forward

The IOM stresses that keeping markets open to migrants can help stimulate economic recovery, which was illustrated by the experience of the Asian financial crisis in the late 1990s. However, economies in the region were able to recover relatively quickly because they re-diverted trade to

Europe and the Americas, which is not feasible today.

However, there is a range of responses that states and policymakers can take to ensure that the rights of migrant workers are protected even during the current global economic downturn. The IOM recommends a set of measures arranged according to themes.

The first theme, which deals with the fair treatment of migrants, recommends that host countries protect their migrants from xenophobia and discrimination. It also calls for the protection of acceptable living and working conditions, and the continuation of integration measures for migrant workers. The second, which focuses on market access, recommends that labour migration channels remain open to ensure that a sufficient labour supply will be ready and available when the world recovers from the economic crisis. The third, which concerns the reintegration of migrants, advocates incentives such as financial assistance to cover transport costs to encourage migrants to return home in the event of unemployment. It also cautions against reintegration programs that perpetuate gender-stereotypical biases. The fourth, the IOM recommends Remittance Flow Liberalisation, where the transaction costs for remittances should be reduced, while simultaneously diversifying the range of financial services available for migrant workers. Initiatives should also be provided to encourage the productive use of remittances. Finally, further studies should be undertaken to study the impact of the crisis on migrant workers in both host and sending countries. A review of policies that attempt to deal with the economic crisis should also be conducted to evaluate whether these also incorporate the protection of migrant rights.

This list of measures, while general in its prescriptions, provides a comprehensive list of criteria for governments and policymakers in assessing if they are able to sufficiently protect the rights of migrant workers. Not surprisingly, the list of recommendations bears similarities to the provisions of the International Convention on the Rights of Migrant Workers and the ASEAN Declaration. They all call for the fair and equitable treatment of migrant workers, to ensure their rights to fair compensation, the recourse to justice, and to re-enter the labour market when conditions are favourable.

What remains problematic is the gathering of enough political support in both host and sending countries to support these measures. The recommendations, taken as a whole, advocate the creation of a 'liberal immigration regime'. The core elements of such a regime, as posited by Douglas Nelson, include the individual freedom to make migration choices, the protection of property rights in labour, the enforcement of legitimate labour contracts, and protection of fundamental human rights. Unfortunately, domestic politics in both host and sending countries prevent mainstream political parties from adopting a liberal immigration regime for a number of reasons.

First, immigration is a sensitive issue, because of the perceived risk it poses to the integrity of the state and the nation. As immigrants work and settle in a host country, they also bring the 'baggage' of their culture, which may result in their differentiation from the majority in terms of political, social or religious beliefs. When immigrants grow in number, this baggage ceases being a 'fringe' or minority culture, and moves into the mainstream. This may sometimes threaten the majority group of a society, who may not wish to accept the changes to mainstream society that immigration may initiate. As a result, politicians 'securitise' migration, which redefines migration as a problem for the state to control. This prevents political leaders from considering a liberal immigration regime, even as they open up their country's economy to liberal trade and finance regimes. Second, parties of the right often capitalise on public perception of migration to employ migration as a 'wedge issue' to gain support from the traditional bases of the left, such as the working class or those who support redistributive social policies. By painting immigrants as a 'burden' on the welfare state, the right is able to alienate these groups from politicians who support liberal immigration policies. Finally, the gravity of the economic crisis may lead to persistent unemployment that will afflict most of the world for the next few years. While it will be important to

ensure that a secure labour supply will be available for the anticipated economic recovery, it may be years before that supply is needed. In the meantime, countries will have to decide whether they will support unemployed migrant workers who choose to remain or to repatriate them to their countries of origin. The crisis may also affect the ability of sending countries to fund effective and comprehensive reintegration programmes.

In the context of Asia, where the politics of immigration remain conservative and largely state-centred, it will be difficult to find politicians willing to take up the cudgels of protecting migrant labour rights. The responsibility for protecting migrant labour will fall largely on the sending countries themselves, even if these states have fewer resources to do so. Of the IOM's recommendations, the most salient and practical may be to liberalise remittance flows and to provide vehicles for investment, both to protect migrant savings and to allow them to grow. The prudent use of remittances may go a long way in supporting migrant families even in economic downturns, and can generate capital to help develop local communities. This can eventually help lessen the economic disparities between these communities and the rest of the world, and in the process make migration less necessary for survival. Further empirical studies on the effects of the economic downturn on migrants are badly needed as studies on the topic have so far been lacking. Making these available could help convince policymakers and politics in host countries of the need to protect migrant workers, as well as advising the same people in sending countries of the best means to protect the welfare of returning migrants.

Much remains to be done in protecting migrant welfare. The current global economic crisis has increased the number of threats that migrant workers face, and has reduced political support for continuing liberal immigration policies. Now, more than ever, the framework for human security is necessary to ensure that migrant welfare is given a place in government policy. Those interested in realising the principles of human security have an opportunity to do so in helping reform migration policies, either by encouraging governments to adopt the international legal frameworks listed above, or by implementing the provisions of these frameworks as stakeholders in their respective governments. While the legal frameworks are far from perfect, they provide a useful guide for those interested in protecting the welfare of migrants. Further opportunity exists in creating national institutions to ensure implementation of improved migration policies. The realisation of these initiatives can assist not only in protecting migrant labourer welfare, but also ensure the protection of all labourers in fulfilment of the ultimate goals of human security.

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