

NTS Bulletin February 2010 (Issue 2)

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- INTERNAL AND CROSS-BORDER CONFLICT
- HUMAN TRAFFICKING
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Disclaimer: All links and news reports are correct at the time of publication.

MAIN HIGHLIGHT

Domestic Work - Decent Work: A 'Smart Guide' for Domestic Workers in Thailand, International Labour Organization (ILO)

This ILO guidebook promotes the rights and responsibilities of domestic workers. Published in a variety of languages, it explains the benefits and risks associated with domestic work while offering workers advice on how to interact with her/his employer to achieve a mutually satisfactory working environment and system of remuneration and benefits for the worker.

Increased focus on domestic workers is a move towards the right direction, as they are often abused, humiliated and deprived of the most basic rights. Paid domestic work remains virtually invisible as a form of employment in many countries and thus many domestic workers endure very poor working conditions, often in the form of underpayment of wages, long working hours, inadequate privacy, and the threat of sexual harassment. In more extreme cases, domestic workers are found operating in conditions akin to forced and slave labour. When domestic workers are young, this kind of employment is synonymous with the worst forms of child labour. Domestic workers – whether national or migrant – have limited bargaining power, are unable to access social services and often cannot complain about abusive conditions. Migrant domestic workers are doubly victimised, suffering not only from the poor conditions often associated with their work, but also from pervasive irregularity of their work status and the unsympathetic attitudes of authorities and the public towards migrants in general.

Additional Info:

- 'ILO launches "stay safe" guidebook for domestic workers in Thailand at the FCCT', ILO Press Release, 20 January 2010.
- 'Lebanon's foreign domestic workers fight back at abuse', *AFP*, 28 January 2010.
- Marwaan Macan-Markar, 'Migrant domestic workers' rights next on ILO's agenda', *IPS*, 28 January 2010.
- Amanda Kloer, 'Southeast Asia reminded that domestic workers have rights', *Change.org*, 1 February 2010.
- 'Malaysia wants Indonesian maids back, but balks on pay raise', *Earth Times*, 1 February 2010.
- '2 charged with Indonesia maid's murder in Malaysia', *Associated Press/MSNBC*, 3 February 2010.

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MIGRATION

News & Commentaries

- 'Secrets of the immigration jails', *The New York Times*, 19 January 2010.
- 'Tackling illegal immigration from the top', *The Los Angeles Times*, 12 February 2010
- Jacob Simas, Counting migrants a challenge to US census, *Philippine Daily Inquirer*, 15 February 2010.
- 'Thousands still displaced after Ketsana', *IRIN*, 16 February 2010.
- 'Stricter UK rules for foreign students', *Philippine Daily Inquirer*, 17 February 2010.
- 'Crisis could trap 21M more Asians in poverty', *Philippine Daily Inquirer*, 17 February 2010.
- Tom Whitehead, 'Children should not be held in immigration centres, says watchdog', *Telegraph*, 17 February 2010.



Papers & Reports

- Efthymios Papastavridis, 'Fortress Europe' and FRONTEX: Within or Without International Law?' *Nordic Journal of International Law*, vol. 79, no. 1, 2010.

This article discusses the legality of the actions of a European Agency, commonly referred to as FRONTEX, which was established in 2004 and has launched a number of maritime interdiction operations carried out on the high seas and even further, i.e. in the territorial seas of States of departure or transit, such as Mauritania, Senegal and Cape Verde. While this reflects a turn towards restrictive immigration policies that states claim is within their rights, it presents problems especially with the concept of *non-refoulement* in international law.

- Erick Gjerdingen, 'Suffocation Inside a Cold Storage Truck and Other Problems With Trafficking as "Exploitation" and Smuggling as "Choice" Along the Thai-Burmese Border', *Arizona Journal of International and Comparative Law*, vol. 26, no. 3, Fall 2009.

explores the differences in legal definition between human trafficking and human smuggling. As a result of ambiguity over the definition of both terms, authorities in some receiving countries fail to extend legal protection to migrants in exploitative situations. The international Trafficking and Smuggling Protocols are an effort to correct this ambiguity by distinguishing the two on the basis of consent, but this is problematic, as demonstrated by the Thai-Burmese case.

Events & Announcements

- One-Day Workshop on The Meaning and Practice of Immigration Detention: Perspectives from Legal, Political, and Social Theory, Oxford, UK, 21 May 2010.

Latest Publications

- The International Labour Organization (ILO), 'In search of Decent Work - Migrant Workers' Rights: A Manual for Trade Unionists', 2010.

By ILO International Labour Office.

This manual was created by the ILO to guide the shaping of migration policies by the trade union movement, based on the principles of sound labour migration practices and migrant worker rights. While the publication considers the welfare of sending and receiving countries as well as migrant and non-migrant workers alike, it also emphasises the importance of equal and fair treatment for migrant workers in terms of working conditions and rights.

- *Forced Migration Review* 34: Urban Displacement, February 2010.

Edited by Marion Couldrey & Maurice Herson.

Forced Migration Review's latest issue focuses on "urban displacement," with "26 articles by a wide range of authors - practitioners, policymakers and researchers". This issue discusses the growing urbanisation of internally displaced persons, who, like rural workers, have been enmeshed by the processes of globalisation and have found themselves drawn to cities. Growing numbers of displaced people, whether refugees or IDPs, now reside in urban areas rather than camps. The problems, issues, and potential solutions of and for urban IDPs are discussed.

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INTERNAL AND CROSS-BORDER CONFLICT

News & Commentaries

- 'Bashir genocide charge under review', *Al Jazeera*, 3 February 2010.
- 'Thailand tightens security ahead of Thaksin ruling', *The Washington Post/Associated Press*, 8 February 2010.
- 'Philippines charges 196 over Maguindanao massacre', *BBC News*, 9 February 2010.
- Sean Coughlan, 'Rise in "school terror attacks"', *BBC News*, 10 February 2010.
- Simon Roughneen, 'Safe for refugees to return: Thai gov't', *The Irrawaddy*, 10 February 2010.
- Adithya Alles, 'Sri Lanka: Protests grip restive nation after general's arrest', *IPS*, 12 February 2010.
- Gerry Albert Corpuz, 'Is Philippines the next Burma in Southeast Asia?' *UPI Asia*, 15 February 2010.
- 'Burma visit by UN envoy underway as report details abuse', *Radio Australia News*, 16 February 2010.



Papers & Reports

- Jarrod Wong, 'Reconstructing the Responsibility to Protect in the Wake of Cyclones and Separatism', *Tulane Law Review*, vol. 84, December 2009.

This paper reconceptualises the doctrine of the Responsibility to Protect (R2P). R2P provides that when a government fails to protect its citizens from genocide, war crimes, ethnic cleansing or crimes against humanity ('mass atrocities'), that responsibility shifts to the international community acting through the United Nations. The UN's apparent failure to include natural disasters in the catalogue of harms potentially justifying R2P intervention generated considerable controversy following Myanmar's refusal of foreign aid after the devastation wrought by Cyclone Nargis. Those seeking to limit the scope of R2P considered it inapplicable in the case of Myanmar, reading the UN's focus on mass atrocities as a conscious decision to exclude natural disasters as triggers for R2P. By contrast, supporters of R2P looking to rely on the doctrine to compel Myanmar to accept aid have argued that there is no meaningful distinction between the failure to protect following natural disasters and the failure to protect from mass atrocities. This paper shows that the causes of the harm are irrelevant. Developing what it labels a 'constructive interpretation' of R2P, the paper demonstrates that R2P applies equally to a state's failure to protect its population from harm caused by its omission to act when that omission constitutes a crime against humanity. This thesis is advanced through the novel application of fundamental criminal law principles to the regime of international human rights, and includes a discussion of the extent to which the concept of crimes against humanity can be deployed where the harm to a civilian population comes about by means of inaction rather than action.

- 'The Repression of Ethnic Minority Activists in Myanmar', Amnesty International, 16 February 2010.

Amnesty International's research demonstrates, with greater detail than previously available, that Myanmar's ethnic minorities have played an integral role in much of the political opposition against the government's repressive conduct. Myanmar's government has exacted a heavy price from peaceful critics from ethnic minorities: among other violations, arbitrary arrests, imprisonment, torture, and extrajudicial executions of activists are documented. With the 2010 elections looming, and the government's intolerance of any group challenging its legitimacy, policies, and practices increasing, Amnesty International is concerned that the country's ethnic minorities will suffer even worse violations.

Events & Announcements

- Fighting Corruption in Security Sector Reform, United States (US) Institute of Peace, Washington DC, US, 25 February 2010.
- Author Event: Why Fund War? Maryland, US, 14 March 2010.

Latest Publications

- *Arms and Conflict in the Middle East*, UK: Emerald Group Publishing Limited, 2009.

By Riad A. Attar

This study contributes to the debate on whether defense spending encourages or hinders economic growth. The effect of politics on economic growth in developing societies is assessed, with a focus on the Middle East. The study is the first to add conflict variables to the production function defense-growth model and test them empirically across countries and regions, and provide robust empirical evidence on the differential effects of interstate and intrastate conflicts on economic growth. The study provides compelling empirical evidence and guidelines to policy decision-makers on how to allocate the resources of their states and adopt policies that promote political economic development. It urges Third World leaders to improve levels of freedom, democracy, and openness of their political systems because the results confirm that political factors are at least as important as economic factors in promoting economic growth. Furthermore, the results attest that the re-allocation of resources from military to the civilian sector is the *sine qua non* to improve the performance of developing countries' economies.

- *The International Humanitarian Order*, London: Routledge, 2009.

By Michael N. Barnett

One of the genuinely remarkable but relatively unnoticed developments of the last half-century is the blossoming of an international humanitarian order - a complex of norms, informal institutions, laws, and discourses that legitimate and compel various kinds of interventions by state and non-state actors with the explicit goal of preserving and protecting human life. For those who have sacrificed to build this order, and for those who have come to rely on it, the international humanitarian order represents a towering achievement cause for sobriety. What kind of international humanitarian order is being imagined, created and practised? To what extent are the international agents of this order deliverers of progress or disappointment? Featuring previously published and original essays, this collection offers a critical assessment of the practices and politics of global ethical interventions in the context of the post-Cold War transformation of the international humanitarian order.

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HUMAN TRAFFICKING

News & Commentaries

- Tim Padgett & Bobby Ghosh, 'Human predators stalk Haiti's vulnerable kids', *Time*, 27 January 2010.
- 'Human trafficking survivors train Cambodian police and government officials', PR Web, 1 February 2010.
- Matt Leingang, 'Hundreds forced into labor, sex in Ohio', *The Washington Post*, 11 February 2010.
- Amanda Kloer. 'Slaves 450% cheaper today than in 1850', *Change.org*, 16 February 2010.
- 'Sexual predators hunt for child trafficking victims on Facebook', *Jakarta Globe*, 17 February 2010.
- 'The Business of Sex Trafficking', *Business Pundit*, 17 February 2010.
- Amanda Kloer, 'Human trafficking in Ukraine: The origin of a stereotype', *Change.org*, 17 February 2010.
- Sunil K. Vaidya, 'Child trafficking in GCC "eradicated"', *Gulf News*, 18 February 2010.



Papers & Reports

- 'World Report 2010 - Events of 2009', Human Rights Watch, 2010.

This 612-page report, the organisation's 20th annual review of human rights practice around the globe, summarises major human rights trends in more than 90 nations and territories worldwide, reflecting the extensive investigative work carried out in 2009 by Human Rights Watch staff. The volume's introductory essay by Executive Director Kenneth Roth argues that the ability of the human rights movement to exert pressure on behalf of victims has grown enormously in recent years, and that this development has spawned a reaction from abusive governments that grew particularly intense in 2009.

Events & Announcements

- The Hague Global Child Labour Conference, The Hague, Netherlands, 10-11 May 2010.

Latest Publications

- *Concealed Chains: Labour Exploitation and Chinese Migrants in Europe*, ILO, 28 January 2010.

Edited by Gao Yun.

Chinese workers migrating to Europe pay huge sums of money to intermediaries, often leaving them trapped in debt before they even begin their journey. Exposed to various risks during their migratory process, they can arrive in the destination country vulnerable to extreme exploitation and sometimes even forced labour. Through analysis of the employment relationship between the different actors in the labour market, the book seeks to understand the links that connect vulnerable Chinese workers to European labour markets and a complex international production chain. Presenting detailed case studies, a clear explanation of

the relevant international and national legal frameworks and an overview of the migration mechanism between China and Europe, this book makes an important contribution to understanding how to break these patterns of labour exploitation.

- *The Slaves Next Door: Human Trafficking and Slavery in America Today*, University of California Press, 2009.

By Dr Kevin Bales and Ron Soodalter

In this riveting book, authors and authorities on modern day slavery Kevin Bales and Ron Soodalter expose the disturbing phenomenon of human trafficking and slavery that exists now in the United States. In *The Slave Next Door* we find that slaves are all around us, hidden in plain sight: the dishwasher in the kitchen of the neighbourhood restaurant, the kids on the corner selling cheap trinkets, the man sweeping the floor of the local department store. In these pages we also meet some unexpected slaveholders, such as a 27-year-old middle-class Texan housewife who is currently serving a life sentence for offences including slavery. Weaving together a wealth of voices - from slaves, slaveholders, and traffickers as well as from experts, counselors, law enforcement officers, rescue and support groups, and others - this book is also a call to action, telling what we, as private citizens, can do to finally bring an end to this horrific crime.

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WATER SECURITY

News & Commentaries

- 'Water management is a national priority', *The China Post*, 24 January 2010.
- Aubrey Ann Parker, 'The struggle for indigenous and freshwater rights at Copenhagen and beyond', *WaterNews*, 27 January 2010.
- 'Scientists unite to combat water scarcity; solutions yield more crop per drop in drylands', *Medical News Today*, 4 February 2010.
- 'Increasing food security in dry areas of the Middle East', *VOA News*, 7 February 2010.
- Jonathan Ansfield, 'China report shows more pollution in waterways', *The New York Times*, 9 February 2010.
- Brett Walton, 'Water-intensive companies fail to disclose water risks, report says', *WaterNews*, 15 February 2010.
- 'Projection shows water woes likely based on warmer temperatures', *ScienceDaily*, 17 February 2010.
- 'Syria: Over a million people affected by drought', *IRIN*, 17 February 2010.



Papers & Reports

- Brooke Barton, 'Murky Waters? Corporate Reporting on Water Risk: A Benchmarking Study of 100 Companies', Ceres, February 2010.

The purpose of this report is to help investors and companies understand how companies in vulnerable sectors are evaluating, managing, and disclosing water risks in their operations, supply chains, and products. With data support from financial information provider Bloomberg, and analytical support from the financial services firm UBS Limited, the report evaluates and ranks the water disclosure practices of 100 publicly-traded companies in eight key sectors exposed to water-related risks: beverage, chemicals, electric power, food, homebuilding, mining, oil and gas, and semiconductors. To be helpful for investors, company disclosure requires more than just a mention of water and its risks. Measuring and reporting water-related risks and opportunities is complex, and the methodologies and standards for doing so are still nascent. Nevertheless, there is growing consensus in business and investor circles regarding the most critical elements of water reporting. What is central to useful water reporting is its inclusion in company financial filings - annual 10-Ks (or 20-Fs or 40-Fs for non-US companies) - rather than just sustainability reports. Also critical is discussion of relevant management systems and strategies, provision of water accounting data that puts performance in geographic context, and inclusion of supply chain water risks in the analysis.

Events & Announcements

- Financial Times - Investing in a Sustainable Future, New York City, US, 24 March 2010.

Latest Publication

- *Hashimoto Action Plan II, Strategy and Objectives through 2012*, United Nations, February 2010.

By the Secretariat of the United Nations Secretary-General's Advisory Board on Water and Sanitation (UNSGAB)

The UNSGAB is a group of eminent people committed to solving the world's water and sanitation challenges. UNSGAB is embarking on their next strategic phase with the release of the Hashimoto Action Plan II. The action plan aims to bring a new focus on starting an inclusive knowledge-sharing process linking water-related disaster to climate change adaptation and sustainable development at various levels of governance, in order to improve the response capabilities of countries and to take the actions recommended in the Hyogo Framework for Action to build the resilience of nations and communities to disasters. It commits to solve the world's water and sanitation challenges through a new set of strategy and objectives: financing, sanitation, monitoring, integrated water resources management and water and disaster.

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TRANSNATIONAL CRIME

- 'Africa: Making the case against counterfeit drugs', *IRIN*, 5 February 2010.
- 'UNODC assists in establishing Iranian anti-money-laundering unit', UNODC, 9 February 2010.
- 'Malaysian tribesman paid by syndicates to poach tigers: WWF', *Times of India*, 10 February 2010.



- Bruce Crumley, 'How US legal loopholes are aiding money launderers', *Time*, 15 February 2010.
- Rukmini Callimachi, 'UN: Cocaine being traded for arms in West Africa', *Associated Press*, 16 February 2010.
- Kevin Grogan, 'One in five Europeans buying fake drugs - Pfizer survey', *Pharma Times*, 16 February 2010.
- Jason Beaubien, 'Pirated goods pose huge problems in Mexico', *NPR*, 18 February 2010.
- Stanley Carvalho, 'Group to reveal laundering, terror funding blacklist', *Reuters/Yahoo News*, 17 February 2010.



Papers & Reports

- Afghanistan Opium Survey 2010: Winter Rapid Assessment, UNODC, February 2010.

After a major drop in opium cultivation (one-third) over the past two years, UNODC projects a stable crop in Afghanistan in 2010. The majority of the 20 Afghan provinces that were poppy-free in 2009 will remain so this year. Yet, three provinces (Baghlan, Faryab and Sari Pul, all in the north) risk showing the beginning of a trend reversal, with a minimal increase in cultivation in the districts with higher insecurity. Five other provinces (Kunar, Nangarhar, Kabul, Laghman and Badakhshan), not poppy-free so far, are also expected to have negligible amounts of poppies. All considered, with appropriate local community-inspired measures - such as *shura*-driven campaigns, governor-led eradication, and development assistance - up to 25 Afghan provinces could become poppy-free in 2010. The report concludes that further progress in the reduction of drug cultivation (in hectares) in Afghanistan is within reach.

- 'Preventing Corruption in Humanitarian Operations: A Handbook of Good Practices', Transparency International, 1 February 2010.

This manual is a timely, comprehensive practical guide for combating corruption in relief and reconstruction. The guide gives aid workers facing immense pressure and challenging environments the tools to confront corruption, so that they can focus on saving lives and long-term recovery. It compiles best practice from the field, including ways to track resources, confront extortion and detect aid diversion. The guide was developed in collaboration with Action Aid, CARE International, Catholic Relief Services, Islamic Relief Worldwide, Lutheran World Federation, Save the Children USA and World Vision International. All seven agencies will be incorporating its tools into their policies and practices for their relief and development efforts.

Events & Announcements

- Fifty-third session of the Commission on Narcotic Drugs, Vienna, Austria, 8-12 March 2010.

Latest Publications

- *UNODC Homicide Statistics 2003-2008*, United Nations Office on Drugs and Crime (UNODC), 16 February 2010.

By the UNODC

A new UNODC statistical report shows stable or decreasing global homicide trends over the period 2003-2008 for the majority of countries for which data is available in the Americas, Asia, Europe and Oceania. Exceptions to the trend include a number of Caribbean and Central/South American countries, including Belize, Guatemala, Honduras, Jamaica and Venezuela, which show significant increases in homicide rates. Research suggests that this may be due, in part, to increases in transnational organized crime, drug trafficking and gang activity. In addition, a slight increase between 2007-2008 was seen in a few countries in Europe demonstrating a need for continued vigilance and effective crime prevention action. Unfortunately, data for a number of countries in Africa and parts of Asia is not robust enough to provide a clear picture in the respective regions for useful analysis.

- *Handbook on Wildlife Law Enforcement in India*, TRAFFIC-India, 16 February 2010.

By TRAFFIC-India

The handbook is a comprehensive and detailed publication on wildlife trade and crime, conceived from several discussions with senior enforcement officials and experts. The handbook is for use by officials from its forest department, the police, paramilitary forces guarding India's borders, the Central Bureau of Investigation, Department of Revenue Intelligence and others working on wildlife enforcement in India. It can be used as an important resource material during trainings conducted on wildlife enforcement and other related issues. Its special features include sections on prevention of offences, identifying early signs, the scene of wildlife crime, Internet as a tool for illegal wildlife trade, securing electronic evidence and conducting interrogations.

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About the Centre:

The Centre for NTS Studies was inaugurated by the Association of Southeast Asian Nations (ASEAN) Secretary-General Dr Surin Pitsuwan in May 2008. The Centre maintains research in the fields of Climate Change, Energy Security, Health Security, as well as Internal and Cross Border Conflict. It produces policy-relevant analyses aimed at furthering awareness and building capacity to address NTS issues and challenges in the Asia Pacific region and beyond. The Centre also provides a platform for scholars and policymakers within and outside Asia to discuss and analyse NTS issues in the region.

In 2009, the Centre was chosen by the MacArthur Foundation as a lead institution for the MacArthur Asia Security Initiative, to develop policy research capacity and recommend policies on the critical security challenges facing the Asia-Pacific.

The Centre is also a founding member and the Secretariat for the Consortium of Non-Traditional Security (NTS) Studies in Asia (NTS-Asia). More information on the Centre can be found at www.rsis.edu.sg/nts

