Transnational Migration and Work in Asia

Edited by
Kevin Hewison and
Ken Young

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Migration, especially for work, is a major issue for the twenty-first century. International organizations estimate that there are some 100 million migrant workers, immigrants and members of immigrant families worldwide, with at least seven million of these residing in South and East Asia. Focusing on the issues associated with migrating for work both in and from the Asian region, *Transnational Migration and Work in Asia* sheds new light on the debate over migration – increasing our understanding and awareness of this important issue.

The first of its kind to look at the non-professionals who make up the vast majority of migrant workers in the Asian region, this book provides a broad perspective with case studies on migrants in and from Thailand, Indonesia, Hong Kong, Nepal, Laos, Burma, Japan, China and the Philippines. These in-depth studies strive to examine the motivations and rationalities of migrant workers as they navigate their way from local communities to their position in the global network. Equally those intermediaries who seek to profit from the transnational flow of migrant workers such as recruitment agents, labour brokers, money lenders, traffickers and remittance agencies are analysed as labour becomes increasingly commodified and traded internationally. With contributions from an international team of well-known scholars, the book sets labour migration firmly within the context of globalization, providing a focused, contemporary discussion of what is undoubtedly a significant issue in today's world.

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Ackowledgements

1 Introduction

Globalization and migrant workers in Asia

Kevin Hewison and Ken Young

Migration, especially for work, is a major issue for the twenty-first century. The scale of the transnational movement of workers is huge. While accurate statistics are not easy to locate, the International Labour Organization (ILO) estimates that there are roughly 96 million 'migrant workers, immigrants and members of their families' worldwide, with a remarkably conservative estimate of seven million in South and East Asia (ILO 2002). The ILO estimates that the rate of growth of the world's migrant population more than doubled between the 1960s and the 1990s, with much of this growth having originated from developing countries and regions. Migration for work has become a central – albeit a contested – element of the current phase of globalization.

Migration is as old as human society itself, and has been a significant element shaping Asian societies in the past. The current phase of migration takes place in a unique context. Indeed, labour migration, both domestic and transnational, is a crucial element in the vast and complex social and economic transformation that is taking place in Asia that involves pressure-cooked processes of industrialization and urbanization, each taking place within a new phase of capitalist globalization that has seen remarkable increases in trade and investment flows. These processes are changing the Asian world as we have known it at a pace unmatched in any country or region that has experienced these changes in the past.

No one volume could hope to adequately address labour migration issues within such a changing context in their entirety. The scope of this volume remains broad, but of necessity it is also selective. Many mainstream issues and cases are addressed, but we have also endeavoured to gain comparative insights by offering studies of cases that have been relatively neglected until now.

With the exception of Nepal as a source country for migrants to Hong Kong, our case studies are confined to East and Southeast Asia. Our analysis of transnational labour flows has concentrated on the movement of semi-skilled and unskilled workers. While others have analysed the migration of professionals (see, for example, Iredale 2001), we have focused on the workers who are not only moving in increasing numbers, but are critical for development in the region. In addition, from the 1980s onwards there has been a significant feminization of transnational labour recruitment (see Medel-Anonuevo 1996), so we give considerable, although not exclusive, attention to the experiences of women workers.

While large-scale labour migration is clearly part of sustained, dynamic historical processes, the forms it takes, and the experiences of the workers themselves, vary considerably. The impacts of globalization and other endogenous national transformations are uneven. They vary between economic sectors, and their consequences for society in general and workers in particular are subject to many localized political and historical influences. It therefore was plain to us that our cross-disciplinary analyses needed to contextualize recent labour flows in terms of history, gender and cultural landscape.

Moreover, in collaborative reviews of our developing research, the contributors readily agreed that it was desirable to address the 'life-cycle' of migrant labour. The advantages of this approach apply more generally, but are particularly significant in the investigation of the prevailing contractual, legal and personal situations of contemporary transnational workers (such as Thais, Filipinas and Nepalis in Hong Kong, Indonesians in Taiwan and Lao and Burmese in Thailand). While our case studies are concerned for the most part with the experiences of 'foreign' workers, our life-cycle emphasis reveals that in many cases international migration for work belongs to patterns of economically stimulated movements that often develop initially within a national setting, leading on, at a later stage, to transnational job-seeking. Here, as in other respects, the development of networks has been important. The remarkable mobility of labour in Asia is also illustrated by the frequency with which migration flows are 'serial' in nature. By this we mean that the flows of workers out of a country or region are offset by complementary inflows from yet other sources – thus, for example, Thai workers may migrate to Singapore, Malaysia, Japan, Taiwan and Hong Kong in search of higher-paid opportunities, while Cambodians, Laos and Burmese migrate to Thailand to take the same kinds of jobs Thais do overseas (e.g. as domestic workers or construction workers).

Attention to context, in all its dimensions and variation, is necessary to bring into view the full range of outcomes that migrants experience as frequently marginalized participants in the economy and society of receiving countries. We examine in detail the networks, mechanisms and actors involved with labour migration and human trafficking, including families, brokers, remittances, debts, smuggling, state agencies and so on. Through an understanding of the life-cycle of migration and work, the volume presents sociologically developed accounts of workers' experiences. We submit that such studies can reveal much that is neglected in statistically obsessed research, and bring to light aspects of the motivation and rationality of migrants and others that are otherwise lost in the simplistic reductionisms of 'market' and demographic analyses.

One of the qualities that distinguish the patterns of migration of skilled and semi-skilled workers from other classes of migrants, notably the internationally seamless movement of professionals and executives, is the extraordinary, if not always successful, effort that is directed towards the control and regulation of poorer workers by employers and states. While many migrant communities have developed networks that are very effective in meeting some of the needs of migrants, on the legal and political level workers remain disorganized. Often this

disorganization is a policy pursued by the state, as in the case of the Thai state, which excludes migrant workers from coverage by labour laws. Indeed, in many cases migrants lack the full range of political and other rights available to citizens. In addition, many migrant workers are indebted to labour agents and financial institutions, and face the prospect of expulsion for breaches of an unfamiliar legal system.

As mentioned, states have played a major role in this process, as they do in facilitating the advance of globalization more generally. Obviously, receiving states strive to regulate and direct the influx of skilled workers, to define their limited legal entitlements and to set clear boundaries that, in most places, exclude migrant workers from many of the rights and protections enjoyed by citizens. Sending states also play a highly significant part, both in regulating and in encouraging these labour flows, though they cannot be seen, for obvious political reasons, to exhibit an orientation that is perceived as punitive. Since the flow of remittances from wealthy labour-importing regions to poorer countries and regions frequently makes a major contribution to foreign exchange earnings and Gross Domestic Product (GDP) of sending countries, migration poses far-reaching social, economic and legal policy issues for them as well.

Control of migrant labour is by no means an exclusive concern of governments. Employers, recruitment agents and labour brokers (in both sending and receiving countries), lawyers, training organizations, money lenders, banks and credit agencies, smugglers, bureaucrats and a wide variety of other intermediaries all seek to gain from the transnational flow of workers. As our studies show, cultural constructs, stereotypes of migrant groups and of ethnic-national 'characteristics' perpetuated both by word of mouth and by news media, are integrated into the expectations of employers and invoked as part of rationales that seek to justify the regulatory regimes that migrants encounter. Workers have developed a variety of means for coping with, and even partially evading, some aspects of these control mechanisms. Their own kin and community networks, supplemented in varying degrees by ethnic, religious and national support groups and by energetic non-governmental organizations (NGOs) – both local and transnational – do provide them with significant resources. However, the overwhelming balance of all these institutionalized controls leaves migrant workers in a largely disorganized and frequently vulnerable state. Thus issues of human and labour rights and lack of effective organization remain as major concerns. Some key issues of this nature are addressed in the third part of this volume.

Some of our contributions concentrate on wider issues of labour migration while others offer more detailed comparative analyses of particular cases, but all are concerned with both general trends and with understanding the ways in which these trends have operated in a variety of sub-regional contexts. Both the specific operation of state policies and local cultural and institutional mechanisms are addressed, and, in that context, human rights issues related to labour migration and trafficking are identified. To achieve these aims, the collection develops both theoretical discussions (Part I, Chapters 2–3) and a series of cases. In developing the cases, the authors have attempted to go beyond the existing literature

which has a heavy focus on Filipina domestic helpers in Hong Kong and Singapore. In this context, the cases in Part II (Chapters 4–10) seek to explain a broader range of migrant experiences. These include: illegal Lao workers in Thailand, Chinese migrant workers in Macao, Indonesian women workers in Taiwan, Thai workers, Nepali construction workers and Filipino entertainers in Hong Kong and finally, illegal Burmese workers in northern Thailand working in factories that are a part of global supply chains.

Further, in Part III (Chapters 11–12), the authors examine policy issues, discussing the strategies adopted by both states and NGOs. The focus in these chapters is on the regulation, control and reintegration strategies for migrant workers, and these matters are considered in the context of discussions of human rights.

Thus the contributions offer analyses that are both general and particular, integrating different specialized chapters within a shared cross-disciplinary orientation. Collectively, the essays that follow advance a strategic view of the role of labour migration in the present era while also offering, particularly in the case studies, fresh understandings of important issues that arise most clearly in particular localized contexts. This approach yields an unusual degree of sociological insight into the dynamics of migration.

The chapters in Part I (Globalization and Migration) address the broader historical and theoretical context of contemporary labour migration. In Chapter 2, Young sets the framework by looking at what is distinctive about contemporary globalization, and the ways in which labour migration contributes to, and sometimes disrupts, the developing class and occupational structures of labour-receiving countries. In keeping with our stress on the life-cycle of migration, he shows how the consequences for sending countries are at least as important as they are for the destination regions, both at the broader social level and for the families and communities of migrant workers. He notes the scale, significance and longer-term trends that sustain these impressive flows of labour within Asia, noting the range of social institutions and actors involved and pointing out the continuing significance of the state in this era of globalization. Recognizing the marked feminization of labour flows, he offers a comparative analysis of the experience of Indonesian and Filipina domestic workers in Hong Kong and Taiwan. This comparison illustrates many of the themes of this volume, and it also serves to show the need to understand the full range of constraints exercised in successive stages of the migration cycle, as well as in the context of work itself. He shows that the workplace here is one where both employers and workers can appeal to multiple discourses, in part because the workplace, the household, is both a contractually governed arena, and an affective kin-based unit with strong historically-derived cultural expectations. It is a setting where, historically, the women of the household were strongly subordinated to the male head of the household, leaving, even in a modern globalized setting, vestiges of systems of unfree labour.

Vickers (Chapter 3) investigates the long history of population mobility within the region, drawing on historical and literary sources to offer rich, diverse

and sometimes surprising insights into the motivations, hazards, triumphs and personal disasters that characterized innumerable movements of people seeking work, adventure and fortune throughout Southeast Asia. His account demonstrates the ways in which these patterns of mobility bring about cultural and even social change, and involve a great deal more than just physical mobility. Viewed from a longer historical perspective, movements across modern national borders are part of, but in many ways are secondary to, complex processes that draw people away from familiar worlds to dynamic but distant centres where they might improve their fortunes. These journeys of numerous individuals accumulate to change ways of living. They lead to movements between the very different worlds, economies, hierarchies and normative outlooks of agrarian hinterlands and the great conurbations of Asia. He thus contextualizes the long-term movements of people within Asia through their connection to the accelerated processes of urbanization, constructed around the contrast between the country and the cities. As he demonstrates, this transformation not only belongs to the story of the populous urban corridors of Asia, but to the people and communities of the rural areas that fed their growth, since they too, are part of these processes of change.

In Part II, our concerns turn to detailed consideration of a range of contemporary migrant experiences. These are viewed from the perspectives given in Part I, but they demonstrate the considerable range of outcomes that our contributors have researched through a wide selection of transnational settings in East and Southeast Asia. The prevailing trends we have identified are present across all this variety, and the differences that exist from case to case show how crucial the struggles for workers' rights and immediate practical means of empowerment can be, and how harsh the consequences often are, when these struggles fail. Collectively, these contributions present a panorama of the numerous manifestations of unequal relations in work, in legal standing and social status between the beneficiaries of migrant labour and the workers themselves. The mapping thus achieved can only be partial, but it offers many fresh insights from a wide selection of new and sometimes relatively neglected cases that are varied in location as well as in the circumstances of migration and work.

Manemai Thongyou and Dusadee Ayuwat (Chapter 4) give particular attention to the role that social networks play in ameliorating some of the negative impacts associated with being an illegal Lao worker in Thailand. In the first-ever study of this group of migrant workers, Manemai and Dusadee base their analysis on fieldwork that involved interviews with 276 workers. They found that social networks were significant in a number of areas. Social networks were an important factor in prompting positive decisions regarding migration and facilitated their movement to Thailand. In the case of these Lao workers, there was a dependence on the advice and support of experienced relatives, neighbours and job placement agents in crossing the border, getting jobs and accommodation and settling down in Thailand. Once in Thailand, migrants especially women, carefully maintain their social connections to their home community and with a range of actors in Thailand who assist them to send remittances home and to keep contact with

their families. It was found that migrant worker social networks are gendered. Women have to rely more on their original social network, but develop fewer linkages than men in the receiving society.

An interesting comparison on social networks can be drawn with the chapters by Emerton and Petersen (Chapter 8) and Arnold and Hewison (Chapter 10). In these cases, it is clear that similar social networks are in place, and that the result can sometimes deepen exploitation and facilitate human smuggling or even trafficking (see, for example, Hughes 2000). However, our studies show that when international migration for work is considered, trafficking and smuggling for migration become close, even intertwined. As the UN recognizes, however, the critical difference involves consent. While the smuggling of migrants can be dangerous, the UN emphasizes that smuggling workers usually involves consent. The victims of trafficking have 'either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers' (UN Office on Drugs and Crime 2005).[1]

It is clear that the low levels of legal protection, lack of public scrutiny and poor enforcement of migrant workers' rights are cause for concern. Equally, the repeated demonstration, from case to case, that the boundaries between contract work, smuggling and trafficking may be quite fluid. As a result, migrant workers, women especially, can find their situation regressing to an unambiguous state of unfree labour. The mechanisms that can force workers in this negative direction are many. People smuggling, extreme violence and the involvement of criminal organizations by no means exhaust these possibilities. The movement of undocumented ('illegal') workers is on a very large scale in Asia, and these workers remain open to many abuses. Even for documented workers there are pressures such as debt, threats of deportation or misuse of host-country legal systems, bogus criminal charges, loss of face and other more subtle cultural mechanisms that threaten shame to workers and their families.

In Chapter 5, Anne Loveband draws on her anthropological fieldwork among Indonesian migrant women working in Taiwan. Her research, based on close field-level observation, reveals a number of interesting aspects of the situation of immigrant contract workers. It shows that the reality of their situation diverges significantly from that portrayed in official statistical information. So too, the actual functioning of state and legal controls on workers allows, in practice, a significant degree of flexibility for employers, who are able to redeploy women workers, contracted exclusively to work as caregivers for particular employers, and legally constrained from changing jobs, into also working in various capacities in family enterprises. What appears to be a tightly controlled arena for migrant workers is, in fact, open to manipulation often resulting in a 'double–exploitation' of the Indonesian woman worker. Loveband, like other contributors, does not, however, set out to report a situation of unrelieved exploitation of migrant workers. There are many instances of exploitation, abuse and injustice. But there are a range of other outcomes too, including workers who gain much of what they were seeking when they sought these contracts. Loveband's study compares the experience of Indonesian women workers with Filipinas working in Taiwan. This

comparison yields a number of insights. Among them is her analysis of the way labour brokers formulate and promote nationality-based stereotypes that tend to channel migrant workers of different nationalities into different segments of the labour market. In terms of gender, women are predominantly directed into sectors that are vulnerable to exploitation and abuse. In the category of care giving, we see a trend toward a hierarchical structuring between Filipinas and Indonesians, with Indonesian women often doing the dirtier and more demanding jobs of caring for the sick and elderly. In some respects the workers themselves are drawn into the use of these stereotypical discourses, notwithstanding their contradictory and pejorative inaccuracies.

Kevin Hewison (Chapter 6) examines the role of Thai migrant workers in Hong Kong. This chapter is one of a small number of studies of contemporary migration to the former British colony that does not focus on the major expatriate community of Filipinos. His chapter presents the results of a survey of Thai women workers who have migrated to Hong Kong, more than three-quarters of them working in domestic service. In assessing their situations in Thailand, the process migration for work, their roles and aspirations in Hong Kong and their perceptions of working in Hong Kong, this study found that the workers claimed to make significant contributions to their families back in Thailand. In contrast to some stereotyped images of domestic workers in Hong Kong, it was found that the majority of Thais interviewed were reasonably satisfied with life and work in Hong Kong. While relatively poorly educated, these mature and experienced workers appeared to do better in terms of the wages and conditions than younger and less experienced migrant workers such as Indonesians. Thai workers were, however, well aware of their positioning in the working class, and found that local people tended to allocate them a low status. In fact, migrating overseas for work has become one option among many for working class Thais seeking better incomes. However, this work seldom results in upward class mobility.

Many researchers have been drawn to Hong Kong since it has been for decades one of the main destinations of transnational migration from work. Some of our contributors – Young and Weekley for example – reflect on the closely studied patterns of sustained migration over decades of Filipino domestic workers to Hong Kong. However, Hong Kong is also a destination for other groups of workers that have been sparsely researched, if at all. Hewison's chapter redresses the relative neglect of research on Thais in Hong Kong, while Emerton and Petersen (Chapter 8) shed light on another neglected area as they draw back the veil of the less accessible but important phenomenon of the recruitment – and trafficking – of nightclub and escort workers in Hong Kong. Given the marked feminization of migrant labour, such studies are essential. Curiously, however, researchers have paid less attention to working conditions that prevail for other non-Chinese workers in Hong Kong, particularly men. As a consequence, Nepalese construction workers – despite their relatively large numbers – are almost invisible outside the industry that employs them. Thus, in Chapter 7, Stephen Frost broadens our understanding of work-related issues confronting this small community of workers. His study is based on data generated by a survey he conducted in conjunction

with the Far East Overseas Nepalese Association. The primary issues examined are hiring practices, occupational health and safety, job related training, the work environment, work place supervision and discipline, wages and hours and benefits. One of the striking aspects of Frost's study is the persistent marginalization of Nepalese workers. This remains the case in spite of the fact that the great majority of Nepalese hold Hong Kong permanent residency and have relatively high levels of education. In spite of their formal possession of rights not enjoyed by other non-Chinese groups, their situation remains difficult, thus pointing to more deeply entrenched patterns of discrimination.

In another study of Hong Kong, Robyn Emerton and Carole Petersen report on a path-breaking study they have completed of Filipino women who work in Hong Kong as entertainers. This chapter focuses on Filipino women, with short term employment visas, who work in nightclubs and bars. As well as dancing and entertaining customers, the majority of these women also engage in 'escort work', which normally (although not always) includes sexual services. Drawing on qualitative interviews with 18 women and other source materials, the chapter presents findings on recruitment and their living and working conditions. Some comparisons are also drawn with recent, irregular and illegal modes of importing hostesses into Hong Kong, where the women are far more vulnerable to abuse. In order to conceptualize their experiences in terms of alternative employment opportunities, their situation is also compared with that of foreign domestic helpers in Hong Kong, the majority of who are also Filipinas. The chapter considers whether the situation of these hostesses amounts to trafficking under the contemporary international definition of trafficking and the extent to which the women are vulnerable to other human rights abuses. The authors conclude that proper regulation of the entertainment and hostessing industry might offer a more humane and effective response to trafficking and human rights concerns than shutting down the industry, as has been attempted in South Korea and Japan, but that leaving the industry unregulated may be preferable to measures that do not address the reality of the situation or result in an absolute ban on escort work by hostesses.

In Chapter 9, Alex Choi focuses on the rapidly developing population of Chinese migrant labour in the Macao Special Administrative Region (SAR) of China. Macao, long controlled by the Portuguese, was only returned to China in 1999. However, debates about migrant labour span both the colonial and post-colonial administrations. In this context, Choi contextualizes Macao's expansion of migration within a broader globalization of trade and production which, since the 1980s, saw many Asian countries seeking to industrialize through export-oriented strategies that led to migrant workers being used as an element of strategies designed to lower or maintain the cost-competitiveness. Choi challenges various individualizing theoretical approaches that emphasize 'push' and 'pull' factors in migration and instead fixes his theoretical attention on the role of capital and the state. In particular, he argues that the state has played a critical role in mediating the formation of the segmented labour market for migrants. The migrant workers program in Macao is used as a case study to illustrate this, giving

attention to both selective state intervention and to the state's often strategic decisions on non-intervention. In Macao, the state is identified as instrumental in constructing a set of exploitative relations and confining migrant workers within them. At the same time, the state has been attentive to the needs of the local capitalist class. Interestingly, the state is seen to have played this critical facilitating role in both the recent colonial period and under Chinese tutelage as the Macao SAR. Indeed, Choi shows how the Chinese government has played a facilitative role, being attentive to the needs of businesses on both sides of the border.

Chapter 10, by Dennis Arnold and Kevin Hewison, is one of the first scholarly studies of the almost two million Burmese migrant workers in Thailand. Their chapter focuses on the situation of Burmese migrant workers in the small northern Thailand town of Mae Sot on the Thailand–Burma border. This town has seen a 'migration' of firms seeking the cheap labour that Mae Sot's Burmese workers provide. Most of the workers in Mae Sot are illegal or work with permits that maintain their marginal and vulnerable status. Migrant workers are now a significant element of Thailand's workforce, especially in sectors where Thai workers no longer find the pay and conditions attractive. However, cheap labour is also critical for the profitability of firms enmeshed in global supply chains (such as garments and textiles) and where cost-competitiveness is paramount. This chapter indicates the measures taken by businesses to gain and maintain a cheap and compliant workforce, and exposes the extraordinary role taken by the Thai state (both local and national) in facilitating access to this workforce of migrants who flee political repression and economic torpor in Burma to find themselves subject to the discipline of factory and state as they labour for a better life.

The case studies of Part II demonstrate the necessity of addressing issues of work and migration in all the crucial specifics of context. This is not to deny the more general trends and issues of migration in the era of globalization. Rather it is a necessary step towards a more precise understanding of these general trends. In the third and final part of the volume we return to broader consideration of issues, this time from the standpoint of policy issues and workers' rights.

The policy issues are many, and they pose challenges not only to governments, but also to non-state organizations dedicated to improving the situation of migrant workers. In Chapter 11, Weekley examines policies and programmes that attempt to transform wage labourers into small business investors. Weekley examines the difficulties facing pro-labour organizations in general, and NGOs in particular, in formulating strategies to advance workers' welfare and rights. She notes how even 'progressive' organizations appear to be inexorably drawn, by the logic of unchallenged neo-liberal orthodoxies, into supporting programs of popular capitalism whose realistic prospects of improving the lot of most emigrant workers are remarkably poor. She approaches the widely studied case of Filipinos working in Hong Kong, but does not go over the familiar terrain of the working experience of emigrant housemaids. Rather she focuses instead on strategies devised to assist their successful return to the Philippines. She discusses the promotion of economic 'reintegration' programs among migrant domestic workers in Hong Kong. The programs include training migrants in savings and investment, business

planning and entrepreneurship, devised with the immediate aim of helping them to achieve some steady income as an alternative to continued working overseas, and the longer-term objective of channelling migrant savings into national economic development 'back home'. The reintegration programs are analyzed in the context of hegemonic neo-liberal or popular capitalism, which *inter alia*, encourages the transformation of citizens with rights into entrepreneurs who can be held responsible for their own failures. Her chapter argues that such programs discipline rather than liberate migrant workers. Despite good intentions on the part of progressive NGOs, their present strategies put forward individualistic solutions to structural problems, and adopt approaches which may undermine campaigns like the campaign for the rights of migrant workers and their families.

The contributions in this volume repeatedly demonstrate the need for developing transnational policies and legal frameworks that will give better protection for migrants in the future. Ball and Piper's concluding chapter therefore focuses on the issue of labour protection for migrant workers employed outside their own nation states in the Asia-Pacific. Notwithstanding the manifest difficulties that NGOs face in searching for improvements in the conditions and rights of workers, in Chapter 12, Ball and Piper argue that they still have a critical part to play by influencing, from below, the unfolding patterns of globalization. They contrast these possibilities with the unpromising record of bilateral inter-governmental negotiations and the role of multilateral organizations over recent decades. For 30 years these peak councils have been absorbed with the setting up of regional priorities in matters such as trade and finance. These negotiations have been complex, but they are, in important respects, nowhere near as politically sensitive as labour issues. Ball and Piper trace the beginnings of attempts to analyze in depth the nature of migration for work, and to bring regional understandings of the labour rights of migrant workers into the framework of inter-state relations. The authors show that, for the most part, these policy forums have largely managed to avoid such questions.

The extent to which the globalization of the recruitment of migrant workers and the attendant human and labour rights issues have been discussed and explored in concrete terms in regional multilateral organizations is assessed, together with a case study of the experience of the Philippines and Japan in safeguarding the rights of migrants. They then offer an evaluation of the capacity of individual exporting countries, such as the Philippines, to bilaterally negotiate labour standards for their migrant workers. Finally, the chapter explores new avenues to forge more effective regional initiatives for the protection of the most marginalized of workers. Ball and Piper assess the limitations of existing labour protection measures and the degree to which existing regional organizations can be used as vehicles for wider regional initiatives for the development of protective measures for migrant workers. They conclude, largely in the face of the identified limitations of multilateral agencies and of states, by directing attention to the potential role of NGOs in pushing for the protection of migrant labour reaching regional, and ultimately global, agendas.

These points about the need for protection and rights are well made in many of the chapters in this collection. The opportunities to exploit migrant workers

due to the weakness of their legal protections, the lack of public scrutiny and even the low level of curiosity about migrants' conditions in the wider host society offer significant opportunities for exploitation. But they are also obvious points to begin improving the situation of migrant workers.

Note

1 The UN lists two other differences between smuggling and trafficking: (i) 'smuggling ends with the arrival of the migrants at their destination, whereas trafficking involves the ongoing exploitation of the victims in some manner to generate illicit profits for the traffickers'; and (ii) 'smuggling is always transnational, whereas trafficking may not be...'. While the second point is accepted, our studies indicate that the first is not always so easily recognized in practice.

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Part I

Globalization and migration

2 Globalization and the changing management of migrating service workers in the Asia-Pacific

Ken Young

Globalization is producing novel occupational structures and changes in class and labour relations. These are particularly evident in dynamic urban settings such as in Singapore, Hong Kong and the major cities of Taiwan. The occupational structures of these advanced urban economies have diversified into an extended range of secondary and tertiary sectors. These offer better employment alternatives for local workers, but are also marked by a growing polarization of income and wealth. The interconnected industrial transformations of the region have combined to stimulate a surge in demand for low-cost service labour, satisfied in important cases by migrants. These labour flows are now a structural feature of major economies in the East Asian area, enduring beyond cyclical fluctuations in destination economies (Athukorala and Manning 1999). We can agree with economic liberals that 'powerful economic forces are at work' and that globalization is increasingly involving labour along with trade and capital (Cairncross 2002: 3). However, it is easy to see that each of these manifestations of globalization is managed in unequal ways.

Understanding the formation and functioning of these globalized workplaces is best done by examining the full journey undertaken by emigrant workers, and the totality of pressures they have had to deal with. It is also important to understand the ways in which globalization has made a difference, not only in stimulating the demand for service labour, but also to the organization of work and to general patterns of migration. The following discussion will briefly underscore the size and significance of the international movement of workers in the Asian region, and then offer an overview of contemporary globalization and its central contribution to the reorganization of the lives of working people. It is important to identify the forces of transformation that are associated with globalization. In particular, the effects of globalization on work, class formation, cultural change and migration are fundamental to the more specific cases I will discuss – Hong Kong and Taiwan as worker destinations, Indonesia and the Philippines as sources of semi-skilled service labour. The context of globalization and the characteristics of the labour networks it has stimulated also frame the more specific case studies that are offered by the other contributors to this volume.

Globalization contributes in crucial ways to contemporary patterns of migration, but the final outcomes we have observed differ in a number of important ways, since they depend no less on variations in the more localized historical, political

and cultural circumstances of migrant labour, in addition to being influenced by the inevitable contingencies that influence human affairs. While the processes of migration and economic reorganization are transnational, and will be addressed as such, I will also argue that states continue to play a critical role, not in opposing globalization, but as facilitators of globalization. The facilitation and management of labour flows is an arena of contestation, and states are by no means the sole agents of these flawed management undertakings. For semi-skilled and unskilled service workers – those I am mostly concerned with here – these flows are managed through numerous controls imposed not only by states, but also by employers, labour brokers and others (a complex 'migration industry') and even by the expectations of the workers' families and communities of origin. The chapters that follow show what is general and what is particular in specific locales.

These immigrant workers may encounter challenging relationships with their new employers in an unfamiliar workplace, since their work is placed in settings that are often very different to those of their home society. This situation can pose singular challenges for the workers and may involve, on the employer's side, the use of complex methods of control that owe little to the assumed standards of globalized markets. The necessity of giving attention to the singular characteristics of the 'foreign' workplace is particularly evident in the cases I discuss in the later part of this chapter, the experience of immigrant domestic workers. As I will show, women who migrate for work in foreign households constitute a major part of the international flow of workers in the region. Household-based service labour makes a significant contribution to the most dynamic centres of growth in the region. Yet this work frequently straddles institutional domains that conventional analyses keep separate. It is managed through complex methods of control that are generally given insufficient attention in analyses of the 'labour market'. In part, this is due to the singularity of the workplace. The household is simultaneously a kin-based affective element of society, an economic institution and, from the perspective of the state and established property systems, an administrative unit.

In the selected cases I consider below, migrant workers enter contexts where household domestic labour has barely crossed the boundary between free and unfree labour. Yet the workers themselves join these households and small enterprises linked to households, under conditions regulated by national contractual and legal frameworks which reflect a capitalist rationality distinct from 'the domestic, familial and paternalistic labour practices' (Harvey 1989: 187) of their workplace. Viewed purely from the vantage point of a given household, the entire process, with all its complexities and intermediaries, finally brings the domestic worker and her destination household together in a small-scale capillary motion that ultimately is absorbed by their narrowly-bounded relationship. Yet, taken in the aggregate, these many capillaries feed an arterial flow of workers that nurture the greater regional economic transformation in which they participate.

The magnitude of international labour flows

It is surprisingly difficult to obtain accurate statistics on migration either by region or globally. This is especially the case for migrant labour. National governments

keep impressive collections of migration data, but variations from country to country in the categories and methodologies employed make difficult the compilation of systematic international comparative statistics (Hayase 2003). Even the International Labour Organization (ILO) can only present rough estimates. The ILO (2002) estimates that there are 20 million 'migrant workers, immigrants and members of their families' in Africa, 18 million in North America, 12 million in Central and South America, 7 million in South and East Asia, 9 million in the Middle East, with some 30 million across all of Europe. Further, the ILO estimates that the rate of growth of the world's migrant population more than doubled between the 1960s and the 1990s, with much of this growth having originated from developing countries and regions. But for anyone studying migration, these figures are indeed very rough; for example, if the category 'South and East Asia' is considered, seven million appears conservative.

It is clear that labour migration in Asia has been significant historically and that it has continued to expand in recent decades.[1] The structural nature of these labour movements is seen in the failure of the 1997 economic crisis to interrupt this long-term trend (Athukorala and Manning 1999). Of course, the region is diverse and the patterns of labour migration are complex. Some notable features are:

- Migrant workers from Asia are remarkably mobile and migration is generally from relatively poorer regions and countries to relatively wealthier regions and countries (Ronnås and Ramamurthy 2001: 3; Sovannarith 2001)
- Migration within the region has grown most rapidly since the mid-1980s, and some suggest that this growth was associated with the mid-1980s economic crisis (ILO 2002)
- The flow of migrants is often 'serial' in the sense that, for example, Thai workers may migrate to Singapore, Malaysia, Japan, Taiwan and Hong Kong in search of higher paid opportunities, while Cambodians and Burmese migrate into Thailand to take the same kinds of jobs Thais do overseas, such as domestic worker or labourer (Ronnås and Ramamurthy 2001: 3)
- Remittances from overseas Asian workers are often critical to household economies, and are economically significant in national contexts in a number of countries, most notably the Philippines (Asis 2001; Malhotra 1998; Supang 2001; Supang *et al.* 2001).
- There has been a significant feminization of migrant labour since the 1980s (Medel-Anonuevo 1996).

Globalization, the reorganization of work, and the growth of migration networks

Long-term economic forces create enduring pressures for the cross-border recruitment of working immigrants. A country's willingness to bring in foreign workers and the terms on which they are admitted are further influenced by other social and political pressures. The case of Japan provides the clearest example. As Cornelius (1994: 385ff.) shows, Japan exercises an impressive battery of controls

that are highly restrictive, and are informed by a policy outlook that sees the admission of foreign workers as a last resort. The underlying rationale is political rather than economic, protecting Japanese jobs, but above all preserving the 'illusion of homogeneity' (Skeldon 2000: 379; see also Weiner 1997). Yet the exhaustion of Japan's rural labour reserves, the country's low fertility rate and ageing workforce, as well as policies directed towards reducing working hours, have left little alternative to the importation of labour. While Japan is a striking case, long-term demographic trends affecting the workforces of other receiving countries impose similar structural imperatives (Athukorala and Manning 1999). There is in Japan a widespread aversion to dirty, dangerous and difficult jobs (Cornelius 1994: 375–80), and like attitudes exist in many other parts of industrial Asia, including Hong Kong and Taiwan.

State policy can be effective in regulating migrant labour, but excessive restrictions can harm employers' interests. Migrants and their support networks can be impressively resourceful in finding ways to 'work the system'. Moreover, in most instances, both sending and receiving states view the movement of labour as being mutually beneficial so long as they believe they can regulate it effectively. For sending countries, the importance of labour exports is most clearly seen in the magnitude of remittances. These are a major source of foreign exchange in the Philippines. They have become increasingly important to Indonesia, particularly after the financial crisis of the late 1990s. As Frost (Chapter 7, this volume) reports, foreign remittances underpin the economy of Nepal and may account for as much as 25 per cent of Nepalese Gross Domestic Product (GDP). Given the revenues involved, it is no surprise that a 'migration industry' flourishes. Estimates of the total *observable* value of global remittances were, in 1990, about US$71.1 billion, making remittances the second largest item of international trade, exceeded only by oil in terms of value (Skeldon 2000: 376).

Skilled and professional migrants move relatively smoothly in large numbers internationally, responding to market demand and corporate strategies. By contrast, unskilled and semi-skilled labour is tightly managed. Nevertheless, short-term migration in this latter category is vital to globalized patterns of growth in the Asian region. The majority of migrants in this category are women (Cheng 1999). Let us therefore look briefly at the nature of globalization and why female service labour makes a central contribution to the pattern of economic and social reorganization that we associate with globalization.

Globalization is a contested concept. As Hewison (2001: 1) and others have observed, it is a 'most overused and underspecified term'. For present purposes Castles' (2000: 271) characterization of globalization as 'the widening, deepening and speeding up of worldwide interconnectedness in all aspects of contemporary social life...' manifest in '...the rapid increase in cross-border flows of all sorts: financial, trade, pollution, media, products and people' seems appropriate. He views migration as '...a result of the integration of local communities and national economies into global relationships' (Castles 2000: 269).

Globalization is more than an expansion in the levels of cross-border flows. That, and even the increasing interconnectedness of economic activity, could

have advanced within existing modes of capitalist socio-economic and political organization. Globalization, however, is leading to an accelerated reorganization of production, distribution and exchange on a transnational scale. It is manifest in new modes of organization of capitalist enterprises and bureaucratic institutions.

Contemporary globalization is thus distinct in important ways from the rapid internationalization of capitalism and the associated great labour migrations that occurred from the late nineteenth century to 1914. While the internationalization of capitalism prior to the First World War does demonstrate that several of the major features of late twentieth century capitalism are not without precedent, the differences between now and then are important. The nineteenth and early twentieth centuries marked the high tide of rival metropolitan imperialisms, and the vast expansion of colonial empires. There were at that time massive flows of capital and labour, but these took place within an ultimately unstable pattern of rivalry between plural imperialisms, supported by large colonial state apparatuses, nationalist and imperialist ideologies and an intensifying arms race. These and other factors contributed to the conditions that led to the First World War (Mann 1993). While there are multiple centres of accumulation within the current advanced capitalist zones, the world economy now is far more unified militarily, financially and organizationally. Even though they are not entirely monocentric, Arrhigi (2003) has argued that global markets are today much more effectively integrated. States continue to control vital political, administrative and other functions, but their contemporary roles tend more to facilitate a unified pattern of globalization within a single international framework than to pursue national rivalries without restraint. Within this new kind of globalized framework, individuals and enterprises possess much greater scope to organize their activities within and across borders, and in principle, to operate on a global scale. In practice of course, the degrees of freedom that can be exercised by states, corporations and individuals vary hugely, as is evident, for example, in the divergent migration options exercised by middle-class professionals and semi-skilled labourers. Thus while 'globalization' does act on a planetary scale its impacts are uneven. It has brought about far greater changes in some sectors than in others, and its consequences within any given society are variable. The transformations that constitute globalization are proceeding at different rates in a variety of political and regional settings. The historical, political and cultural contexts of these regions must be addressed if we are to understand the distinctively local patterns of class formation, and adequately assess the way labour migration accommodates to, but also disrupts, the class and occupational structures of labour-receiving regions. States lend important national specificities to these contexts, but we should stress that our frame of reference is transnational, since the dynamics we have investigated are not delimited by national territorial boundaries.

There are many arguments in the globalization literature that point to the erosion of state sovereignty, the 'hollowing out' of the state, and beyond that, even more comprehensive claims about the decline of the state (e.g. Ohmae 1995). Clearly the state's role is changing in important ways, but there are substantial grounds for skepticism towards propositions that assert its marginalization.

We would argue that research on migration and work shows that the state remains a significant actor, facilitating globalization rather than being swept away by it. Indeed, while there are important transnational/global developments discussed in the chapters in this volume (migration networks, international non-governmental organizations [NGOs], non-state forms of domination, etc.), state policies and their implementation (or non-implementation) remain critical to the lives of migrant workers.

Almost without exception, economic modernization, achieved through strategies that require a deepening integration into the international economy, has led to increasing inequalities of wealth. The supporting state policies are frequently characterized by the tendency of governments to prioritize economic growth, where necessary at the expense of the domestic working class. While there are other important variables, these tendencies are even less favourable to the welfare of immigrant workers. Their contracts, their meagre enforceable regulatory protections and their legal and political rights more generally, are subordinated to employer needs as well as to larger national development goals in which they have few, if any, claims. Governments seek controls, employers flexibility and low wages, and local workers are often ambivalent about foreign workers entering the labour market on any but very restricted terms. Thus non-permanent foreign workers (and even those like Frost's [this volume] Nepalese with Hong Kong residence rights) are placed in legal and institutional settings where they can be exceptionally vulnerable. In summary, most lack citizenship and other political rights and they not infrequently face weak or absent protection by labour laws. They may be indebted, and face the prospect of expulsion for breaches of an unfamiliar legal system.

Apart from significant organizational changes in economies and enterprises, the composition and dynamism of the economic foundations of contemporary globalization display significant differences. Service (a heterogeneous category) and knowledge-intensive industries now predominate among the high-growth, high-value added sectors (domestic service, obviously, is not one of these). Complex changes in class and occupational structures have developed, particularly in the most advanced economies (Reich 1991) and in the global cities that function as managerial and organizational nodes of the global economy (Sassen 1991, 1998). The rising demand for foreign service sector labour arises mainly in these sites, including nodal cities of the global economy such as Hong Kong and Taipei.

In the advanced regions of the world economy there has been a decline in the relative economic and political significance of mature industrial sectors, and of their large, stable and organized workforces. The high-growth, high-value added sectors are increasingly found in tertiary, knowledge-intensive sectors (Castells 1996: ch. 4; Davis 1984; Reich 1991) where we frequently encounter extravagant rewards paid to a small stratum of professional, managerial and advanced service employees. The other side of this trend has been the shrinking middle class, and the rise of the double-income households of the working poor. There are also powerful trends of casualization, lower unionization and a dependence

within these same growth industries on large numbers of low-paid service and routine process workers (Bluestone and Harrison 1988; Davis 1984; Reich 1991; Sassen 1991).

Among middle-class and professional households, high rewards are tied to ambitious workplace performance criteria. They are associated with expectations of high productivity and lessened job security. Creativity, productivity and performance are demanded, and are augmented by the availability of low-cost services in the leisure and domestic arenas (Sassen 1991).

There are important differences to be noted between countries, from city to city, place to place. Yet the sketch above points to some of the ways that globalization has altered social, political and cultural milieus and has profoundly changed the world of work. It is in this context that the service workers of Asia contribute, not at the margins, but centrally to the new globalized economy. We can think, for example, of the central importance of the construction industry in Hong Kong, and the importance of migrant workers, both from the Chinese mainland and overseas, to that sector, to the economy generally and even to the creation of the celebrated physical profile of Hong Kong (Frost Chapter 7, this volume).

The industrialized economies of East and Southeast Asia exhibit a number of the characteristics described above. Fertility rates in Hong Kong, South Korea, Taiwan and Singapore have fallen below replacement level. Female participation rates have risen sharply. Advances in education have been dramatic, and many have benefited from the rapid expansion of middle-class, managerial and professional strata. Associated with these changes, particularly in the cosmopolitan cities that so resemble their globalized counterparts elsewhere, have been the development of new affluent lifestyles and status aspirations measured in terms of material consumption, and manifest in households that now invest in the future of just one or two children. Here too, we observe the aversion at all levels to '3D' jobs, some in services others in construction and manufacturing (Skeldon 2000: 374). We find also, associated with high female participation rates, the commodification of child-care, domestic labour and leisure services. As the profile of work changes within these households, so the demand for essential, low-wage services expands as an integral part of the new economy and associated lifestyles. In Hong Kong, for instance, migration from Southeast Asia is now dominated numerically by domestic workers. Their numbers doubled between 1990 and 1994, and between 1995 and 2002 they increased by a further 71 per cent (Hewison Chapter 6, this volume).

These are the forces that have driven the expanded demand in the service industries of Asia. This migration has been predominantly short-term and mainly unskilled and semi-skilled. The striking aspect of the rapid growth of this category of labour migration is its feminization. Cheng (1999: 223) notes that 'female migration for overseas employment shows an almost exclusive concentration in the services sector...with domestic workers accounting for almost two-thirds of the total'.

Though there are important sectoral and other variations in the conditions, rewards and sanctions of work that migrants have to face, the regressive and

exploitative tendencies remain, and they raise challenges for receiving governments, labour movements, sympathetic NGOs and other support groups, as well as for the workers' own efforts to secure their rights. This should not obscure the fact that quite a few individual migrant workers find ways of winning real personal benefits from an unfavourable environment. It is not a matter of devising a calculus of winners and losers, but of facing the issue of why this part of the workforce should endure treatment that would be unacceptable for other workers who happen to be citizens.

This is one reason why much that is important about labour migration in the current era of globalization can only be fully appreciated through attention to the details of particular localized dynamics. These differences are due to significant variations in the institutional contexts, and the prevailing relations of power (political, cultural, economic) to which migrant workers are introduced. In many cases, these contexts and power relations – non-state relations of domination invariably have greater impact in day-to-day activities – go beyond conventionally understood constraints of the labour market. They also constitute ramified obstacles to effective organization of non-permanent workers. As our case studies show, these are contexts that have produced innovative methods of exploiting *disorganized* labour that, at times, lead to a blurring of the distinction between labour migration and human trafficking.

Thus these service workers have an integral place in the new globalized economic architecture, and take part in the transnational deployment of labour. Governments, labour brokers, employers and a host of specialized agencies have striven to manage these workers, yet there are particular source regions where well developed networks have grown up to facilitate the movement of workers. These networks can become self-sustaining. They link prospective and past migrants, destinations and places of origin and not infrequently, private interests at both ends of the migration chain. These networks can assist migrants and their patrons with government processing and help in other ways. They also provide a milieu for the illegal movement of people. As Castles (2000: 272) observes:

> A 'migration industry' emerges, consisting of recruitment organizations, lawyers, agents, smugglers and other middle-people. Such people can be both helpers and exploiters of migrants. The emergence of a migration industry with a strong interest in the continuation of migration has often confounded efforts to control or stop movements.

Therefore workers moving from villages and urban neighbourhoods in poorer regions to the prosperous cities of Asia are processed by a chain of intermediaries who seek to manage and profit from the flows of labour which culminate with the contractual placement of women workers in households in Taiwan, Hong Kong and other prosperous destinations. We should examine the stresses that these controls and procedures have on the workers. They start out seeking to make money to satisfy needs identified in their home community. Yet at every step along the way they will be asked to conform to other constructions of who they are and

what is expected of them. The workplace in which they finally settle may expose them to very different expectations, discourses and relations of power than those they originally anticipated.

Conflicting discourses of labour in the cycles of migration

The appeal of the 'East Asian model' (World Bank 1993) is superficially seductive because of the pervasive evidence that, historically, various forms of state intervention have been an important aspect of successful industrial transitions in the region (Wade 1990). A sustained analysis of these developmental patterns will indeed show that strategic roles were taken by the state in major economies in the region, yet it will also be forced to face the implausibility that a single 'model' can address the basic differences in the developmental experiences of sub-regional and national economies (Jomo 1997; Wade 1990). Likewise, any attempt to incorporate crucial institutional, cultural and political influences into an analysis of the management of migrating service workers in East Asia will have to deal with significant sub-regional, national, sectoral and other variations. Therefore, this discussion will concentrate on comparison of cases where there is sufficient similarity to permit detailed examination. It focuses on female service labour in households, and to a lesser extent in small enterprises based on households, in Hong Kong and Taiwan. It considers two national sources of service labour – Indonesia and the Philippines. Even with these restrictions, the range of variation is impressive.

At the most general level, female service labour in households exhibits a combination of hierarchical relations based on class, gender, ethnicity and/or age (Constable 1997: 8). Workers in households face an extraordinary range of constraints. Understanding them necessitates taking into account the range of pressures that workers have to negotiate through the complete migration cycle, and not only the workplace. Sustained efforts are made to construct a worker's identity as part of a saleable 'package' (Constable 1997: 64–5) that is agreed between intermediating agencies, between sending and receiving states, employers and, critically, the workers themselves (Loveband Chapter 5, this volume). While the workers do appear, to an important degree, to participate in the construction of these stereotypical discourses (Loveband Chapter 5, this volume), they rarely lose sight of the aspirations that led them to seek work in the first place. These aspirations are framed within the discourses of their community of origin. From these sources migrants also bring fully formed understandings of the wage–labour relationship and of their rights and duties in the employers' household and workplace (Pinches 2001). Last, and critically, the nature of service work in households and small enterprises in the receiving sites is constructed by employers according to yet other historically evolved discourses, which, as we shall see, can deviate quite markedly from conventional understandings of wage labour.

I will give most attention to the discourses of the household workplace in Hong Kong and Taiwan. Before doing so, a brief review of some of the more important

social influences that shape migrants' experiences will highlight the inevitable difficulty workers have in conforming to the norms of their transnational, cross-cultural workplace. Without doubt, the core motivations of both worker and employer are economic, and the 'push' impulse of relative poverty[2] and limited life-chances cannot be minimized. Recognizing that however, takes us only so far.

Undoubtedly the worker herself hopes to gain from migrant work, and, in societies like the Philippines with a well developed history of overseas work, she is likely to have others to learn from, and networks to use. Even so, migration decisions also respond to familial, communal and patriarchal pressures. The woman worker's entry into migratory labour usually has to be negotiated through labour brokers and government bureaucracies. Filipina domestic workers in Hong Kong are predominantly in their twenties or early thirties.[3] Most are single, but around one-third are married, and most of these have two or three children who are left behind in the care of other relatives (Constable 1997: 65). Their remittances provide crucial support for family members. For those migrants who have children, these take priority, but siblings, parents, husbands and other relatives benefit from their income as well. The decision to seek a contract is therefore one that is usually taken within the context of family and communal decision-making.

The likelihood that the decision is taken collectively is increased by the fact that most Filipinas must borrow their payment to the recruiting agency to find an overseas job. Most pay the equivalent of two months wages. Borrowing in most cases is from private sources; in two-thirds of cases it is likely to be from relatives (Constable 1997: 73). As Pinches (1987, 2002) has shown, wage labour, be it local or migratory, contributes to household and communal economies in complicated ways in which collective obligations powerfully influence individual economic decisions. The choice of migratory wage labour by household members (usually younger adults) is significant economically for the household. It also responds to the dependence of community members on those who sell their labour power for money (Pinches 1987: 132).[4] The choice is economic, but it is complex, further influenced by the worker's gender and the specificities of her assent to objectives framed within patriarchal discourses, even when these are relatively egalitarian (McKay 2003).

These familial, communal, patriarchal, and even religious discourses can restrict the choices of women workers in taking wage work and in how they conduct themselves under the stresses of the job. Mather's (1983) study in Tangerang, Indonesia, for example, describes how village communities supplied female workers to Javanese factories through institutions in which patriarchal decision-making prevailed. Her study describes how local political and religious leaders acted as virtual labour brokers, vouching for the good behaviour of their female recruits, who in any case remained docile for fear of bringing shame (*malu*) on their families. Mather's account needs to be viewed alongside other Indonesian studies (e.g. Kusyuniati 1998; Robinson 1991; Saptari 1994; Wolf 1992) that report more variable and nuanced orientations. The extent of patriarchal and other power relations in communities of origin depend on many factors, not least on the capacities and orientations of the individual workers. Age, religion, experience,

local cultural and religious norms, rural–urban differences and various other considerations are important.

Whether one considers rural–urban or transnational migration,[5] the reality is one of a range of outcomes, from destructive personal exploitation to successful economic and personal adaptation to wage labour in new urban and cultural environments (see Lin 1987 and Kusyuniati 1998). It is important to recognize the social complexity of the communities of origin and of the decisions to take contracts of this kind (Robinson 1991). It is a complexity not adequately captured in neo-classical economic models. Attention to the social context of migration choices brings into focus the social foundations of the range of discourses which articulate the workers' aspirations, their normative reference points and the expectations that they bring to their new places of work in Taiwan and Hong Kong.

The decision having been made to seek work overseas, the worker and her family must prepare to negotiate the costly and elaborate process of finding an employer and completing a contract. Some can access transnational migration networks, and thereby avoid some of the frustration, delay and the bourgeoning costs of migration. Government agencies, including immigration authorities, are involved, but the worker's primary contact is usually a domestic employment agency working closely with Hong Kong or Taiwanese counterparts. The practices of these labour brokers are framed by the necessity of negotiating a path through government regulations, state labour laws, inter-governmental agreements, and working with transitional NGOs, lawyers, banks, money-lenders and the entire 'migration industry'.

We should note three things among the many hurdles that have to be crossed. The first is the prohibitive cost to the worker, a fact that largely excludes the poorest applicants. Most have to raise the equivalent of two to three months pay before they leave, and then borrow again in Hong Kong or Taiwan to cover further costs when they arrive. These financial burdens and the penalties for breaking contracts in the first three months are powerful incentives for the passivity of workers. Second, the workers must present themselves in skill, appearance, demeanour and pliability in ways which interest the agencies and, then, through the dossiers prepared by agencies, their prospective employer. This is a collaborative task, aimed at refashioning the worker's persona (in the Filipina's case, not uncommonly the re-presentation of a woman with a strong educational background) to conform to the docile, subservient and hardworking profile of an 'ideal' domestic worker. In addition, the home governments often require additional training of workers prior to their departure. In the Philippines, this is fairly brief and superficial; in Indonesia it is more thorough, including some language training, but also it is more costly (Loveband Chapter 5, this volume). Third, the elaborate transition and the artificial refashioning of the worker's persona consolidate a stereotypical discourse which the emigrant will have to endure, and if possible exploit, in order to obtain her job, and to negotiate her standing in a foreign workplace.

Finally, she faces a range of preconceptions about her identity in a foreign setting. She will be viewed in public through widely held national-ethnic stereotypes, reinforced by her employers, the media and government agencies. What

she has then to encounter, and to come to terms with, is the way she is seen within the household. This is not something that is fully encompassed by her pre-migration preparation, though word-of-mouth advice does circulate back through networks. To see why this last set of adjustments can be so challenging, we need to look at the categories of kin and non-kin labour as they have evolved in Hong Kong and Taiwan.

From bond servants to hired help: the incomplete emergence of free labour

One of the changes accelerated by globalization in Taiwan and Hong Kong is a further lessening of the influence of the extended agnatic family, especially among the urban middle classes. This has contributed to corresponding changes in occupational and household structures (Leung 1996: ch. 4; Wu 1995). Kinship ties and values remain strong, but there is a 'decline in preference for extended family living arrangements' (Curran 2000: 964), and higher rates of labour force participation by women, particularly in middle class and professional families; double-income professional households are numerous among employers of foreign maids. Nevertheless, the place that non-kin hired labour has in households in Taiwan and Hong Kong is still influenced by discourses that governed the internal stratification of households in the recent past.[6] The spectacle of mass protest by Filipina maids over working conditions in the 1990s, 'presented challenges to Hong Kong residents' identities', and the resulting discourse in the media, as well as among employers, defined Filipina workers as unreasonable, undesirable, brash and difficult to control, in contrast to an idealized past where Chinese *amahs* 'knew their place and kept quiet and out of sight' (Curran 2000: 964).[7] The narratives that construct notions of the proper 'place' of non-kin workers, foreign and local, in these households deserve closer examination.

It goes well beyond the 'blurred boundaries between home and public spheres, and the manifestation of gender and class in the construction of these shifting boundaries' (Curran 2000: 960) observed by researchers in many parts of the world. Certainly, the conflicts in understanding between worker and employer are exacerbated by the blurring of relations structured on the one hand by kinship and gender within the household, and on the other by those between worker and employee in the market. The fact is that, in both Taiwan and Hong Kong, agnatic households in the late imperial, colonial, and immediate post-Second World War periods had elaborate and long-established institutional mechanisms for incorporating non-kin workers into households that were simultaneously a kinship group and a property-holding economic unit. This was particularly salient in the case of women whose rights and status – be they wives, concubines, maids or others – were differentiated by their mode of incorporation into the household (Watson 1991: 246ff.).

In Imperial and Republican China, the state and its officials stressed 'hierarchy, patrilineality and male cultural dominance' (Gates 1996: 94). They enforced a pattern of property inheritance that was equal, patrilineal and partible. Land was

predominantly controlled, inherited and exchanged between agnatic households called *jia*. Although there were many historical and regional variations, the 'aspect of kinship practice which remained constant across all Chinese classes and regions was the patrilineal inheritance of means of production, inheritance equally divided among sons' (Wolf cited in Gates 1996: 91).

The *jia* themselves were simultaneously a 'household', a unit of production at the elementary level of the social hierarchy, and a state accounting and administrative unit. The household unit included 'relatives, slaves, servants and other nonkin, [and was] defined ultimately by the pooling of resources of its members . . . ' (Gates 1996: 95–6). While the most significant property controlled by the agnatic household was land, the property system also governed most other means of production held by artisan and urban households. The durability of these institutions and the laws and practices that supported them, rested ultimately with the state and the mode of surplus accumulation employed by the Qing and Republican states, and implemented by the bureaucratic and civil elites that supported them (Gates 1996).[8] While the significance of these property and inheritance systems and their usefulness to the Guomindang-dominated state may for historical reasons have endured longer in Taiwan than in Hong Kong, both societies have been substantially changed by capitalist development and globalization. Thus the political and economic conditions of existence of the agnatic household have been substantially weakened.

Jia were therefore both economic and kinship units with an elaborate male-dominated hierarchy accustomed to command the labour and fealty of its members. Generational rank, gender and agnatic inheritance rights to household property were the central principles of both the family and the household as an economic unit. For present purposes, the status of women, particularly juniors, subordinates and servants is of interest. I will concentrate on the position of waged non-kin members and female bond servants (*muijai*), though noting that household

> membership was highly fluid; there was . . . considerable turnover in both family members and their retainers. Furthermore, clear distinctions among people living in the same household were not always easy to make; servants, including servile menials, were often spoken of as kin, and kin were sometimes treated as servants.
>
> (Watson 1991: 232)

Among the wage-earning domestics of Chinese origin, the ones that generally are subject to nostalgic comparison with foreign workers were the *amahs* – an anglicized term for workers who in Chinese have other names – *gungyahn* ('worker') *mahjeh* ('mother', 'older sister') (Constable 1997: 48, ch. 3 *passim*). There were a number of different types of *amah*, ranging from sworn spinster *amahs* (*sohei* or *mahjeh*) to more recent unambiguous wage earners. Though much more costly to hire than foreign domestic workers, *amahs*, at least according to contemporary nostalgic accounts, 'knew their place' and 'adhered to the classical standards of the master–servant relationship' (Constable 1997: 50).[9] While the *amah's* role may

appear close to that of the foreign worker, it is commonly regarded as a more intimate relationship, negotiated and secured verbally rather than through other more clearly commercial labour-hire transactions that are closer to 'buying' a household servant. The documents used to secure the services of a foreign domestic worker are reminiscent of the papers that secured the sale of a *muijai* bond servant, even though the contract details may be far less harsh (Constable 1997: 77).

Foreign workers are assumed by their employers to be poor and desperate for work. They engage in low-status work contracted through a demeaning and impersonal process in which they surrender whatever social standing they may have had in order to secure the contract and the income it provides (Pinches 2001). Thus, in Hong Kong, 'middle-class employers more often equate Filipina domestic workers with *muijai* than with the "professional" Chinese *amahs* of the past' (Constable 1977: 77). The *muijai* – Cantonese for 'little or younger sister' – is a female domestic whose services were bought at a very young age. In colonial times, households exchanged human beings on a significant scale through a bewildering variety of arrangements ranging from slavery, pawning or indenture through to wage labour (Watson 1980). Constable (1997: 47) explains the comparison with overseas domestic workers:

> There are certain similarities between muijai and foreign domestic workers. Both resemble 'commodities' in the way they are inspected, bought, traded, owned, generally objectified and treated as economic investments. The work requirements and extremely low status for foreign domestic workers resemble those of *muijai* more than of Chinese *amahs*. Another striking parallel is in the extremely harsh forms of discipline that both types of domestic worker have experienced.

A transfer of money marked the passage of women of all ranks into the household. For wives, elaborate rituals were observed with the payment of dowries and bride price – it was a discourse of gifts and reciprocity. The addition of lesser females – concubines, bond servants, maids – was marked with scant ritual and the calculating language of the market place. Even here, as in the case of *amahs*, there could be care taken to preserve some measure of face for the worker. *Muijai* were purchased, as were concubines. Unlike concubines, *muijai* periods of service were limited and they could expect to be released (or sold) around the age of 18. The contract required that they permanently sever links with their own family, a disadvantage that remained with them for life.

In Hong Kong substantial numbers of *muijai* remained in service until after the Second World War. Government commissions had looked for ways to discourage the practice, but by the 1930s 'there was still no serious attempt to prevent the import or use of *muijai*' (Jaschok and Miers 1994: 21). In spite of campaigns from the 1920s to abolish the trade in female bond servants, this was not achieved until the 1950s, and even then cases of unregistered *muijai* were discovered in the New Territories, persisting in rural areas 'until overtaken by rapid urbanization in the 1960s and 1970s' (Jaschok 1988: Appendix A; see also Jaschok and Miers 1994: 21–3; Watson 1980).

As already argued, the decline of the symbiosis between the patriarchal household and a tributary state as in pre-revolutionary China or Taiwan, and the no less baleful 'relationship of colonialism and patriarchy' in Hong Kong (Jaschok and Miers 1994: 21; see also Jaschok 1988: 84), has been accelerated both by progressive movements and the advance of more conventional capitalist social relationships. Still, while these forms of servitude remain within living memory, many aspects of older patriarchal discourses have not disappeared. While mainstream society in Hong Kong and Taiwan is shocked by the frequent reports of the physical abuse of household workers, severe physical discipline was used against *muijai* in the past (Jaschok 1988: 102), and the unrestrained patriarchal licence that rationalized that violence is still invoked in some contemporary households (Constable 1997: 47). The formal requirements of migrants' contracts restrict their employment to the contracted households, yet they may in practice be 'lent' illegally to others, or sub-contracted to work in family businesses, as *muijai* were used in the past. Indeed, one of the attractions of Filipinos to employers in Hong Kong is that their excellent English means that they are well suited to interact with tourists in service and retail businesses (Skeldon 1995: 307–8).

Similarly in Taiwan, Loveband's (this volume) recent research shows that restrictions on the use of Indonesian and Filipina maids in restaurants and other family enterprises are lightly enforced, if at all. Employers in Taiwan refer, in private settings[10] to their domestics as *yongren* ('use-people') and are not averse to telling them 'I bought you'.

I am *not* arguing that the conditions of migrant workers are worse than the contributions to this volume show, nor that the modern cosmopolitan middle-classes of these cities are invariably harsh employers with no sensitivity to the rights of their employees. What I am saying is that the inherited discourses that construct household work by non-kin employees draw within living memory on a model of a highly stratified, strictly disciplined and extremely patriarchal household whose inequities were secured, not just by custom, but by their intimate connections to the foundations of the broader economic and cultural organization of society.

It would be remarkable if all these qualities simply vanished within a generation. Without pressure from the state, unions, NGOs and community leaders, there will be those who will press the perceived similarities between short-term contract workers in households with different grades of unfree labour from the considerable repertoire that existed in the recent past. Foreign domestic workers are either forbidden, or find it difficult to exercise some of the rights we normally associate with free labour. Their capacity to contest their terms and conditions, and to leave and seek employment elsewhere is constrained to vanishing point (Pinches 2002). They are in reality not comparable to bond servants of the past but their rights as free workers barely cross the line between free and unfree labour.

The migration patterns addressed here, and the examination of other detailed cases in this volume, give no warrant either to any complacent teleological tendency that would assume that the current regressive treatment of workers associated with non-permanent migration is merely a 'transitional' phenomenon,

and that their situation will mature into one more comparable with 'conventional' patterns of wage labour. There is simply a need, poorly developed among some support groups and academic analysts, to treat migrants as workers, with all the implications that follow from that (Weekley Chapter 11, this volume). Even in relatively democratic states, such as Japan, these migrants too often subsist, wholly or partially, in a zone of vulnerability (see Morris-Suzuki 2004) beyond the legal, political and ethical rights that citizens take for granted. In other less democratic settings within the region they are given even less consideration. Their 'visibility', either directly or in the mass media, from mainstream society is limited, and too often cast in threatening stereotypical terms.

In Hong Kong and Taiwan, the patterns of patriarchal dominance and the variegated forms of unfree labour associated with the household in the past were reinforced by the property and inheritance system and the crucial place the household had as an economic unit within an economy governed by a tributary state (Gates 1996). Capitalist development, urbanization, industrialization and liberal political reforms have changed the context that sustained the old patriarchal household, and governments have forbidden the trade in people in all its manifestations. Still, for a variety of different reasons in Hong Kong and Taiwan, the family has remained the focus of economic and personal security for most people, and the household has continued to serve as the foundation of a remarkably high proportion of private economic activity by small family enterprises in Hong Kong and small and medium family firms in Taiwan. Sociological research shows a continued preference for becoming the owner of a small business. Several studies have found that men in their thirties preferred to operate their own small business than take a managerial role in a much larger company. This preference was grounded in ideas about family and prestige. The preference for family businesses meant that firms had difficulty in recruiting stable management to handle growth, and resulted in the constant emergence of small-and medium-sized family businesses (Chung 1998; Wong 1985, 1988). In turn, the size of companies in Hong Kong in the 1970s and 1980s actually declined (Chung 1998; Redding 1990). As Wong (1985) shows, the transmission of accumulated family wealth across generations has continued to be an end in itself for many Hong Kong households and small family-based enterprises; there have been comparable trends in Taiwan (see Hamilton 1998).

Globalization may be changing the conditions of existence of household units even further. Small, labour-intensive light manufacturing enterprises which systematically exploited female household labour (Salaff 1981) marked an earlier stage of Hong Kong's development. Now that Hong Kong has evolved into a predominantly service economy, most of these labour-intensive enterprises have moved into other parts of China. In Hong Kong itself, service industries and professional and administrative work have become more significant.

With the higher participation rates of women in general, and greater numbers in the tertiary sector and in the professions, the formation of two-income households has become more significant as a destination for immigrant domestic workers. There remain large numbers of small service and retail enterprises, but

as the balance in the economy shifts towards more knowledge-intensive sectors, the new types of small enterprise may not be as well suited to the organizational and motivational patterns that characterized the earlier stage of industrialization, nor do they necessarily lend themselves as readily to inter-generational transmission of the business.

Still, for the moment, the drive to perpetuate the household as an economic unit has not appreciably slackened, though the opening of new pathways to security and prosperity that some elite groups can aspire to may further erode the economic foundation of patriarchal dominance. No less significantly, the broader advance of women's rights in society will bring into sharp relief the unacceptability of patriarchal discourses that reduce household workers to *yongren* ('use-people').

A more pessimistic view might be reached from studies such as that of Pinches (2001) who shows that Filipino male migrant workers, not subject to the special constraints of a workplace organized on patriarchal lines, continue to remain subordinate and marginalized, 'unwelcome strangers whose only valid identity is that of the obedient worker' (Pinches 2002: 193). Frost's (Chapter 7, this volume) study likewise suggests that there are other long-standing mechanisms besides gender to keep foreign workers marginalized. Even though Nepalese workers are (mostly) men with rights to residence in Hong Kong, they remain 'alienated, frustrated and without hope'. Existing through a tenuous hold on their niche in the construction sector, they live as day labourers with almost no prospect of upward social mobility. In the meantime, where domestic workers are concerned, it is important to recognize that the household as a workplace still operates with historically and culturally specific discourses in which patriarchal dominance can impose hardships that exceed the usual boundaries of capitalist class exploitation.

Conclusion

This discussion has looked into a limited but important selection of service labour migration in the Asian region, taking Indonesia and the Philippines as sources of migrants, and Hong Kong and Taiwan as their destination. I have suggested that the organization of work in the major urban centres of the global economy incorporates low-paid service labour as a vital element. Internationally, household service labour is an essential part of this pattern of work.

I have argued that, in these cases, one of the reasons for the continuing pattern of difficult labour relations for service workers is connected with gender relations in both the sending and receiving households. The expectations imposed on migrating women from their home household and community constrain their choices in fundamental ways.

For yet other reasons, their situation in the workplace can be far more difficult. Partly this is because households are first of all a kin-based affective and reproductive unit of society, while they are also an economic institution, and may be (depending on the society concerned) a crucial administrative unit. Within such a workplace, domestic workers can be managed through contract and the market, but also by discourses of kinship and gender relations.

Historically, the household structures found in Hong Kong and Taiwan have been strongly patriarchal. The household was the most important elementary unit of society in late imperial times, when it was also significant as an administrative, economic and socio-cultural institution. It was a unit governed by powerful patriarchal norms and practices. Patriarchal power had deep cultural foundations. Its discourse and practices were strategically reinforced by the systems of property (where important changes have occurred) and inheritance (which largely remain) and by the way these property forms buttressed a mode of domination and surplus extraction by tributary states (which have been displaced by capitalist development).

Globalization and broader movements of social and cultural change have ameliorated many aspects of patriarchal domination, in addition to weakening its significance for the state. Different types of urban household, similar to those found in other global cities, have become more prevalent. Family aspirations are not as resolutely tied as they were in the past to the success of the household as an economic enterprise. Yet, in spite of these changes, elements of the old patriarchal repertoire remain to supplement the daunting array of controls that are imposed on migrant domestic workers. As the cases in this volume show, it is a tribute to their spirit and ingenuity that many of them find ways to assert their rights, and even win some of the benefits they work so hard to achieve.

Acknowledgements

Notes

1 The significance of migration in Asia in the late nineteenth and early twentieth centuries can be seen in Skinner (1957), Purcell (1951) and Warren (1993).
2 As the other contributors to this volume show, the impulse may not be absolute economic necessity, but a calculation of the advantages gained – advantages, for example, in terms of money savings earned quickly in a foreign workplace (see Pinches 2001).
3 In 1994 the Philippines government imposed a minimum age of 25 for first-time domestic workers (Constable 1997: 69). The Indonesian government allows younger workers to emigrate. But the 'faking' of age is not unknown.
4 Kevin Hewison (personal communication) reports a similar pattern in rural Thailand. Economic, social and cultural dynamics also influence the use of savings and remittances, and are themselves changing because of the impact of migration (see Hirai 2002).
5 Workers move to find work. This is most often within a country, but the original move, say from village to city, can turn out to be an intermediate step before the worker seeks

work in foreign countries. Migration for work within a country (factories, domestic labour etc.) merges with the possibility of working overseas as an alternative for the developing working class. Vickers' chapter in this volume points (as do Hewison and others) to continuities between patterns of internal and overseas migration.

6 Until at least the mid-twentieth century in Hong Kong, and later still in Taiwan – see text.

7 Pinches (2000: 193) cites studies which reveal the public discourse to be even harsher in its estimation of workers from the Philippines: '…Filipino workers are commonly stereotyped in public discourse and the local media as sexually immoral, untrustworthy, lazy, unhygienic, noisy, aggressive and criminally inclined'.

8 Gates (1996: 209, 225) characterizes these as social formations dominated by a 'Tribute Mode of Production' (TMP). She argues that post-war Taiwan under the Guomindang was also best understood as operating within the tribute mode.

9 The *amah* 'unquestioningly dedicates her life to the master's family in return for which she expects, but does not always receive, respect and care in sickness and old age' (Constable 1997: 50).

10 The term '*yongren*' is colloquial and somewhat impolite, and usually avoided in public conversation.

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3   The country and the cities

Adrian Vickers

The movement of workers continues unabated, but has taken different forms in recent decades. As you read this, millions of people are travelling between countries for work, some legally, some illegally. Many of these travellers are women who will become maids for a period of perhaps two years. Those coming from Southeast Asia are increasingly moving to the major cities of their region, especially Singapore and Hong Kong. In tracking the shifting patterns of movement for work, we need to understand the combination of mental and material elements of that movement. We need to see their movement as a type of 'mobility' between related sites and social positions, rather than having the permanency implied in the term 'migration'. Thus what was once called 'internal' migration needs to be seen as part of a larger pattern of mobility that launches people into transnational movement for work.

Indonesia provides those who travel with a wealth of historical experience on which to draw. As a major source-country of those who move it has a long rural history. Considered 'rural' throughout the twentieth century, by the end of that century the whole of Indonesia's central island of Java had reached a level of population density that demographers usually regard as 'urban'. Those who move might come from rural areas of Java or other islands, and before they leave the country they make at least one intermediate move to one of Indonesia's principal cities. Some return from these Indonesian cities or the overseas cities to their villages after a period of work, and some come back from overseas to remain in Indonesian cities. Thus many are perpetual travellers, moving through threatening or hostile zones.

Those who move to work follow a pattern established in the social changes accompanying the creation of forms of capitalism. A historical approach to labour mobility in Indonesia serves two purposes: it demonstrates continuities in patterns of movement, showing that Indonesian proletarian history has depth and magnitude; and it provides an alternative view of Indonesian history. Instead of histories of colonial rulers, aristocrats and ruling classes, the element of mobility is the starting point of a critical social history of Indonesia. In such a history the nation state is held up to questioning as the unit of analysis, since much of the proletarian movement of Southeast Asian history ignores national boundaries.

A comparative dimension is necessary for any larger scale regional perspective. In this case the most apt comparison is with other places that have undergone

such changes. It is Europe that has provided many of the best-documented examples of 'changing historical realities' governing the interrelatedness of country and the city, to use the terms of the eloquent documenter of such change (Williams 1973: 288).

Williams, as one who had moved from village to city (and back), writes about the power of the ideas of city and country that underlie fundamental social trans-formations. As he says, we should not regard what happened in his example, England, as definitive of all forms of industrialization, but 'the English experi-ence remains exceptionally important: not only symptomatic but in some ways diagnostic; in its intensity still memorable...' (Williams 1973: 2). My intention here is to follow the pattern Williams uses to analyze English understandings of 'country' and 'city', in order to demonstrate how such understandings could illuminate Indonesian experiences of labour mobility. Williams' example is more useful because it allows us to see that movements that Indonesians undergo are movements between moral worlds, and so allows for insights into 'structure of feeling' (Williams 1973: 35).

Williams' book operates around the two-sided natures of both country and city. While the rural may be the subject of nostalgia for a once-lost 'Golden Age', a broken pastoral idyll, it is as much a backwards/backwoods site, a place of yokels. Likewise the city is an 'anti-pastoral', too large to be a 'knowable community' it takes on aspects of darkness and light, as the sink of corruption as well as the futuristic metropolis. The 'bright lights' draw in rural populations with their promise of prosperity and enlightenment, but too often delivering a life of slum poverty.

Williams' examples of the ways that country and city are perceived are from British literature – Dickens, or the poets of English countryside, but he could equally have chosen that great hymn to mobile modernity, Chuck Berry's 'Promised Land', as an expression of the religious sense of anxiety and promise embedded in mobility. Before examining the emotions that Indonesians have invested in mobility, the layers or forms of mobility that have been persistent elements of modern Indonesian history need to be mapped.

These layers can be traced back at least to early modern Indonesia. There are strong traditions of movement amongst most peoples in the archipelago, traditions related to pilgrimage and political upheaval, and which pattern labour mobility. The most famous of these traditions is called *merantau* – travelling to gain experi-ence. The word '*rantau*' originally referred to the coast or shore to which people travelled from the hinterland, but acquired meanings of sailing upriver, studying abroad, wandering and migration in general (Echols and Shadily 1989, *s.v.*). This is a long tradition on Sumatra, usually associated with the Minangkabau people, for whom it is part of their *adat* or custom. Men travelled on the *rantau* to make their fortunes. The customary status of *merantau*, points us towards a long history of mobility on that island that is matched by almost all the other islands of Indonesia.

In some parts of Indonesia movement was, and still is, constant, especially amongst the so-called nomadic peoples of land of water. For example the peoples

in the hills of inland Kalimantan usually known as Dayaks are always travelling to live (Tsing 1993: 127). But even those regarded as more fixed have histories of mobility. In the eastern part of the archipelago almost every ethnic group documented by anthropologists has tales of origin elsewhere, of travel by boat and ship to the place they are now. In these traditions ancient kingdoms such as Melaka or Majapahit, or even more exotic places, are enshrined as sources of movement in ritual songs (e.g. Hoskins 1993: 35). Even supposedly sedentary islands such as Bali have similar genealogies full of movement, stories of clan dispersal from some original village such as the seventeenth century capital of Gèlgèl (see Boon 1977: 72–6). The state-centred historiographies of Southeast Asia have often focused on land-based, sedentary polities, missing the important dimension of land-based and maritime movement that has been so important for island and mainland Southeast Asia.

War, religion and mobility

In the case of Bali, as with some of the eastern Indonesian examples, the tales of movement begin with war. Those who move are refugees from political upheavals, a theme that has continued into the twenty-first century. Kumar (1979, 1980) has written on the movement of peoples throughout Java in the seventeenth and eighteenth century – the result of the series of wars by which the Dutch conquered the island. In these wars in the eastern Littoral of Java they 'brought the land to stillness' (1979: 191) through atrocities and scorched-earth policies that entirely wiped out the local population and the Madurese, Balinese, Buginese, Chinese, Balinese and English who had collected there. It was not until the nineteenth-century expansion of the sugar industry that this area was repopulated by peoples from central Java and the unfertile island of Madura (Kumar 1979: 192).

Anderson has extended Kumar's discussion to paint a picture of the lives of the mobile populations of Java, the wandering aristocrats, mercenaries, thieves, performers, teachers of martial arts, religious scholars, magicians, teachers of mystical lore, peddlers, merchants and prostitutes (1990: 276). While some of those who were displaced resettled elsewhere, in many cases permanently mobile bands were created in the eighteenth century. Many of these were associated with strongmen, jago combining physical and mystical prowess, who could be hired to stave up support for unpopular village headmen, or who operated criminal networks extending across whole regions (Schulte Nordholt 1991).

If Kumar is right in speculating that the expansion of Dutch control was what set people in motion on Java, then she may also have had an eye to Sulawesi. The story of the Bugis and Makasar diasporas has been well told, from the seventeenth-century exile of Arung Palaka when he became Java's leading *condottiere*, to his defeat of Goa and the sending into exile from Sumbawa to Ayuthaya of the Makasar aristocracy (Andaya 1981).[1] Not all movements were necessarily set in motion by the Dutch, however, as Minangkabau mobility decreased in the nineteenth century when the Dutch came to control the surrounding regions (Gooszen 1999: 29).

Aristocratic movements have long genealogies. Anderson's discussions of the mobile bands of Java include reference to the wandering knights, *lelana*, who are the frequent subject of Javanese tales. Such tales go back to the Medieval kingdom of Majapahit, when displaced lesser lords could establish their own kingdoms by creating bands of followers and marrying the right women. Similar stories are found throughout Southeast Asia, and are indicative of the movable nature of pre-colonial polities (see Vickers 1993). In such cases the differences between roaming aristocrats and marauding bandits are of degree rather than kind. Many of these wandering princes also became identified with the later Bugis mercenaries that moved throughout Java, highlighted by the figure of *klana* in the *topeng* masked dance-drama.

Such mobility is general throughout Southeast Asia. Ruling classes have always been very mobile, as illustrated by their mixed ethnicities. Usually when princes and princesses move they bring with them bands of followers who form their own separate settlements. Likewise trade has created diverse urban centres, as in the case of Bangkok's formation as a city of Malays, Chinese, Cham, Acehnese, Mons, Portuguese, Vietnamese and others (Askew 2002: 20–3).

The extensive literature of aristocratic mobility on Java, found in such encyclopaedic texts as the *Serat Centini*, merges with tales of religious mobility. The earlier Javanese literature of wandering princes included stories of pilgrimage to temples dotted throughout the Javanese landscape. Such traditions of pilgrimage were readily adapted into the Sufi streams of Islam that came into Indonesia, with their cults of the graves of saints. In Javanese Islam, to be a strong believer or *santri* is to travel to places of knowledge, such as the religious schools or *pondok* to which young men become apprenticed. Islam also brought to Java an extensive literature of travel for enlightenment (e.g. Bonneff 1987). The ultimate version of such religious travel is the pilgrimage to Mecca, the *haj*. Some *haji* stayed there or in other parts of the Middle East (see Laffan 2003). To the examples of politics creating forced mobility mentioned above we can add those of natural disasters in creating diasporas, Indonesia being subject to frequent volcanic disturbances.

Throughout the nineteenth century colonial wars increased in intensity as the Netherlands East Indies was created. Whole populations fled either the colonial advance, or sought refuge under the Dutch. By the first decade of the twentieth century the boundaries of the archipelagic colony had been established, and movement within those boundaries became subject to colonial regulation, or at least attempts at regulation. Dutch control abated political movement, but could not stop the famines of the 1840s, 1870s, 1890s and at the turn of the twentieth century that moved whole populations around in Java and the other islands (see Davis 2001). Such famines coincided in a number of cases with major economic crises, notably the great Depressions of the late 1880s and 1930s.

New waves of movement were caused by the impact of the Pacific War and subsequent Revolution between 1942 and 1949; the regional revolts and secessionist movements of the 1950s; and the flight of tens of thousands to escape the anti-Communist killings of 1965. The demographic impact of the Second World War on the island of Java alone was huge. Up to half the population of Java was

involved in different kinds of labour for the Japanese war effort, with at least 200,000 people moving to other parts of Southeast Asia as volunteers or forced labourers (Sato 1994). The War coincided with catastrophic droughts exacerbated by Japanese policies of controlling rice production that saw the population of Java reduced by 2.4 million (Van der Eng 2002). During the subsequent Indonesian Revolution another six million people on Java became internal refugees (Anderson 1976).

In the Suharto era reporting of political movement was stifled, but people fled political violence in Aceh, Papua and East Timor. Many Acehnese have fled to Malaysia, following the pattern set during the Aceh War of the nineteenth century, in which 10,000 people fled there (Jong 1998: 335–6; see Wong and Afrisal 2002).[2] The renewed conflicts that emerged in the aftermath of the fall of Suharto – in Aceh, Maluku, Kalimantan, East Timor, West Papua and central Sulawesi – created the most intense movements of recent decades. In the year 2001 at least 1,305,886 refugees had been documented within Indonesia. Add to these those displaced persons who moved across national boundaries to Malaysia, Papua New Guinea and East Timor, and those who refused to see themselves as 'refugees' and the number could probably be doubled. Despite cessation in some of these conflicts, not all have moved back (*The Jakarta Post* 2001).

Labour mobility

Political flight and labour mobility are closely related. The movement of refugees creates one class of workers: the cheapest. Those who have no choice in their movement, and who live in the impoverished conditions of refugee camps, will usually take whatever work is on offer (Duncan 2002). Likewise there are strong links between earlier upheavals and unfree labour: political and ecological disasters in India and China created waves of indentured coolie labour, bringing hundreds of thousands into Indonesia in the late Nineteenth and early Twentieth Centuries. During the Second World War the Japanese, under compulsory labour and military support schemes, forced hundreds of thousands of Indonesians to move either to other parts of the archipelago or of Southeast Asia. Nearly three million Javanese were involved in some form of forced labour under the Japanese at any one time, but up to half the able-bodied males of Java and Madura were affected by what Sato calls 'total mobilization', with 200,000 sent beyond Java (Dick *et al.* 2002: 166; Sato 1994). Some of those who were forced to move never came back, and while the death rates were high, many people had simply lost contact with their earlier lives and established new ones.

Coolie labour in the Netherlands East Indies was only in part Chinese and Indian. In 1931 those on the dreaded 'coolie contracts' in the outer islands of Indonesia numbered 203,366, consisting of 30,426 Chinese, 172,181 Javanese and 759 'Others'. A further 156,267 worked as 'free labour', again predominantly Javanese (133,848), although including 8,429 'Others' (Furnivall 1939: 356). The number of 'free' labourers had increased in the early decades of the twentieth century as the harsh 'Coolie Ordinances' came under increased scrutiny both in

the Netherlands and abroad, although in the 1930s some workers preferred to remain under contract because there was some security in the government scrutiny of those contracts, and also free labourers were liable to local taxes from which the contract workers were exempt (Furnivall 1939: 355).

There was a constant form of 'voluntary' movement throughout the archipelago, although most involved were faced with the choice of moving or starving. At the beginning of the twentieth century the colonial government of the Netherlands East Indies commissioned a number of welfare studies of the people of Java. The 1904 survey asked a sample of the hundreds of thousands of 'little people' travelling on trains why they were doing so; 69.5 per cent gave their reasons as economic: 'market, search for work' (cited in Mrázek 2002: 11). Those who could afford to move to find work should be considered as relatively better off than the refugees or 'contract coolies', in that at least they had the assets or ability to borrow in order to pay fares. Many of these people were 'circular migrants', trying to balance the harvest seasons at home with work in the plantations or the cities. Usually the men engaged in this kind of work were separated from their families for up to six months at a time.

The colonial census information reveals the major centres towards which movement took place in the first part of the twentieth century, and these were indeed places of employment, such as the *batik* factories of Surakarta and Yogyakarta. Urbanization was important to the Netherlands East Indies, but by 1930 only 5.2 per cent of the population of Java, the most populous island, lived in cities. Urbanization is a phenomenon of the most recent one or two generations for most Indonesians. As Dick *et al.* (2002: 167) note, the giant cities of Java, Jakarta and Surabaya, were swollen with refugees by the end of the Second World War, but even then their populations were only 850,000 and 600,000 respectively. They were to grow to over ten times that number in the latter part of the twentieth century.

The major destination during the colonial period was still agricultural or semi-agricultural areas based around the large capitalist estates (Gooszen 1999: 52, 67, 85–7). Even in the colonial period migration was not confined to the colony, Malacca was a major recipient of labour migrants from the East Indies, taking in 153,758 people between 1900 and 1930 (Gooszen 1999: table 2.2a). In colonial times Java was the major source of intra- and inter-colonial movement. Given the nature of the estate labour involved, we might expect that labour mobility in this period was dominated by men, but in Javanese urbanization at least, the majority was women (Gooszen 1999: 81).

Raharto (2001) has described how the lines of voluntary and involuntary movement in earlier times formed the basis of more recent labour migrations. The roads between Indonesian and Singapore and Malaysia, for example follow old routes. The religious roads were the basis of labour migration, as in the case of the *haj* brokers who organized *haj* labour movements. Singapore was the regional centre for *haj* brokering (see also Laffan 2003: 48–9). She omits the darker side of this, how wealthy Indonesian *haji* such as Mohamad Kasim of Selayar, near Sulawesi, were suspected of using pilgrimage ties to Mecca to export

slaves in the late nineteenth century (Heersink 1995: 115). Such patterns are not so different from the stories of captivity and suffering endured by domestic workers in Saudi Arabia (see Ford 2002).

The statistics that were produced during the New Order period, especially for the best-documented period of 1975–95, show Indonesia as a country constantly on the move. Some provinces were more mobile than others, with north Sumatra, west Sumatra, south Sumatra, Jakarta, west Java, central Java, Yogyakarta, east Java and south Sulawesi all showing out-migration of greater than 100,000 people in each five-year sub-period. Of these, overcrowded central Java shows the greatest movement, with out-migration of over 1,150,000 for the period 1985–90. Some of the Indonesians were moving internally, with south Sumatra, Jakarta, west Java, Central Java, Yogyakarta, east Java, east Kalimantan, and south Sulawesi all recording in-migration of greater than 100,000 in each five-year sub-period. However many of those who moved began to leave the country, in numbers that officially increased to 89,300 in the sub-period 1990–95 (Muhidin 2002: especially table 1).[3] By 2000, 457,876 Indonesians were recorded as leaving the country to work overseas. Indonesians who went to Southeast Asia was, 71.2 per cent, including the 191,700 who went to work in Malaysia. The next most significant destination was Saudi Arabia, where 114,067 people went, but that was almost 20,000 less than the previous year (Haris 2002b: 28–9). The under-recording in these statistics are indicated by the fact that in the same year Haris and his colleagues researching on Indonesian labour mobility estimated that there were 1,750,678 legal and illegal Indonesians working in Malaysia (Haris 2002a: 153).

Breaking affective ties

All this tells us little about how it felt to move, but there are some sources that give insights into the processes of labour mobility as experienced by those who moved. The earliest such document is a poem that describes the experiences of leaving villages in Aceh to go to work on the pepper plantations of the west coast of Sumatra. This work, the *Hikayat Ranto* (Drewes 1980) by Leube' Isa of Pidië, dates from the late eighteenth or early nineteenth century, the dawn of colonial capitalism. It is

> A discourse intended for men, old and young, who are leaving the country,
> Leaving the country and their parents, and bound for the woods, men of
>   all ages.
> The Lord has created the desolate West Coast (ranto); there man goes wrong.
> <div align="right">(Drewes 1980: line 50 ff.)</div>

The text is an Islamic moral work, attempting to map out a realm of experience for those who involved in a new form of work. The pepper plantations were mostly Chinese run. In Sumatra, as with the sugar industry in Java, Chinese entrepreneurs were forerunners in areas later opened up to European capital. The poet

writes from experience, as he provides a cautionary tale about the implications of being involved in market relations in which one sells one's labour for cash. This poem of moral resistance to commodification is unremittingly pessimistic about the social implications of entering into paid work, and having to travel to do so. As the poet describes it, each worker undertakes a journey through the wildness, when the devil (*Iblis*) enters his heart

> First of all he directs you to commit pederasty; secondly to partake of opium;
> Thirdly to gamble, and this eventually makes you a thief.
> Fourthly to organize cock-fights, by holding out the prospect of considerable
>   profit . . .
> Fifthly to go out plundering . . .
>
> (Drewes 1980: line 58 ff.)

We know that later forms of coolie labour involved gambling, drugs and prostitution (including pederasty in these nearly all-male worlds) as means to keep workers permanently in debt through manipulating their only forms of entertainment. Although it was the overseers or foremen, rather than the managers themselves who profited from such activities, permanent indebtedness meant renewal of contracts.

The poem goes on to catalogue the other sins into which those who leave home can be drawn, and moves on to the grief of the wives who are left, conjuring images of deserted and bereft communities. But the women too are admonished, told not to be too demanding lest they drive away their men (line 230), and warned that they too could fall into a sinful state by going off with other men while their husbands are away, and could eventually end up as widows.

In this poem the village is an ideal community shattered by processes of commodification. In the succeeding centuries the image of the lost home community has continued. The moral anxiety in the poem is one documented in other accounts of labour. Catharina Purwani-Williams' (2002) work on women who travel from Flores to work reveals similar trends. In this case the moral threat is perceived by fathers, who are anxious about the perils that their daughters have to undergo when they travel. By the latter part of the twentieth century, as labour migration became even more heavily feminized, anxiety about moral surveillance became a prime motif in public discourse about these travelling women. There are no legal protections for such women, and an abundance of those in the labour chains ready to abuse women under their authority, knowing that poverty gives little power to object (Primawati and Haris 2002; Yuarsi 2002). However there are crucial differences between the attempts by women workers or women's groups to advocate their cases, genuine fear of the unknown by those left at home, attempts by male family members to assert control over women and patriarchal disquiet by various state and religious power-holders who realize that their power bases are threatened by female mobility. Yuarsi's study of the problems facing women workers is aptly subtitled: 'from domestic violence to general violence'.

For some women the experience of travelling to work is unrewarding, materially or spiritually. Of women tea-pickers of west Java interviewed by Wattie, some

simply gave up and returned to their villages because of the inadequate wages. One reported being more content within the confines of village life because she had experienced solidarity with the other workers at the bottom of the plantation hierarchy. However another who had also experienced work as a servant felt more restless and unsatisfied with her life, and thus was more likely to want to go overseas to find a better life than to go back to the village (Wattie 2002: 54).

Both Purwani-Williams (2002) and Haris (2002a), working in Lombok, show that although the travellers return, their lives have not been made easier by their work. In some cases, these are young women who will go back to working as maids in Hong Kong, the money they have sent to save their families' dwindling land holdings having been spent, or perhaps gambled by unemployed husbands. In the cases of Sasaks who work illegally, 73 per cent are married (Haris 2002a: 81). They rarely have anything to come back to, as indicated by one man:

> When my son married he was fourteen years old, while his wife was twelve. After they married, then we looked to borrow some money with a Taikong (labour broker) to pay for the cost of travel to Malaysia. Now Tola [my son] has been in Malaysia for three years. Alhamdulillah [thanks be to God] he can already send money to his wife, although only twice. But what's important is that he can be responsible, rather than be unemployed, not working, at home, not even owning any rice-fields.
>
> (Haris 2002a: 82)

In this and many other accounts, ties to the land are a prime element of identity. The rural is the real basis of being, and loss of land means a cutting off of bonds to place. For Balinese who have transmigrated to Sumbawa, Sulawesi, Timor and Sumatra, most who moved between the 1950s and 1980s did so because of the promise of land, and they stayed because they were successful as wet-rice pioneers. They felt 'ashamed' (*jengah*) at not owning land, the source of sustenance for their family (Sutjaja 1997: 214).

The rural landscape revealed in accounts of labour mobility is not a smooth one. In the Javanese and Balinese aristocratic tales of wandering from pre-colonial times the landscape is a place of the beauties of nature, where one can find revelations of the divine. But it is also a place needing to be given order by divine or royal will (Day 1994). The really positive images of landscapes in both ancient and modern Indonesian art are those of rice fields (see Vickers 1999).

In modern proletarian accounts there is a different landscape between village and place of work, a threatening jungle, although sometimes that 'jungle' is more like a scrub or waste land. In the *Hikayat Ranto* the journey to work is through a place of danger, it is safer to stay in the village. Likewise in a recent Balinese autobiographical account of the processes of transmigration, the journal from the migrants village to Sumbawa is described as a terrible ordeal, one of travel sickness and long waiting to arrive first at a parched landscape from hell, and then to be left to make their way through a steaming jungle full of wild pigs until at last they were greeted by those who had gone before (Lanus n.d.).

This negative vision of the landscape outside the village is one that finds many variations, especially in paintings and stories depicting conditions during the Japanese occupation (1942–45) and the Indonesian Revolution (1945–49). In Pramoedya Ananta Toer's stories of his region of eastern Java, Blora, during the 1940s the countryside is a shadowy and dangerous world populated by itinerants, mostly beggars, and patrolled by those who work on behalf of the occupying forces (Pramoedya 1990). Sudjojono, Indonesia's founder of modern art, depicts similar blighted landscapes of the Revolution, bare lands of burnt trees and ruined buildings, with hunched and frightened figures moving furtively between the rocks and ruins. Only those who carry weapons can move confidently (see illustration in Vickers 1999: 16, 41).

Rural to urban

In such images of the rural as these, it is the roads leading out of the village that point to a world of danger and ruin. Such a 'road without end' is the eponymous subject of a novel by Mochtar Lubis (1952) that paints a picture of the urban and semi-urban worlds in which his protagonists wander like lost souls caught up in the violence of the Revolution.

For those travelling on such a road, the city is a transitory place, a stopping-off point rather than a 'home'. Even now, when Jakarta's population has reached a level estimated at 12 million,[4] the sense of transitory nature of this population can be gained by observing the most massive of traffic-stopping events: Lebaran. During this celebration of the end of the Fasting Month virtuous Muslims are compelled to visit 'home' bearing gifts. The result is days of traffic deadlock and a deserted city as millions go on the move. Journalist Ajar Aedi gives 2002 figures for Java, Bali and Sumatra indicating some 20 million to 30 million people on the move on public transport, pointing out that there is strong social pressure to drive one's own car home for Lebaran, to indicate success. If you do not own a car, it is better to at least rent one. One family interviewed had spent around nine million Rupiah (approx US$1,125) on travel and gifts (Aedi 2003).

Impermanence as 'circular migration' is rarely captured in the statistics. The seasonal workers who moved to the city for a few months to supplement farming income in the slow seasons were noted to have all gone home especially for the Dutch government's 1930 census, thus denying demographers any sense of their presence (Gooszen 1999: 81, n. 25). Jellinek's evocative historical picture of Kebon Kacang, the 'peanut garden' that became a 'slum' suburb of Jakarta, describes the ease with which circular migrants in the 1930s fitted into the households of relatives, a pattern that continues to the present day (Jellinek 1991: ch. 1).

One group that draws attention to this sense of impermanence in the city are those associated with the sea, the sailors, fishermen and dock-workers whose lives revolve around a sense of stopping over. One Indonesian who depicts this is Arena Wati (1981) (Muhammad Dahlan bin Abdul Biang), a Makassarese author who lives in Malaysia. His short story 'Syonan To 2604', depicts Singapore under Japanese occupation (Syonan To was its Japanese name). Singapore is a city lived

on the street in this story, a point from which people travel to Burma, Java or Thailand. Then, as now, Singapore was the key city to which many mobile Indonesians oriented themselves.

There are many factors that contribute to a lack of attachment to the city. In colonial times cities were firmly bifurcated. The city proper, the *Gemeente*, was Dutch, ordered and quiet. The rest was *kampung*, a term which also means 'village', separate quarters (sometimes ethnically distinct) with little or no infra-structure (see Frederick 1989). Such *kampung* are usually depicted as sites of misery and poverty, places where one tries to make a living, but where one may die unnoticed (Jellinek 1991; Pramoedya 2000).

The sense of the city as degradation is captured in the 1924 short story 'Images of Extravagence' by Communist Party member Sumantri, a comrade of the radical activist journalist, Mas Marco Kartodikromo (Marco 1981).[5] In this story the city of Semarang, the third largest on Java, is a site of pleasure. The modernity of the bustle of vehicles on crowded asphalt roads, of people crammed together as they head towards places of pleasure, intoxicates the young protagonist.

> The driver whipped the horse on so that it ran fast. Because of the delman's (carriage's) rubber wheels, there was hardly any noise. Only the 'clip-clop' of the horse's hooves on the asphalt road could be heard.
>
> Sodirga, for that was the young man's name, knew that this was a really fine delman, besides he seemed rather pleased with himself. Soon he sat back, pushed out his chest and took a Melacrino cigareete from his pocket. A short time later, about fifteen minutes, Soedirgo arrived at the *alun-alun* (town square) and told the driver to stop in front of the *Opera Bimajoe* building, where the story *Juli-Juli Bintang Tiga* was having its first night.

With newly cut hair, laundered white shirt and trousers, silver watch chain and shiny shoes, Soedirga's extravagances are many. As a clerk in a trading company he cannot afford these things, but borrows to increase his style, carrying a rain-coat, paying for a carriage so he does not get his shoes dirty, then lavishing more than his monthly wage on a glamorous young woman, who takes his money along with his attentions, and leaves him with syphilis. The Arab from Kampung Melayu comes for his raincoat at the end of Soedirgo's two days of pleasure, while the landlady confiscates his clothes and pawns them to pay the back rent and loans. Soedirgo then loses his job, his one remaining set of clothes get filthy and eventually he signs a 'coolie contract' to go to Deli, the port for the Sumatran plantations.

'Don't be fooled by the bright lights', Sumantri tells us, but the cities grow and grow. A more recent version of Sumantri's images of the city is found in leading hyper-realist artist Dede Eri Supriya's paintings. In these the city is an alienating world of the poor, a place of enclosure and capture. His images of the city are dominated by grid lines, made up of girders or laneways that hedge in people, where horizons have disappeared and isolated figures wander aimlessly. The liminal state of movement is disorienting leaving one open to exploitation, but even

those who cannot afford to live in the city struggle on, surviving on its margins, succeeding for a while in the so-called 'informal' world of un-noted, un-taxed work on the streets, before slipping back (Jellinek 1991). Although not all literature and painting is uniformly bleak in depicting of the city, it is hard to find works in which the city emerges as a place of light and hope, but it still remains the only opportunity for many Indonesians, because 'movement' is part of a striving for social mobility – seen on the side of a truck in central Java during the post-1997 economic crisis: '*Mangan ora mangan, ayo ke Ibu Kota*' ('Eat or Starve, Let's go to the Capital').[6]

Indonesian cities then are impermanent sites of modernity. Cities contain nodes of liminality, of which *kampungs* are the main focus for movement. Those who can raise the fares to travel move with contact names and addresses of people they will link up to in an urban *kampung* made up, one hopes, of people from one's village of origin. People do not think of themselves as 'migrants' necessarily, because the village is always 'home', and in the process of travel you try to keep up those village links.

Village-city and transnational corridors

One of the problems of living in twenty-first century Java is that the boundaries between rural and urban have collapsed. One might say that such boundaries were never clearly there anyway, as the rural term for an urban unit, *kampung*, shows. Now factories can as often be located in small villages outside urban areas as in the unplanned and unstructured big cities, pockets of rice fields can still be found amidst office buildings. McGee and other theorists analyzed this as the creation of 'rural–urban', *desakota* regions (see Nas and Boender 2002).

The blurring of these rural–urban distinctions has altered the spatial sense of previous eras, and has political implications for the way Indonesians exist in society (see Young 1994). The phenomenon feeds into broader, transnational patterns of population consolidation and movement, the development of super or Megacities, and their linkage into urban corridors. Megacities have become vast reservoirs drawing on what might otherwise be rural hinterlands, that is zones of agricultural production and sources of cheap labour, but through increased infrastructure these zones have started to merge together into corridors (McGee 1997).

The urban corridors can most clearly be observed in satellite photographs of the world at night, when the urban concentrations show up as areas of light. In this case the Southeast Asian set of urban corridors can be seen to join together, in a line of lights that stretches from Bali, all through Java, breaking in Sumatra, then flaring up again at Singapore and snaking up through Malaysia to Bangkok and the hinterland on which it draws, an octopus with tentacles to Laos and Burma (NASA 2003). It is from this corridor that movement occurs to a second corridor, one that runs from Hong Kong and Guangdong, up the coast of China, linking to Taiwan and the blinding developed brightness of Japan.

In these corridors Indonesians meet other equally mobile populations. Thailand, for example, less disturbed by colonial history, is as much a site of

people who have been moving for centuries. From provinces which only offer starvation or debt, or where village life is a nostalgic memory blurred by ecological disaster (see Sanitsuda 1990), or from the neighbouring countries which are some of the poorest in the world, people follow chains of movement that might take them to Bangkok, or to a building site in Singapore or to work in someone else's kitchen in Hong Kong. Young women are often the most mobile, the most modern, shaping new selves out of necessity (Mills 1999; see Hewison Chapter 6, this volume).

Such corridors are zones of movement, or that enable movement. Ships, aeroplanes and road transport provide the lines in the corridor, and people as well as goods constantly shift along them. As Raymond Williams has taught us, we need to be able to do more than interpret these movements as disembodied statistics. Those who move throughout the corridors are not an undifferentiated mass. The class divisions are strongly marked, between the mobile wealth of the expatriate managers providing higher skills to keep the corridors running, to the people who spend their lives selling food on the streets, to the construction workers who build the structures, to the maids who live in the housing complexes.

All classes bring different imaginative maps to the corridors. Purwani-Williams gives us a literal example of this in the drawings of maids whose sense of space is dominated by the terrible holding camps in Surabaya and the parks where they spend their Sundays, the extremes of cruel exploitation and the brief moments of leisure that mark out the journeys between Flores and Hong Kong. The journeys of these women are daring ventures into the moral danger of another type of jungle outside their villages. They are rightly proud of their achievements, to have taken responsibility for their lives and the lives and fates of their family, and to have succeeded in an alienating zone. In attending to the ways that Indonesians perceive country and city we can give such women the respect they deserve.

Acknowledgements

Notes

1 The old Royal Palace in Bangkok includes in its museum display the weapons of the 'Makasar' troupe of palace guards, identifiably Indonesian through their *krises* and other weapons.
2 I have also met people on Bali who were Javanese refugees from the 'Mysterious Shootings' (*Petrus*) of the 1980s.
3 These statistics have to be interpreted with scepticism, particularly since they are based on identity cards (KTP), and most Indonesians obtain multiple identity cards during their lives.

4 The transitory and undocumented part of the city is huge – Jakarta's population expands by at least three million each working day.
5 This story was originally attributed to Mas Marco by Henri Chambert-Loir (1974) and that attribution accepted by Paul Tickell in his translation of this and two other stories.
6 My thanks to Zamira Loebis for this line.

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Part II

Migrant workers, trafficking and the state

4 Lao migrant workers in Thailand

Maniemai Thongyou and Dusadee Ayuwat

Thailand is well known as a source of workers who engage in transnational migration (see Hewison Chapter 6, this volume). Less well recognized, at least outside Thailand, is the fact that the country also receives very large numbers of transnational migrants who move into the country in search of work. Most of these migrants are from the poorer neighbouring countries of Burma (Myanmar), the Lao People's Democratic Republic (Lao PDR or Laos) and Cambodia. Those countries that Thailand borders which have experienced later and less capitalist development and where there have been decades of political instability and war, has meant that, in recent years, it has resulted in an increasing influx of migrants. Some of these have been refugees, but in recent years, the migrants have been in search of work and ways to improve their lives.

Research on transnational migration from Burma, Laos and Cambodia to Thailand is relatively limited. There have been attempts to examine the plight of Burmese migrants in Thailand, some by non-governmental organizations (NGOs) (see Pim 2001; Wai 2004) and others by academics (see Pimpawan *et al.* 2003; Supang *et al.* 2000). While there were earlier studies of the thousands of Lao refugees who fled the fighting associated with the US 'secret war' and the eventual Communist takeover (e.g. Long 1993), there has been relatively little research on those Lao migrants who have entered Thailand in search of work. Most recent studies focus on the problems faced by such migrants, including labour exploitation, human trafficking and maltreatment (see Kritaya *et al.* 1997) and other general employment conditions (Pramual 2003).

This chapter makes an initial attempt to broaden our understanding of these more recent Lao migrants to Thailand, and gives particular attention to the social networks that facilitate their migration and influence their lives while in Thailand. The discussion in this chapter is based on data from a small survey conducted while these initially illegal migrants appeared for registration with the Thai authorities. This was part of a programme that was meant to regularize the use of migrant labour, through an amnesty that initially provided for temporary working permission.

Transnational migrants in Thailand

Since the early 1960s, Thailand's national development policies have emphasized industrialization. Industrialization has resulted in remarkable and sustained

economic growth, accompanied by the expansion of the industrial, trade and service sectors (see Hewison 1997). Although the manufacturing sector has seen the introduction of innovative technologies, many factories continue to rely on relatively cheap forms of labour (see Arnold and Hewison Chapter 10, this volume). Additionally, there are some jobs that are now shunned by most local workers. In the past two decades, these jobs, often dirty, dangerous, physically demanding and relatively poorly paid, have inevitably been filled by illegal transnational migrant workers, almost all from Thailand's neighbouring countries. Because economic growth in these countries has been slower, the standards of living lower and wages considerably lower than in Thailand, migration has been encouraged. Indeed, the number of migrants shows no evidence of any decrease.

In political terms, the migration which causes most concern for the authorities is irregular or so-called illegal migration; in other words, travelling into another country without official permission or in violation of immigration laws. The management of this kind of immigration has a degree of similarity across countries of destination; there is a reliance on legal measures including arrest, detention and deportation. Sometimes other factors intervene to moderate these responses. Demands from business regarding a scarcity of labour or access to cheap labour, the scale of the illegal migration problem and human rights concerns intervene to bring state concessions, which may include amnesties and the creation of legal, temporary work permissions. In Asia, Thailand, Malaysia and South Korea have each used deterrent and concessionary policies at various times. Often, it has been a shortage of less skilled and lower paid labour, particularly in jobs that are less desirable for citizens, which motivate concessions. When temporary registration of workers is implemented, it is usually a way for the state to control migrant workers (see Arnold and Hewison Chapter 10, this volume). Temporary permission to work does not always mean that their vulnerability is greatly reduced, for in Thailand, these migrant workers can be easily deported any time there is a policy change (Human Rights Watch 1998, 2004; Kritaya *et al.* 1997; Voravidh 1997).

Hence, in late 1996, Thailand issued a policy that allowed employers in a number of provinces to hire illegal migrant workers from Burma, Laos and Cambodia so that they could work for a period of not more than one year. This policy has been repeatedly adjusted. In July 2004 the Thai government began yet another round of migrant worker registration for workers from these three countries, requiring employers in every province to officially register their workers (see Arnold and Hewison Chapter 10, this volume).

Estimates of the number of illegal aliens in Thailand vary from one government department to another, although in each case, there have been increased numbers of illegal migrants reported over time. The National Security Board estimated that in 1993–94 there were around 211,492 unskilled illegal migrant workers. The Office of Immigration estimated in 1994 a total number of 525,480 illegal migrant workers. The Ministry of Labour's 1998 estimate was 709,418. For the early years of the new century, Mahidol University reported 970,903 illegal aliens working in Thailand, with 775,000 from Burma, and with the next largest groups

Figure 4.1 Lao migrants being interviewed while being registered for temporary work permits, Khon Kaen, Thailand, July 2004 (photo credit, Maniemai Thongyou).

being from China, the Indochina states (Cambodia, Laos, Vietnam) and south Asia (Kritaya 2003) (Figures 4.1 and 4.2).

Then, on 2 March 2004, a cabinet resolution directed that the Ministry of the Interior develop a database for aliens from Burma, Laos and Cambodia. All aliens living in Thailand were ordered to report for registration, with fines and imprisonment for those who violated this order, including workers, employers and those who provided lodgings for aliens. Whereas 568,249 alien workers registered in 2001, and in 2004 a total of 1,269,074 aliens reported (702,351 being men and 566,723 women). The majority – 905,881 – were from Burma (497,372 men and 408,509 women). A total of 181,614 of the registrants (80,981 men and 100,633 women) were from Laos (Ministry of Interior 2004).

This chapter begins the academic analysis of the situation of Lao migrant workers in Thailand, examining their demographic and social characteristics, working conditions and employment and the social networks involved in their migration and work.

Methodology

This study was conducted in five provincial areas, interviewing migrants registering at the Department of Provincial Administration, a part of the Ministry of Interior. The provinces chosen included two that border the Lao PDR – Nongkhai and Ubon Ratchathani, and three non-border provinces – Chonburi, Khon Kaen and Surin. Among these, Khon Kaen and Chonburi have relatively high growth rates

Figure 4.2 Registration includes the issue of a photo identification card for each migrant, Khon Kaen, July 2004 (photo credit, Maniemai Thongyou).

in their trade, services and industrial sectors. Chonburi is a part of the eastern seaboard industrial development zone, which has had considerable government support, and is now part of a rapidly expanding industrial and tourism zone. Surin has seen less development, and is located in the lower northeast, and offers work opportunities for migrants mainly in the agricultural sector. In 1996, both Khon Kaen and Chonburi were areas where official permission was granted for the employment of illegal migrant workers in job categories including agriculture, construction, water shipment, mining and quarrying and domestic work (Krittaya *et al.* 1997). Socio-culturally, the northeastern provinces of Khon Kaen, Ubon and Surin are provinces where many citizens are of Lao ethnic group, where the language and culture are reasonably similar to the majority of the lowland Lao population in the Lao PDR. Chonburi is further south, and has a more varied ethnic heritage, but is a place where northeasterners, many of whom speak Lao, probably comprise the majority of the working class.

This study involved 276 Lao workers. Approaching and interviewing these workers was not easy. Since most of them were illegal migrants and illegally employed, they were not easy to locate. However, with the government's announcement of a labour registration process claimed to be about bringing 'underground' workers above ground, an opportunity was presented for the researchers. The registration process meant that information could be collected from those workers who presented themselves for the registration and physical examination. At the same time, the researchers were aware that the workers who were taken for registration were probably those who were provided with

better employment conditions than those who were not accompanied by their employers.

The interviewed workers comprised two groups. The first group consisted of workers registering at Muang district offices of the four provinces. This group resided in Muang district, which while usually including both rural and suburban areas, is the district that surrounds the provincial capital city. The second group consisted of workers residing in the city municipal area itself. These are the most urbanized areas in each province. Both groups registered during July 2004, and the interviews were conducted on the dates of registration designated for each area.

Data collection was interview-based, using a questionnaire developed and field-tested by the researchers. The interviews were conducted at the registration site, and with the consent of the respondents. The data from the interviews were compiled and analysed using SPSS and emphasizing gender difference in employment, working conditions and social network. Additionally, more detailed and open-ended interviews of 1–2 hours were conducted with ten workers to provide more in-depth information.

The workers

Demographic characteristics

The majority of workers in the sample group were women (73 per cent or 202 of the 276 persons). Most were young, with 58 per cent of all respondents being under 24 years of age. Just over a third of the women workers were under 20 years. The youngest female worker was just 14 years of age, which is below Thailand's legal minimum working age of 15 years.

The respondents had worked in Thailand for an average of 6.5 years. Just 5 per cent had worked in the country for less than one year. At the other end of the spectrum, 18 per cent had been in Thailand for more than 10 years. The majority had worked in Thailand for 2–4 years (47 per cent) or 5–9 years (30 per cent). For these interviewees, work in Thailand had not been continuous. In fact, most of them had moved back and forth across the border several times. Indeed, none of the respondents had come to work in Thailand for the first time when they were interviewed. Most (57 per cent) were in the country for the second time. On average, the interviewees were engaged in their third cross-border venture. A small group (about 5 per cent) had come to work in Thailand ten times. These most frequent cross-border workers were all registered at Nongkhai and Ubon.

It was found that 83.8 per cent of the workers were unmarried prior to moving to Thailand. However, a number had married after their move, meaning that the percentage of single persons after migration was 54.7 per cent. A higher number of women workers married than did men, and their marriages were to other Lao as well as to Thais.[1]

In terms of education, as can be seen in Table 4.1, more than two-thirds of workers have primary or lower education. It is noticeable that only a tiny minority had completed tertiary education.

Table 4.1 Level of education

Level	Men (%)	Women (%)	Total (%)
No school education	18.1	13.7	14.9
Primary (years 1–5)	52.8	54.3	53.9
Secondary (years 6–8)	19.4	22.4	21.5
High school (years 9–11)	8.3	8.6	8.6
Bachelor's degree	1.4	1.0	1.1
Total (%)	100.0	100.0	100.0
Number	72	197	269

Table 4.2 Occupation in Laos prior to migration

Occupation	Men (%)	Women (%)	Total (%)
Unemployed	9.6	6.1	7.1
Agriculture	79.5	73.5	75.1
Worker, employee	8.2	17.1	17.4
Trading, small enterprise	0.0	7.2	5.2
Study	2.7	4.6	4.1
Housework	0.0	1.5	1.1
Total (%)	100.0	100.0	100.0
Number	73	196	269

Most of the migrants originated from peasant families, and the majority lived in rural communities prior to their move to work in Thailand (see Table 4.2). The survey data showed that 75 per cent of migrants came from farming families. According to the respondents, the major factor which caused them to migrate across the border was poverty, which they reported was caused by agricultural failures and a lack of alternative employment opportunities in their local areas. Some 17 per cent of migrants were previously workers in construction, furniture enterprises and hotels. A small group had just left school when they decided to migrate, and were without work experience outside family-based economic activities.

Working conditions

The largest group of Lao women migrants (46.9 per cent) were hired as domestic workers, while men tended to be hired to work in agriculture and fisheries (34.7 per cent), general labouring (23.6 per cent) and in factories (18.1 per cent). The predominance of migrant men in agriculture results from the fact that jobs involving livestock, such as pig farms, usually involve heavy and dirty work, usually with low wages. These are not occupations that Thai workers want. A small number of women workers, about 6.6 per cent, are employed in places such as restaurants, karaoke bars and the like, although alien workers are not officially permitted to work in such places. Lao workers also labour in factories, which are

Table 4.3 Employment in Thailand

Current employment	Men (%)	Women (%)	Total (%)
Unemployed	4.2	6.6	6.0
Domestic work	6.9	46.9	36.2
General labourer	23.6	20.9	21.6
Agriculture and fisheries	34.7	12.2	18.3
Factory worker	18.1	2.6	6.7
Service sector worker	2.8	6.6	5.6
Worker in trading sector	5.6	3.6	4.2
Skilled worker	1.3	0.6	0.7
Self-employed/own enterprise	2.8	0.0	0.7
Total (%)	100.0	100.0	100.0
Number	72	196	268

Table 4.4 Working conditions

No. of days/hours	Men (%)	Women (%)	Total (%)
Days per week			
7	58.5	70.9	67.6
6	15.3	16.9	16.4
5	4.6	2.3	3.0
4	1.5	0.0	0.4
Irregular working days	20.0	9.9	12.7
Total (%)	100.0	100.0	100.0
Number	65	172	237
Hours per day			
2–5	6.2	3.5	4.2
6–10	46.2	41.9	43.0
11–15	18.5	30.2	27.0
16 and over	3.1	1.7	2.1
Irregular	26.2	22.2	23.6
Total (%)	100.0	100.0	100.0
Number	73	196	269

usually small, employing roughly 1–10 workers, including pork sausage factories or slaughterhouses (Table 4.3).

As can be seen in Table 4.4, both men and women work everyday, for 6–10 hours, with two-thirds working seven days a week. As mentioned, the conditions of work for these migrant workers are not those that would commonly attract Thai workers, being dirty, dangerous and difficult.

Social networks

In the context of migration studies, social networks are understood as links that are maintained between people who migrate and residents, relatives and friends who

are in the community of origin (Curran and Rivero-Fuentes 2003). Original social networks play a crucial role, as potential migrants rely on these networks for information regarding such issues as migration routes, employment and housing (Massey *et al.* 1993). Social networks are also important for the links that are created between migrants and individuals at the destination. These networks help immigrants in reducing settlement costs and deportation risks and to better assimilate in a new social environment (Massey 1990). Both types of social networks are reported here; first, the original social networks that existed in Laos prior to departure, and second, the social networks that have developed since arrival in Thailand.

Original social networks: Laos

According to both Thai and Lao laws, migration for work, by Lao workers into Thailand is illegal. The Lao government has no policy to export labour (Kritaya and Guest 1999). In Thailand, while a concession has been made to permit alien labour registration, this is done in order to control illegal migrant workers. Hence, for illegal workers, social networks are critical. As many studies have shown, the relationships between communities of origin, migrants and intending migrants provide information for those contemplating migration and may promote migration by reducing risk and difficulties, including the economic and emotional costs involved with international migration (Curran *et al.* 2003: 4). Not all social networks operate in positive ways, however, and can encourage migration that has negative outcomes, especially for workers who are sometimes trafficked into dangerous kinds of work, including women who are enticed into the sex industry (see, for example, Hughes 2000).

   For the group of migrant workers interviewed in this study, these networks assisted them in travelling, finding a job and entering Thailand illegally. A Lao social network is the primary mechanism, which provides a range of 'services'. Individuals in the network will often help relatives and neighbours find jobs in Thailand, and will frequently have contacts with potential employers. In some instances, it is often relatives and neighbours who work as job placement agents for agents in Thailand. Because of the dangers involved in illegal migration, agents usually depend on social networks to recruit new workers. It is easier for women and their families to make decision regarding migration, if these are based on face-to-face relationships. This reflects the nature of ethnic Lao village social relations that are based on merit, clientage and personal relationships (see Seri and Hewison 2001).

   As indicated in Table 4.5, just more than half of Lao migrant workers (51.1 per cent) knew residents in the same village who had worked in Thailand. It was noted that the proportion of women migrant workers living in a community with residents who had migrant workers in Thailand is slightly higher than men (54.1 and 43.2 per cent respectively). This characteristic is made more interesting when it is noted that roughly 35.3 per cent of migrant workers came from families with members who had worked in Thailand. The proportion of women workers from this type of family was also higher than men (38.4 and 27.2 per cent respectively).

Table 4.5 Social networks with Laos

Characteristic	Men (%)	Women (%)	Total (%)
Number of family members who have migrated and worked in Thailand			
None	73.0	61.6	64.7
1–3	23.0	35.9	32.4
4–7	4.0	2.5	2.9
Total (%)	100.0	100.0	100.0
Number	74	198	272
Community experience of migrant worker			
Community with transmigrant worker	43.2	54.1	51.1
Community without transmigrant worker	56.8	45.9	48.9
Total (%)	100.0	100.0	100.0
Number	74	194	268
Number of migrant workers in origin community			
1–10	56.8	44.1	47.5
11–20	29.6	36.1	34.4
21–50	4.1	4.0	3.9
51 or more	9.5	15.8	14.2
Total (%)	100.0	100.0	100.0
Number	74	202	276

The interviews showed that the majority of women felt more confident in travelling to work in Thailand if they knew a person who had previously worked there, especially when that person was a close relative, a family member, a person in the village or another woman. When these people were able to report that they had not experienced any serious difficulties, intending migrants gained considerable confidence when making a decision about seeking work across the border. This finding is in accordance with the research study by Lindstrom (1997), who investigated Mexican worker migration to the United States. Lindstrom found that women in particular were more confident and courageous to migrate across the border if there was a close female relative who migrated before them, and particularly if such a person travelled with them.

When examining the data on the number of people who have migrated, who came from communities with numbers of previous migrants – 52.4 per cent came from a community where 11–51 residents had previously migrated – a network pattern of migration was observed.

Communication with family and home

The majority of workers (68.6 per cent) reported that they contacted their families at home after migration to work in Thailand. The commonest means of

Table 4.6 Home contacts

Contacts	Men (%)	Women (%)	Total (%)
Contact experience			
Has contacted home	64.4	70.1	68.6
Has never contacted home	35.6	29.9	31.4
Total (%)[a]	100.0	100.0	100.0
Number	73	201	274
Means of contact			
By telephone	79.2	78.3	78.5
Relatives pay visit in Thailand	8.3	15.1	13.5
Through Laotian acquaintance	4.2	4.6	4.5
By mail	8.3	1.3	3.0
Through Thai acquaintance	0.0	0.7	0.5
Total (%)[a]	100.0	100.0	100.0
Number	48	152	200

Note
a Multiple answers were accepted.

communication was by telephone (more than 75 per cent). Most workers used public telephones to call a neighbour or an agent and appointed the time and date to call again so that they could talk to their relatives directly. As noted in Table 4.6, some 15.1 per cent of women respondents contacted home through relatives who travelled to meet them on the Thailand side of the border. This percentage is higher than for men, and may reflect the fact that women appear to have better developed social networks and utilize them more often in dealing with their home. This result accords with findings on internal migration in Thailand, which indicate that women migrants maintain stronger links with distant relatives and agents than men do (Watinee 1997).

Remittances

More than half of the respondents (53.1 per cent) remit their earnings to their family. The majority reported sending approximately 10,000 baht per year (see Table 4.7). Women workers remit more than men (women send about 11,500 baht home annually whereas men send about 9,800 baht). This pattern is similar to northeastern Thai women who migrate to work in other areas of Thailand. The explanation appropriate for this phenomenon is that women feel more responsibility towards their family and that they are able to save more than men (on women and remittances, see Hewison Chapter 6, this volume).

The majority of workers (32 per cent) prefer that family members cross the border to Thailand to take the money home, with women using this method more than men. The usual pattern is for an appointment to be made by telephone, and a relative crosses the border legally (so that there is no problem in carrying the money back to Laos). The worker then travels to the appointed place to hand the

Table 4.7 Remittances

Yearly remittance (baht)	Men (%)	Women (%)	Total (%)
700–3,000	21.2	17.9	18.8
3,001–6,000	21.2	18.9	19.5
6,001–9,000	0.0	12.6	9.3
9,001–12,000	39.4	22.1	26.6
12,001–15,000	0.0	4.2	3.1
15,001–18,000	3.0	0.0	0.8
18,001–21,000	9.2	8.4	8.6
21,001–24,000	3.0	6.3	5.5
24,001–27,000	0.0	1.2	0.8
27,001 Baht and over	3.0	8.4	7.0
Total (%)	100.0	100.0	100.0
Number	33	95	128
Mean (baht)	9,884.8	11,528.4	11,104.7
SD	7,634.8	9,795.1	9,285.6
Minimum	700.0	1,000.0	700.0
Maximum	36,000.0	60,000.0	60,000.0
Means of remittance			
Relatives and close friends take money back	31.0	27.5	28.4
Agent's bank account	14.3	8.3	9.9
Banking service	9.5	10.0	9.9
Post service (sent by letter)	4.8	1.7	2.5
Money order	0.0	3.3	2.5
Personally take remittance home	16.7	14.2	14.8
Relatives come to Thailand to collect	23.8	35.0	32.0
Total (%)[a]	100.0	100.0	100.0
Number	42	120	162

Note
a Multiple answers possible.

funds over to their relative. Women workers prefer this method because they can meet their relatives in person, and thus reduce the fears and concerns amongst family members on both sides of the border. Remittances are usually sent irregularly, but normally 2–3 times a year. In this case, prior to making the remittance, the funds will be deposited with an employer. As can be seen in most of the towns along the Thai–Lao border, there are temporary markets held once or twice a month, and people from both sides of the border come in their hundreds to shop. Border-crossing for such events is relatively easy, so there is no trouble handing money to relatives during these temporary market periods. Another means of direct remittance is taking the money back to the family by oneself (14.8 per cent of cases); men are marginally more likely to do this than women. These means of remitting funds do indicate that this group of migrants (46.8 per cent) enjoys relative freedom to travel, despite the fact that most of them are illegal immigrants. Shared ethnicity,

language and culture (see the section on demographic characteristics), as well as migration experience, are contributing factors in this. Another common means of remittance (for 28.4 per cent of respondents) is sending money through a close relative or friend who is returning home. It is clear that the same close relatives and friends who were the agents who assisted them in travelling across the border, also assisted in transferring remittances and in arranging for return travel.

It is worth noting that a small group of workers (just less than 10 per cent) remit their earnings through the banking system. This is usually through the bank account of their agent. Agents can be both Thai and Lao, especially as Lao agents who reside in Thailand legally are permitted to open bank accounts. These agents (and some workers) will often open an account at a bank that has branches in Laos or in border provinces. When an agent who receives cash from the workers and is advised of the desire to remit, they will transfer the money to their own account in Laos. Then a representative in Laos will withdraw the money and give it to the worker's family, taking out transfer charges. This process will take only 2–3 days and is thus a popular means of remittance among migrant workers. This is the case in many countries where there are migrant workers, especially where bank charges are exorbitant for international transfers.

It can be seen that Lao workers' remittances depend on social networks both in the country of origin and the country of work. This is because their illegal and alien status often prevents them from having access to the services of financial institutions. The workers who do use the financial system for money transfer tend to be those married to Thai nationals.

Social networks: Thailand

An analysis of the social networks that Lao migrant workers had with other Lao in Thailand showed that they were able to establish contacts which assisted them in a number of ways. Some 63 per cent of the migrant workers had a close acquaintance in Thailand, usually close friends and relatives; it is to these people that the respondents would turn to in times of trouble. However, the number of such acquaintances remained limited to less than ten persons. The assistance they received from their acquaintances ranged from advice, help when ill, financial and material assistance, accommodation and help finding a job. Indeed, it is this kind of assistance that helped them to settle in Thailand, to live, work and survive.

The literature on gender and migration has shown that men and women settle in a receiving society in different ways (see Curran *et al.* 2003; Hondagneu-Sotelo 1994; Pedraza 1991). Hence, Curran *et al.* (2003) has observed that the importance of networks and potential for support they provide for migrants may vary by gender, and this study of Lao migrant workers in Thailand has confirmed that there are gender differences in the operation of social networks. On the one hand, more women are linked with and develop social networks than men. On the other hand, men have a wider network and get more concrete support from their network than women do. As shown in Table 4.8, up to 20 per cent of men have more than ten close acquaintances, while fewer than 10 per cent of women migrants have this many

Table 4.8 Social network among Lao migrant workers

Social network	Men (%)	Women (%)	Total (%)
Close acquaintances in Thailand			
Have close Lao acquaintances	41.9	34.2	36.2
No close Lao acquaintances	58.1	65.8	63.8
Total (%)[a]	100.0	100.0	100.0
Number	74	202	276
Number of close Lao acquaintances in Thailand			
1–5	41.9	34.1	36.3
5–10	37.8	57.9	52.5
11–15	13.5	4.0	6.5
16–20	2.7	0.5	1.1
21–25	1.4	0.5	0.7
26 and over	2.7	3.0	2.9
Total (%)[a]	100.0	100.0	100.0
Number	74	202	276
Help received			
General advice	26.4	33.2	31.8
Help when ill	25.0	22.9	23.3
Money or material goods	23.6	20.3	21.0
Accommodation	11.1	9.6	9.9
Finding a job	8.3	10.3	9.9
Help for problems with employers	4.2	2.2	2.6
Help for problems with officials	1.4	1.5	1.5
Total (%)[a]	100.0	100.0	100.0
Number	72	271	343
Person who provides help			
Close friends	65.6	33.9	40.5
Close relatives	9.4	33.1	28.1
Coworkers	21.9	14.0	15.7
Distant relatives	3.1	11.6	9.8
Brothers and sisters	0.0	7.4	5.9
Embassy, consulate	0.0	0.0	0.0
Total (%)[a]	100.0	100.0	100.0
Number	32	121	153

Note
a Multiple answers possible.

acquaintances. Furthermore, a larger proportion of men get help when they are ill, short of money or materials, or when they need accommodation. Women tend to gain more support in terms of general advice. The sources of support for men and women are also different. Some 87 per cent of men get help from close friends and coworkers, while women seek the support of relatives more than men do. And, as can be seen in Table 4.9, more men join group activities than women.

As can be seen, a range of duties and expectations are embedded in social networks. Relations of kinship, friendship and trust are meant to facilitate travel,

migration, employment and a range of support 'services' for Lao migrant workers living and working in Thailand. Interestingly, while it was found that most workers, both men (75 per cent) and women (67 per cent), have friends and relatives who will assist them in times of trouble or need, none of the respondents stated that they would ever seek the support of officials of the Thai or Lao governments, even in Khon Kaen, where a Lao Consulate is located. This reflects the fact that these workers entered Thailand illegally but also a view that officials are more likely to cause problems than alleviate them (see comments regarding Table 4.10).

It was also noted that some Lao workers did join together in conducting group activities (40.3 per cent of men and 35.9 per cent of women). For these workers, most of the group activities are informal, and include eating together, joining in important ethnic or national activities and celebrations, and cooperating when there is a need to assist other migrant workers, especially where there is a feeling that the rights or benefits of their compatriots are under threat (see Table 4.9).

Migrant workers, and especially those who are illegal, can often have a problematic relationship with the host community and its people. This study examined the kinds of relationships that existed between Lao workers and Thais, considering their residence in Thailand, contacts with Thais who are not their employers, the role of employers in providing support and assistance, support from other Thais and the worries and concerns expressed by the migrant workers. The summary results are presented in Table 4.10.

Table 4.9 Group activities

Activities	Men (%)	Women (%)	Total (%)
Experience in group activities			
Have group activities	40.3	35.9	37.0
Have no group activities	59.7	64.1	63.0
Total (%)[a]	100.0	100.0	100.0
Number	72	198	270
Type of group activities[a]			
Important ethnic activities	29.6	28.3	39.3
Help migrant labours	29.6	28.3	39.3
Dining	26.5	28.0	37.3
Religious activities	4.1	6.7	7.7
Important national activities	4.1	4.3	5.8
Sightseeing, touring	3.1	1.2	2.6
Look after ill workers	2.0	1.6	2.4
Study	1.0	1.2	1.5
Demand for migrant workers' rights	0.0	0.4	0.3
Total (%)[a]	100.0	100.0	100.0
Number	98	254	552

Note
a Multiple answers possible.

Table 4.10 Social network in Thailand

Residence	Men (%)	Women (%)	Total (%)
With employer, singly	31.0	32.3	32.0
With employer and coworkers	33.8	28.9	30.1
Independently within Thai community	19.7	13.4	15.1
With husband or wife	2.8	11.4	9.2
With relative or friend	11.3	7.0	8.1
In a migrant workers' community	0.0	4.0	2.9
Own residence	1.4	3.0	2.6
Total (%)[a]	100.0	100.0	100.0
Number	71	201	272
Close Thai acquaintances excluding employer			
Relative	7.9	28.1	22.4
Neighbour	23.7	18.8	20.1
Co-worker	63.2	30.2	39.6
Husband or wife	2.6	15.6	11.9
Employer's family	0.0	3.1	2.2
Multiple (relative, neighbour and co-workers)	2.6	4.1	3.6
Total (%)[a]	100.0	99.9	99.8
Number	38	96	134

Note
a Multiple answers possible.

The results show that most Lao migrant workers reside with employers, either singly or with other coworkers. More women reside singly with employers than men, because domestic housework is prevalent among women. Some 15 per cent of the workers live independently within Thai communities, while only about 3 per cent live in migrant workers'communities.

Interestingly, more than three-quarters of the workers believed that they could ask their employer for assistance if they had some kind of trouble. In addition, almost half of them also know Thais who they feel they could call on for assistance, including relatives, neighbours and friends at work.[2] Again, there are important gender differences. For example, where almost two-thirds of men give priority to coworkers, less than a third of women nominate coworkers. Women workers are far more likely to seek the assistance of relatives (including a spouse) than men.

The workers articulated a number of worries regarding their residence in Thailand. For 45.3 per cent of men and 29.1 per cent of women, the major concern was trouble with state officials. Women workers (27 per cent) were also worried about going out alone. From the interviews, it became clear that these workers were reluctant to go out alone because, as with the Burmese workers reported in Arnold and Hewison (this volume), employers will not usually allow migrant workers to hold their identification cards. They are afraid that if an

official asks them for their papers they will be deported because the employer holds the card. This is the case even though there is no language problem for these Lao workers. A related reason is that these workers fear that any confrontation with local Thais will mean significant trouble. Finally, some of the workers expressed concerns about being able to send remittance home. Women workers (17.2 per cent) were more likely to worry about this.

Conclusion

Illegal transnational migrant workers are among the most vulnerable and most exploited groups of workers. Their illegal status places them in a position where they are often silenced and must accept unfair employment conditions. They are often not protected by the labour laws of the receiving countries. Socially, they live far from home, dislocated from their family, friends and community. Therefore, the extent, density and quality of social networks can be important as new relationships of work, friendship and trust are developed. Based on the survey of 276 Lao immigrants reported in this chapter, we have found that limited but important social networks have developed.

The social network that originates in the home community and links the workers to their family and home, is vital. It is this network that assists them to cross the border, find or arrange employment, remit parts of their earnings and is expected to support their return. In other words, having social relationships with people who have travelled to, and worked in Thailand before is a major condition promoting a positive migration decision, and this is especially the case for women. As noted, these networks facilitate contacts with their family and in sending remittances home. This is because their illegal status limits access to formal financial services.

This study has also indicated the gendered nature of the social networks. Women's decisions to migrate are strongly influenced by having family members or neighbours who have had a positive migration experience, and where these people can continue to support them while they are in Thailand. But men have wider social networks and can usually obtain more concrete support from their network than women do. In addition, more men can garner the support of close friends and coworkers, while women rely more on their original social network among relatives.

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Notes

1 According to the Thai Nationality Act (1960), which remains in force, alien women legally married to a Thai national would be granted with Thai nationality upon the alien's request and the approval of the Minister of Interior. Although it is not stated in the Act that the alien woman must be a legal immigrant, the Police Department requires that alien women who are entitled to request Thai nationality by marriage must hold a passport and a valid temporary visa. In practice, this disqualifies illegal immigrants. It should be noted that alien men do not have a right to obtain Thai nationality by marriage (for more details, see Panthip, 1997). This inconsistency and other unequal practices based on gender was meant to be removed by the 1997 Constitution.
2 It should be noted that many Lao citizens have relatives who are Thai citizens. This reflects the historical linkages between the two countries and the fact that the borders have, at times, been relatively open.

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5 Positioning the product

Indonesian migrant women workers in Taiwan

Anne Loveband

Globally, the migration 'industry' is both immense and complex, exhibiting a multitude of variations on many different levels in its processes of the provision and delivery of labour from one part of the globe to another. The range of mechanisms that fuel this process remain fundamental to any understanding of the diversity of experiences undergone by migrant workers. Taiwanese labour brokers represent one such mechanism, facilitating the placement of migrant workers in the Taiwanese labour market.

In this chapter, I seek to examine the relationship between ethnicity and the labour market and the consequences of this dynamic for Indonesian domestic workers in Taiwan. I focus on a *process of ethnicization* engaged upon by Taiwanese labour brokers in the management of service sector migrant workers. Specifically, I consider the importance that Taiwanese labour brokers place on country of origin and the way in which they promote essentialist stereotypes linked to nationality to channel workers of a particular nationality into specific sectors of the labour force; essentially a 'positioning of the product'.[1] This process then has secondary effects in terms of influencing these workers' conditions and experiences of employment in Taiwan.

This whole process of ethnicization, which includes the acceptance of constructed 'truths' by potential employers and the placement of migrant workers according to their 'natural' abilities, constitutes a site whereby ethnicity is 'thickened'. Cornell and Hartmann (1998: 73–4) argue that the ethnicity as a construction 'thickens' and 'thins' in significance in response to various situational dynamics. A 'thick' ethnicity is one whereby much of one's life is determined by one's ethnic identity – that is, ethnic identity becomes a 'powerful shaper of daily life and experience'.

In the case of foreign domestic workers (FDWs) in Taiwan, the system of labour brokerage amounts to a production site of 'thick ethnicity' whereby particular ethnic stereotypes are constructed and disseminated, making them of prime importance in terms of employment location. This positioning in turn impacts upon the daily lived experience of migration of that particular domestic worker. Therefore the site and process of thickening ethnicity has profound and divergent implications for FDWs from Indonesia as compared to Filipina FDWs.[2]

Thus, this chapter constitutes an exploration of specific local arrangements or 'material conditions' of the global processes of which Sassen (2003: 257) speaks.

As middle class Taiwanese women join the workforce in ever-increasing numbers, they must 'outsource filial piety' (Lan 2000) and so 'we see the return of the so-called serving classes in all of the world's global cities, and these classes are largely made up of immigrant and migrant women' (Sassen 2003: 259); but I must stress that this is not an undifferentiated 'serving class'. There is heterogeneity of experiences of FDWs in Taiwan. We must be careful to avoid either reductionism or overemphasis on structural forces when considering the migration experience of FDWs as Chandra Mohanty (1991: 71) pointed out when she warned against confining non-Western women to 'the debilitating generality of their "object" status' by disregarding important issues of diversity.[3]

Lastly, this chapter highlights the fact that official statistics *do* lie and that state mechanisms of control are both porous and open to manipulation. On a more personal level, this chapter is an attempt to unravel some surprising outcomes from fieldwork in Taiwan.[4]

A snapshot of the Taiwanese context

In October 1989, Taiwan passed legislation allowing the importation of foreign labour, from a limited number of countries, to meet the demands of planned construction projects. Then, in 1992, migrant women were legally allowed to arrive as domestic workers and as carers for the chronically ill, elderly and very young. In 1991 there were only 1,610 documented foreign workers in Taiwan, but by the end of 2002, that figure had climbed to 308,489: 117,701 Thais, 97,756 Indonesians, 68,346 Filipinos, 24,656 Vietnamese and 30 Malaysians.[5] This represents a marked change in the visual ethnoscape of Taiwan.

Although the Taiwan government sought to safeguard local workers after the 1997–98 Asian Economic Crisis by restrictions on occupational location and employer eligibility for foreign labour, the demand for '3D' (dirty, dangerous, difficult) workers remained significant. In Indonesia, the fallout from the economic crisis was profound. Indonesians were propelled to seek work overseas due to a combination of unemployment and other economic pressures at home, and of opportunities abroad. The export of Indonesian workers as an overt economic strategy for recovery mirrors that of the Philippines and Thailand (see Weekley Chapter 11 and Hewison Chapter 6, this volume). Ironically, it seems that their value as citizens is dependant upon them leaving their country, propping up their economy through remittances and even, at least in the case of the Philippines, learning how to transform into 'entrepreneurs' while they are away (see Weekley Chapter 11, this volume). Out-migration from Indonesia along the urban corridors of Asia, whilst taking a new form, reflects a long history of movement of labour both within and from Indonesia (see Vickers Chapter 3, this volume). These migrants are the human building blocks of the 'new globalized economic architecture' (Young Chapter 2, this volume) underpinning the economic advancement of both the receiving and sending countries.

Each year thousands of *pahlawan devisa* or foreign remittance heroes leave Indonesia as new members on the 'survival circuit' (Sassen 2003) – seeking service

sector employment overseas and sending much needed remittances home to a troubled economy. According to Indonesian Ministry of Manpower and Transmigration figures, the value of the remittances jumped by almost 450 per cent to US$425.2 million sent home by almost 294,000 workers between January and April 2004, up from US$75.6 million during the same period the previous year (*The Jakarta Post* 28 July 2004). At the end of 2000, there were reported to be over 4 million Indonesians working overseas, 70 per cent being women (*Indonesian Observer* 19 December 2000) although it must be noted that numbers do vary significantly depending on the source and whether 'irregular migration' is taken into account. Taiwan, together with Hong Kong, Japan and Korea, has only recently become an important destination country for Indonesian labour.[6] By 2002, Taiwan was a highly favoured destination largely due to the perception of the relatively high wages paid there and the rising demand for FDWs and carers. At this time, there were 97,756 Indonesians working in Taiwan, 81 per cent of these being women working as carers and FDWs (HWC 2002).

Taiwan's decision to import labour represents a cautious move within a tightly controlled arena rather than a throwing open of the doors to all and sundry. Taiwan restricts the immigration intake, specifying who may employ a foreign worker as well as limitations on which sectors can utilize foreign labour. In 2002, 52 per cent (160,346) of migrant workers were in manufacturing, 39.1 per cent (120,515) were carers and domestic helpers, (8 per cent) (24,914) in construction, with the remaining (0.87 per cent) (2,714) working as fishermen (HWC 2002). Of the carers and domestic helpers, the vast majority are Indonesians (71 per cent or 85,679). Of the others, 16.85 per cent were Filipinos (20,310), 9.7 per cent Vietnamese (11,689) and 2.35 per cent Thais (2,837). Arguably, part of the reason behind the popularity of Indonesian carers and domestic workers is the greater financial benefits that brokers derived from placing Indonesians compared to Filipinas. Placement and broker's fees vary depending on nationality and sector of employment – at the end of 2001, Indonesians in domestic work and carer work paid NT$160,000–200,000 (US$1 = NT$31.14) to brokers while Filipinas paid NT$80,000–120,000 (HWC, 2002).

The eligibility to employ a foreign carer takes two forms: first, families with two or more children under the age of six or a dependent person over the age of 75 are entitled to a foreign carer; and second, families are eligible for foreign carers to look after chronically ill or paralysed family members in the home as well as in nursing homes and hospitals caring for patients suffering from one of the 32 diseases listed by the state (Battistella 2001: 7). Unlike Singapore, there is no minimum income requirement for households (Lan 2001: 96).

In 1996 the state officially introduced a very restrictive quota system on the import of FDWs but not of carers – the ostensible reason for this suspension was that unemployment was rising and domestic workers should be local Taiwanese women not foreigners. This was not a popular move for two reasons: first, the monthly wage differential between a live-in foreign worker (NT$15,840) and a live-in local worker (NT$30,000–35,000) is significant (Women Web 2002); and second, employers argued that local workers were too fussy and opinionated,

refusing to do all the jobs that they were asked to do and gossiping about the family in common social networks. In reality, the distinction between foreign domestic workers and foreign carers is so blurred that often women may be hired to do one job but actually are forced to be both domestics and carers whilst entering the country on a carer work contract (Cheng 2003: 173).

Unemployment currently stands at around 5 per cent. In September 2000, under increasing pressure from specific domestic groups, such as indigenes and blue-collar workers, President Chen promised to cut the number of foreign workers by 15,000 annually, the goal being to reduce the number by 60,000 by 2004. While there has been a drop in the numbers of foreign workers in Taiwan since September 2000, these cuts were in the manufacturing and construction sectors in contrast to an increase in numbers of FDWs and carers.

It often takes FDWs between a year and 18 months to pay off debts to brokers and agents (one of many deductions that also include health insurance, tax and the like) before a worker is able to save any money at all. FDWs are on a two-year contract which can be extended for another year. From January 2002, workers could apply for a new 2–3 year contract (even if working for the same employer) provided the worker left the country for at least 40 days between contracts. Even under seemingly intolerable conditions, women continue to work because of their debts and fear of repatriation: they are not allowed to change employers freely. So once a contract is terminated, they cannot legally work and must return home. The only circumstances whereby a worker is not immediately repatriated are: when an employer dies or emigrates to another country; in case of seafarers/fishermen, when the ship where he works is detained, sunk or under repair; when an employer fails to pay the worker's salary according to the contract or has closed his business; other cases not attributable to the worker, such as sexual or physical abuse (Employment Services Act 2002). A worker cannot just ask for a new employer even if they are being forced to do illegal work or work illegally for another employer.

Construction and factory workers are protected by the Labour Standards Law, which covers their labour insurance and regulation of hours and conditions. They live and work with other migrant workers affording them a degree of solidarity. In contrast, Labour Standards Law does not cover FDWs and carers as they are considered contract workers. They are isolated in the home, many working 14–18 hour days without overtime, days off or clear job specifications – they work according to the employer's whim (Asian Migrant Centre 2001: 151).

The movement of these workers is facilitated in both sending and host countries by labour brokers who reap huge profits from providing the opportunity to work in Taiwan. In this chapter, I am not so much interested in the profits that brokers earn off the backs of migrant workers, but more in the way in which brokers facilitate the positioning of specific nationalities in particular segments of the labour market. Specifically, I explore the ways brokers formulate and promote essentialist stereotypes which tend to channel workers into specific sectors and which, in the case of Indonesian and Filipina domestic workers, hierarchically position them within the single official category of carer. Furthermore, I trace the way employers (and indeed society in general[7]) seemingly wholeheartedly

subscribe to such stereotyping to such an extent that it may well facilitate a tendency for the 'double exploitation' of Indonesian women.

Essentialism and nationality: marketing the maid

In interviews with both employers and labour brokers, it was clear that both shared a profound belief that workers from particular countries held certain distinct and inalienable traits. This 'truth' (occasionally with minor variations) was echoed many times in interviews with a range of different people, both men and women, including employers (both middle and working class), politicians, shop workers, doctors and others. However, what was surprising was that foreign workers themselves shared many of these stereotypical beliefs about the 'other' foreign workers. These stereotypes are as follows.

It was said that Thai men make the best factory and construction workers because they are hard working and honest. Filipino men are also good in the factory but for different reasons; they are not as hard working as Thais but they can read English so they are useful in interpreting English-language instruction manuals. On the down side, they can be more 'troublesome' and militant. For the category of carers, the following advice was provided as to who would make the best carer. If one were looking for a carer for one's children, one would choose a Filipina because they are clever and possess English-language skills – most Taiwanese children now learn English at school and English proficiency is held in high esteem, it is in fact social capital.[8] The fact that Indonesians are more proficient at Mandarin seems not to be valued at all. However, interviewees cautioned that Filipinas were cunning, at times troublesome, and tended to steal; but, in the final analysis, the pluses associated with Filipinas outweighed the minuses. They can advance one's child's English skills, are better educated and seen as 'more civilized' with better hygiene habits than the Indonesians. Indonesians also exhibit positive and negative attributes that affect their suitability for particular jobs. Despite their 'questionable toiletry habits' and lack of educational levels equivalent to Filipinas, Indonesians were praised for their loyalty and willingness to work hard but damned for their supposed stupidity. As one broker noted, 'they are good at simple, repetitive tasks that are not too challenging [nodding knowingly]'.[9] According to the 'common truth' Indonesian women are best suited as carers of the chronically ill, the paralysed and elderly patients because they are more 'caring' and 'loyal' and they can cope with the repetition of washing and cleaning of people, of clothes and of households more easily than the cleverer Filipinas who tended to argue about their rights and precise job specifications – 'They [Filipinas] know their way around things, complain about everything and get even if they are not happy' according to a Taiwanese employer. In contrast, Indonesians are supposedly more accepting, honest and willing to work hard without complaint because, as another employer expansively informed me, 'they are Muslim so they are conservative, they have a sense of duty from their religion and they don't steal – I have never met a dishonest Muslim'.[10]

It was surprising to learn that this nationality-based stereotyping is reproduced by the Indonesian and Filipina workers themselves. Many Indonesian domestic workers thought Filipinas were arrogant (*sombong*) because of their higher levels of education. One said, 'people from the Philippines think we are stupid because we don't speak English – they are just like the Taiwanese – Taiwanese think Indonesians are stupid (*bodoh*) too'. Likewise, Cheng (2001) and Lan (2000) reported that Filipinas spoke of Indonesians as uncivilized and stupid 'Filipina workers also enhance their social status by drawing a hierarchical distinction between themselves and their Indonesian counterparts' (Lan 2000: 55). They saw themselves as lower down the social hierarchy. They portray them as 'those Indonesians [who are] uneducated, short of English skills, stealing employers' belongings and lacking sufficient knowledge and experience to handle housework in a modern household' (Lan 2000: 216).

Caring for the sick and elderly is often a more demanding job than looking after children. Both types of carers usually clean the house, wash clothes and often cook meals but the Indonesian carer tends to be on permanent call. If her charge is chronically ill or elderly, she will often share a room to care on demand, and this may involve waking up many times during the night, cleaning the bed sheets in the case of incontinence, vomiting and suchlike.[11]

While most migrant women are hired as carers for the sick and elderly, a significant number work with children. However, it is not possible to locate statistics on the exact numbers of Filipinas and Indonesians looking after children and those looking after the sick and elderly as both are subsumed under the general category of 'carer'. Whilst we do see Filipinas caring for the sick and elderly, Indonesians appear far more popular due to their supposed 'natural' suitability for the job. This popularity is reflected in their numerical superiority; there were 85,677 Indonesians and only 20,310 Filipinas working in this sector in 2002. Initially, Filipinas dominated this sector. However, as brokers and employers came to feel that Filipino women had become more demanding of their rights and as their support structures such as the Catholic Church, various church-affiliated Non-governmental organizations (NGOs), the Manila Economic and Cultural Office and other migrant advocacy groups became more vocal in their support,[12] brokers and employers looked to Indonesia as the prime locale for obtaining carers. The changing rhetoric from brokers associated with national stereotyping over the last decade as Filipinas declined in popularity and Indonesians climbed must have been interesting.

In essence, brokers advise employers on which nationality 'best suits' their particular needs and employers tend to follow their advice. So we see a trend whereby migrant workers are channelled by gender and nationality into particular hierarchically structured segments of the labour market. However, the story does not end there.

A double-exploitation

On many mornings and afternoons, I accompanied Indonesian carers pushing their charges in wheelchairs around the streets. These women would call to other

Indonesians working in shops selling noodles, fabric and flowers in the market, and those putting out the garbage outside cafes and restaurants. They would tell me about other Indonesian women working in this or that family business, not only shops but in a variety of jobs including kindergartens, dental clinics and cram schools, where they would clean and, if required, cook.

Two things were perplexing about this situation. First, there was no legal category of employment allowing work in shops, restaurants or family businesses; migrant women were allowed to work in factories (although more often men worked in the factories) and they worked as domestic workers and carers (usually officially subsumed under the category of carer) provided their employers achieved the legal qualifying criteria. Second, why were there no Filipinas doing what is termed 'illegal work' in these locations? In a nutshell, 'why are there no Filipinas in the noodle shop?' – the phrase I came to use as shorthand for pursuing questions about nationality and illegal work. There may well be 'Filipinas in the noodle shops' but they were certainly not as evident as the highly visible Indonesian women in this provincial city of Fengyuan. All the available research focuses on Filipina domestic workers in Taiwan who are working as domestic workers. There is only passing reference to the fact that Filipinas might work in the family business on occasion but it seemed not to be viewed as of any great significance nor were Indonesians mentioned.[13] Clearly, this was illegal work and it was hardly hidden behind closed doors despite the prodigious amount of government rhetoric about the huge fines faced by any employers found to be illegally employing a migrant worker (fines are up to NT$150,000). However, employers were not afraid of being fined, with a common reply being, 'maybe in Taipei but not out here'.[14] A few were more careful, keeping their Indonesian worker out of public sight but in most other establishments, Indonesian women 'manned' the counters or were easily visible in the cooking area of the restaurants. Was this a provincial aberration or was this a commonplace manipulation of the system that was better hidden in a more regulated Taipei? As fieldwork continued, Indonesians were identified in all sorts of places that they should not have been, at least legally. It seemed to be an 'open secret'. Again, however, Filipinas were not evident in these places.

Slowly the story unravelled as I began to understand that the system was often manipulated. The cases of Siti and Endah clearly illustrate the situation.

Siti was a 27-year-old Indonesian mother of a 4-year-old boy, from Blitar, east Java who was in the third year of her contract as a carer. She initially came to Taiwan to look after an elderly male, stroke victim, in his son's home. After six months, her patient died. In one sense, she was relieved as she had suffered regular slaps across the face and head for her lack of fluency in Mandarin and was sleeping in the space under the stairs with no privacy; that is, when she could sleep and wasn't attending to *Agong* (grandfather). In another sense she was desperate. Another employer could not be found so she was faced with repatriation and huge debts to her Indonesian broker and others stemming from her investment to get her to Taiwan for work. Her employer had a daughter working as a receptionist in a cram school, he also had a son working there from time to time and he knew that the owners were overworked trying to cook and clean and run the school. The families had a good relationship so he 'offered' them his Indonesian maid.

It was relatively simple to get around the regulations. The original employer took his mother who was a very healthy 80-year old to the local doctor, paid him NT$20,000 and came away with a medical certificate saying his mother was ill and qualified for a foreign carer.[15] Siti then went to live and work for the family that ran the cram school. She would cook and clean at the school, clean the home and look after the children. Thus, Siti was being employed illegally on a number of levels: it was illegal for her original employer to 'lend out' his worker to another employer; the second employer (as a cram school operator) did not legally qualify to hire a foreign worker; the worker was engaged in cleaning/childcare/cooking work although her work visa stated she could only be employed to work as a carer to the original employer's elderly mother. Effectively, Siti was doing work she was not supposed to do for an employer who was not her legal employer and further who was not legally entitled to a foreign worker. However, she was much happier than at her previous employment as she had far greater autonomy and respect in her new situation. She was fully cognizant of the fact that she was being employed illegally but it suited her as well as her new employer. She told me she had trouble working with sick people, particularly when she had to stay with her charge in the hospital for two months: 'he would vomit then I would vomit. I could not sleep, being in the same room and the hospital was so noisy – I didn't know how I would go on. There are many Indonesians like that.' In her new job, she worked hard but she was also taken out with the family to restaurants, she was fond of the children and more importantly, she felt her dignity had returned.

The second case is that of Endah. She was a single 24-year old from Surabaya, east Java at the end of her first year in Taiwan. She was hired as a carer for a grand-father but never met him. From the first day she worked in the family-owned noodle shop outside Taipei. I met her at a shelter in Taipei when she was awaiting the outcome of a legal advocate's efforts to secure her wages that had been withheld for most of her employment. She related how she was forced to work from 7 a.m. until 11 p.m. Sunday to Thursday in the noodle shop, from 6 a.m. until 1 p.m. on Fridays and Saturdays, and then she returned to the family home and did the housework. Most days she only had two to three hours sleep. She worked seven days a week and had not had one day off since she arrived. She had no copy of her contract (commonplace among Indonesians). In response to requests for her withheld wages, the employer and broker colluded, both arguing that she had never worked in the noodle shop. Unfortunately, her inability to produce any proof like a contract severely hampered her case. The situation only came to a head because she became so sick she wanted a day off, her employer refused and her broker threatened her with deportation. She ran away to the shelter. Her future was bleak – justice is unlikely to be achieved and she faces huge debts on her return to Indonesia, with no money for one year's hard work. Rather than focusing on the multitude of illegalities associated with her employment or her extreme exploitation, she constantly reiterated, 'We [Indonesians] don't mind working hard, we just want to be paid'.

These two cases demonstrate first the ease with which the system is manipulated and second, the divergent experiences of two Indonesian women employed as carers in Taiwan. Once a medical certificate is obtained, either fraudulently or

otherwise, a migrant women worker can be lent out to friends or relatives on a full or part-time basis at the whim of her employer thus being forced to engage in illegal work. Officially if a migrant worker is caught doing illegal work, they may be immediately repatriated – this situation renders them extremely vulnerable as they are afraid to refuse the employer for fear of repatriation by the employer or broker, they cannot change employers at will and if they report the situation to the officials they are likely to be repatriated anyway.

The lending out of workers may be utilized to reinforce existing social relationships or family obligations or to create new ones. Such manipulations are commonplace. Sometimes it works out to the worker's benefit as was the case with Siti and often it does not as Endah experienced. There are many other ways in which the system is manipulated and migrant domestic workers are lent out to relatives and friends, but space does not permit these to be pursued here. However, it is telling that one slang term used for migrant workers is *yong-ren* (translation: use people) not unlike the term *mui jai* ('slave-girl' in Cantonese[16]) used in Malaysia (Chin 1997). These workers are highly commodified; they are products to use and exchange.

'An open secret'

The highly visible nature of Indonesian women engaging in illegal work suggests that 'officialdom' colludes in the 'double exploitation'. The importance of the state (and its bureaucratic offshoots) lies not only in its policies concerning migrant workers but in its efforts (or apathy) in regulating such policies. When apathy or inertia appears to be norm, it may well be called the 'blind eye policy'. This approach is highlighted in the following examples.

One evening a bureaucrat who worked in a department dealing with foreign workers was giving me a ride to the train station. I had spent the day at the county court with an Indonesian carer who had been abused and was seeking compensation through the civil court. As we drove past a local restaurant that I often frequented because an Indonesian worked there, I asked her if she had ever eaten there. She nodded then said, 'An Indonesian works there', adding, 'she is very good at adding up the bill.' I answered, 'Yes, I have been there. She doesn't seem very happy' [her employer yelled at her constantly]. 'No', agreed the bureaucrat, adding with a smile 'It [that work] is not allowed you know.' Then she drove on. I knew that nothing would ever come of it. Another Indonesian interviewee worked at a restaurant as well as cleaning the family home daily. She related how the restaurant was so close to the local police station that many of the police would come to eat there at lunch times. They never said or did anything about her illegal work in the restaurant.

Indonesian women workers and labour market dynamics

There are two interesting phenomena relating to foreign workers and in particular in terms of 'carers' in the labour market of Taiwan. First, the formulation and

promotion by brokers of nationality-based stereotypes which tend to channel migrant workers of different nationalities into different segments of the labour market. In terms of gender, those segments into which women are predominantly channelled are more vulnerable to exploitation and abuse. In the category of carers, we see a trend toward a further hierarchical structuring between Filipinas and Indonesians with Indonesian women doing the dirtier more demanding jobs of caring for the sick and elderly.

Second, despite the fact that the overwhelming majority of Indonesian women workers are contracted to work as carers, a significant number are not working as carers but rather in various capacities in family businesses as well as working as maids in family homes. This easily observable reality in Fengyuan and elsewhere outside Taipei is neither reflected in the official statistics on migrant workers in Taiwan, nor indeed is it given sufficient attention in the available research on Filipina domestic workers in Taiwan which, for the most part, focuses on telling us about domestic workers working as domestic workers. The spillage of foreign carers into other work especially in the case of Indonesian women prompts the question: could it be that the very characteristics promoted as essentially Indonesian, that is, 'stupid yet loyal', pinpoint them rather than the more 'troublesome', assertive Filipinas as better prospects for 'double-exploitation'? It would seem so.

My field research suggests that the nationality-based stereotyping which employers, brokers and even workers themselves uphold may well impede the large-scale use of 'Filipinas in the noodle shops' or family businesses. All social actors in this scenario (brokers, employers and workers) seem to accept as true a *difference* based on stereotypes and generalized statements – they don't see this as problematic. Consequently, to a large degree, this 'truth' channels workers into different experiences; specifically it often channels 'loyal, hardworking' Indonesian domestic workers into a situation of 'double exploitation'. In contrast, the 'arrogant, troublesome' Filipina is likely to be more of trouble than she is worth to employers wishing to 'maximize' their investment by using a migrant domestic worker illegally. While the stereotypes about Filipina 'arrogance' are accurate to a degree (though I would prefer the term 'forthright') when employers and brokers compare them to Indonesian domestic workers – this forthrightness, rather than being any essentialist truth associated with their nationality, is more likely derived from their stronger institutional support from the Catholic Church and other advocacy groups, the fact that they are more 'worldly', they are more educated and articulate and they do have greater ease of access to information about their rights which informs their interactions with their employers.[17] This is a crucial point – in the end, the more informed Filipina tends to be a lesser target for double exploitation in contrast to the Indonesian worker who, by virtue of the dynamics of the brokerage system and the labour market and by virtue of her relative ignorance of labour rights and lack of support networks, becomes the prime target for maximum exploitation. Having said this, Filipinas have no easy time of it. They are subjected to abuses and mistreatment, just as Indonesians are. As is well known, it is the vulnerability associated with live-in domestic work that

lies at the heart of the problem and this vulnerability is magnified when one is a migrant worker with limited or no rights.

This whole process tends to lead to a different experience of migration for the Indonesian woman 'carer' as opposed to the Filipina 'carer'. Clearly, we cannot collapse the category of 'domestic worker' or 'carer', in Taiwan or elsewhere. Further, we cannot presume a degree of experiential homogeneity on the part of Indonesian women workers employed as 'carers', even those who experience 'double exploitation' when employers manipulate the system. The cases of Siti and Endah represent such different experiences that they demonstrate not only the variety of ways in which migration may be experienced by Indonesian 'domestic workers' but also the ease of manipulation of what appears to be an employer controlled environment. The 'mis-employment' of migrant women 'carers' demonstrates collusion between employers and brokers and the frequency of such occurrences constitutes an implicit official acceptance of such behaviour (in terms of state inertia) in 'milking these migrant domestic workers for all they are worth'. The Taiwanese state controls over migrant labour may appear tight, but the reality is obviously a great deal messier. We constantly see the 'creative use' of Indonesian domestic workers in jobs other than domestic work and caring, for employers other than those with whom they are registered.

Brokers, bureaucrats, police and the public at large seem cognizant of this illegal double-utilization of migrant workers in the family business and then as 'maids' at home. In part, this seems to result from a lack of socio-cultural distinction between duties within the home and those outside the home but still within the family business which itself has historical precedents (for a stimulating discussion of this issue, see Young Chapter 2, this volume). There is also a geographic dimension that must be considered when seeking to understand the breadth of difference in terms of migration experience for women carers – as already noted, it is common knowledge that the Taipei police are stricter in cracking down on migrants doing illegal work than their counterparts outside Taipei. Whilst the double exploitation occurs, mainly to Indonesians, it is more surreptitious.

Concluding comments

It needs to be said that I make no presumption of passivity and lack of social agency on the part of Indonesian women workers. Indonesians were the highest number of runaways amongst migrant workers in Taiwan. In September 2002, there were officially 724 runaway migrant workers, 357 of whom were Indonesian (HWC 2002). Indonesians flee their jobs for a range of reasons – abuse, non-payment of wages, avoiding repatriation if an employer no longer wants or needs them, or if they are nearing the end of their contract and don't wish to return to Indonesia with no likelihood of employment or the prospect of another set of broker's fees to work overseas again. There is a network of brokers finding illegal work for runaways and the company and support of other Indonesian runaways is easily accessible. Despite vulnerabilities, this strategy remains a risky but rational response on the part of exploited workers.

As a result of the high number of Indonesian runaways, the Council of Labour Affairs banned any further processing of Indonesian migrant worker applications from 1 August 2002. Two other reasons were proffered for the ban: that brokers fees placed on Indonesian workers were too high and the Indonesian government had failed to address the problem and that brokerage agents continued to submit false documents. Despite the official reasons given for the ban, inter-country diplomacy and politicking would also seem to play a significant part as it did when migrant Filipino numbers were reduced in 1999 because of a dispute on bilateral air traffic (*Migration News* 2001). On 17 December 2004, the ban on the processing of Indonesian workers was lifted to be followed on 20 January 2005 by a ban on incoming Vietnamese domestic workers and carers due to *their* high numbers of runaways. In neither case did the state question why such high numbers of domestic workers/carers should choose to flee their employment. During the years of the Indonesian ban, the popularity of Vietnamese carers increased to fill the gap carers – 'they are close culturally to us' – likewise there was an increase in Filipina carers. However, employers and brokers unanimously asserted that, had Indonesians been available they would have remained the most suitable choice as carers (from interviews with the author conducted November and December 2004).

It is rather ironic that the challenge to the stereotype of Indonesian loyalty and obedience appeared at an official state discursive level in the form of the ban for brokers and employers, despite the fact that there is such a high incidence of Indonesian runaways, the stereotype of loyalty has not yet been challenged, it is just their lack of availability that has been problematic.

To conclude, despite the appearance of a rigid structure of employment for migrants and threats of massive fines for the 'misuse' of migrant labour, the system remains open to manipulation whilst the state follows a 'blind eye' policy. Simultaneously, there exists a *process of ethnicization* of migrant workers that relies on the promotion and acceptance of stereotyping according to nationality. This in turn sees a trend whereby Indonesian women are placed in the most exploited positions in a segmented labour market. The initial channelling on the brokers' level where ethnic identity is 'thickened' leads to a hierarchy in terms of a job's desirability but it is in the carer category that we see spillage over into other work especially in the case of Indonesian women resulting in a situation of 'double-exploitation'. It is therefore clear that we are unable to speak definitively about 'the experience of foreign domestic workers in Taiwan' without reference to the nationality of such workers or to mechanisms within local brokerage systems in the migration industry that facilitate their exploitation.

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Notes

 1 Constable (1997: 65–70) similarly refers to 'packaging the product' in her consideration of the role of agencies in the Philippines providing domestic workers for the Hong Kong market.

 2 Much of the research on domestic workers in Taiwan is Filipina-centric revealing a marked absence of in-depth analysis concerning Indonesian domestic workers in Taiwan. This Filipino-centrism has also been noted in the case of research on migrant workers in Hong Kong (see Hewison Chapter 6, this volume). Likewise, Frost (Chapter 7, this volume) recognized the neglect of research on Nepalese construction workers in the face of research on domestic workers (particularly Filipina and Indonesian) in Hong Kong.

 3 These complexities are evident in the field of labour migration more generally. Although trends are observable, for example in the feminization and intra-Asian nature of migration, the task of understanding the complexities of this movement of women from one place to another is enormous. It would seem that there are relatively few if any clearly demarcated boundaries which are 'conveniently contained' – as evidenced in the movements between documented and undocumented labour migration by individual migrants and their agents (see Jones 2000), or in seeking some distinct location where the state interest stops and private enterprise starts. This lack of clear or absolute divides can lead to a degree of vagueness or elusiveness in discussions. There are two further factors contributing to this elusiveness: first, migration experiences are diverse – there exist important variations in terms of sending and host countries' politico-legal and socio-cultural frameworks, in terms of actors in the migration 'industry' across and within nation states, in terms of individual experiences and so forth; and second, government data and available research do not always provide an accurate reflection of the 'application of migrant labour' on the ground. Hence, the importance of keeping in constant touch with the empirical.

 4 My fieldwork was conducted from August to November 2002, and from November to December 2004. It was primarily located in the small city of Fengyuan (pop: 162,735) 15 kilometres north of the large industrial city of Taichung (population approximately one million) and approximately two hours train travel south of Taipei. Interviews were conducted in English and Indonesian by the author as well as in Mandarin and Taiwanese with the aid of an interpreter. Interviewees were recruited through a snowballing technique by means of casual meetings or through acquaintances, non-government activists and government workers. The fact that I am Australian, an outsider (both to Indonesians and Taiwanese) was at times beneficial and at other times a hindrance. The fact that I am a mother like many of the domestic workers was a constant blessing in the pursuit of my research. The observations in this article were based on material collected during my fieldwork for my doctoral thesis and subsequent archival data from newspapers, personal correspondence and telephone interviews. Pseudonyms for domestic workers are used throughout to ensure anonymity. My focus on Indonesian domestic workers sought to address a marked 'gap in the literature'.

 5 All statistics from O'Neill (2001) and Hope Workers' Centre (HWC 2002), Chungli where they were sourced and translated from the Chinese language website of Taiwan's Employment and Vocational Training Administration (http://www.evta.gov.tw).

 6 Previously, there were two main phases in international migration from Indonesia: the first from 1969 to 1979 to Europe, mostly to the Netherlands and the second from 1979 to 1989 to the Middle East, especially to Saudi Arabia (Nayyar 1997).

 7 See Loveband (2002) for an exploration of public rhetoric concerning migrant workers on various stages of their journey.
 8 Lin (1997), Lan (2000) and Cheng (2001) write not only about how English constitutes social capital but also how Filipina domestic workers use English as a tool of resistance. They too note the ethnic stereotyping of migrants in Taiwan, particularly with regard to Filipinos. Filipinas often speak little or no Mandarin whereas Indonesians have some training in Mandarin before they leave Indonesia. However, my research has shown that it is more complex than this, Filipinas often say they don't wish to learn or speak Mandarin because then they would have to work harder. One woman told me how she could avoid many tasks by pretending not to understand what she was being asked 'then they just give up (she laughs)...if it is really important they can telephone the grand-daughter who speaks English and she can tell me (laughs again)'.
 9 This perception of Indonesians' alleged stupidity informed the decision of several employers not to allow their Indonesian domestic worker to use the washing machine because they felt Indonesian helpers couldn't follow 'complicated' instructions (pressing a sequence of electronic buttons) therefore they were forced to wash by hand.
10 Although religion was cited by several employers as the reason behind Indonesian domestic workers' compliance, a local activist and various researchers have put the presence or absence of assertiveness down to historical background: Filipinas come from a democratic system inheriting individualist values associated with the period of American colonialism whereas Indonesians hark from an authoritarian state with little or no consciousness of individual or workers' rights so are less likely to complain.
11 Many carers look after their charges in the hospital and either share the hospital room or stay in a carer dormitory (with a loudspeaker issuing calls 24 hours a day). My research, however, primarily focused on carers who lived in the homes of their charges.
12 Generally speaking, the Philippines government has been more proactive, at least superficially, in their support of their migrant workers since the 1995 execution of Flor Contemplacion in Singapore that caused a huge public outcry.
13 Lan (2000: 109–10) mentions female owners of some family businesses (*taugaynewn* in Taiwanese) using Filipina domestic workers in the family business.
14 The variations between Taipei and provincial cities is interesting but outside the scope of this chapter.
15 False medical certificates and falsifying illness both seem common thus making it relatively easy to acquire certification qualifying the patient for a foreign carer.
16 On these household servants, sometimes spelled '*muijai*', in Hong Kong and south China, see Young (Chapter 2, this volume) and Constable (1997).
17 See Loveband (2004) for an analysis of the differential access to institutional support and information about rights for Indonesian and Filipina domestic workers in Taiwan.

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6   Thai workers in
Hong Kong

Kevin Hewison

This chapter is about working class women from Thailand who seek work in Hong Kong. They join some 200,000 other foreign nationals who work legally in Hong Kong, receiving low, but still, for them, relatively attractive wages. These workers are part of the increasingly large movement of labour criss-crossing Asia. Migration for work is now a central – and highly contested – element of globalization. Despite the increase in migration and the significance of this movement, accurate data remain difficult to obtain (see Young Chapter 2, this volume).

Labour migration in Asia has been historically significant and has expanded substantially over the last three decades, especially as economic growth accelerated in the region from the 1970s. Of course, the region is diverse, meaning that the patterns of labour migration are complex. Young (Chapter 2, this volume) has mentioned some of the notable features of this migration: a recent feminization, a pattern of migration from relatively poorer regions to those that are wealthier, a 'serial' flow of migrants and that remittances from overseas workers are critical to household and some national economies.

There is sometimes an assumption that migrant labour is the most vulnerable and most easily exploited labour. Indeed many migrant workers are grossly exploited (see Arnold and Hewison 2005; Kwong 2002). Despite this, millions of workers remain prepared to move. Many are even willing to risk the real dangers that come with illegal status. It thus seems important to gain some perspective on the issues that motivate workers to leave home and community in search of work. While none of the workers in this study were illegal, and all worked in the relatively well-regulated environment in Hong Kong, their story provides a useful perspective on migrant workers in the region.

Hong Kong and migration

In the flow of migrant labour to Hong Kong since the late 1960s, Southeast Asian migrant workers have assumed an important position. Hong Kong itself is an immigrant society, with the 2001 Census reporting more than 40 per cent of the population as foreign born, mostly in Mainland China (Hong Kong Government 2002). The flow of non-Chinese migrant labour is a relatively recent phenomenon, with 5.1 per cent of the population being from ethnic groups other than Chinese (Table 6.1).

Table 6.1 Population by ethnicity, 2001

Ethnicity	No.	%
Chinese	6,364,439	94.9
Filipino	142,556	2.1
Indonesian	50,494	0.8
British	18,909	0.3
Indian	18,543	0.3
Thai	14,342	0.2
Japanese	14,180	0.2
Nepalese	12,564	0.2
Pakistani	11,017	0.2
Others	61,345	0.9
Total	6,708,389	100.0

Source: Adapted from Hong Kong (2002).

Table 6.2 Occupation and ethnicity (%)

Occupation	Filipinos	Indonesians	Thais
Managers and professionals	4.4	2.2	26.5
Clerks	0.2	0.0	3.1
Service and sales	1.0	1.0	12.4
Other workers	94.4	96.8	58.0

Source: Adapted from ACNielsen (2000: 11).

The vast majority of Filipinos and Indonesians are domestic workers. Thais are a more diverse group (see Table 6.2), with a larger proportion married to Hong Kong residents than either Filipinos or Indonesians, and a substantial number of Thais who are resident managers and administrative workers for Thai and Sino-Thai companies in Hong Kong (ACNielsen 2000). Even so, it is clear that the major demand has been for 'other workers', who are predominantly domestic workers.

The official migration of domestic workers to Hong Kong began in 1969, when the colonial administration gave permission for expatriates to bring their domestic workers when coming to Hong Kong.[1] The demand for domestic workers soon extended to wealthier Chinese families. The number of domestic workers increased from 881 in 1974 to 70,335 by 1990 (Office of the Commissioner for Administrative Complaints 1995: 4). Why was it that demand emerged at this time?

One reason is that employment opportunities had grown rapidly in Hong Kong, and by 1961, the unemployment rate was a mere 1.7 per cent and remained low thereafter. At the same time, immigration from China declined. The result was a demand for labour, first in manufacturing and, increasingly, in services. To meet this demand, women's labour force participation increased from 37 per cent in 1961 to more than 50 per cent in 1986. In this context, the official

sanctioning of foreign domestic workers was a way of increasing labour supply by encouraging more women to enter the workforce (Athukorala and Manning 1999: 121–41).

Sustained and rapid economic growth brought increased wages from the mid-1970s (Athukorala and Manning 1999: 131). Increasingly, locals were reluctant to engage in domestic service, as factory and service sector work was seen as preferable. Domestic work was seen as denying independence and carried the stigma associated with the bonded female household labour (*muijai*). This system had declined by the 1940s, and by the 1970s, the 'sworn spinster' (*sohei*) system that had also supplied domestic workers had almost ended (Constable 1997: 23–8). Meanwhile, the government was loath to allow the entry of Mainland domestic workers. The combination of these factors meant a demand for domestic workers.

In fact, foreign domestic workers became indispensable for the middle and upper classes as the state made few investments to compensate for the withdrawal of women's labour from the household. This meant that domestic workers were hired to care for children, the elderly and the disabled. As Wee and Sim (2003: 3) indicate, the middle and upper classes 'rely heavily on women's emotional and physical labour in the work of social reproduction'. They argue that increased women's labour force participation means that they must seek relatively cheap ways to maintain the household and family.

The demand for domestic workers was largely met from Southeast Asia, and migration from the region to Hong Kong since the mid-1970s has been dominated by domestic workers. The number of migrant domestic workers more than doubled between 1990 and 1994, and by a further 71 per cent between 1995 and 2002; the peak was 241,020 in October 2002. Despite a stagnant economy in 2001–02, the number of domestic workers continued to increase. It was only the outbreak of Severe Acute Respiratory Syndrome in early 2003 and the introduction of a HK$400 levy on the employers of foreign domestic workers that saw numbers fall, with 17,000 domestic workers departing between February and May 2003 (*South China Morning Post* 2 July 2003). Throughout the 1990s, Filipinas made up the vast majority of domestic workers; their numbers declined for the first time in 2002. Filipina domestic workers are increasingly being replaced by Indonesians, whose numbers increased substantially after 1997.

Why was it that Southeast Asia was the main source of migrant workers? The most straightforward response is that when the Hong Kong labour market was tight, most Southeast Asian economies had labour surpluses (Athukorala and Manning 1999). For Filipinos there were added incentives to seek overseas work following the 1972 declaration of martial law, the subsequent economic decline, and the government's promotion of labour exports (Constable 1997: 31–3).

Thus, the patterns of migration from Southeast Asia to Hong Kong are subject to a variety of influences. One way to understand these patterns of migration and work is to examine the experience of a significant but, to date, an under-studied group. Because of their different profile from Filipinos, who have been much studied, Thai workers are well suited for scholarly investigation. This chapter deals with a small group of expatriate Thai workers in Hong Kong. As noted in

Tables 6.1 and 6.2, just less than 60 per cent of the 14,000 Thais in Hong Kong are likely to be domestic workers. Before turning to an examination of this group in Hong Kong, some background regarding migrant labour from Thailand is necessary.

Thailand and migrant labour

Historically, Thailand has had both high women's workforce participation and a history of migration (Richter and Napaporn 1995: 22). It also received large numbers of immigrants, mainly Chinese, with Skinner (1957) estimating an addition of some one million Chinese to Thailand's population between about 1880 and 1930. Most of these Chinese arrived as labourers. Likewise, it was common for Thais to engage in migration, seeking specialized skills, better land or enhanced household resources (Seri and Hewison 2001).

Migration has also been important in Thailand's recent economic development. As industrialization expanded, many Thais moved from rural to urban areas (Suwanlee 1984), while others opened frontier land. Since the late 1980s, there has also been labour migration to Thailand from poorer neighbouring countries. In 1999, up to two million legal and illegal migrant workers were estimated to be in Thailand (see Pimpawun *et al.* 2003: 167–9; Srawooth 2002: 14). This means that Thais are not unfamiliar with migration for work.

Overseas out-migration was not historically common for Thais, although Sino-Thais did move between Thailand and East Asia, Penang and Singapore for education, business and work. In the 1950s and 1960s, small numbers of Thais went overseas, mainly to study; some stayed, to be joined by relatives. The Vietnam War saw Thai women marrying US servicemen and leaving (Supang *et al.* 2000: 1). It was only in the early 1980s that larger scale out-migration began, with mostly men taking up contract work in the Middle East (Table 6.3). This changed in the 1990s, as demand in the Middle East declined, work became more readily available in the Asian region, and in locations seen as 'safer' than the Middle East. This saw more women migrating for work.

Table 6.3 Thai workers overseas, 1980–99 (selected years)

Destination	1980	1982	1989	1993	1996	1999
Middle East (including Israel)	20,690	105,186	86,761	18,816	22,607	18,890
All Asia	n.a.	3,303	31,305	118,600	160,941	179,107
Of which						
Taiwan	—	—	—	66,891	96,097	115,096
Singapore	191	1,901	11,056	14,171	17,601	24,525
Brunei	n.a.	960	8,630	14,750	20,714	17,716
Total no. of workers overseas	20,881	108,127	123,054	139,747	185,436	202,056

Source: Adapted from data presented in Supang *et al.* (2000: 9) and Tsay (2002: 375).

Part of the reason for increased migration has to do with the nature of development, where industrialization has resulted in a larger and more diverse working class. Following the cessation of Chinese immigration, ethnic Thais moved into industrial employment, some temporarily, but increasingly on a permanent basis. Between 1960 and 1979 the workforce expanded by more than 20 per cent or almost three million persons, with the manufacturing workforce expanding by 45 per cent (Hewison 1989: 215). Between 1979 and 1998, the workforce expanded by more than 50 per cent or almost 11 million persons, with the manufacturing workforce almost tripling (TDRI 1999: 14). Women began to move into industry, and made up half of the manufacturing workforce by 1992 (Yada 1998: 126). Manufacturing provided relatively few working class jobs until the 1990s, and real wages, while higher than in agriculture, stagnated in the 1970s and 1980s (Athukorala and Manning 1999: 162, 171). Even so, there was a well-worn path between relatively poor rural provinces to the industrial areas around Bangkok, where there were also opportunities in the service sector (Hewison 1997). By the early 1980s, this path extended overseas. The official figures in Table 6.3 may be underestimates, with the government reporting in 2000 that 376,300 Thais were overseas (*Bangkok Post* 22 September 2000), while other estimates are in excess of 500,000 (Ronnås and Ramamurthy 2001: 3).

Government and some business interests have encouraged workers to seek overseas employment, and following the economic crisis, this became a government policy (Supang 2001: 1; *Bangkok Post* 12 August 2001). For example, a government budget of 319 million baht was allocated for training up to 30,000 workers for 22 countries, including for domestic service (*Bangkok Post* 4 August 2003). The government places few restrictions in the way of Thais who wish to work abroad (Srawooth 2002: 14). One reason the government has promoted overseas work has been to increase remittances. Table 6.4 includes officially recorded remittances, but as will be indicated later, total remittances are far larger than the official figures suggest.

Thailand's Ministry of Labour has played a significant role in establishing domestic labour as an export commodity by privatizing recruitment and placement. It does this by providing licenses to private recruitment agencies (see Lindio-McGovern 2004: 223–4); in 2002, there were 256 licensed overseas recruitment agencies (Ministry of Labour n.d.: 38). This arrangement has been embroiled in corruption, with many potential migrants cheated of funds by agencies protected by senior officials; between 1996 and 1998, it was estimated

Table 6.4 Overseas remittances via the banking system, 1996–2001

	1996	*1997*	*1998*	*1999*	*2000*	*2001*
Total (billion baht)	45.78	51.91	58.84	56.91	67.94	55.15
% of GDP	0.99	1.10	1.27	1.23	1.39	1.08

Source: Adapted from: *Bangkok Post*, 12 August 2001, Bank of Thailand (2002) and Bangkok Bank (2003).

that more than 15,000 workers were cheated of US$463 million by illegal agencies (Supang *et al.* 2001: i).

Engaging in migration is a way for working class Thais to improve the situation of themselves and their families. This is particularly true for women who are divorced or widowed (Richter and Napaporn 1995: 25–7), a point made by interviewees who had returned from working overseas. These interviews also confirmed that potential overseas migrants could not be from the ranks of the very poor because migrant workers required some resources that could be used to pay agent's fees. Thus, savings or some forms of collateral were required to engage in migration abroad (Chaiyaphum 2003).

Thai workers in Hong Kong

Economic and cultural links between Thailand and Hong Kong are long-standing. From the nineteenth century, Hong Kong was a centre for labour exports to Thailand and rice imports from Thailand were important. These links developed into business and cultural ties, especially involving Sino-Thai businesses. Today, however, most Thai migrants are from the working class.

There have been numerous studies of overseas migrant workers in Hong Kong, but few consider Thais. In fact, the best known, by Ng and Lee (2000), was a survey of just 20 Thai domestic workers. Data about Thais have also been included in studies of migrant labour, with the most significant being those completed by ACNielsen (2000) and the Asian Migrant Centre (AMC 2001). The study reported in this article was based on a questionnaire and in-depth and focus group discussions. The results may not be statistically significant, they do provide a useful picture of Thai workers in Hong Kong.[2]

The workers

Only women were interviewed during this study. In Hong Kong it is difficult to locate male Thai workers. Ng and Lee (2000) and AMC (2001) reported similar difficulties, and the ACNielsen report (2000: 7) reported that only 1.6 per cent of its sample were Thai men. All of the interviewees were Thai nationals, and all but one – a Christian – reported that they were Buddhists.

The average age of the respondents was 39.5 years, with only five respondents aged less than 30 years. The AMC survey (2001: 22) reported an average age of 34 years for Thai domestic workers, compared with the 31 years for all domestic workers. The interviewees were also older than those in a study of returning women migrant workers in Thailand that found less than 13 per cent aged 41 years or more, with more than 37 per cent younger than 26 years (Samarn 2001: 18). Thai workers were also older than other Southeast Asian migrants when first arriving in Hong Kong, with almost two-thirds of respondents aged 30 and older at arrival. Only 2 of the 50 respondents were aged less than 20 years on first arrival.

A possible reason for these interviewees being older than those reported in other studies may be that, to reduce the number of Thai sex workers entering

Hong Kong, immigration officials gave Thai women aged between 18 and 40 special attention. This may have caused recruitment agents to focus on older women when seeking domestic workers. The result is that Thai workers have considerable work experience prior to their arrival in Hong Kong.

The AMC and ACNielsen studies each noted that Thai domestic workers had lower levels of education than their Filipino and Indonesian counterparts. In the interviewed group, 4 per cent had no education, while 68 per cent had completed primary school. Only 28 per cent had post-primary education.

Just over a half of the respondents were married at the time of the survey, while another quarter were divorced or widowed. Almost three-quarters had been married for more than ten years, and about 60 per cent reported that their husbands were in Thailand. Some three-quarters of respondents had children, with more than half having two or three children. Almost all of these children were at or above school age (94 per cent) and were usually being cared for in Thailand by the women's parents, relatives or husbands.

Providing for and educating children was often mentioned by respondents as a major reason for seeking overseas work. It is clear that Thai workers view their time in Hong Kong as providing them with an opportunity to support their families, including parents and younger siblings. There is strong cultural pressure for Thai women to do this. Buddhist women are unable to make merit for their families through entry to the monkhood, so there is often an expectation that they will 'repay' parents in other ways. There are also pressures for women to demonstrate filial respect, generosity and family-orientation within villages (see Hirai 2002). In a broader context, as farming has become increasingly marginal, there has been pressure for women to contribute to each household's cash income through off-farm work. Interestingly, migrant women workers are more likely to remit funds to their families than men (De Jong *et al.* 1996: 752). When women work abroad, such expectations remain in place. It is noticeable that the desire to support parents and children is mentioned by migrant women workers as justification for their often long absences from home. Most interviewees wished to work at least until their children leave school. Remittances may thus be seen as a means to reaffirm community and family membership from afar (see Nonini 2002: 7).

Before migration

In surveying the provincial and regional origin of respondents, it was found that most of the migrants originated from the poorest parts of Thailand, with 56 per cent from the Northeast and 14 per cent from the North. These are the regions that supply the majority of Thailand's workers. Similar patterns of regional origin have been noted for Thais in Singapore (Wong 2000: 60) and Taiwan (Samarn 2000: 161), confirming that the working class has added overseas work to the range of sites where employment is sought.

Within the Northeast, the largest proportion of respondents (22 per cent) was from Nakorn Ratchasima province. A number of reasons may be suggested for this preponderance. The province now hosts the second largest city in Thailand,

has been a centre of commercialized agriculture from the early twentieth century and is on rail (since the late nineteenth century) and road (from the 1960s) links to Bangkok. Today, the bus trip to Bangkok is just three hours. The province has long had Thai military bases and hosted a US base during the Vietnam War period. Importantly, since the 1980s, the province's land availability has been limited. All of this suggests the potential development of a 'culture of migration' in the province (Samarn *et al.* 2001: 55).

About 56 per cent of respondents were living in their home province prior to departing for Hong Kong, with the remainder working in Bangkok. This matched responses on employment, where just under a half claimed to have been employed in Bangkok prior to migrating. This pattern of step migration, from village to town or city and from farming to industrial and service sector work, as noted before, now includes migration in search of overseas work.

Prior to migration almost half of the respondents were engaged in working class occupations, while a further 16 per cent were farmers. About a quarter were engaged in work related to basic services or housekeeping (see Table 6.5). Such jobs are all considered unskilled or semi-skilled in Thailand. The length of time respondents had been in these occupations ranged from one year to more than ten years.

For these workers overseas migration is an effort to gain higher remuneration in similar working class occupations abroad. As Samarn *et al.* (2001: 44, 55) discovered, unless they received higher pay, there were few migrants interested in improving their skills while overseas, and that most returned to their previous occupations on their homecoming. For most migrants, overseas work does not appear to encourage much occupational or class mobility.

While one-third of respondents reported that they were unwaged in Thailand, about half claimed wages of 2,501–7,500 baht per month prior to migration (Table 6.6). For comparison, in 2001, Bangkok's official minimum wage was

Table 6.5 Last work before first migrating to Hong Kong

Work	No.	%
White collar		10
Accountant, office worker or clerk	4	
Nurse	1	
Domestic and related services		26
Cook, domestic, office helper, child-minder	8	
Home duties	5	
Farmer	8	16
Labour and petty trading		14
Retail sales or trading	6	
Factory worker	6	
Seamstress	7	
Hair stylist	3	
Other	2	

Table 6.6 Pre-departure wage

Wage/month (in baht)	No.	Cumulative %
Unwaged	16	32
0–2,500	5	42
2,501–5,000	17	76
5,001–7,500	8	92
7,501–10,000	2	96
More than 10,000	2	100

about 4,000 baht per month, and Samarn *et al.* (2001: 9) found an average monthly pre-departure wage of 3,700 baht. In 2002, the monthly wage for domestic workers in Hong Kong was equivalent to 19,000 baht, with additional basic living expenses provided (80 per cent of respondents were accommodated by or with their employers); this wage differential makes Hong Kong an attractive destination.

Overseas work is also attractive for small farming and working class families as it permits saving. In interviews, recent returnees explained that one could make good money by working hard and long hours in Thailand, perhaps as much as overseas (Chaiyaphum 2003; also see Chuta 2001). However, in Thailand, there are demands upon wage-earners that prevent saving, including requests for assistance from family members, friends and the temple. The returnees indicated that overseas work allowed them to save a relatively large sum of money – usually for land or housing – that was impossible when at home (Chaiyaphum 2003). Workers sometimes view migration as an opportunity to 'escape' from such demands and to seek 'adventure' elsewhere. A recent account of moving from the Philippines to work in Hong Kong explains this latter motivation: '...already the excitement...had rubbed off on me. It was the talk of extra freedom,...and, more importantly, of having money to buy things' (Royal and Strahan, 2003: 21; see also Ratliff 2004: 39).

Prior to migrating, three-quarters of respondents undertook some training for their expected work, especially domestic workers, who trained in Cantonese language and Chinese cooking. It is clear from Samarn *et al.* (2001: 27) that this level of training is uncommon, but it appears that domestic work in Hong Kong does require some pre-departure training, especially as employers look for a particular skill or quality in domestic workers. In fact, over 70 per cent of respondents claimed that their employer hired them for a particular skill in childcare, elderly care, cooking or housekeeping. Pre-departure training is an area where some workers feel the government and agents could provide more training, especially in the use of modern household appliances, language and culture (Bang-oer 2003).

Getting to Hong Kong

Numerous studies have shown the significance of social networks consisting of relationships between communities of origin, migrants and intending migrants.

Such networks provide information for those contemplating migration and can encourage migration by reducing some of the risks and difficulties involved, especially the emotional and economic costs incurred (Maniemai and Dusadee Chapter 4, this volume; Curran *et al.* 2003: 4). Such networks are usually viewed in positive terms, but may have negative aspects, where previous migrants utilize 'social capital' to induce others into difficult and dangerous work (Hughes 2000).

In moving to Hong Kong, only four respondents had prior overseas work experience, in Italy, Malaysia, Taiwan and Saudi Arabia. However, almost half reported that other family members had had worked overseas, with about a third having worked in Hong Kong, and another third in other Asian destinations. Where positive, such family experience certainly encouraged others to migrate.

The decision to migrate usually involves the respondent's family. For example, initial information about Hong Kong came from friends and relatives (80 per cent). The remaining workers had access to public information, usually from radio or advertising by recruiting agencies. This pattern of reliance on family and friends is not unusual, and is seen in a range of occupations that receive both domestic and international migrant workers (Goldstein *et al.* 1977: 31–2; Hughes 2000: 6). As DeJong *et al.* (1996: 751) explain, '...few migrants move to a place where they do not have personal contacts.' Even so, when international migration is involved, such contacts are insufficient to facilitate a move that requires documentation or, in the case of illegal migration, the means to avoid this requirement.

The usual pattern for migration to Hong Kong was for the potential migrant to contact an agent (78 per cent) who would facilitate a contract with a prospective employer or a Hong Kong employment agency. All who used an agent paid a substantial fee, usually in the range of 20,000–50,000 baht, but with some paying far more (see Table 6.7). A payment of 40,000 baht amounts to 7–8 months of a two-year domestic workers' contract.[4] Those who did not use an agent, either had contacts direct with employers or were assisted by friends or relatives already in Hong Kong, and usually did not pay fees.

Of those who paid agent's fees, 42 per cent used their own savings, and the remainder took out loans, usually with relatives, friends, agents and loan companies; only one respondent reported using a bank. Interest rates were variable. If a

Table 6.7 Payments to agents

Amount paid (baht)	No.	%
Less than 10,000	1	2
10,001–20,000	4	8
20,001–30,000	10	20
30,001–40,000	13	26
40,001–50,000	9	18
50,001–60,000	1	2
60,001–70,000	1	2
More than 70,000	1	2

worker borrowed from a family member, rates were usually lower than from moneylenders or agents (where interest could be as high as 10 per cent per month).

Living and working in Hong Kong

All respondents were employed at the time of their interview, with 78 per cent reporting that they were domestic workers. The remainder toil in other working class occupations, in shops (10 per cent), restaurants (8 per cent) and cleaning (4 per cent).

Almost all domestic workers earned the official minimum monthly wage of HK$3,670 at the time of their interview; none reported being paid less, although four earned more, but still less than HK$5,000 a month. This result was not surprising as the AMC survey (2001: 27) found that 91 per cent of Thai domestic workers received the minimum wage. The other workers interviewed were relatively better paid, with two restaurant workers earning HK$9,000–10,000 per month.

Almost all employers were Chinese (94 per cent). Two respondents worked with Thais, and one with Europeans. All reported that they received regular holidays, usually Sundays and public holidays, while those who were not domestic workers received alternative days off. While all but one reported that they could speak some Cantonese, just 18 per cent could speak English. This ability of Thais in Cantonese was also reported in the ACNielsen (2000) study and is considered increasingly important for securing and maintaining domestic work in Hong Kong (*South China Morning Post* 14 September 2004).

The majority of respondents (80 per cent) were undertaking their first period of work in Hong Kong, while the remainder were involved in a second or third excursion. Their working experience in Hong Kong was relatively long, with 60 per cent having six or more years, with just 10 per cent having been in the territory for less than a year. When asked why they wanted to work in Hong Kong, half explained that it was because of good salaries and another 28 per cent said they needed to support their families and children or pay debts. Another 16 per cent explained that they had wanted a change of working environment.

Almost all of the respondents were satisfied with their work (90 per cent). The reasons for this are clear – 80 per cent claimed that their relatively high wage satisfied them. Others mentioned that Hong Kong was a well-regulated, ordered and 'convenient' society or that they had good employers and conditions. Those who were not satisfied generally attributed this to homesickness. In a related question, 86 per cent of the respondents stated that they were satisfied with living in Hong Kong, while 6 per cent were not. Half indicated that the reason for their satisfaction was their good salary. The dominance of the wage in the thinking of these workers is evident, and matches other studies that report the primacy of economic motives (Supang *et al.*, 2001: i).

The respondents stated that the worst features of their work were long hours and the heavy demands made of them. While no respondent mentioned sexual or physical abuse during interviews, other discussions revealed a small number knew of or had experienced instances of abuse. The AMC (2001: 35–7) found

that one-quarter of Thai domestic workers had experienced some form of verbal or physical abuse, while 6 per cent reported sexual abuse. Many respondents took the view that verbal and physical abuse was 'part of the job', both in Hong Kong and Thailand.[4] Some suggested that in abuse cases workers had to adopt strategies that changed their employer's attitude. When sexual abuse was encountered, this often involved touching or sexual innuendo by elderly members of employing households. The respondents regarded this as 'vulgar', and considered that it resulted from close living in small apartments (about a quarter of domestic workers did not have their own bedroom, and usually shared with children).

While virtually all respondents felt that they had the respect of their employers, more than two-thirds said they were not respected within Hong Kong society. They considered that this was because they held low status jobs. Discrimination against foreigners and especially Southeast Asian domestic workers is common. An AMC study (2001: 42) found that discrimination was mostly encountered in shops or on public transport. Thais considered that even if the behaviour of Hong Kong people was not discriminatory, then it was often 'rude' and 'ill-mannered'. Even so, 96 per cent of respondents claimed that they had few real problems, and could put up with the rudeness they encountered. In line with the general satisfaction with conditions, the majority planned to continue working in Hong Kong. Two-thirds hoped to stay as long as they had work, while another 20 per cent planned to seek a further two-year contract or even longer. However, none planned to settle in Hong Kong.

As mentioned, workers received regular holidays. These days are important as Thais, especially domestic workers, tend to be isolated from the broader community (Ng and Lee 2000). Their experience of Hong Kong is narrow and loneliness is a problem. Hence, especially on Sundays, when domestic workers have their holiday, Thai workers tend to socialize. Most respondents said they used their holiday to meet with friends and relatives or to shop. This is evident in the places like Kowloon City. Workers congregate around the shops and services that retail Thai goods, food, magazines, newspapers and audio and video entertainment, and with Thai-speaking staff. A minority (26 per cent) reported that they might visit Thai temples or attend church. This apparent low religiosity is reflective of two things: first, the temples are not easily accessible by public transport; and second, Buddhist monks visit Kowloon City on Sundays, and many workers make merit there. These activities – socializing, merit-making and shopping – are a weekly means to reaffirm their cultural identity. This is especially noticeable as the women congregate in groups, speaking regional dialects and eating regional foods (Figures 6.1 and 6.2).

Interestingly, no interviewee reported other social activities that are popular among Thai workers elsewhere – gambling and visiting entertainment venues. This may be because these workers have little spare cash after remittances. However, it is more likely that the respondents were being coy, for discussions indicated that gambling is indeed popular. And, entertainments venues in Kowloon City and Shamshuipo – especially karaoke bars – are well patronized by Thais, especially on Sundays. In addition, some Thais frequently visit bars and discos in Wanchai, Mongkok and Yaumatei.

Figure 6.1 Thai migrant workers making merit outside a Thai goods shop in Kowloon City (photo credit, Kevin Hewison).

Figure 6.2 Buying Thai food from a stall, Kowloon City (photo credit, Kevin Hewison).

Thai workers keep in touch with their families. Most reported contacting families by telephone, usually using a phone card. Very few reported using a mobile phone, although some stated that they were able to use a private phone. Less than half wrote letters home. Travel back to Thailand was common, and usually completed during annual holidays or between contracts. Nearly two-thirds

stated that they had been home within the past 6–24 months. Still, more than one-third had never returned or had not done so for more than three years.

Using wages

All respondents received regular wages, in cash (80 per cent), by direct credit to a bank account (14 per cent) or by cheque (4 per cent). A large part of the wage is remitted to Thailand, with only three respondents reported that they did not send money home. Most remit HK$2,501–3,000 per month (see Table 6.8).[5] This matches the HK$2,425 estimate of domestic worker remittances made by the Thai Labour Department (2003). Remittances are a critical element in the justifications workers have for being absent from home and for accepting considerable hardship while working.

This study did not examine the impact of remittances on household incomes in Thailand. However, other studies have established the centrality of remittance income. In rural households, remittances (both domestic and from abroad) accounted for 28 per cent of household income. Where the remittances were for households headed by grandparents, this increased to 44 per cent (Richter and Napaporn 1995: 19).

Most interviewees (84 per cent) remitted funds through a 'Thai shop', with few using a bank. The shops, located where Thais meet on their days off, are an informal money transfer system, usually quicker and cheaper than standard bank fees, and arranging direct payment to the nominated recipient. As most do not use banks, the remittances shown in Table 6.4 are under-reported.[6] With sizeable remittances, respondents keep relatively little for personal expenses. One-fifth keep aside less than HK$500 a month, and a further three-fifths report personal use of HK$500–1,000 a month.

The importance of remittances for families in Thailand is indicated by the number of persons supported. Almost three-quarters of respondents claim that the money they send home supports three or more people, almost all close family members (Table 6.9).

Table 6.8 Remittances

Remittance/month (HK$)	No.	Cumulative %
0	3	6
1–500	0	6
501–1,000	2	10
1,001–1,500	1	12
1,501–2,000	10	32
2,001–2,500	3	38
2,501–3,000	24	86
3,001–3,500	3	92
>3,500	4	100

Table 6.9 Persons supported by remittances in Thailand

Persons	No.
Parents	35
Children and grandchildren	32
Siblings	21
Husband/wife	4
Nephew	1

Table 6.10 Uses of remittances

Use	No.	%
Living expenses	44	88
School education	29	58
Building/extending/ renovating house	12	24
Savings, buying land, farm equipment and supplies	13	26
Paying off debts	10	20
Motor vehicles	3	6
Consumer goods	1	2
Medical expenses	1	2

The major use of remitted funds was to support the daily living expenses of children and relatives. The next most important use was for the education of children and siblings (see Table 6.10). Other important items of expenditure included household renovation – a major task for all families with relatives overseas, enhancing status in the local area (Hirai 2002) – and debt repayment. Fewer than a quarter reported that remittances were saved or invested.[7] Relatively little of the money was used for 'luxury' consumer items, although interviewing made it clear that such items are now considered essential rather than 'luxuries' (Chaiyaphum 2003).

This remittance pattern does not vary from that noticed for women working away from their rural homes in the early 1990s (Richter and Napaporn 1995). However, it does not match results presented by Samarn *et al.* (2001: 52–3), where almost half of returnees used remittances to pay debts, although they note that there was considerable variation amongst returnees.[8]

Networking in Hong Kong

Studies of domestic workers in Hong Kong observe that non-governmental organizations (NGOs) are significant in representing the interests of marginalized workers, and especially domestic workers (Sim 2002: 4). However, NGOs do not loom large for Thai workers. The vast majority nominated Thai and Hong Kong government offices as the agencies that assisted migrant workers. Even so, when they have

problems, workers turn to friends first, and then to government services. No interviewee reported seeking the advice of an NGO, employer or religious figures.

Filipino workers in Hong Kong have numerous NGOs that represent their interests (Sim 2002). There are just two or three Thai-specific NGOs in Hong Kong. While there are NGOs that support the interests of all migrant workers, Thais are not well connected to them. Nearly three-quarters of respondents stated that they did not know of any NGO that worked for their interests although 18 per cent were able to name one NGO working with Thais. More than half of the interviewed workers had never received any official or NGO information to assist them in Hong Kong. Of those who had, the most common was a Thai-language booklet prepared by the Hong Kong government (Home Affairs Bureau 2000).

The impact of working in Hong Kong

If working in Hong Kong is a way to support families, then in the final analysis, the respondent's perception of how their sacrifices impact on their families is important is looked into. The majority of respondents felt that their work had had substantial benefits for their families. While there may be an element of self-justification at work, 70 per cent of respondents believed that their families were better-off for their overseas work.

Concluding comments

Since the 1980s, workers from Thailand have been moving to Hong Kong in search of better paid work. These are working class people seeking to improve their incomes, but with limited opportunities for social mobility.

The research reported in this chapter has indicated that the Thais interviewed were reasonably satisfied with their working and living conditions. While they felt respected by their employers, as 'low status' workers they do not feel respected within Hong Kong society. While these workers considered their jobs demanding and that they faced considerable hardship, they were prepared to endure such problems because they felt they were relatively well-paid. Being able to remit money was their primary stated motivation for migrating, and most felt they were achieving their aims.

Hong Kong English-language media and NGO reports highlight the problems faced by migrant workers. There is no doubt that some migrant workers are subject to gross mistreatment. However, this does not appear to be the case for these Thai respondents. This result is interesting, for these Thai women, being relatively poorly educated and working with Chinese families, appear vulnerable to the kinds of mistreatment reported for other migrant workers in similar situations. In fact, however, they do better than Indonesian migrants in terms of wages and conditions and they report less abuse (AMC 2001). Their profile appears closer to the better educated and better represented Filipinas. Why is this so? It may be that this group of Thais, being older when they arrive, and older than the average Filipina and Indonesian worker, are both more mature women and more

experienced workers. Despite their low educational status, these Thais appear able to 'negotiate' reasonable conditions. This outcome may also reflect factors in the political environment, including the increased democratic space in Thailand and the relative transparency of government operations that affect Thai migrants (at least when compared with Indonesian migrants).

In reflecting on the future for Thai workers to Hong Kong, it would appear that their numbers are declining and that this trend will continue. This is influenced by the increasing integration of Hong Kong with China, but also reflects increased industrialization in Thailand that may reduce the incentives for some Thais to seek employment abroad. Even so, such changes are unlikely to alter the trajectory of regional integration that is being driven by capital's need to reduce costs and increase profitability. A major element of this is the desire to further enhance 'labour flexibility' in ways that will continue to reorganize labour markets (Nonini 2002: 14). Inevitably, the drive for increased accumulation and the corresponding need to keep wages as low as possible will mean that transnational migrant labour will be a significant element in the increasing regionalization and globalization of labour markets.

Acknowledgements

Notes

1 I prefer the term 'domestic worker' to 'domestic helper', which is used in Hong Kong. 'Maid' and 'servant' were terms used in earlier studies. The commonly used Thai word is *khon chai*, which means 'a person to use'.

2 The 50 item questionnaire was written in English and delivered in Thai by an English, Thai and Cantonese speaking field assistant. The questions were selected following discussions with Thai workers by the author. Information collected during these discussions is also included in the analysis. Following the development of the questionnaire, pre-testing was conducted by the author and field assistant. After revisions, in the second half of 2002, the survey was used for interviews in a number of locations where Thai workers meet (Kowloon City, North Point and a Buddhist temple at Yuen Long). The 35–50 minute interviews were conducted on Sundays – the most common day off for workers.

3 These fees are lower than those in Japan (70.4 per cent paid more than 60,000 baht), Taiwan (88.6 per cent paid more than 60,000 baht), Singapore (76.9 per cent paid more than 30,000 baht), but greater than for Malaysia, where fees were usually less than 10,000 baht (Samarn *et al.* 2001: 29).

4 For details of Thailand's working conditions, see Brown *et al.* (2002). For domestic workers, the *Bangkok Post* (21 May 2001) reported a new law to protect domestic workers was being considered following allegations that a former prime minister's wife had beaten

her maids. Human Rights Watch (cited in Srawooth *et al.* 2002: 24) reports a range of abuses suffered by Thailand's domestic workers.
5   The data are presented on a 'per month' basis. However, workers indicated that monthly remittances were uncommon; rather, money would be saved for a time and sent back in larger amounts.
6   Supang *et al.* (2001: ii) estimate that annual remittances to Thailand total US$35 billion.
7   Amongst the respondents, 94 per cent reported no personal cash savings in Hong Kong.
8   Debt repayment percentages for returnees from Taiwan were 56.3 per cent, 53.8 per cent from Singapore, 28.6 per cent from Japan and 20.4 per cent from Malaysia (Samarn *et al.* 2001: 63).

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7 Building Hong Kong

Nepalese labour in the construction sector

Stephen Frost

The skyline of the Hong Kong Special Administrative Region of China (SAR) is regarded as one of the most spectacular in the world. Landing at the now defunct Kai Tak Airport in the 1990s was to descend into a canyon of densely packed apartment and office blocks seemingly so close that passengers could touch them. Allegedly the inspiration for the futuristic setting of Ridley Scott's *Blade Runner*, the city continues to capture the imagination of photographers and filmmakers the world over. Most recently, in 2003, the city's tallest building, the 88-floor behemoth Two International Finance Centre, featured in *Lara Croft Tomb Raider: The Cradle of Life* as the launching pad for a dramatic jump into Victoria Harbour 415 metres below. On more prosaic grounds, the SAR's skyline is listed as having the greatest number of buildings over 90 metres high, or 22 stories. Hong Kong has 3,329 of these buildings, four times the number of New York (at second place), and more than seven times that of Tokyo, which is ranked third (Gramsbergen and Kazmierczak 2003).

The imagery and statistics are dazzling. But missing from almost all accounts of the SAR's skyline is any mention of the work force responsible for constructing it. Although most construction work in the territory is carried out by Chinese workers (both local and from the Mainland), a significant proportion is undertaken by a single migrant group with a reputation for hard work and meeting deadlines; the Nepalese. An almost invisible community within the territory's non-Chinese population, Nepalese nevertheless comprise a greater proportion of the workforce on building sites than their statistical presence in official census figures might suggest. Despite this, they find themselves living a tenuous existence comprising employment as day labourers on lower wages than the industry standard, and with little or no opportunities to ascend to better or higher-paying jobs.

The Nepalese in Hong Kong

This chapter, unlike most in this book, focuses in the main on men and is thus something of a departure from many studies on migrant work in Hong Kong. It also concentrates more on conditions at the workplace than the dynamics of migration and life outside of work. This aspect is partially explained by the fact that Nepalese construction workers in Hong Kong are mostly citizens of the SAR.

Unlike foreign domestic workers (mainly Filipinas, Indonesians and Thais), and migrant workers elsewhere in the region, Nepalese are not legally constrained to employment within a single sector or the requirements that follow (such as returning home upon contract completion or poor coverage under local labour laws). That I have concentrated on workplace conditions is also explained by the genesis of the survey on which this chapter is based; that is, it arose out of work conducted by the Far East Overseas Nepalese Association (FEONA) with assistance from the Asia Monitor Resource Centre (AMRC), both of which are non-government organizations (NGOs) in Hong Kong with specific interests in labour rights and issues.[1]

Focusing on such a different group of workers serves to strengthen some of the major theoretical points made in the various chapters in this volume. Even though there are stark differences between the gender makeup and legal status of Nepalese construction workers in Hong Kong and the female population that constitutes the domestic workforce, many of the same features identified by other authors are visible here as well. That they *are* visible suggests that migration within Asia exhibits some deep structural features despite superficial (though sometimes quite profound) differences. For instance, as outlined in the introduction to this volume, migrant flows tend to be from the poorer to the richer countries. Immigration to Hong Kong, particularly from source countries other than China, grew rapidly from the mid-1980s. The flow of migrants is often 'serial', and remittances are critical sources of income in sending countries. Whether migrants are men or women, have the legal status of citizens or not, can change jobs or are bound contractually and legally to a single employer or are joined by family or live alone makes almost no difference when it comes to some of the deeper structural concerns (such as discrimination, access to labour and other laws, fair pay and a safe workplace). Thus, Nepalese males who are permanent residents in Hong Kong with the right to abode (which is discussed in greater depth later on) find themselves with choices almost as limited as Filipino female domestic helpers with temporary residence in Hong Kong or Indonesians in Taiwan (though it should be stated that these choices are not always as limited as they first appear). Gender and legal status count for less than economic forces under globalization and the structural aspects of employment alternatives.

In short, as noted by all the authors here and by Young's chapter in particular, changed migration patterns within the region are the result of globalization, which is producing new occupational structures and giving rise to class tensions and changes in labour relations. In Hong Kong, much of the research providing evidence for this thesis can be found in a now significant body of work on foreign domestic workers (of which the chapter in this collection by Hewison on Thai workers is a valuable contribution). Yet a closer examination of Nepalese in the territory shows that as with female domestic workers, the role of the state has been crucial in constraining employment opportunities, despite theoretically greater choices due to greater stability as a result of permanent residence. The current generation of Nepalese construction workers is as equally constrained by the poverty and political disarray of their homeland as migrants from other locations

(such as Indonesia or the Philippines). Their remittances play as important an economic role as do those of Filipinos overseas. And despite the ability to enter the labour market freely (denied foreign domestic helpers), younger Nepalese males find themselves constrained to a handful of occupations.

The differences are also worth noting briefly. Nepalese construction workers find themselves in a very different workplace than the private home of the domestic worker. As workers in a formal labour setting (with set times for clocking on and off and for breaks, and more clearly demarcated job roles), the Nepalese are not enmeshed in patriarchal systems (although as I will discuss later, female workers face problems of this nature when local Chinese men perceive them as being sexually loose). Working on construction sites does not give rise to the issues resulting from household work by non-kin hired help. Moreover, due to their permanent status, they are not generally at the mercy of labour brokers (though as day labourers they are under the control of sometimes illegal organizations in Hong Kong).

This chapter, then, begins by outlining the pertinent dynamics of migration in Hong Kong and Nepal. It briefly maps the size and scope of construction work in the territory, and the role Nepalese have assumed in recent decades. After raising some methodological issues, the remaining sections are devoted to analysis of the data collected.

Nepalese workers in the Hong Kong construction sector

As mentioned, the status of most Nepalese differs significantly from other migrant workers in the SAR. Although a migrant community, the Nepalese in Hong Kong are usually permanent residents with right of abode (i.e. citizens with access to the legal rights enjoyed by the majority Chinese community). They have, however, migrated only recently, a distinction that separates them from other South Asian populations in the SAR such as the generations-old communities from India and Pakistan (many of whose members are fluent Cantonese speakers, and from which are drawn some of the wealthiest families in Hong Kong – such as the Harilela brothers who control a multi-billion dollar global empire). Unlike foreign domestic workers who come to Hong Kong on specific contracts that stipulate employment in a single and narrowly defined sector (domestic service), the Nepalese surveyed are bound by no such legal constraints. There are, as we shall see, other constrictions that limit the opportunities for the community – even within the construction sector, but from a legal or constitutional perspective they enjoy the rights of other citizens.

Despite their small numbers, Nepalese were ranked among the ten largest non-Chinese communities in Hong Kong at the last census. According to the most recent official statistics (Hong Kong Census and Statistics Department 2001a), foreigners in the Hong Kong SAR make up 5.1 per cent of the population. The largest group of non-Chinese consists of Filipinos (41.4 per cent of the non-Chinese population), with Indonesians – the second largest group – accounting

for less than half that figure (14.7 per cent) (Hong Kong Census and Statistics Department 2001b). Including Thais (4.2 per cent), three ethnic communities thus constitute 60.3 per cent of the foreign population in the SAR and account for almost the entire number of foreign domestic workers in Hong Kong (or around 200,000 persons, mainly women). The Nepalese rank seventh in this list, and constitute just 0.2 per cent of the non-Chinese population, or 12,564 persons.

Given these numbers, it is not surprising that researchers interested in topics such as migration, globalization, the international division of labour, gender and workers' rights have focused on Filipinos in particular, and especially those in domestic service (see Constable 1997; French 1986; Kwitko 1996; Tam 1999). Research on Indonesian and Thai domestic workers is sparse in comparison (see Asian Migrant Centre *et al.* 2001; Hewison 2003; Ng and Lee 2000). Nevertheless, even research on Indonesian and Thai domestic workers far outweighs research on the Nepalese. Apart from sporadic interest in both the English and Chinese-language press (Lee 2001; *Sing Tao* 2 June 2003) and occasional reference in specialized reports, the Nepalese are rarely referred to in Hong Kong public discourse. This is most likely due to the relatively recent arrival of migrants from Nepal and their concentration in jobs out of the public eye (in particular, in cleaning and construction work), although they clearly have a high profile in the security sector as a consequence of the respect accorded to Ghurkha soldiers during the colonial period.

The Nepalese community owes its size and legal status to a decision by the British colonial administration to grant children born in Hong Kong before January 1983 to Ghurkha soldiers the right of abode (or what was called in those days 'the right to land'). Prior to the mid-1990s, few Nepalese had exercised this right – only 340 Nepalese nationals were listed as living in the territory in 1990, but by 1999 the number had increased to 17,681 (Loper 2001: 5).[2]

Concurrent with the rise in numbers in Hong Kong, the 1990s witnessed the largest emigration of Nepalese in history (Ministry of Population and Environment 2002). Since 1971, Nepalese have emigrated in large numbers. As illustrated by Table 7.1, official figures show that from 1971 to 2001, the migration rate from Nepal nearly doubled, with 1.6 per cent (or 12,194 persons) bound for Hong Kong (Ministry of Population and Environment 2002). It is unclear whether this census data captures the true proportion of those emigrating, since Poudel (2002) claims that an 'equal number of Nepalese are working abroad illegally', which brings the total number of emigrants to more than 1.5 million (or nearly 11 per cent of the entire population).

Table 7.1 Emigration from Nepal (number and percentage of population), 1971–2001

1971–81	*1981–91*	*1991–2001*
402,977 (2.7%)	658,337 (3.6%)	762,181 (5.4%)

Source: Ministry of Population and Environment (2002).

The incentives to travel or settle overseas are multifaceted but can be briefly summarized under five themes. First, Nepal is one of the most impoverished countries in the world by any number of measures. For example, per capita income in 1996 was just US$210; life expectancy at birth in 1998 was 57.8 years; the infant morality rate was 77 per 1,000 live births; the mortality rate for children under five years was 107 per 1,000 live births; and 82.5 per cent of the population live on less than US$2 per day (Japan International Corporation Agency Planning and Evaluation Department 2003). Second, the government of Nepal has signed agreements with 20 countries to enable recruitment of workers, predominantly Middle Eastern and East Asian countries, of which Hong Kong is one (Poudel 2002). Third, the implementation of multiparty democracy in 1990 freed up access to passports and led to the rapid growth of employment agencies. There are now, according to Poudel (2002), 234 authorized manpower companies. Fourth, foreign remittances now underpin the economy. Seddon *et al.* (2000) have estimated that migrant workers remit as much as Rs. 69 billion per annum (US$935 million), or 25 per cent of the Gross Domestic Product (GDP). Nepal Rastra Bank disputes this figure and claims that for the period 2000–01 foreign workers remitted only Rs. 12.66 billion (US$170 million) (Poudel 2002). Either way, it is a significant proportion. And fifth, a civil war between Maoists and the government has made the country one of the most dangerous places on earth, with 10,000 deaths in the last five years alone. The International Crisis Group says King Gyanendra runs 'a no-party state that has decimated democracy and kills people at will', while Amnesty International accuses the Maoists of kidnapping, torture and murder (Perry 2005).

Of the Nepalese who seek jobs abroad, it is clear that a proportion of them working in Hong Kong are undocumented. How many is unknown, but FEONA believes that the real number of Nepalese in the SAR is closer to 30,000 than the official figure of 12,564. It is difficult to ascertain the true figure for several reasons. First, counting undocumented workers is impossible, and estimates by those outside the community are likely to be underestimates. Second, unspecified numbers of Nepalese may hold British or Indian passports and thus be counted under different categories. On the basis of this estimate, FEONA also suggests that around 60 per cent of males (constituting two-thirds of the Nepalese population in Hong Kong) work in the construction sector; a figure of around 12,000 workers. If this figure is correct, then the Nepalese constituted approximately 15 per cent of the workforce on building sites in 2001. Given the nature of employment (casual day labour), the lack of formal contracts, and short-term jobs, it is difficult to collect reliable statistics.

The Hong Kong government, however, collects comprehensive statistics on the construction sector. The gross value of construction work over the last three years (2000–02) was HK$195.597 billion, HK$178.637 billion and HK$105.501 billion respectively (Hong Kong Census and Statistics Department 2000–02). In September 2001, there were 964 construction sites across the SAR, a number that fell to 959 in September 2002. During the same period the number of manual workers employed in the sector fell from 76,524 to 70,376 (Hong Kong Census

and Statistics Department 2002: 5). There are over 2,000 construction companies in Hong Kong, 85 per cent of which performed business with a gross value of less than HK$10 million in 2001 (Hong Kong Trade Development Council 2003). This means that most companies subcontract services to much larger companies, which in turn manage sophisticated projects and have access to enormous financial resources.

The Census and Statistics Department do not, however, maintain records on workers' ethnicity, so FEONA's estimates cannot be corroborated. Nevertheless, Nepalese construction labourers have worked and are currently working on some of the biggest projects in the SAR. They have helped build the Tsing Ma Bridge, Chek Lap Kok Airport, cross-harbour and through-mountain tunnels and are working on the new Kowloon–Canton Railway lines, road works, slope maintenance programs and any large building site as general labourers, tunnelers and form workers.

The survey: context and methodological considerations

Loper (2001) has noted anecdotal evidence about the levels and types of discrimination faced by various non-Chinese persons in Hong Kong, and the Nepalese are no exception. However, it is useful to distinguish them from other South Asian communities, particularly because the Nepalese do not have deep multi-generational links that have led to fluency in either Cantonese or English. The lack of language skills has led to difficulties of adjustment. Moreover, one of the results of locating Ghurkha bases in the New Territories before their removal in 1997 is that the population of Ghurkhas in nearby villages is estimated to be as high as 80 per cent (Lee 2001).[3] This has led to conflict between Nepalese and indigenous Chinese villagers over political rights and power, particularly over contestations for village headship positions (Lee 2001; Loper 2001: 29).

Apart from reports on discrimination (where they are simply another community facing discriminatory behaviour from the dominant Chinese) and occasional newspaper reports, little is understood about the conditions that prevail at the workplace for most (male) Nepalese (though as we shall see, a not insignificant proportion of females, too). In an effort to collect information and document workplace standards for a community that remains largely invisible but contributes disproportionately to a single sector, FEONA conducted a survey during November–December 2001 amongst 267 workers from 50 construction companies. Their motivation for doing so was that for many years, Nepalese construction workers have complained of harsh work conditions, poor wages (or even non-payment of wages), discrimination and a lack of opportunities. In seeking to make a public case to the government, FEONA sought to collect data that would enable it to systematically provide evidence for such claims. The survey administered was the first attempt at quantifying conditions.

Surveying Nepalese construction workers was difficult. However, FEONA started with a significant advantage. All questionnaires were administered by Nepalese, the

majority of whom either currently work or have worked in the construction industry in Hong Kong. This ensured not only linguistic compatibility, but also a level of understanding about terms and expressions that might be alien to non-construction interviewers. It also ensured a level of trust not usually granted to outsiders (although, as discussed later, not all respondents believed that anonymity could be maintained). All interviewers underwent basic training that ensured they understood the questionnaire, the importance of gathering reliable data and the uses to which the report would be put (a report released to the media followed by an academic article).

There were, nevertheless, problems. First, many of the people we approached had been unemployed for lengthy periods. Locating employed construction workers at the time of the interview was not easy (a reflection of the economic downturn at the time, and the difficulties Nepalese face in finding work when there was reduced construction activity). Second, many of those interviewed were hesitant to answer the survey questions for fear of their jobs. This was despite the fact that all survey team members were well known in the communities in which the interviews took place and had worked in construction. Of most concern was the criminal element controlling labour broking services. Third, the survey was long, and required at least an hour to complete, and considerably longer if answers were elaborated upon. Fourth, many workers found it difficult to answer all questions. As the discussion below highlights, workers were often unaware of their rights or had not considered the issues raised. Once again, this is a reflection more of the environment in which they work rather than any innate inability to answer or shortcomings related to the questionnaire.

These are all shortcomings, but paradoxically they reinforce the findings rather than detract from them. Each limitation is indicative of a work environment in which many workers feel alienated, frustrated and without hope; the very aspects on which FEONA hoped to provide data. FEONA believed that this short and initial study would open a window on a world that has until now remained out of public sight, and encourage the government to discuss the most urgent issues with Nepalese construction workers and their representatives on information such as hiring practices, occupational health and safety, work place supervision and so on.

In all, there were 70 questions that covered every aspect of construction work. The questionnaire was designed with input from Nepalese construction workers, and included questions that workers themselves had indicated were important. The initial survey has pointed out areas where more information is required, and showed possible directions for future studies.

Survey results

Personal information

Of the 267 workers interviewed, 31 were women (11.6 per cent). According to FEONA and workers in the sector, this figure is representative. FEONA has consistently maintained that women make up 10 per cent of the Nepalese workforce. Based on the job they held at the time of the interview, or the last job in which

they had worked if they were unemployed, the respondents were drawn from 50 construction companies. Although we did not ask for details, anecdotal evidence suggests that many workers have been employed by multiple companies (on occasion more than ten if they have worked in the industry for several years).

Over 74 per cent of Nepalese construction workers are less than 35 years, and 17 per cent are younger than 25. As we shall see, most Nepalese are labourers (and not welders, electricians or carpenters – jobs attracting better wages and more secure contracts) and so the data suggest a lack of opportunities for younger workers. Many young labourers perceive that there is no alternative for them but to join the construction sector at the lowest levels and, once there, have no opportunities for advancement.

As indicated earlier, the Nepalese community is a recent arrival. This is borne out by the fact that nearly 70 per cent of those surveyed had been in Hong Kong for less than five years (only 27 per cent have been in Hong Kong for more than six years). Due to their legal status (i.e. they are not in the main undocumented workers), settlers have brought family members out from Nepal, with the majority sponsoring nine members or less.

Nearly 82 per cent of Nepalese construction workers have completed lower secondary education or above (with 18.3 per cent having attended university). These relatively high levels of education would seem to support Nepalese perceptions that they have no option but to work in construction (few university graduates willingly choose to labour on construction sites). Those who have obtained education certificates in Nepal find their qualifications are of no value in Hong Kong because the government does not recognize certificates of Nepalese origin. One of the major problems is that Nepalese people are provided a name at birth (which is listed on birth certificates and other official documents such as passports), but acquire another name during their childhood (which is used at school and is listed on education certificates). This cultural practice means that names on educational certificates do not match those on official documents and the Hong Kong government thus does not recognize them.

Over 61 per cent of Nepalese have four or more year's experience of working in the construction industry. The correlation between time working in the construction industry and length of stay in Hong Kong is strong: over 35 per cent of Nepalese construction workers have been in Hong Kong four years or less. This provides strong evidence for the claim by many Nepalese that they have no other choice but to join the construction sector.

Even though 61 per cent of Nepalese construction workers have four years or more experience working in the construction industry, more than 77 per cent have worked one year or less with the same company or employer. This means that the nature of the job is either short term or insecure. Only a small percentage of workers (20.9 per cent) have been working with the same employer for more than two years. The important point here is that only these workers (20.9 per cent) can claim severance pay in the event of dismissal. Hong Kong labour law states, in short, that a worker is entitled to severance pay only after working for 24 months with the same employer.

Hiring practices

The responses to questions related to hiring practices highlighted several issues. Only 3.3 per cent workers acquired a job through a recruitment agency, but 80.9 per cent obtained one through friends (with the remaining 15.7 per cent procuring employment by arriving on site). Nepalese workers do not usually use recruitment agencies, for the obvious reasons that they charge very high fees (one respondent paid over HK$4,000). However, this statement needs to be qualified. There are two types of recruitment agencies in Hong Kong. One provides construction companies with workers for specific jobs, receives money from the company, and pays workers once or twice a month (or less often in some instances) after it has deducted around 10 per cent of the worker's salary as commission. The other kind of agency finds a job vacancy for a worker in return for a once-off payment.

Of particular interest was the issue of employment contracts. In total, 174 respondents (65.1 per cent) did not sign a contract with their current or last employer. However, salaries and all other benefits and facilities are dependent on terms stipulated in contracts. In the case of labour disputes, workers without contracts do not have a legal document proving that they are employed on site. And even though 31.8 per cent of all workers do sign contracts (English-language contracts are usually provided for Nepalese workers), the document has little meaning. The vast majority of contracts simply state the hours to be worked per day and the pay scale. Contracts rarely stipulate the duration of the job, and if they do are for short periods (often less than three months). Thus, the majority of workers are without any form of contract whatsoever. They are day labourers who turn up for work when needed, and are turned away when they are not. Even the minority who have signed contracts enjoy only the barest form of protection by doing so.

Initial employment phase

In the majority of cases, workers received no prior notice of starting or termination dates. They are simply informed, through connections with friends, that a job has become available due to increased work or another worker being sacked or leaving for some other reason. Table 7.2 outlines in detail the kind of training they received upon starting work. In comparison with other responses, a significant majority of workers (73.7 per cent) were aware of information on overtime and pay policies. This was not unexpected, given that their wages are extremely important. However, with regard to other information, it is clear that few workers (23.2 per cent) are aware of who they can approach if they have a grievance concerning work issues, and less than half have a clear understanding of the company for which they work. Less than 50 per cent know about disciplinary guidelines, or have information on facilities, amenities and how to operate equipment.

Less than 1 in 10 workers (9.3 per cent) received a medical examination prior to employment. The negative response (89.7 per cent) was often accompanied by remarks that suggested workers would be surprised if there were any medical facilities available to them at all.

Table 7.2 Job training during initial employment phase (percentage of respondents)

When you were first employed in your present job, did you receive	Yes	No
General information on the company?	103 (38.6)	156 (58.4)
Information on grievance procedures?	62 (23.2)	199 (74.5)
Information on disciplinary measures and guidelines?	129 (48.3)	132 (46.4)
Information on overtime and pay policies?	197 (73.7)	64 (23.9)
Rules of conduct?	137 (51.3)	128 (47.9)
Information on facilities, amenities and how to operate equipment?	133 (49.8)	123 (46.0)
A site tour?	139 (52.0)	120 (44.9)
Informal meeting with other workers?	122 (45.7)	130 (48.7)

Source: FEONA with the AMRC (2001).

Occupational health and safety and job-related training

Safety classes in some shape or form were attended by 69.6 per cent of workers during their working lives, but not necessarily with the company currently employing them. Only 25.4 per cent of all workers had attended training on the job site at which they were currently engaged.

Over half the respondents regularly used safety equipment when needed. However, it is important to qualify this figure. Respondents here actually indicated that they had regular access to equipment, but they rarely used it. The distinction is crucial. As an aside, most of the respondents indicated that they only used safety equipment when they were informed inspectors would be on site (of whose visits they were always informed in advance). Workers were moreover responsible for buying much of their own safety equipment (steel capped boots, heavy-duty work gloves and so on).

When asked if they used any safety equipment at work (such as hard hat, work or safety boots, gloves, safety harness, welding mask/goggles, ear protection device such as ear plugs, or face masks), 52.4 per cent said they did so regularly. However, 11.2 per cent said they almost never used such equipment, with the remainder indicating that they did so occasionally.

Work environment

Workers stated that the working area and environment depended to a large degree on the type of site on which they worked. For instance, building sites were generally well ventilated because of the open areas (34.4 per cent of workers complained of poor ventilation), but were often regarded as too noisy and hot (47.9 per cent of workers thought that their site was too noisy). For tunnel work, however, workers complained about a lack of light and ventilation. More than 38 per cent of workers thought that general construction sites were not generally clear of dust.

The survey also asked about access to water and sanitary facilities. Of the total workers, 67.4 per cent brought their own drinking water on site; only 12 per cent benefited from having access to a regular and drinkable water supply. The majority, 54.3 per cent, stated that they did not have access to bathroom/toilet facilities on site. Further, 90.2 per cent of workers had never seen soap and 89.1 per cent had not seen towels when bathroom facilities were provided. Moreover, almost half of those who answered questions relating to these facilities were prohibited from using the facilities when they needed (47.9 per cent of respondents were allowed to use the bathroom when necessary, but 47.1 per cent indicated that they could only do so during breaks).

Work place supervision and discipline

Although workers in the main (78.2 per cent) believed that supervisors and foremen were helpful, 47.1 per cent of respondents indicated that workers were not treated fairly on site by management. More than 19 per cent of workers had personally been verbally or physically demeaned or abused by a co-worker or plant supervisor. On the issue of sexual harassment by co-workers or site supervisors, 8.6 per cent answered in the affirmative. However, this figure is misleadingly low because each positive response was made by a woman. As a percentage of *women* who experienced sexual harassment, 23 of 31 workers (i.e. 74.1 per cent), said they had experienced sexual harassment from management or their fellow workers. Anecdotally, men told of Chinese colleagues approaching them and asking for introductions to Nepalese women for paid or free sexual services. Requests of this nature generated considerable friction between Nepalese and Chinese workers and warrant further study.

Questions relating to discipline garnered relatively few positive responses. Table 7.3 shows that the majority of workers have not been disciplined for worksite transgressions. However, it was noted by some interviewees with regard to loss of equipment, that even a failure to return old gloves or shirts was regarded by some companies as an infringement and thus a reason to discipline them.

Table 7.3 Work place discipline (percentage of respondents)

Have you ever been disciplined at work, or do you know of other workers who have been disciplined at work for the following	*Yes*
Defective work?	13 (4.8)
Slow work?	19 (7.1)
Late arrival?	27 (10.1)
Missed deadlines?	20 (7.5)
Loss of equipment?	35 (13.1)
Not wearing safety equipment?	9 (3.3)
Failure to follow instructions?	12 (4.5)

Source: FEONA with the AMRC (2001).

On the issue of whether they believed their ethnicity or lack of language ability had negative consequences, the majority of respondents failed to answer. This section included a question on sexual discrimination, but not one worker (including women) responded to it. Subsequent attempts to garner information also failed. With regard to racial discrimination, only around 50 per cent of respondents replied. In all cases this meant that either the respondents did not know what racial discrimination meant or they were worried of possible termination if the information was disclosed to their employer. Among those who did answer, 53.3 per cent believed that racial discrimination exists at their work site. For the question regarding discrimination based on language ability, only 117 out of 267 replied. Of the 117 responses, 57.2 per cent believed they were discriminated on the basis of language ability. That around half the respondents believed the issue did not warrant a reply is indicative perhaps of the sensitivity surrounding it. As with the issue of sexual discrimination, this issue requires more detailed research.

Wages, hours and benefits

Table 7.4 shows that more than 46 per cent of Nepalese male construction workers received less than HK$12,000 dollars per month. At the time of the survey, the median salary for service and shop sales workers was HK$9,000 per month. However, nearly 62 per cent of labourers worked more than 60 hours per week to attain this wage level. Women workers were paid less. If the percentage of each female income category is based on the female total of 31 workers (rather than as a percentage of the overall total of 267 workers), then almost 55 per cent of women workers earned less than $7,000 per month, with another 22 per cent earning less than $9,000 per month. Women workers do the same work as males on site.

One of the complaints often made by Nepalese construction workers is that employers pay them less than local Chinese. This is a difficult claim to verify in the absence of similar survey work amongst Chinese workers. However, according to industry sources, in mid-2003, the average wage for an unskilled male labourer was HK$603 per day and for a woman it was HK$567 (Hong Kong Census and Statistics Department 2003). In the absence of data on the number of hours worked to attain this amount, the figure tells us very little.

Perhaps the most telling statistic with regard to their status is that 89.8 per cent of Nepalese workers are day labourers. Very few enjoy a regular monthly salary that might afford a modicum of security. Their salary is dependent entirely on how many days they work each month. Additionally, 7.5 per cent of workers are

Table 7.4 Monthly wage (in HK$)

Gender	<7,000	7,001–9,000	9,001–12,000	12,001–15,000	>15,001
Male	2 (0.7%)	38 (14.3%)	84 (31.6%)	86 (32.3%)	25 (9.4%)
Female	17 (6.4%)	7 (2.6%)	6 (2.2%)	1 (0.4%)	0 (0.0%)

Source: FEONA with the AMRC (2001).

paid on an hourly wage basis. Only three persons (1.1 per cent) responded that they are temporary workers and are paid a monthly basic wage.

Construction sites, particularly large ones, employ a complicated system of delivery and work schedules to ensure that a building is completed on time. For instance, formwork (the paneling into which concrete is poured so that it takes a specific shape) must be completed on time so that when the first concrete delivery trucks arrive (booked well in advance) they can pour immediately. If formwork is not completed on time a construction company is forced by the contract it signs with the concrete delivery company to pay a penalty. The pressure, then, to finish formwork by a deadline is intense. This pressure exists at all levels, with multiple companies dependent on other companies to finish work on time. A single broken deadline can have a ripple effect that impacts on many other sections.

Employed by the day or for short periods, labourers constantly find themselves under pressure to finalize jobs on time. Penalties extracted by other companies are invariably retrieved (if only partially) from workers' wages.

It is worth noting on the issue of wages that – according to the Architectural Services Department – the Labour Index (perhaps more accurately from the Chinese – *gongzi zhishu* – Wage Index) has risen from 700 in 1986 to 3,600 in 2002 (i.e. wages have risen by 514 per cent over 17 years). Construction workers are not, in theory, poorly paid, and wages have risen more rapidly than the cost of living. However, despite steady increases from the mid-1980s to 1999, wages started to decline in 2002 (Environment, Transport and Works Bureau 2002). In the absence of a turnaround in the sector, which is unlikely given the large number of construction companies and the diminishing work, the number of construction workers will also decline, hitting Nepalese hard. As indicated in the next paragraph, companies employing nearly 40 per cent of those surveyed are not making mandatory contributions into any retirement funds, so workers laid off or injured have little chance of financial security.

On the whole, with the exception of mandatory provident fund (MPF) contributions, the majority of workers did not receive entitlements. Only 14 (5.2 per cent) respondents indicated that they received any bonus, but not necessarily from their current employer. Of the others, many did not know that, according to Hong Kong Labour Ordinance, 'commission, bonuses, sickness benefits, transportation allowance and overtime . . . is 20% of the employee's average annual wage (or standard overtime pay) [and] should all be regarded as wages'. On the issue of rest days and public holidays, the majority said that they do not receive them because they were not entitled to salary for days away from work. Some indicated that they did receive holidays, but those holidays were unpaid. The same applied with annual leave (see Table 7.5).

More than 62 per cent of workers believe that they have MPF, but most of them have never seen their MPF membership papers let alone have official receipts or copies. Like many other employees in Hong Kong, since December 2000 most construction companies have cut salaries by 5 per cent and used the savings to cover mandatory contributions. In some cases we found that the

Table 7.5 Leave entitlements

Do you receive	Yes	No
Bonuses?	14 (5.2%)	0 (0.0%)
Public holidays?	69 (41.3%)	192 (71.9%)
Rest days?	71 (26.6%)	191 (71.5%)
Annual leave?	55 (20.6%)	198 (74.1%)
Sick leave?	17 (6.3%)	0 (0.0%)
MPF contributions?	167 (62.5%)	0 (0.0%)

Source: FEONA with the AMRC (2001).

employer signed a contract for only three months, and then terminates it every three months. In this way they avoid making MPF contributions altogether.

The number of workers employed at the time of the interview who responded that they had been out of work at some time during the past 12 months were 34. However, many of the workers approached were not employed, and thus not interviewed, so the levels of unemployment are higher than this figure suggests. Workers who had been underpaid were 12 per cent and 10.1 per cent had not received pay for work completed. Given that more than half (61.7 per cent) work longer than 60 hours per week, non-payment is clearly a serious problem.

Conclusion

Most research on migrant workers in Hong Kong has concentrated on female domestic helpers. Like overseas foreign workers in the SAR, Nepalese (predominantly) male labourers are over-represented in a single sector, but can be distinguished from helpers in that they possess full citizenship rights. Despite their legal status as citizens of Hong Kong, Nepalese construction workers are new migrants struggling to acquire long-term employment and security. Like other workers in the territory, they are in theory protected by the Labour Ordinance and other laws. In practice, however, they face varying levels of discrimination and are confined in the construction sector to low end labouring work with little chance of upward mobility.

The construction sector is financially powerful, and is the source of the skyline for which the SAR is justifiably famous. Yet the workers who have laboured to create the world's densest agglomeration of skyscrapers are virtually invisible (as is the case for Chinese construction workers). The scant recognition received for the role they have played is mirrored in poor and sometimes dangerous workplace environments, job insecurity and limited access to justice under the law. Lack of skill with Chinese (particularly reading and writing) hinders their desire to secure jobs that not only pay higher wages but also provide greater security. In the face of what they perceive as government indifference, younger Nepalese turn to crime (where they are welcome recruits for Triad gangs who see them as fearless frontline fighters) or resign themselves to a life of building Hong Kong.

Acknowledgements

Notes

1 At the time of this survey in late 2001, the author was employed by AMRC as Research Co-ordinator.
2 I am unable to discern the reasons for the discrepancy between Loper's figure and that gleaned from the 2001 census (the latter lists 5,117 less Nepalese than the former). Whether numbers have dropped, or the Nepalese have acquired British or other nationality, or whether the census did not account for the full population is unclear. Whatever the reason, however, it is clear that the population has increased dramatically over the last 13 years.
3 The New Territories is one of three major localities in Hong Kong, and the only one in which villages still exist.

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8 Filipino nightclub hostesses in Hong Kong

Vulnerability to trafficking and other human rights abuses

Robyn Emerton and Carole Petersen

The Philippines is now recognized as the world's largest exporter of migrant workers (*Star* 20 October 2004). Over 800,000 Filipinos are annually deployed overseas (Philippines Overseas Employment Agency 2004). The Philippines economy relies heavily on the repatriated salaries of its overseas workers; at US$8.5 billion (Central Bank 2005a,b), remittances in 2004 accounted for approximately 9 per cent of Gross National Product (GNP) (National Statistical Coordination Board 2005). The government actively encourages overseas employment and has established a number of agencies to facilitate the process, including the Philippine Overseas Employment Association (POEA). In addition, hundreds of independent recruitment agencies are licensed by the government to arrange overseas placements.

Hong Kong is an attractive destination for Filipino migrant workers, in part because it is close to the Philippines and English is widely spoken there. The vast majority of Filipinos working in Hong Kong – around 120,000 as of December 2004 – are employed as domestic workers (locally known as 'domestic helpers'), most of whom live with their employers (Immigration Department 2005a). Hong Kong regulates the employment of foreign domestic helpers through a specific visa and a compulsory standard-form two-year contract. The situation of Filipino domestic workers in Hong Kong has been documented by academics, the press, and several non-governmental organizations (NGOs) (e.g. Asian Migrant Centre 2001; Chiu 2004; Constable 1997; Tam 2000). There are regular policy debates on the wisdom of importing so many domestic workers and on measures to protect them from abuse.

A smaller and less visible group of Filipinos are employed in the entertainment industry in Hong Kong. These include performing artists such as singers, musicians and dancers, as well as women working as 'hostesses' in bars and nightclubs. Most nightclub hostesses end up providing escort services, which normally include sexual relations with the customer. All entertainers must be sponsored by a specific employer. Since there is no specific entertainers' visa, as there is in Japan, it is difficult to ascertain the precise number of foreign entertainers working in Hong Kong each year. According to the Hong Kong Immigration Department, 553 Filipinos were employed either as entertainers or sportspersons in 2004 (no further breakdown is available), but this number does not include hostesses as they are not

normally classified as 'entertainers' by the immigration authorities (Immigration Department 2005a). Similarly, there appear to be no Philippine government statistics, reports or statements on the number of hostesses deployed overseas.

In contrast to the situation of foreign domestic helpers, there is little public discussion of Filipino hostesses in Hong Kong, which is surprising in view of the recent attention given to abuses suffered by Filipino entertainers/hostesses in Japan and South Korea (e.g. Human Rights Watch 2000; International Labour Organization 2004; Seol 2003; and numerous press reports, some of which are referred to in this chapter). The lack of discussion can be partly explained by the fact that there is no separate visa category for entertainers and/or hostesses and they are therefore largely invisible in Hong Kong's official statistics and reports. Migrant hostesses are also a difficult group for researchers to study as they have little time off and limited freedom of movement, making it hard to communicate with them.

It is important to study this group as it is well established that female migrant entertainers are vulnerable to trafficking, and that the hostessing side of the industry is particularly open to exploitation (International Labour Organization 2004: 23). The Philippine government has struggled to strike the right balance in curbing trafficking in this area. On the one hand, it has been accused of giving a veneer of legitimacy to the trafficking of women (*Daily Tribune* 3 February 2003), and of tacitly consenting to the trade by overseeing the export of female entertainers (*Philippines Today* 3 February 2003). On the other hand, certain bilateral efforts instigated by the Philippine government to reduce trafficking have been criticized as denying legitimate employment opportunities to Filipino entertainers, such as when, in June 2003, South Korea agreed to stop issuing entertainer visas (*INQ7.net* 6 June 2003). Although the Philippine government is still urging the South Korean government to implement this ban or alternative restrictions on entertainer visas (*Daily Tribune* 24 January 2005), it has reportedly requested a five-year transition period for the implementation of similar measures announced by the Japanese government in December 2004 (Official Government Portal of the Republic of Philippines, 5 January 2005; *Japan Times* 25 January 2005). Thus far, it appears that no new government restrictions have been proposed to restrict migrant hostesses from working in Hong Kong.

This chapter presents the results of what we believe is the first study of Filipino women working as hostesses in Hong Kong nightclubs.[1] The following section presents our findings on the recruitment of these women and their living and working conditions. This section is based primarily upon qualitative interviews with 18 women who were employed, apparently legally, by five nightclubs in the Wanchai district of Hong Kong. The sample size is small due to the difficulties in accessing these women: they are closely supervised at work and their movements are restricted when not working. Nevertheless, the responses were remarkably consistent on most issues. Where there were significant differences, we have noted this in the discussion. We also draw some comparisons with the more irregular and illegal modes of importing hostesses into Hong Kong, in which women are far more vulnerable to abuse.

In a third section of the chapter, we compare the situation of Filipino hostesses to that of foreign domestic helpers in Hong Kong, the majority of whom are also Filipino. This section of the chapter contextualizes the experiences of the hostesses in terms of alternative employment opportunities. The chapter then discusses whether the situation of the hostesses could amount to trafficking under the contemporary international definition of trafficking and the extent to which these women suffer other abuses of their human rights. We conclude by considering whether a regulatory regime similar to that applied to foreign domestic helpers in Hong Kong would help to protect the rights of migrant hostesses. Proper regulation of the entertainment and hostessing industry might offer a more humane and effective response to trafficking and human rights concerns than shutting down the industry, as has been attempted in South Korea and Japan.

Filipino hostesses in Hong Kong: recruitment, living and working conditions

The setting

In general, nightclubs in the Wanchai district of Hong Kong each employ 15–20 hostesses on six-month contracts. About 75 per cent of these women are Filipino (the others are primarily Thai) and most are between 18 and 25 years of age. The clientele is predominantly English-speaking Western men who live in Hong Kong, although it also includes some tourists and foreign businessmen. Local Cantonese-speaking men tend to frequent nightclubs in the Tsim Tsa Tsui district, which employ fewer Filipino women than those in Wanchai. The job of a hostess involves dancing, drinking, and talking with clients. It also usually includes escort work, albeit on an irregular basis. Escort work normally involves sexual services, although in some cases the customer simply wants company for the evening.

Recruitment methods and entry into Hong Kong

The 18 interviewees all reported that they had entered Hong Kong legally on a six-month work visa, arranged by an employment agency. Most had been put in touch with the agency by friends or relatives, although some were recruited by 'talent managers' scouting on behalf of an agency. The women agreed to pay an agency fee of between HK$10,000 and 16,000 (unless stated otherwise, $ refers to Hong Kong dollars; US$1 is equal to about HK$7.8) which covered the visa, ticket, accommodation, and sometimes a small allowance on arrival. They were normally required to pay back the agency fee within two or three months of arriving in Hong Kong. One woman paid an additional fee of $3,000 to the talent manager.

Although each of the women had been given a contract to sign when recruited, they rarely remembered what was in the contract, other than that their employment would be for six months. In some cases, the contract was in Chinese but translated orally. None of the women was given a copy of the contract. It is not clear whether this was the result of deliberate deception, as some interviewees said that they did not

bother to read the contract before signing and none remembered asking for a copy. In any event, it seems that the women's understanding of the job was based not on the written contract but rather on oral information received from the recruiter, friends who had previously worked in Hong Kong and other informal sources.

The interviews established that 12 of the 18 women knew, before they came to Hong Kong, that they would be expected to offer escort services. Some were informed by the agency, others by friends. Five reported that they had expected to work as a dancer, waitress, or receptionist and were not aware that escort work was involved. One declined to answer this question. Most of the women also knew what hours they would work and that they would be 'minded' at other times.

All but three of our interviewees reported that they had been given no estimate of the amount that they could expect to earn. One woman was told that she would earn $21,000 a month for just dancing, which was not true. Only two interviewees reported that they had received realistic estimates of their earnings, based on basic salary, commissions for selling drinks and escort work.

Living conditions

The women reported that they were housed in flats or boarding houses provided by the agency and that the standard of accommodation was satisfactory. They bought their own food and personal items. They were expected to stay in the flat when not working and most had a 'mamasan', who acted as a 'minder' and who also worked outside the club attracting customers. The women were generally allowed to visit the Social Hygiene Clinic, which offered free health check-ups, every fortnight. However, any time they left the flat, they were required to obtain permission to leave, give details of their destination, and provide proof (such as a receipt for a doctor's visit) on their return. They were sometimes required to pay a $500 penalty if they disobeyed these rules. Even the few women who were not actually 'minded' reported that they were supposed to stay in the flat and that the agency would telephone to monitor their movements.

The agencies maintain that safety concerns justify these restrictions. They are more likely prompted by concern that a hostess might earn money on the side, by arranging to meet a client outside the nightclub. This would deprive the nightclub, agency and mamasan of their usual cut of the escort fee. About half of the women said that they were concerned about their lack of freedom and one said that she felt like a prisoner. Interestingly, the other half did not object to being minded and one said it made her feel safe. None of the women reported psychological or physical abuse, although a few said that the minders sometimes used foul language towards them.

Working conditions and compensation

The hostesses in our study worked very long hours. They were generally on duty seven days a week, from 8 p.m. to 5 a.m. and in the case of clubs that have a happy hour, from 4 p.m. to 5 a.m. Some of our interviewees were given two days

off a month after the first month, but they were sometimes offered double pay as an incentive to work on those days. Others did not have any days off.

All 18 women interviewed offered escort services, although six said that they initially objected to this. They had been asked whether they wanted to work as an escort and knew that it was technically voluntary, but about half of the interviewees said that they felt pressured to agree. For some women the pressure may have been simply the recognition that they could earn far more money this way and that their earnings would otherwise be quite small. Others feared they would not be able to pay back the agency fee in time if they did not do escort work (see the following paragraph), or that they would be sent home if they refused to do escort work, which would then leave them in debt. One woman told us that she telephoned her parents in the Philippines as soon as she was asked to do escort work and that she was adamant that she would not cooperate. She ultimately stayed on and did escort work and came back to Hong Kong for a second six-month contract.

The clubs charge customers $4,000 to buy a woman out for the night. Although the woman must return by midday the next day, all other details of the arrangement are left for her to agree with the customer. In the eyes of the nightclubs, this makes the arrangement legal, as the nightclub is negotiating the woman's time and not the services she offers. Thus, the nightclub would argue that it is not living off the earnings of a prostitute, which is an offence under Hong Kong law (although prostitution itself is not illegal).[2] Of the $4,000 buying-out fee (also called a 'bar fine'), the woman receives $1,000, whilst the club, mamasan and agency each receive $1,000. Most of the women reported that they were hired out for two to five escorts each month, although two of the women reported 7–10 escorts each month. The women may also earn extra money from tips given by customers.

Most of the women were required to pay back the agency fee of $10,000 to $16,000 within 2–3 months of their arrival in Hong Kong. None complained of non-payment or incorrect payment. Our interviewees earned a total of $4,200–$5,100 each month, without escort work, comprising an average basic salary of $2,600–$3,500 (although two women reported receiving $6,500 per month), and commissions of $1,600 (based on an average of 40 drinks a month at $40 per drink). Over two months they would therefore earn $8,400–$10,200, and over three months $12,600–$15,300. Clearly, if a woman is only given two to three months to pay back an agency fee of $10,000–$16,000, she is likely to struggle unless she does escort work or a boyfriend pays the agency fee back for her, which sometimes happens. This explains why our interviewees felt pressured to do escort work in order to pay back the agency fee.

The club keeps a record of what the woman has earned through commissions on drinks and escort services. The mamasan receives a commission from the escort fee but not on drinks. Some women reported that the mamasan pressured them to take customers or to give the mamasan a cut of their commission on drinks. In general, though, the mamasans seem to treat the women reasonably well and to look after their interests. For example, the mamasans usually vet potential customers and are cautious about non-local men. If a man is not a regular, the mamasan requires payment by credit card, so that there is a record of the client should the woman not return or have difficulties with him.

Half of the women said that they are not allowed to refuse a customer even if they 'do not like the look of him'. However, all but one said that they ask men to use condoms and, if a man refuses, will offer oral sex or a 'hand job', or leave the customer. A 1999 report on Hong Kong men using prostitutes found that 27 per cent refused to wear condoms (*South China Morning Post* 26 May 1999). Thus it seems that the women in our study are better protected than the average Hong Kong sex worker. This could be due to the efforts of community organizations, which carry out educational programmes in the nightclubs, with the consent of the clubs and agencies.

Comparisons with irregular and illegal modalities

The women in our study came to Hong Kong voluntarily and the majority expected to do escort work. There have been reports, however, of Filipino women being recruited to work in Hong Kong nightclubs and then being forced into prostitution in brutal conditions. For example, one woman who escaped ('Anna') reported that she was lured to Hong Kong on the promise that she would be paid approximately $12,800 to work as a 'bar girl'. She claimed that she was kept in a small room and forced to have sex with 30 clients a day; if she refused she was denied food (The Philippine Migration Trail n.d.).

More recently, the press reported that four women were lured to Hong Kong on the promise of an 'easy job' (e.g. receptionist) and then forced to work as hostesses in Wanchai nightclubs. They were told that they should get their customers to buy a certain number of cash coupons each month (cash coupons are issued when clients order drinks through a particular hostess) in order to pay back the money spent to bring them to Hong Kong. The four women eventually escaped, alerted the Philippines Consulate, and managed to return home (*The Sun*, Mid-Month Edition, Hong Kong, May 2004; *The Sun*, Mid-Month Edition, Hong Kong, August 2004). The reports did not identify who the recruiters were, whether the nightclub owners were involved in the deception, or who took a cut of the women's pay. The Consulate advised us that these four women came to Hong Kong on 14-day tourist visas (Consulate General of the Republic of the Philippines 27 January 2005). In such cases the 'minders' typically order the women to leave Hong Kong on the last day of their visa and to re-enter through the Lo Wu border with China or Macaa after one or two days. According to the Consulate, the Hong Kong Immigration Department will stamp such visas up to three times. Since hostesses who enter Hong Kong on tourist visas violate the law simply by working, they will be reluctant to report abuse. This makes them far more vulnerable than the women interviewed for our study.

Comparison with the situation of Filipino domestic helpers in Hong Kong

It is often argued that prostitution is inherently exploitative. Those who hold this view would likely view escort work in the same light. If one does not accept that view of prostitution, then it is not clear that working for six months as a hostess/escort

worker is necessarily more exploitative than working as a domestic helper in Hong Kong. While many domestic helpers would not consider hostessing work as alternative employment, prospective hostesses are almost certainly aware of, and probably do consider, the alternative of domestic work.

The legal framework for foreign domestic helpers in Hong Kong

The employment of foreign domestic helpers in Hong Kong is governed by a standard-form two-year contract. It specifies a minimum monthly salary of $3,270 and requires the employer to provide food (or food allowance), accommodation, medical care and at least one rest day each week. Nonetheless, there are regular reports of underpayment, denial of rest days and physical abuse. Some trade unions have also argued that the importation of domestic helpers exacerbates unemployment among local workers (*South China Morning Post* 19 March and 26 July 2002). In 2003 the Hong Kong government instituted the 'Employees Retraining Levy', which requires the employer to pay $9,600 for the privilege of employing a foreign domestic helper. The revenue subsidizes retraining of local workers. It is widely viewed as an indirect tax on helpers because the government simultaneously lowered the minimum wage for foreign domestic helpers by $400 per month (the amount of the levy pro-rata over a standard two-year contract) and most employers pay the minimum wage (*Julita F. Raza* v *Chief Executive*, para. 8). There have been protests against the levy and a legal challenge,[3] but it appears unlikely to be lifted.

If a helper (or her employer) terminates the contract early then she is normally required to return to her home country within two weeks. The Hong Kong government defends this policy, known as the 'two week rule', on the ground that it prevents 'job hopping'. Unfortunately, it also gives an unscrupulous employer enormous power. A helper will hesitate to complain about abuse for fear that she will be sent home before paying back the placement fee. Thus, although the government insists that domestic helpers have extensive legal rights and can enforce them in the same forums as local workers (such as the Labour Tribunal, and the Minor Employment Claims Adjudication Board), in practice foreign domestic helpers are far more vulnerable.

Comparison of working and living conditions

As mentioned above, the minimum wage for a foreign domestic helper in Hong Kong is $3,270. In theory, a domestic helper who works for several years for one family may receive pay increases, but the vast majority receives at most the minimum wage. Underpayment was already a problem in the mid-1990s and has become more common since 1997 due to the economic downturn. While Indonesian helpers are the group that is the most likely to be underpaid, Filipino helpers have also suffered. One Filipino woman, who took her case to the Labour Tribunal, claimed that the employer 'negotiated' her monthly salary down to

$2,000. The employer warned that she could choose from thousands of other helpers willing to work for less than the statutory minimum (*South China Morning Post* 3 July 2001). The Labour Department has stepped up efforts to punish under-payment (Labour Department 2004), but employers often conceal the evidence by requiring helpers to sign false receipts. Others deposit the correct amount in a bank account opened by the employer for the helper, but keep the ATM card and withdraw a portion of the money (Constable 1997: 137–8; *South China Morning Post* 2 and 4 August 2004). Although the government allows a foreign domestic helper to stay in Hong Kong in order to bring proceedings against an employer, it makes little economic sense to do so as she normally is not given permission to work and thus must live on charity while pursuing her claim.

In contrast, the hostesses interviewed for our study reported earnings ranging upwards from $7,000 per month (double the minimum wage for domestic helpers) and some reported significantly higher earnings. In theory, hostesses pay a higher placement fee than domestic helpers, but it is difficult to assess the precise differ-ence since helpers are often overcharged by the agency or not reimbursed for fees that employers are supposed to pay.[4] For example, Constable (1997: 83–111) found that domestic helpers frequently are not given a full food allowance or are given only scraps from the family meal. This meant that many domestic helpers needed to dip into their salaries to buy extra food.

In any event, after paying the agency fee and personal expenses, most of our interviewees took home at least $20,000 at the end of their six-month contract. A foreign domestic helper earning the minimum wage (or less) would find it very difficult to save this much in six months. Thus, while it is common for both groups of women to go into debt in order to come to Hong Kong, it appears that hostesses may stand a better chance of repaying the debt and saving money. None of our interviewees reported being cheated out of their earnings, a stark contrast to the reports of underpaid domestic helpers.

From an economic point of view, one advantage of domestic work is that the standard contract is for two years and can be renewed. Thus the long-term earning power of a foreign domestic helper is potentially greater, particularly if she can stay with the same family and receive raises. However, many agencies and employers actually prefer to hire new recruits directly from the Philippines, appar-ently because new helpers are considered more docile than those with experience. Constable (1997: 61–4) describes how agencies discourage employers from renew-ing their domestic helpers, a practice that naturally increases turnover and generates more placement fees. Moreover, some women simply do not wish to be away from home for a long period of time. Helpers who work in Hong Kong for many years often miss the opportunity to marry and establish a family. Others are compelled to leave their children with relatives and rarely see them. Thus, for some women, the shorter-term option of hostess work may be preferable to a longer and lower paid domestic position.

The interviews do show that the hostesses work very long hours, have few or no days off, cannot refuse customers and enjoy almost no freedom of movement when not working. These conditions certainly constitute violations of human

rights and should be addressed. In contrast, foreign domestic helpers are legally entitled to one day off each week and can develop a social life outside work. However, their freedom is also limited since most live with their employers and are on call even at night. A recent survey of 514 domestic helpers reported that the average helper works 14.75 hours per day. Only one-third reported that they were always 'completely free' from work on their official rest day (Catholic Diocese of Hong Kong 2003: 10–11, 28).

According to Constable's study, employers also commonly exercise control over their domestic helpers, telling them how to dress, how to wear their hair, and even when to turn out the light and go to sleep. For example, a helper might be told that she cannot wear dresses, make-up, or nail polish, and that she must not be seen 'chatting or laughing' with her friends. While this degree of control is less severe than the control exerted over the hostesses, it could become quite oppressive over an extended period of time (Constable 2003: 116–21).

The other significant result of our interviews is that a hostess/escort worker may be less vulnerable to physical abuse than a foreign domestic helper. None of the nightclub hostesses interviewed for our study reported physical abuse by the agency, the minders or the mamasans, although some reported police harassment. Reasonable care is also taken to ensure, as far as possible, that hostesses are safe when they go out with clients. In contrast, a foreign domestic helper is isolated and vulnerable if she lives with an abusive employer. Extreme examples include a solicitor who was convicted of raping his foreign domestic helper (*HKSAR* v *Tang Kwok-wah*) and an employer who was convicted of deliberately burning her helper's hands with an iron (*HKSAR* v *Liu Man-kuen*). This is not to suggest that domestic helpers commonly live in abusive households. In the survey of 514 domestic helpers, 16 (3.2 per cent) said that physical ill-treatment was a problem for them. However, the average Filipino woman coming to Hong Kong as a domestic helper has no way of knowing whether she will end up in that 3 per cent. Once she gets off the aeroplane she is largely under the employer's control and it is almost impossible to switch employers due to the government's strict enforcement of the two week rule. In severe cases, a woman can go to the police but that virtually guarantees that she will return to the Philippines in debt. As a result, a domestic helper who experiences abuse may well tolerate it, hoping that she can learn to please the employer and complete the two-year contract. Thus, while a woman who migrates to Hong Kong as a hostess/escort worker is taking a certain risk of physical injury, her path is not necessarily riskier than that of a new domestic helper.

Vulnerability of hostesses to trafficking and other human rights abuses

In recent years, there has been increased recognition of the vulnerability of migrant women to trafficking and other human rights violations. While there are cases of women being abducted and forced into prostitution or commercial marriages, it is more common for women to be lured overseas by offers of work

as dancers, receptionists, waitresses or domestic workers. They are often deceived as to the nature or conditions of the work, or are trapped in slavery-like conditions and physically or financially prevented from escaping. The continuum which exists between voluntary migration and trafficking presents a number of challenges, most notably how to strike the right balance between, on the one hand, maintaining women's access to economic opportunities and, on the other hand, minimizing their vulnerability to trafficking and other abuses. This section examines the extent to which Filipino women are at risk when they migrate to Hong Kong as hostesses.

Contemporary international definition of trafficking

The international community has stepped up its efforts to combat the growing global trafficking trade in the last few years. A major development was the entry into force, on 25 December 2003, of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which supplements the United Nations *Convention against Transnational Organised Crime* ('Trafficking Protocol'). The Trafficking Protocol has been widely endorsed, with 117 signatories and 76 ratifications as of 31 January 2005 (United Nations Office on Drugs and Crime 31 January 2005). Although the Trafficking Protocol was strongly criticized by human rights advocates for only addressing trafficking which occurs within an organized crime framework, it represents a landmark achievement. In particular, it contains the first internationally agreed definition of trafficking (article 3[a]), which states that 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.

The Trafficking Protocol further provides that even if a person apparently consents to the exploitation, their consent will be deemed irrelevant if it was achieved through one of the enumerated means, including force, coercion, deception or abuse of a position of vulnerability (article 3[b]). Thus, what starts out as voluntary migration can become trafficking within the terms of the Trafficking Protocol.

The Trafficking Protocol does not yet apply to Hong Kong, although the Philippines is a party. There is also no evidence of organized crime involvement in the recruitment and receipt of Filipino women for hostess work in Hong Kong. In contrast, the recruitment of non-local women for Hong Kong's general sex industry is inexorably linked to Hong Kong and Mainland Chinese triads (Chu 2000: 95–105). Nevertheless, the contemporary definition of trafficking

contained in the Trafficking Protocol has been widely adopted in studies and reports on trafficking, and will undoubtedly shape the future interpretation of earlier international instruments which address trafficking but do not define the term. These include the *Convention on the Elimination of All Forms of Discrimination against Women*, which calls on states to 'take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women' (article 6), to which the Philippines and Hong Kong are both party, and all the earlier specific anti-trafficking conventions (for an overview of these conventions, see Wijers and Lap-Chew 1997). The definition of trafficking contained in the Trafficking Protocol is therefore adopted in this section as the contemporary international definition of trafficking.

In determining whether trafficking occurs in Hong Kong's hostess industry, the key questions are whether women are recruited by means of deception or the abuse of a position of vulnerability, and whether such recruitment is for the purpose of exploitation. These elements are discussed below.

Recruitment by means of deception or abuse of a position of vulnerability

Instances of deception clearly occur in both the irregular and standard modes of recruitment of Filipino hostesses. In the irregular cases reported in 2004, the women were not even told that they would be working in nightclubs, but rather that they would be employed in 'easy jobs' or, in one case, specifically as a receptionist. Among the women interviewed for our study the deception was more infrequent and subtle, usually taking the form of non-disclosure, with one-third of our interviewees reporting that they were not informed that the job would involve escort work. Although escort work is technically voluntary, our research indicates that such work is an *inevitable* part of the job, as all 18 interviewees ultimately did escort work. Moreover, it appears that at least some amount of escort work was a *necessary* part of the job, without which the women would not be able to pay back their agency fees within the six-month visa period, or within the two to three month deadline imposed by the agency. In our view, the failure to adequately inform the women of this fact during recruitment constitutes deception.

Some commentators have remarked that there is a high level of awareness in the Philippines of the inherent risks in accepting hostess jobs and offers of 'easy' work, and that women could not possibly be so naïve as to believe that no sex work would be involved (Anon. 2004, commenting on Emerton and Petersen 2003). This may be true in some cases, and it was difficult to test in the interviews since some women might have been reluctant to admit that they knew, or suspected, that they would be working in the sex industry. Nonetheless, any such imputed awareness would not absolve the recruiters of their responsibility to fully inform the women of the nature and conditions of work. As Tyner (1997: 25) has argued, it is all too easy to cast the women as 'willing victims' so as to absolve government agencies (and private recruitment agencies) of culpability in the event of migrant abuse.

The recruitment of the hostesses may also amount to 'an abuse of a position of vulnerability', given lack of employment opportunities at home, the Philippine government's active channeling of women into overseas employment, and the women's total reliance on recruitment agencies for their visas and job placement. The *Travaux Préparatoires* to the Trafficking Protocol (the official interpretative notes of the negotiations to the Trafficking Protocol) adopt a fairly restrictive interpretation of the term, limiting it to situations in which the person involved 'has no real and acceptable alternative but to submit to the abuse involved' (para. 63). The extent to which economic circumstances might be relevant, if at all, has not yet been established (see Malone 2001). It is telling, however, that none of the interviewees in our focus group saw themselves as having no real alternative other than to take up a position as a hostess. Rather, they saw this as an opportunity to earn much more than they could at home in a relatively short, six-month period. On the other hand, once a woman signs the contract and finds herself in Hong Kong, she may be in a 'position of vulnerability' since she needs to pay back the agency fee. A woman who is reluctant to do escort work (either because she did not expect to do it in the first place or because she found that it was personally more difficult for her than she anticipated) may not feel that she has any choice once she has gone into debt.

Recruitment for the purpose of sexual exploitation or slavery-like practices

If deception or abuse of a position of vulnerability in the recruitment process of Filipino nightclub hostesses is established, the next question is whether the deception is 'for the purposes of exploitation'.

The Trafficking Protocol defines 'exploitation' to include 'at a minimum, the exploitation of the prostitution of others or other sexual exploitation . . .' (article 3[a]), but does not define the terms 'exploitation of prostitution' and 'sexual exploitation'. This has long been a controversial issue. Some commentators argue that prostitution and other sex work (including escort services) is inherently exploitative, and therefore that *any* recruitment or receipt of persons for this purpose is exploitative and constitutes trafficking (see, for example, Raymond n.d.). Others argue that there must be force, coercion or deception in the process before voluntary migration for prostitution or other sex work becomes exploitative and amounts to trafficking (Global Alliance Against Traffic in Women n.d.). Unfortunately, the negotiations to the Trafficking Protocol did not resolve this debate and the issue was ultimately left to the discretion of state parties. As a result, both 'camps' tend to interpret the Trafficking Protocol to support their respective positions. If, as the authors would advocate, the latter, narrower interpretation of sexual exploitation is applied, then the financial and other pressures to do escort work might arguably constitute sexual exploitation, particularly for those women who were unaware that escort work would be expected of them, and who did not genuinely consent to the conditions of such work. However, all of our interviewees reported that escort work constituted a fairly small part of

their job, which otherwise involved only dancing and entertaining customers, thus it may be difficult to conclude that their recruitment was 'for the purpose' of sexual exploitation.

The definition of 'exploitation' in the Trafficking Protocol also includes 'slavery or practices similar to slavery' and 'servitude' (article 3[a]). Our interviews indicate that the Filipino hostesses in Hong Kong work very long hours and have few or no days off, and that their freedom of movement is severely limited when not working. Some interviewees also reported that they were not allowed to refuse customers who wanted to hire them out as escorts. Depending on their particular circumstances, the conditions in which some nightclub hostesses live and work might amount to slavery-like practices, but the threshold is not clear. It could also be argued that the women are being recruited 'for the purpose' of placing them in these living and working conditions, which have been designed to maximize the profits of the agencies, the bars and the mamasans.

The situation of the Filipino nightclub hostesses in Hong Kong tests the boundaries of these provisions. From a practical point of view, it may be beneficial if the abuses that hostesses suffer can be classified as 'trafficking', given the international commitment to combat trafficking and assist persons who have been trafficked, a commitment backed by considerable funding. On the other hand, we would argue that the Philippine and Hong Kong governments have a duty to respond to individual human rights abuses in the migration process, even if trafficking cannot be proved. Indeed some NGOs are now voicing concern that the current emphasis on trafficking – although undoubtedly one of the most egregious human rights violations – is eclipsing concern for other human rights violations in the migration process. Aside from their specific anti-trafficking obligations, Hong Kong and the Philippines are bound by general human rights and labour conventions which protect rights relevant to this area, such as the right to freedom of movement, the right to just and favourable working conditions, and the right not to be subjected to forced labour.[5] In Hong Kong, these conventions are also incorporated directly into its domestic law through the Basic Law, Hong Kong's regional constitution since China resumed sovereignty in July 1997, and the Hong Kong government is therefore bound to adhere to their provisions both at the international and the domestic level. Thus there is no shortage of human rights and labour instruments which can be called upon to bring the Hong Kong and Philippine governments to account for any trafficking or other human rights violations which might occur in this area.

Conclusions

It is important to reduce the risk of trafficking and other human rights abuses in the migration process. Yet care must be taken to ensure that such measures do not come at the expense of women's freedom to migrate and to access economic opportunities. The range of government responses demonstrate how difficult it can be to strike the right balance. At one end of the spectrum, some governments have banned migration into their countries for entertainment and/or hostess

work. As mentioned earlier, in June 2003, the South Korean government announced that it would no longer issue visas to foreign entertainers, and the Japanese government has for some time prohibited hostess work under its entertainer's visa.

Such extreme responses are perhaps an easy way out for governments, allowing them to disassociate themselves from any trafficking and human rights abuses. In practice, however, such bans do little to protect migrant women. Many certified performing artists who enter Japan on entertainers' visas still end up working as hostesses, albeit illegally. The fact that such work is now illegal makes women even more vulnerable to exploitation. Similarly, a total ban on migrant entertainers is likely to push the problem underground, preventing women from complaining in the event of abuse. In Hong Kong, a comparison can be drawn with the large number of migrant sex workers who enter on tourist visas and then work illegally as prostitutes. Only in the most extreme trafficking cases – on average, two to three cases a year (Emerton 2004: 23) – do such women escape and file reports to the police or their consulate. Thus, we would view any proposal to ban migration to Hong Kong for hostess work as a heavy-handed and unhelpful response to the situation, especially since our interviews indicate that the level of exploitation and abuse of those women who are legally employed as hostesses is relatively low.

Another governmental response has been to 'professionalize' the migrant entertainment industry. For example, the Japanese government requires migrant entertainers to demonstrate the professional performance skills of a dancer or singer before being granted an entertainer's visa. These skills are currently certified through Philippine government-controlled auditions, under the auspices of the POEA and the Technical Education and Skills Development Authority (TESDA), which also runs training programmes. In November 2004, the Japanese government announced further restrictions to ensure that only qualified performing artists were granted entry. From March 2005, it would no longer accept the exporting government's certification of entertainers' qualifications (in the case of the Philippines, the artist accreditation card). This move was in response to criticisms of Japan in the US State Department's 2004 *Trafficking in Persons Report*.[6] When the restriction comes into effect, it is predicted that the number of visas issued to Filipino entertainers will drop dramatically, from 80,000 to 8,000 (*Japan Today* 12 January 2005). Japan's policy is premised on the assumption that qualified performing artists are less vulnerable to exploitation than unqualified performing artists. Yet, as Tyner (1997: 28) has argued, increased training and testing only adds to women's debt burdens and makes them more vulnerable to exploitation. Thus far Hong Kong does not appear to be moving in this direction. Our research indicates that while Filipino hostesses bound for Hong Kong undergo some training prior to departure, this does not lead to TESDA accreditation. The Hong Kong Immigration Department has also confirmed that it does not require TESDA or other accreditation, whether in relation to entertainers and/or hostesses (Immigration Department 2005a). Rather, the usual immigration criteria are applied, under Hong Kong's general employment policy (Immigration Department 2005b).

Some form of regulation may help to protect migrant hostesses. For example, a separate entertainers/hostess visa would make the group more visible and allow international human rights bodies to seek information on their behalf. Thus far, no information on migrant hostesses has been provided in Hong Kong's reports to the Committee on the Elimination of Discrimination Against Women, although it routinely asks for data on vulnerable groups. A standard-form contract for all migrant hostesses working in Hong Kong might also address some of the problems identified in our study. For example, it could establish a minimum wage and stipulate the entitlement to one rest day a week, freedom of movement outside work hours, and minimum living space. It could also place a cap on the placement fee and regulate the repayment schedule, so as to reduce the pressure to engage in escort work. Of course there may be enforcement problems, as there are with respect to the contracts of foreign domestic helpers. Yet many nightclubs and agencies would have an incentive to comply, so as to maintain a good reputation and facilitate their applications for visas.

Ideally any standard-form contract for hostess work would state that the job may involve escort work, define what is involved and stipulate that the acceptance of escort work is at the discretion of the women. It could also regulate the minimum percentage that a woman should receive from the escort fee, which at 25 per cent is arguably too low. At this stage, however, the Hong Kong government is unlikely to recognize escort work as a legitimate part of a hostess's job. Indeed, while the nightclubs apparently believe that escort work is technically legal, it is not at all clear that the authorities view it that way. Some nightclub hostesses report that police routinely search their handbags for condoms and lubricants as evidence that they are involved in sex work. Given attitudes towards the commercial sex industry, it is entirely possible that a call for a standard contract would only generate unwanted attention from the police or lead to an express prohibition on escort work by migrant hostesses, making them more vulnerable to exploitation.

There are also less legalistic measures that could be adopted, including increased education in the home country as to the nature of hostessing and the fact that it routinely includes escort work. A community organization that works with Filipino hostesses has applied several times for a grant to prepare a booklet for women arriving in Hong Kong, informing them of their rights and providing contact information of organizations that can assist them. Interestingly, the application has always been rejected by the Hong Kong government, although similar booklets for domestic helpers have been produced. This attitude, combined with the reports of police harassment, raises serious questions about the government's attitude towards migrant hostesses. Further research on this group and the impact of government policies is required, not only to document the women's experiences, but also to support advocacy on their behalf.

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Notes

1 The chapter draws on Robyn Emerton and Carole Petersen, *Migrant Nightclub/Escort Workers in Hong Kong: An Analysis of Possible Human Rights Abuses*, Occasional Paper No.8, Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong (http://www.hku.hk/ccpl). It has been substantially updated, revised and expanded for this chapter.

2 However, there are reports of Thai and Filipino hostesses and their managers being arrested for soliciting in Wanchai nightclubs. The women reportedly danced and stripped for customers, who were later encouraged to take the women out for a 'short meeting' for $1,000 (see, for example, *Apple Daily* 20 March 2002).

3 The Court of First Instance rejected an application for judicial review of the levy but the domestic helpers who filed the application may appeal and an employers' organization has reportedly offered to assist them (*South China Morning Post* 5 and 7 January 2005).

4 Under the Employment Agency Regulations (Cap 57A, Regulation 10[2]), an employment agency may charge a successfully placed domestic helper a commission of not more than 10 per cent of his/her first month's salary. Overcharging or charging any other fees, such as registration fee or processing fee, is strictly prohibited (and may result in the agency losing its licence). However, each year, the Labour Department receives a number of complaints of overcharging – 46 complaints from domestic helpers in 2000, and more than double this in 2001. According to a question raised by a Legislator in the Hong Kong Legislative Council, the fees complained of were in the range of $8,000 to $10,000 (Legislative Council 2001). Indonesian domestic helper groups have campaigned recently against excessive agency fees and claim that they are required to pay, on average, $5,655 in agency fees (Indonesian Migrant Workers Union 2001).

5 Both Hong Kong and the Philippines are bound by the two major human rights instruments, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, as well as by International Labour Organization conventions prohibiting forced labour. The Philippines is also bound by the recent *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, which entered into force on 1 July 2003.

6 In this report (Department of State 2004), Japan was downgraded from 'Tier 1' to 'Tier 2'. The *Trafficking in Persons Report* annually assesses progress made by governments in combating trafficking, by reference to the minimum standards contained in the US Trafficking Victims Protection Act of 2002. The *Trafficking in Persons Report* is already proving to be an influential political tool. Notably, 'Tier 3' countries, which are deemed to have failed to make significant efforts to bring themselves into compliance, may be subject to cuts in non-humanitarian and non-trade related foreign assistance from the United States.

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9 Migrant workers in Macao

Labour and globalization

Alex H. Choi

It is no exaggeration to claim that Macao is a creation of globalization and migration. If the dawn of globalization can be traced to the accelerated flow of goods and people around the globe, spearheaded by the Portuguese explorers and traders, then Macao was one of the first European outposts in Asia. Labour was attracted to this colonial enclave to handle the port's trade. The boom and bust nature of this trade was reflected in the fluctuations in size of the population in the enclave (Conim and Teixeira 1998: 97–101). A significant moment for Macao was the colonization of Hong Kong by the British in the 1840s. The subsequent diversion to it of trade long based in Macao depleted the latter's wealth and population.

The response of the Portuguese to this crisis was decisive. Joao Maria Ferreira do Amaral was sent to Macao to reconstitute its political foundation from a rented place, where the consent of the Chinese had to be secured in almost every important matter, into a full-fledged colony with absolute Portuguese sovereignty, making Macao a free port that could compete with Hong Kong. However, the dream of economic rejuvenation was not to materialize until much later, but the newly acquired colonial status provided a degree of autonomy that underwrote Macao's economic existence for the next one and a half centuries (Gunn 1996: 58; Saldanha 1997: 85). In the second half of the nineteenth century, Macao engaged in the lucrative trafficking of often bonded Chinese migrant labour, known as coolies, to European colonies in Asia and in the Americas. Gambling, for which Macao is now renowned, was an early method to trick Chinese into selling themselves into this trade. Gambling den operators, often doubled as coolie traffickers, offered loans to gamblers, who became coolies if they could not pay back the debt (Pina-Cabral 2002: 24).

In the post-Second World War era, the gambling industry was transformed into a tourism industry mainly serving adjacent Hong Kong's population. Taking advantage of tariff concessions from the Escudo Zone and the European market, many export-oriented manufacturing industries were also set up in Macao by foreign investors since the 1960s, especially in textiles and garments (see Clarence-Smith 1985: 202–3). Access to labour supplies was critical to further development.

The issue of unskilled migrant labour emerged out of two unique conditions. The first is Macao's existence as a relatively autonomous entity with a recognized

border that permitted determinations about who could enter and under what terms. This autonomy was initially asserted in the mid-nineteenth century and was reaffirmed a century later during the Cold War. China not only tacitly consented to Macao's existence, but also refused to take it back even when Portugal offered following the 1974 Revolution of the Carnations, which triggered the disintegration of the Portuguese colonial empire (Maxwell 1995: 108; Maxwell 1999: 87–8). Second, the adoption by Macao of a strategy of globalization based on export-oriented industrialization (EOI) led to greater labour demand, and consequently rising costs, especially for unskilled labour in all economic sectors. This demand was temporarily quenched by the inflow of Mainland immigrants after China reintegrated its economy with the world capitalist system in the late 1970s and relaxed its border controls. Initially, the Macao government viewed Chinese migrants benignly, and it was only when these inflows overwhelmed Macao's meagre social and physical infrastructure that the government imposed stricter controls and, in 1988, adopted a policy that aimed to regulate the inflow.

The debate on migrant workers

In recent years, migrant workers have constituted a significant share of Macao's labour force. At its peak in 1995, there were 35,286 people registered under the migrant worker programme, or 19.5 per cent of the employed workforce of 180,300. By 2003, there had been a decline to 24,970, or 12.3 per cent of the employed workforce (see Table 9.1). As shown in Table 9.2, in 2003, the vast majority of migrants were from Mainland China (75 per cent), followed by workers from other Asian countries, such as the Philippines and Thailand. Most of the Chinese migrant workers were employed in the low-skilled manufacturing and service sectors, in particular textiles, garments, toys and the hotel and catering industries. In terms of wages, migrant workers are paid about a half to two-thirds of their local counterparts (see Table 9.3).

The Macao government has set up a parallel program to attract skilled labour. In 2003, a total of 6,363 (25.5 per cent) of all migrant workers were admitted under the skilled worker programme (see Table 9.4). However, the definition of skilled worker is imprecise, including, for example, 2,650 workers in domestic service, the single largest group in this category. Many domestic workers are Filipinas, and even though some have high levels of education, this occupation is not usually considered skilled. If these workers are excluded, the percentage of skilled workers shrinks to 14.9 per cent. We will return to domestic workers in the later half of this chapter.

From these Tables, one can conclude that the dominant group of migrant workers is unskilled manufacturing workers from China and that most are women. The concentration of migrant workers in manufacturing, where local unskilled workers also seek employment has fuelled hostility, with local workers accusing the migrants of depressing wage rates and taking away their job opportunities. The issue of the migrant workers has become a key political grievance for local workers.

Not surprisingly, the issue has attracted the attention of a number of Macao scholars. Economists such as Chan (1999) and Lam (2001) justify the migrant

1 Total employed population and non-resident workers in Macao

Employed population (in thousand)	Unemployment rate (%)	Migrant workers					
		Total number	As a per cent of employed population	Employed in manufacturing industries (%)	Employed in hotels and restaurants (%)	Employed in other community, social and personal services (%)	Employed in construction (%)
200.59	3.2	29,723	14.8	n.a.	n.a.	n.a.	n.a.
201.05	4.6	32,013	15.9	n.a.	n.a.	n.a.	n.a.
196.12	6.3	32,183	16.4	n.a.	n.a.	n.a.	n.a.
195.29	6.8	27,221	13.9	57.5	10.6	6.9	3.4
202.81	6.4	25,925	12.7	60.1	9.3	8.1	2.0
200.57	6.3	23,460	11.7	56.3	9.0	9.1	1.9
202.59	6.0	24,970	12.3	54.9	10.2	7.2	6.9

2 Distribution of migrant workers by countries of origin and by sex

Total			China			The Philippines			Thailand
Total	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*
32,013	11,119 (35%)	20,894 (65%)	24,932	8,358 (34%)	16,574 (66%)	3,901	1,238 (32%)	2,663 (68%)	1,191
32,183	10,870 (34%)	21,313 (66%)	24,895	7,871 (32%)	17,024 (68%)	3,779	1,174 (31%)	2,605 (69%)	1,194
27,221	8,049 (30%)	19,172 (70%)	21,980	5,931 (27%)	16,049 (73%)	3,117	1,004 (32%)	2,113 (68%)	662
25,925	7,405 (29%)	18,520 (71%)	20,807	5,443 (26%)	15,364 (74%)	2,890	854 (30%)	2,036 (70%)	585
23,460	6,811 (29%)	16,649 (71%)	18,115	4,936 (27%)	13,179 (73%)	3,149	775 (25%)	2,374 (75%)	497
24,970	8,309 (33%)	16,663 (67%)	18,777	5,926 (32%)	12,851 (68%)	3,439	751 (22%)	2,688 (78%)	445

Statistics and Censuses Service, Macao Government, *Demographic Statistics-Annual*, various years. Available online at http://www.dsec.gov. pub/e_dem_pub.html (accessed 13 February 2005).

Table 9.3 Income levels for local and non-resident workers

Year[a]	Average monthly income in manufacturing industries (in MOP$)			Average monthly income in hotel and restaurant (in MOP$)		
	Local workers (A)	Migrant workers (B)	B/A (%)	Local workers (A)	Migrant workers (B)	B/A (%)
2000	4,739	3,142	66.3	5,353	3,917	73.2
2001	4,685	3,346	71.4	5,318	4,100	77.1
2002	4,499	3,207	71.3	5,391	4,329	80.3
2003	4,644	2,996	64.5	5,291	4,200	79.4

Source: Statistics and Census Service, Macao Government, *Manpower Needs and Wages Survey – Manufacturing, Hotels, Restaurants and Banking and Insurance*, various years. Available online at http://www.dsec.gov.mo/index.asp?src=/english/pub/e_nec_pub.html (accessed 13 February 2005).

Note
a September figures in all years.

Table 9.4 Size and percentage of migrant workers by occupation and skill levels, 2003

	Unskilled workers[a]		Skilled workers[b]		Total	
	No.	%	No.	%	No.	%
Manufacturing	13,467	72.4	249	3.9	13,716	54.9
Construction	267	1.4	1,448	22.8	1,715	6.9
Hotels and restaurants	2,267	12.2	289	4.5	2,556	10.2
Transport, storage and communications	661	3.6	368	5.8	1,029	4.2
Other community, social and personal services	1,347	7.2	457	7.2	1,804	7.2
Domestic workers	0	0	2,650	41.6	2,650	10.6
Others	598	3.2	902	14.2	1,500	6.0
Total	18,607	100	6,363	100	24,970	100

Source: Labour Affairs Bureau, Macao Government. Available online at http://www.dsal.gov.mo/pdf/work/chinese/10_ImpWkCAM.pdf (accessed 18 May 2004).

Notes
a According to Decree Law 12/GM/88.
b According to Decree Law 49/GM/88.

worker programme by claiming that labour imports reduce wage pressure, and thus maintain Macao's competitiveness. Others, such as Chio (1998), approach the issue via push–pull theory. Chio argues that economic incentives will always lure migrants across borders in search of a better life. Therefore, it is futile for the state to oppose labour globalization. Rather, Chio argues that the state should manage this labour flow in order to maximize its economic returns. Chio's criticism of Macao's migrant worker programme is that the state fails to set priorities and implement policies. He suggests that special interest groups, especially

business and organized labour, have so much influence over the state that the policy on labour imports is contingent on the contests between these powerful groups. The author maintains that this form of pluralist 'umpire' state is the cause of Macao's policy failures on migrant workers (Chio 1998: 135).

The proposition that the Macao state is a pluralist state is, however, dubious. As I will show, a better interpretation is that the Macao state remains a colonial state with a decidedly pro-business stance. The voice of the business, as observed by scholars such as Yee (2001: 165), has been given much more weight by government both during and after the colonial era. There is no space here to revisit the debate on the class nature of the state,[1] however it is clear that Chio uses a poor example to make his pluralist state case. This is because migrant worker programmes tend to reduce the bargaining power of local workers, and attempts to moderate the impact on the domestic working class, while not dismissed, do not negate the class underpinnings of a migrant worker programme. The vacillations of policy simply reflect the reality that the state has had to moderate elements of the programme in order to keep the programme politically viable.

Despite the problematic conception of the state, Chio makes a valuable point regarding the pivotal role of the state in managing labour migration. Because of the social and political consequences, labour migration cannot be left to the dictates of economic forces alone.

Labour and globalization

The discourse on globalization appears to have given new life to economistic and neoliberal approaches to migration studies, and especially that emphasize push–pull factors. The great disparities in global incomes and the enhanced accessibility of information and transportation precipitates international flows of migrant workers, whether legal or illegal. In this discourse, as with trade, the state is essentially powerless to stem this flow as labour becomes globally mobile. However, authors such as Stalker (2000: 57) and Alburo (1998: 157) have a different view of the relationship between labour and globalization. They maintain that there is a substitution effect between labour and capital movements. Globalization will induce foreign investments to establish export-oriented industries in low-wage economies, and consequently provides much needed employment opportunities, and ameliorate the impact of the various push and pull factors on labour migration. These authors argue that there will eventually be a global convergence of economic well-being that will eventually eliminate incentives to migrate.

Such neoliberal explanations are criticized as having overlooked the structural and socio-political factors involved in the process of migration (see Gardezi 1995: 19–32). More structural explanations, such as that by Sassen (1988: 18), maintain that the expansion of the capitalist production is the underlying cause of labour migration, not its eventual cure. Capitalist forces uproot people from traditional livelihoods, while the unevenness of development generates irresistible incentives for some workers to migrate.

Other analysts accept that there are economic incentives for migration, but point out that migrants rarely travel without tapping into social networks, whether an overseas ethnic community or a ring of human smugglers. In other words, economic incentives may be the motivation to migrate, but only those who can access these networks will move (Castles 2002: 1150). Still others point out that political forces in host countries will impact on migration. For instance, employer groups in some Asian EOI economies have induced governments to import foreign workers, reducing production costs and sustaining competitiveness (Findlay *et al.* 1998; Guiraudon and Joppke 2001; see Arnold and Hewison Chapter 10, this volume). Contrary to some neoliberal claims, EOI strategies can increase the scale of migration (Sassen 1988: 12).

Migrant workers are invariably considered a source of affordable labour power. The phenomenon of 'cheap' migrant workers is the focus of analysts who maintain that the state has played a pivotal role in the construction of their 'cheapness'. For example, through confining migrant workers in a segmented labour market that excludes them from prevailing market wage rates. Migrant workers are drawn in as a form of industrial reserve army and are socialized and stigmatized into distinctive groupings competing with each other and with local workers (Robbins 1999: 48; Wolf 1982: 179–83). The capacity of the state to construct this segmented market originated from an interstate system which grants individual states the discretion to selectively admit and deny the entry of people of its choice, and to set the level of rights and duties of those given entry (Mittelman 2000: 65). Migration, according to Parrneas (2001: 48), is essentially a state-manipulated process of citizenship diminishment and reassignment. The outcome is that border-crossers receive only limited or non-citizen status. Migrants are granted the economic 'privilege' to work in the economy, but are denied a citizen's social and political rights.

The state's role is thus pivotal in defining migrant labour as 'cheap' and 'flexible'. In the name of preventing migrant workers from overstaying their temporary contracts and threatening the well-being of local workers, the state has constructed a regulatory system managing migrant workers. Many of these mechanisms are legal or are incorporated into labour contracts. Typically, the entry of migrant workers is restricted to certain occupations, usually dirty, difficult and dangerous jobs, and the workers are often denied the right to change employers. Most migrant workers find their jobs through recruitment agents who charge exorbitant fees, which mean migrant worker indebtedness and heavy salary deductions when they start working. The migrant is thus forever fearful for their job security and is easily cheated, bonded or maintained in jobs that pay salaries below those of local workers (Liu 2000; Rosewarne 1998, 2001).

In addition to low wages, the employer of migrant labour avoids the cost of labour reproduction. Thus, medical examinations are conducted before or after the arrival of migrant workers to ensure that they are fit to immediately take up work. The lack of citizenship often disqualifies them and their family members from social benefits, including public health care, education, housing and other assistance. Indeed, in most cases, migrant workers cannot bring their family with them, meaning that the costs of labour reproduction are borne elsewhere.

'Flexibility' also turns migrant workers into a form of disposable labour. Because they are employed on short-term contracts and have minimal job security, they can be hired and fired at minimal cost. This 'flexibility' means that migrant workers are less likely to resist orders or cause disruption (Kung 2002; Sassen 1988: 40). Such control is intended to generate demonstration effects across the labour market since the jobs of local workers can be replaced by migrants. According to Liu (2000: 73), the real economic benefit of migrant workers is this disciplinary effect on the working class as a whole. The introduction of migrant workers also provides the state a tool for managing labour relations. The discontent of local workers can be deflected to a visible group of outsiders who are seen as 'stealing their jobs'. Labour market conditions can be manipulated through selective tightening (or loosening) of labour migration.

Finally, the incorporation of migrant workers into the local economy is highly selective in terms of gender and skill levels. Women migrants are recruited for their supposed compliance, dexterity and willingness to work for low wages in the EOI sector. As Young (Chapter 2, this volume) indicates, in the Asian region there has been a feminization of migrant labour. In recent years, this has been buttressed by a huge demand for domestic workers (Yeoh *et al.* 1999: 115). The availability of migrant domestic workers boosts women's labour participation rates, sustains dual-income families and lessens the pressure on government to provide childcare, elderly care and other family support services (Chin 2003: 60; Stasiulis and Bakan 1997: 44; Lan 2003: 106; Truong 1996: 34; see Hewison Chapter 6 and Loveband Chapter 5, this volume).

With this background, it is now appropriate to examine the situation of migrant labour in Macao.

Migrant workers and Macao

The official inception of the migrant worker programme in Macao can be traced to the 1988 proclamation of Decree Laws 12/GM/88 and 49/GM/88 that legalized the importation of unskilled and skilled workers. At the time, Macao was undergoing critical changes in terms of its population and employment policy. There was a large influx of illegal migrants after China adopted an open door policy in 1978. These immigrants were quickly absorbed by Macao's blooming EOI sector. Gradually, however, the size of the immigrant population strained the already inadequate social facilities and physical infrastructure. Campaigns by migrants, including public demonstrations for amnesties and citizenship, finally convinced the Portuguese authorities to attempt to better regulate the flow of labour from China.[2] By the early 1990s, this approach had taken the following shape:

- Through a 1984 agreement with China, a quota of 120 new migrants a month was established, with legal immigration then largely used for family reunion.
- After two amnesties in March 1982 and January 1989, a third and more broad-based amnesty was declared on March 1990 giving legal status to

> many illegal immigrants. This served limited further demonstrations challenging colonial authority. The three amnesties gave legal status to 70,111 persons (about 20 per cent of the 1991 Macao population) (Giang 2001; Yuan 1993: 99).

- The Immigration Law (2/90/M) was amended in June 1990 making the employment of unauthorized migrants publishable by a jail sentence. Errant employers could be jailed for up to two years. Repeat offences meant 2–8 years imprisonment.
- Employers could make use of a state-regulated labour import programme, introduced in 1988, to meet their labour needs (Yuan 1993: 100–1).

At its inception, the discourse articulated to legitimize labour import was that Macao's domestic workforce was inadequate for a manufacturing sector expanding at a rate of 30 per cent a year; even wage increases would not overcome this shortage (Ng 1990: 149–61). This official discourse has since undergone changes. At present, the government's justification for continuing the programme is 'structural unemployment', arguing that the jobs and wage levels in the manufacturing sector are simply unattractive to local workers even when the unemployment rate was rising (*Macao Daily* 28 April 2002). This argument underlies the government's insistence that foreign labour is complementary, rather than replacing, for local labour. The official position, written into the law on Guiding Principles of Employment Policies and Labour Rights, is that migrant workers are not allowed to take away the jobs or to hurt the economic interests of local workers.[3] These changes were developed in circumstances that saw the migrant worker population balloon to more than 15 per cent of the total workforce by the late 1990s, while the economy entered a period of recession with the unemployment rate rising above 6 per cent (see Table 9.1).

Discontent about migrant labour eventually spilled onto the streets in mid-2000, with a series of demonstrations demanding that the government protect the jobs of local workers and curb labour imports. During a demonstration in July 2000, tear gas was used, for the first time in 30 years, to disperse the crowd (*Hong Kong Economic Times* 3 July 2000). In response, the government instituted a temporary retraining programme giving relatively generous living allowances to unemployed enrollees.

As noted earlier, a key justification for migrant labour was that manufacturing jobs were not wanted by local workers. Manufacturing employs around 55 per cent of migrant workers, and pays them less than two-thirds of the salary of their local counterparts (see Tables 9.1 and 9.3). Since local workers are unwilling to work in manufacturing, it is suggested that the use of migrant workers does not take the jobs of local workers. In this discourse, the need to import workers is blamed on the unreasonable expectations of local workers.

The credibility of this argument rests on a case that the salary expectations of local workers are unreasonable. Published data does not assist in evaluating this claim. There is little information on the cost of living, and there have not been attempts to construct a poverty line. The crux of the question, apparently, hinges

on whether or not the average wage of MOP$2,996 per month (the Macao Patacas [MOP] exchange rate is about MOP$8 to US$1), which the manufacturing industries is paying migrant workers (see Table 9.3), is adequate to support a married local worker with a child. Most indicators show that this wage level is grossly inadequate. For example, the Social Welfare Institute's 'Minimal Subsistence Index', falling below which entitles the family to social assistance, is fixed at $3,510 for a three-person family (see Social Welfare Institute 2005). The income ceiling for the same family to be qualified for social housing is set at a monthly income of $6,000 (Housing Institute 2005). The wage received by migrant workers represents only about one-third of the average monthly income of $8,384 for a single person household, and a mere one-fifth of the average household income of $15,157, based on the latest 1998/99 household income survey (Lai 2002: 45).

Interestingly, while Macao's manufacturing industries claim to be short of workers, there are an estimated 15,000–20,000 Macao workers, about two-thirds of the number of migrant workers in Macao, working in Taiwan's manufacturing and construction industries. During a recruitment drive in August 2000, the basic monthly salary offered in Taiwan was about $4,000, which is not far below the average wage earned by local workers in Macao's manufacturing industries (*Macao Daily* 17 December 2003; *Va Kio Pao* 20 August 2000).

This information suggests that local Macao workers are unlikely to desert manufacturing if the salary offered supports a minimal existence. However, because there is an alternative supply of cheap foreign workers prepared to accept even lower wages, then employers benefit by replacing local workers. Indeed, some employers have demanded unrestricted access to foreign workers, implying a threat to relocate their production facilities to Mainland China if the government does not cooperate (Ng 1990: 159–60).

Politics and migrant workers

Macao's migrant worker programme is unique in that the state keeps relatively tight control at the points of entry and exit in terms of the number of migrant workers, their legal status and their repatriation after the expiry of contracts. Once inside Macao, the conditions of employment, including the level of pay, are largely left to private arrangements between the workers, recruitment agents and employers. This latter approach, as will be argued in the following paragraph, benefits employers.

The contradictions within Macao's labour law system afford employers numerous ways of avoiding their obligations. Thus, on the one hand, the Law on Guiding Principles of Employment Policies and Labour Rights (Order 4/98/M) guarantees that *all* workers, irrespective of age, sex, race, nationality and place of origin, have the right to fair and equal wage and the right to organize (Article 5). On the other hand, the document legalizing the import of unskilled labour, Order 12/GM/88, confers migrant workers fewer rights than their local counterparts, and with few compensations or safeguards to prevent abuse. It stipulates that

foreign workers' right to work in Macao is a privilege granted by the authorities, and the persons who are given this right do not enjoy the freedom to choose employers, nor the right to be a party to a labour contract. The existing regulation assigns the contracting right to recruitment agents, who supply the workers once an employer's application for labour import has been approved by the government (Mi *et al.* 1996: chapter 9). This arrangement effectively bonds migrant workers to their employers through the agents. It also gives the agents a role in managing labour relations after the workers' arrival. Many agents require migrants to place a deposit with them, ranging from several thousand to tens of thousands of dollars, to guarantee their return to the country of origin after they finish their contract.[4] In some cases, workers are told that their deposit would be forfeited if they did not complete their two-year contracts. Workers will often go into debt for this deposit, and it acts as a deterrent against leaving their jobs (Leung 2002, 2003: 2).[5]

Since migrant workers are denied the freedom to change jobs, employers tend to pay a minimum wage that is just enough to entice migrant workers to Macao. This wage does not reflect the true cost of labour reproduction. Existing labour legislation encourages this by making wages a private issue between labour agents and the employers. In the textile and garment industries, even minimal wages are not always regular as piece rates are prevalent. Hence, if there is no work, workers are legally entitled to only living expenses of $50 per day.[6] In addition, there are few fringe benefits, except the accident and health insurance which employers are required to purchase for their workers.[7] Since migrant workers are supposed to be temporary residents, they are not entitled to any social security benefits.[8] Even using services in community centres, such as reading newspapers, is restricted to persons who can show a resident identity card, thus excluding migrant workers (Leung 2003: 1).

While migrant workers cannot choose their employers, under the current labour import system, employers can transfer their workers within the same business sector, apparently without the consent of the workers concerned.[9] Cases of subcontracting migrant workers to other employers have been widespread (see *Va Kio Pao* 7 July 2000). Government officials are often criticized for approving labour import applications from well-connected business persons whose intention is not to put the workers into productive work, but for on-hiring them to others, effectively renting them out. These practices demonstrate that migrant workers are valued commodities and that significant profits can be generated from buying, selling and 'subcontracting' of worker quotas. More importantly, this practice indicates that some employers would be able to pay a higher wage to their workers for they are paying a wage and a 'rent' by this contracting of migrant workers. In fact, this extra payment is being creamed off by other employers (Chio 1998: 133).

Women migrants are especially valued for they are often considered timid and compliant workers. Macao statistics confirm this preference. About 70 per cent of the total migrant workers' population are women (see Table 9.2). Little is known about their ages, educational background and martial status, although informal surveys indicate that many are young rural woman from China's Fujian province (Leung 2003: 3).

The existing legal system also places migrant workers in a vulnerable situation. The Labour Relations Law does not cover non-resident workers (Article 3D, chapter 3, Labour Relations Law [24/89/M]). The Decree Law 12/GM/88 gives police the power to order the repatriation of any migrant workers deemed 'unsuitable' for Macao (Article 12-b). Their transient existence is further confirmed in Macao's 'constitution', the Basic Law, which stipulates their work period in Macao does not count towards the seven-year residency period for non-residents to attain permanent resident status. In other words, migrant workers cannot change their status regardless of how long they work in Macao (*Sin Wah Ao Pao* 25 March 2002). The status of migrant workers was emphasized in a widely publicized dispute in a security guard company in 2001. The police forcefully repatriated the migrant workers involved, claiming that the workers' legal stay terminated the moment their employer fired them. The incident led to widespread criticism of the police for acting as an instrument of employers. This incident demonstrated that deportation was a real threat to those who dared to assert even the minimal rights to which they are entitled (*Macao Daily* 10 and 11 November 2001).

Social isolation adds to the vulnerability of migrant workers. Many do not speak the local Cantonese dialect, and tend to avoid social contact with locals for fear of discrimination. Discrimination often arises from the perception that migrant workers have taken local jobs and from the image that migrant workers commit crimes and engage in socially undesirable activities, such as prostitution. The government has been unhelpful in dispelling these negative images. For example, the Statistics and Census Department perpetuates the association between migrant workers and crime by publishing an 'Immigration and Crime' table on its website, placing the number of migrant workers (and immigrants) side by side with crime figures without details of how many of those crimes are actually committed by migrants.[10]

Furthering the isolation of migrant workers, the largest labour union, the pro-Beijing Associacao Geral dos Operarios de Macau (AGOM), has done little to organize these workers or to help them fight for their rights. On the contrary, it is one of the most vocal groups demanding a more restrictive migrant policy and is considered hostile to their presence. Because of these biases and hostilities, many migrant workers are confined in social milieus composed largely of their co-workers, relatives and friends from their home provinces. This tends to place them more firmly under the control of powerful figures, like factory operators and agents, who dominate these provincial networks.

Migrant workers and the labour market

As indicated, the introduction of migrant labour into a host country has multiple and considerable impacts. Migrant workers can dampen wage increases, weaken the bargaining position of the local workers and slow the process of industrial upgrading. In Macao, data confirm that wage levels in those sectors that receive large numbers of migrant workers have been stagnant. For instance,

Table 9.5 GDP and median monthly income by sectors

Year	GDP (in million MOP$)		Median monthly income			
	Nominal	*Real*	*All sectors*	*Manufacturing*	*Construction*	*Hotels and restaurants*
1994	50,114.0	53,754.6	4,476	3,111	4,756	n.a.
1995	55,333.2	55,526.3	4,830	3,210	5,108	n.a.
1996	55,293.5	55,293.5	4,914	3,082	4,855	n.a.
1997	55,894.3	55,139.1	5,221	3,260	5,228	n.a.
1998	51,901.7	52,618.8	5,050	3,080	5,007	4,341
1999	49,021.1	51,021.4	4,920	2,921	4,660	4,443
2000	49,742.0	53,380.6	4,822	2,960	4,351	4,099
2001	49,862.2	54,560.2	4,655	2,760	4,296	4,001
2002	54,294.7	60,031.7	4,672	2,766	4,142	4,050
2003	63,365.4	69,409.6	4,801	2,840	4,589	4,073
Change 1994–2003[a]	26.4%	29.1%	7.2%	−8.7%	−3.5%	n.a.
Change 1997–2003[b]	13.4%	25.9%	8.0%	−12.9%	−12.2%	n.a.

Source: Statistics and Census Service, Macao Government, *Statistical Indicators*, Table VIII-1 Gross Domestic Products and per capita GDP. Available online at http://www.dsec.gov.mo/ index.asp?src=/english/indicator/e_pib_indicator.html and Table II-7 Median Monthly Employment Earnings by Industries. Available online at http://www.dsec.gov.mo/index.asp?src=/ english/indicator/e_ie_indicator.html (accessed 13 February 2005).

Notes
a (2003 figure − 1994 figure)/1993 figure.
b (2003 figure − 1997 figure)/1997 figure.

between 1994 and 2003, median monthly incomes rose by 7.2 per cent, while in manufacturing and construction, where there are many migrant workers, wages declined by 8.7 and 3.5 per cent respectively (see Table 9.5).

Wage stagnation apart, headline-catching reports of local workers being fired while migrant workers were retained renewed union calls for the government to honour its promise of never allowing migrant workers to replace locals. Thus the approval and regulatory mechanisms of the migrant worker programme have come under much public scrutiny.

The current Decree 12/GM/88 lays down the requirements and procedures for securing a labour import quota. It requires officials to consider certain broad principles in making their decisions. However, the law neither translates requirements and procedures into clear criteria, nor do they provide safeguards to protect the interests of either local or migrant workers. According to the Decree, an application has to be made with the Labour Affairs Bureau which must assess the application in the light of the availability of local workers, the existing wage level, the ratio between local and non-local workers and whether or not the application will harm the rights of local workers under existing laws. The Economic Services Bureau will then consider the application for its broader impact on the economy, particularly whether or not it will have an adverse effect on the industrial sector.

If there is no objection, the application will return to the Labour Affairs Bureau for consideration of the standing of the applicant, the reasonableness of the salary offered and the guarantee on the repatriation of the migrants. Finally, the Public Security Department will check all nominated workers before issuing migrant worker identity cards that allow legal work in Macao.

This law appears to prescribe a set of procedures requiring the bureaucracy to fully consider the potential impacts of the application. However, since procedures have not been operationalized as clearly defined goals, benchmarks, quota and restrictions, officials have considerable discretionary power (Chio 1998: 138). This was shown in an investigation by the Commission Against Corruption that revealed that one well-connected businessman gained approval to import migrant workers far greater than his existing workforce (*Macao Daily* 14 October 2000). Attempting to identify politically powerful figures benefiting from the current migrant worker system, legislators Ng Kuok Cheong and Au Kam San have repeatedly requested that the government release the names of companies that have benefited from the programme and the size of their quota. Their requests were ignored (*Record of the Macao SAR Legislative Assembly*, Group 1, Issue No. 29/2000: 3–5).

There appears to be a growing public exasperation with a policy that lacks transparency and has failed to gain the consent of local people, many of whom feel that their interests may be adversely affected by the migrant labour programme. Demands for the 'modernization' of the labour import system have been voiced by the AGOM, which argues that (i) businesses be permitted to import labour only after a genuine and rigorous local recruitment drive; (ii) a minimum wage has to be set up for migrant workers; (iii) businesses licensed to import migrant workers are inspected by the Labour Affairs Bureau to ensure that the rights of the migrant workers are protected; and (iv) a mechanism to be established for migrant workers to report abuses, which are then thoroughly investigated (*Va Kio Pao* 14 January 2002).

While this chapter is not the place to investigate the issue, there are acceptable ways to import foreign workers without excessively harming local workers and also preventing the abuse of foreign workers (see Chan and Abdullah 1999; Findlay *et al.* 1998; Gonzales 1999; Martin 2002; Stahl 2003). It is widely accepted that Macao needs more debate on its migrant worker policy, and it seemed that the government was on the verge of initiating such a process when it tabled the 'By-Law on the Importation of Non-Resident Workers' with the peak tripartite body on labour issues, the Standing Council on Concerted Social Actions in mid-2002 (Macao Special Administrative Region Government 2002: 79). However, nothing has happened other than stop-gap measures meant to ease political pressure and slow the inflow of migrant workers. These measures included: (i) the proportion of migrant workers in Macao would be reduced to about 10 per cent of the local workforce; (ii) enterprises had to increase the employment of local workers when they applied for labour import (known as the 'win–win policy'); (iii) employers applying for labour import had to demonstrate that they had made an effort to recruit local workers; (iv) approval would not be

granted on applications with salary levels not reflecting the prevailing local labour market wage levels; and (v) employers would face cuts to their migrant quota if they mistreated migrant workers or deployed them in jobs not originally approved (see Shuen Ka Hung 2001 and the Secretary for Economy and Finance Tam Pak Yuen's response to Ng Kuok Cheong in the Legislative Assembly in *Record of the Macao SAR Legislative Assembly*, Group 1, No. 29/2000: 3–5). In meeting expressed concerns, these measures were vague and lacked accountability. For example, no specific local employment target was set for the 'win–win policy', and many local job advertisements were said to be bogus, merely intended to satisfy the requirement for labour import. In one case, debated in the Legislative Assembly, qualifications were inflated so that no local would apply (*Record of the Macao SAR Legislative Assembly*, Group 1, No. II-45: 2–3). While the government has reduced the size of immigrant worker population, it has not reached the 10 per cent commitment (see Table 9.1). In any case, as the size of the legal migrant workforce was reduced, there appeared to be an increase in illegal migration from China. The liberalization by China of visa control on Chinese tourists visiting Macao (known as 'Free Individual Tourism') since July 2003 makes it easier for people to enter and find illegal jobs. Director of the Labour Affairs Bureau Shuen Ka Hung, appeared to condone the employment of illegal entrants when, in February 2003, he noted that it was not a criminal offence to employ people without foreign worker identity cards so long as those people have valid travel documents (*Va Kio Pao* 9 February 2003). It appears that the government on the one hand tightens the formal import of migrant workers, but on the other signals that the employment of clandestine workers will not be treated seriously.

Domestic workers from China

Since the late 2003, the issue of undocumented domestic workers has occupied the headlines of Macao newspapers. Large numbers of Chinese women have entered Macao to find work in domestic service. A park in the densely populated northern district is widely known as the place they congregate while waiting for potential employers (*Va Kio Pao* 15 February 2004). The use of illegal maids in private homes has been characterized as an 'invasion' of illegal workers. 2004 was an election year for the Chief Executive of Macao, so the government launched a crackdown in mid-June. This coincided with the passage of the 'Regulation on the Prevention of Illegal Work' (Administrative Order 17/2004), giving the Labour Affairs Bureau the power to impose a fine of up to $50,000 on employers and illegal workers, in addition to possible prosecution (*Macao Daily* 15 June 2004). Illegal immigration was an election issue, and during and after his re-election, Chief Executive Edmund Ho promised consultation and consensus-building in order to refine the programme. After his re-election, Ho set the Human Resources Commission to work on a long-term human resources strategy (*Macao Daily* 1 September 2004, 18 November 2004).

By December 2004, when the Human Resources Commission delivered its recommendations, the economic climate had changed substantially. Macao was

inundated by Chinese tourists flocking to its casinos and other attractions. The opening of the US-owned casino, the Sands, on May 2004, heralded the end of the long-standing gambling monopoly, and created considerable confidence about Macao's economic future.

The nature of the Human Resources Commission's work was also altered. Initially, it was expected to handle angry petitions from labour groups demanding restrictions on labour import. Instead, it faced irate small business owners demanding increased labour imports to fill openings left by local employees who were lured by the higher paying jobs offered by casinos (*Macao Daily* 6 November 2004, 27 November 2004). The recommendations of the Commission reflected these changed circumstances by focusing on the means of increasing the labour supply. One suggestion, which gained considerable public attention, was the legalization of domestic helpers from China. Domestic workers, according to the Commission, would increase labour supply by relieving local women of domestic work, and would thus further boost women's participation rates (*Va Kio Pao* 15 December 2004; *Macao Daily* 15 December 2004).

Of course, Macao already had a steady supply of domestic workers, mainly from the Philippines.[11] The recommendation for Chinese domestic workers would make a major difference in terms of costs, convenience, security and control. Whereas Filipinas were paid $2,500 a month, Chinese domestic workers received just $1,500. The Chinese workers also speak Cantonese, overcoming a communication problem for the local middle class (*Son Pou* 8 January 2005). And, most importantly, employers will not have to worry about possible legal action over hiring Chinese domestic workers.

If, as is widely expected, the recommendation is accepted, many families will recruit Chinese domestic workers. This is a shrewd political move to entice the growing middle class to support the controversial foreign worker policy by giving them a stake in the programme. The casualties will be many Filipinas and local middle-aged women working as part-time domestics.

The final decision on this issue is in the hands of the Chinese government which must approve the export of this kind of labour and is concerned that giving Macao the approval will undermine Hong Kong's long-standing ban on importing Chinese domestic workers (*Macao Daily* 7 September 2004; *Sing Tao Jin Pao* 10 November 2002). The Guangdong provincial government, however, is enthusiastic, as are Chinese labour export agents, all of which are linked to state owned companies controlled (Biao 2003: 32–3; Giang and Zhang 2004: 94). They share the huge profit generated in the labour export business, and the decreasing intake by Macao's manufacturing industries added the incentives for the Guangdong government to explore new lines of export (*Sin Wah Ao Pao* 29 November 2004).

The issue is likely to be decided by the need of government for political support from the middle class on its migrant workers policy. Ironically, the stronger the voice of the anti-migrant worker groups, the more the government will see the benefits of loosening the controls on the import of domestic workers. Isolated and atomized in private homes, women domestic workers are one group of the migrant workers that potentially causes the least political opposition.

Conclusion

Globalization has led to an increased movement and circulation of labour. This study of Macao's migrant worker programme suggests that the state is deeply involved in both facilitating the flow and in reconstituting the political and economic position of migrant workers. Macao's participation in global production networks, particularly as a site of export manufacturing in the 1980s, created a demand for labour that could not be satisfied by the existing supply in the colony. The state was pushed to become a gatekeeper and a manipulator for this external input. Through a combination of actions and non-actions, it has succeeded in segmenting workers into categories of local, immigrant, legal migrant workers, skilled migrant workers, unskilled migrant workers and illegal migrant workers. Different level of rights or privileges are accorded or denied corresponding to the categories the migrant workers are forced into. As discussed earlier, the state is vigilant in keeping the control on entry and exit of migrant workers. It, however, allows employers great freedom in determining the conditions of employment. The disorganization of the labour law system in Macao allows evasive employers ample room to evade the little labour protection stipulated in law.

The weight of the manufacturing industries in the economy has greatly diminished since the end of the 1990s. But the new strategic economic sectors, culture, tourism and gambling have an equally insatiable demand for low-cost workers. The rising middle class has also exerted pressure on the state to open the door to domestic workers from China. In the future, migrants will fill more service sector positions than manufacturing jobs, meaning that the migrant worker programme will remain a feature in Macao's post-industrial labour market. Macao will follow in the footsteps of other economies in making permanent the use of temporary migrant workers.

The traditional response of organized labour against foreign labour has been to demand reductions in import quotas and sector-specific restrictions. This strategy has proven to be counter-productive and has served only to further segment the labour market and entrench the social isolation of migrant workers. It contributes to their vulnerability and unfair treatment. A more effective approach would be for organized labour to launch an aggressive campaign to inform the migrant workers of their rights and benefits, and the active facilitation of their organization into groups and unions defending their interests.

Notwithstanding the inconsistencies of the labour law system, Macao has inherited a relatively fair and open labour relations framework laid down in the Law on Guiding Principles of Employment Policies and Labour Rights (Order 4/98/M), which guarantees *all* workers the right to fair and equal wage and the right to organize (Article 5). It is time for local labour groups, in close collaboration with the migrant workers, to demand that the government delivers on this commitment.

Acknowledgements

Notes

1 See, for instance, Hay (1999) for a review of the debate.

2 See Lo Shiu-hing (1990: 160–1) for discussion of demonstrations, and the ad hoc responses of government.

3 Chapter 9 of the Law on Guiding Principles of Employment Policies and Labour Rights; (4/98/M) stipulates that migrant workers cannot replace local workers. Apparently, however, this law projects only intention. Many provisions contained in the law have not been implemented. For instance, there is a provision prescribing the establishment of a minimum wage (article 7-c). But, in fact, there is no minimum wage in Macao. It appears that a separate law is required to put this provision into effect.

4 There are two main labour recruitment agents in Macao. They are Chong Ou Technical Services Limited and the Sociedade de Apoio as Expresas de Macau. The former specialises in the supply of migrant workers from China, and the latter, from Southeast Asia (see Chio 1998: 118). The granting of licence to a labour contractor is subject to an evaluation of the contractor's ability to repatriate workers when they are 'not needed', or considered 'no longer welcome' to stay in Macao (Decree law 12/GM/88 Article 8-b). Once the licence is granted, the labour agent is required to post a bond of MOP$300,000 with the government to guarantee the fulfilment of this obligation.

5 Labour agents must ensure that migrant workers have a place to live. If the contractor is directly responsible for providing accommodation, the cost cannot exceed one-sixth of the workers' monthly salary (see Decree law 32/94/M, article 17). It is reported that some migrant workers have to pay a monthly fee of several hundred dollars to the agent. This level of payment is likely to exceed the one-sixth rule. It is unclear how widespread this practice is and the exact reason for the payment. However, if the payment amounts to an agency fee, it is a violation of the law governing the behaviour of recruitment agents, which stipulates that labour agents are only allowed to receive a one-time agent's fee, payable within 60 days of start of work. Since workers may have to pay several agents, both in Macao and in China, before they can get the job in Macao, it is possible that the payment can be claimed for paying agents in China. These agents, according to Ng Kuok Cheong, maintain close connections (personal communication 4 December 2003).

6 See Article 5-b in 43/95/M. Some workers were not paid even this entitlement, and have experienced considerable financial hardship (*Va Kio Pao* 29 January 2002).

7 The level of coverage is unclear. It has been reported that migrant workers often pay out of their own pocket to see private medical doctors if they fall sick (Leung 2003: 2).

8 Employers are required to contribute $45 per person per month to the Social Security Fund, even though migrants are not entitled to the benefits (see Social Security Fund 2005).

9 To complete the transaction, the new employer must submit an application to the Labour Affairs Bureau for labour import, and a declaration of consent from the present employer for the transfer (see the Labour Affairs Bureau 2005).

10 See http://www.dsec.gov.mo/english/indicator/e_dem_indicator_2.html (assessed online 6 March 2005).

11 In 1995, the government imposed an indefinite ban (58/SAEF/95) on the import of domestic workers as a concession made to organized labour. Shortly afterwards, it allowed the importation of foreign workers, mainly from the Philippines, under the skilled migrant worker program (personal communication with Legislative Member, Ng Kuok Cheong, 24 February 2005). Foreign domestic workers are legally allowed to work as long as they are not from China. This practice is intended to uphold the integrity of the family by preventing husbands from bringing their China-based mistresses, disguised as maids, into the household in Macao (*Jornal do Cidadaro* 10 February 2003).

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10 Exploitation in global supply chains

Burmese migrant workers in Mae Sot, Thailand

Dennis Arnold and Kevin Hewison

Globalization, while producing unprecedented wealth for a few, has also resulted in increased insecurity for many of the already poor who work and produce for the global production system (see Wade 2001). In textiles and garments, the business model in the industry means that manufacturers are increasingly driven to exploit workers. The industry operates in an environment where there are intense downward pressures on prices, demands for fast and flexible delivery and a constant shifting in production location, searching for cheaper and more productive labour (see SOMO 2003). Supply chain management mapping, which begins in corporate headquarters, based on consumer demand, is complex, even for something as simple as a T-shirt. The current logic of global capitalism dictates that manufacturers must comply with both corporate and consumer demand for cheaper products. In the end it is workers who pay the price, with low wages, long hours, poor social and employment security and a neglect of labour standards. In this competitive production process, manufacturers and trading companies scour the globe in search of low-waged workers that permit the industry to squeeze profits from products that seem ever cheaper.

With wages at roughly US$45 per month or less in countries such as Cambodia, Vietnam, China and Bangladesh, wages in Thailand are high at about $100 a month in the Bangkok area and $80 in provincial areas. In this context, over the past decade, Mae Sot, in Tak Province, Northern Thailand, where there is access to migrant workers from Burma, where wages are a fraction of the legal standard and there is little attention to labour laws, has become a centre for garments production.

Background

Mae Sot town is on the Moei River, opposite Mywaddy town in Karen State, Burma. After the Thai government led by Chatichai Choonhavan (1988–91) adopted its 'constructive engagement' policy on Burma, Mae Sot saw factories opening or relocated to the town. Constructive engagement has resulted in an increasingly porous border for capital, goods and labour. As wages in Thailand increased (from 1991, real wages grew at 8 per cent a year), increasing numbers of Burmese workers migrated across the border to take low-waged jobs. These

jobs have mainly been in fisheries and seafood processing, plantations and agriculture, domestic work and factories, in jobs where Thais have become reluctant to work. The Thai economy is increasingly reliant on cheap migrant labour, both legal and illegal.

The migrants in Mae Sot come from nearly every part of Burma. Access to Mae Sot is easy for Burmese, and the Mae Sot–Mywaddy border is the busiest on the Thai–Burma border. Many migrants cross the border bridge into the town with one-day border passes that are readily available and some join the ranks of illegal migrants when they do not return. In the dry season, it is also possible to wade across the river. Even those who have been deported can cross back into Thailand with relative ease (Figure 10.1).

A range of interconnected social, economic and political factors encourage Burmese workers to migrate to Thailand, and it is often difficult to distinguish 'economic migrants' from refugees. While Thailand is an attractive destination due to proximity, the relative ease of crossing the Thailand–Burma border, rapid economic growth and employment opportunities and higher wages, many also go to India, Malaysia, Japan and South Korea, escaping forced labour, lack of economic opportunity and low wages and human rights abuses (on conditions in Burma, see Human Rights Watch (2005), Burma Campaign UK (2004) and Smith (1999)).

Over the past decade the severity of Burma's socio-economic situation has resulted in an increasingly desperate situation for the Burmese population, many of whom rely on remittances from family members working in neighbouring countries. The 2001–02 private sector (joint venture companies) minimum wage

Figure 10.1 Burmese children on the Thailand–Burma border, with the Friendship Bridge
          in the background (photo credit, Dennis Arnold).

in Burma was 3,000 Kyat (Kt) per month (Htay 2003).[1] Educated professionals in Burma might earn Kt 2,000–3,000 a day while unskilled workers earn about Kt 400–500 per day. In Mae Sot, factory workers report earnings of Kt 500–1, 500 a day.

Non-governmental organizations (NGOs) estimate that 70 per cent of migrant workers employed in factories in Mae Sot are women, mostly in their teens to mid-twenties. They are employed primarily in factories producing textiles and garments, cement, food and ceramics. Migrants are also employed in agriculture, restaurants, construction, domestic work and in small businesses.

In about 200 factories in Tak province, Burmese constitute about 95 per cent of the workforce (Federation of Trade Unions – Burma, hereafter, FTUB 2004). Many factors account for the increasing number of factories in Tak province and in Mae Sot in particular, with the primary motivation being the seemingly endless supply of cheap, unregulated and easily exploitable labour. At the same time, Thailand's Board of Investment (BOI) has long offered investment privileges to encourage the manufacturing decentralization. In 1993, the BOI created three investment promotion zones, with Tak in Zone 3 where investors received the highest level of privileges.

Zone 3 offers exemption from import duty on machinery and corporate income tax exemption for eight years provided that a project with capital investment of ten million baht or more (excluding cost of land and working capital) and obtains ISO 9000 or similar international standards certification within two years of start-up. Otherwise, the corporate income tax exemption is reduced by one year. The total corporate income tax exemption is 100 per cent of investment capital. Exemption from import duties on raw or essential materials used in export manufacturing is five years (see BOI 2004a). By late 2004, 26 companies (involving 39 activities) were receiving BOI privileges in Tak Province (BOI 2004b).

BOI incentives are a response to capitalism's global drive for lower production costs. In fact, while labour is often only a small portion of total production costs, particularly for medium- and large-scale enterprises, labour is usually the primary target in the pursuit of savings. An additional incentive for relocation on the Thai-side of the Burmese border is that it allows firms access to cheap Burmese labour without the international condemnation that would greet a factory opening inside Burma.

Burmese migrant workers are caught in a complex web of issues involving poverty, trade, workers' rights and globalization. The expansion of international trade puts downward pressure on wages and conditions in firms that engage in global competition to expand markets and increase profits. Because of difficult conditions at home (see Pim 2001: 13–54), Burmese workers in Thailand are vulnerable, and will often face high levels of exploitation, including long hours, unsafe conditions and wages well below Thailand's minimum. Most live in cramped and unsanitary dormitories and enjoy few rights (Pim 2001: 85–107). In particular, Burmese migrant workers cannot form their own trade unions and are not permitted to be union committee members; in other words, rights such as freedom of association are denied.

Migrant workers in Mae Sot generally earn 50–70 baht a day while overtime is paid at roughly 7 baht an hour; the official minimum wage in Tak is 135 baht a day (January 2004) and 25 baht per hour for overtime. Workers must also pay for their crowded dormitory space and for the often poor quality food provided by employers, often at rates that are disproportionate to actual costs.

Estimates of the number of Burmese workers in Thailand vary considerably, with 1–1.5 million being a figure cited by researchers (Pimpawun *et al.* 2003: 167–9; Supang *et al.* 2000: 13–14). In 2004, the Thai Ministry of Interior reported a total of 1,269,074 aliens, with 905,881 (497,372 men and 408,509 women) from Burma (cited in Maniemai and Dusadee Chapter 4, this volume). Tak Province is estimated to have about 200,000 Burmese workers, while estimates for Mae Sot are in excess of 100,000. Tak Province is usually ranked after Samut Sakhon, for the number of Burmese migrants.

In September 1996 the Thai government directed that migrant workers from Burma, Laos and Cambodia be registered and issued with temporary work permits. Only 43 provinces were permitted to register migrant workers, in eight occupations. By April 1997, 293,652 workers had been registered, with 87 per cent being Burmese (Supang *et al.* 2000: 13–14). By 2001 migrant workers were permitted employment in all provinces and all occupations. Nationwide, in September–October 2001, 560,000 migrant workers registered for six months; with 350,000 being re-registered for a further six months in February–March 2002 (Martin 2003). According to the Department of Employment, between September 2002 and January 2003, 41,526 Burmese workers registered with the Tak Employment Department, down from 47,489 in September–October 2001 (FTUB 2004).

In 2003, the number of workers registering declined. In large part this was due to the high cost of registration and the limited benefits it bestowed. Workers paid 4,450 baht for a one-year permit, which included medical benefits. Migrants were registered through a single employer and were not permitted to change employers unless they re-register, paying another registration fee. Registration took place twice a year, leaving many workers 'illegal' through much of the year.

Generally employers paid for the work permit and deducted the cost from wages. In most cases, small businesses and farms could not afford to pay these permit fees or simply did not want to pay, so many workers remained illegal, meaning that both employee and employer were potentially subject to harassment and extortion by the authorities. When employers paid for the permit there were incentives created to 'control' their workers for fear of losing them before the fee had been repaid. As the majority of employers held the original permit, many workers were unable to access health care, and could be deported as copied permits were not recognized by the authorities; this also leaves workers subject to extortion and harassment.

Under this registration system, workers were often unaware of both the procedures and benefits. This is because official information is in Thai and there are few NGOs and trade unions to inform workers; those agencies that do operate have difficulty accessing workers. Likewise, few Thai civil servants implementing registration have appropriate language skills to enable them to inform migrant workers about their rights and Thai labour law.

In sum, the costs associated with registration outweigh the benefits for workers. Tellingly, registered workers received wages that were generally the same as those for unregistered workers. Thus the difference between being registered and unregistered has not been substantial.

Thailand and labour standards

The basic right to organize is restricted for migrant workers in Thailand. Their rights are systematically abused, leaving workers powerless and vulnerable. NGOs operating in Thailand provide some assistance in health care, education and advocacy. Labour-specific areas are not ignored, and there is one Burmese trade union federation and several workers' organizations, but none of these have state recognition. This means that they are restricted in their ability to assist workers and to organize. In addition, these organizations are limited by the actions of employers and the authorities. In any case, these organizations are overwhelmed by the large number of migrant workers subject to rights abuses.

The wide variety of factors that contribute to the vulnerability of migrant workers include: the threat of deportation; extortion by officials; debts to recruiters and traffickers, often leading to bonded labour or similar conditions; employer restrictions on freedom of movement; lack of health care; inability to speak Thai; and a lack of information or awareness of their rights. At the same time, migrant workers are denied a range of human and labour rights either in Thai law or in practice (e.g. the freedom of association, right to organize and collective bargaining).

International labour standards

According to the International Labour Organization (ILO 2004), Thailand has ratified 14 conventions. While Thailand was a founding member of the ILO, it has not ratified three of the eight fundamental Conventions (C87, Freedom of Association and Protection of the Right to Organize Convention, 1948; C98, Right to Organize and Collective Bargaining Convention, 1949; and C111, on Discrimination). Even so, the ILO Fundamental Declaration of Rights and Principles requires ILO members to uphold the fundamental ILO conventions even if they have not been ratified. Additionally, freedom of association and the right to form and join trade unions are protected under Article 22 of the UN International Covenant on Civil and Political Rights, which Thailand ratified in 1996. Article 8 of the UN International Covenant on Economic, Social and Cultural Rights, ratified by Thailand on 5 September 1999, states the right to form and join trade unions of choice for the promotion and protection of workers' interests. Article 23 of the Universal Declaration of Human Rights also protects these rights. While the Thai government often cites national security concerns as rationale for policies that restrict the rights of migrant workers, it is never clear how adherence to a fundamental right to form and join trade unions jeopardizes Thailand's security.

Thai labour standards

Section 30 of the 1997 Constitution states

> All persons are equal before the law and shall enjoy equal protection under the law . . . . Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted.

However, numerous organizations have pointed to the failure of these provisions to be implemented for migrant workers. For example, the US State Department (2003), specifically addressing constitutional provisions, observed,

> migrant workers, particularly those from Burma, faced significant hardships and physical danger . . . . Burmese factory workers, both illegal and properly registered, faced poor wage, safety and health conditions . . . . Community groups and NGOs alleged instances of physical intimidation and abuse by criminals employed by factory owners, and harassment and robbery by gangs of young men. There were several instances of sexual abuse of the primarily young and female Burmese migrants employed in textile production . . . .

Section 45 of the Constitution states: 'A person shall enjoy the liberty to unite and form an association, a union, league, co-operative, farmer group, private organization or any other group.' Yet Article 87 of the 1975 Labour Relations Act (LRA) requires that the ten persons who apply to register a union must be Thai nationals.[2] Further, Article 100 states that all elected union committee members must be Thai nationals from birth, and must be at least 20 years of age. These laws contradict the principles of the constitution, and violate several international labour and human rights standards to which Thailand is legally bound. To date, the constitutionality of the 1975 law has not been challenged.

   A non-Thai – including migrant workers – may be a legal member of a union. However, a number of factors make it difficult for unions to accept these members. Areas with high numbers of migrant workers (Samut Sakhon, Ranong, Mae Sot and Surat Thani) have few or no unions. Only a minority of migrant workers speak Thai or English, and few Thai union leaders speak English or Burmese. In addition, there are cultural barriers between Thais and Burmese. Because of their shaky legal status and the constant threat of deportation, Thai unions tend to view Burmese workers as a high risk group. Unions are also constrained in terms of resources and networking, and even if resources were available, migrant workers generally lack much knowledge and information regarding the role of unions. This is a major impediment for unions and NGO activists as Burmese in Burma, and now in Thailand, have been oppressed and denied access to rights education for several decades. In addition, most migrant

workers grew up under the Burmese military dictatorship, and know nothing about trade unions since such organizations are illegal in Burma. For the older generation, unions are identified with the Communist Party of Burma and their patriotic fronts, an association that tends to discredit unions in the eyes of these workers. Recently, steps have been taken to bridge the gap between unions and migrant workers, but obstacles remain, not the least being employer and government resistance to migrant worker union membership.

From the workers' perspective, a major impediment to union membership has to do with the perception of problematic benefits. They may see membership dues as simply another fee imposed by 'the Thais'. Work permit problems are also common once workers become members of unions, with employers being reluctant to renew permits for workers known to be unionists. Finally, there remains the general problem facing unions in Thailand, where no government has shown the political will to improve the situation for labour, Thai or migrant, and where employers have long opposed unions (see Brown and Hewison 2004).

Workers' movements in Mae Sot

In Mae Sot, a number of NGOs, international organizations (IOs) and Thai government offices deal with Burmese migrants. NGO activities are broad, including health care, Burmese democracy promotion and political prisoner advocacy. While the FTUB is active, it is not a legal trade union under Thai law.[3] IOs include the United Nations High Commissioner for Refugees (UNHCR) and the International Committee for the Red Cross. Key government agencies include the Labour Protection Office in Tak Province (in 2003, the Tak Labour Protection Officer was in Mae Sot only on Tuesdays) and Immigration Police. While under the supervision of the Ministry of Industry, the Federation of Thai Industries (FTI), Tak Chapter, is meant to be independent. Even so, the links with government remain strong. For example, in late 2003, the Tak Labour Protection Office shared a building owned by the FTI, a location selected on the suggestion of Tak's Governor (Figure 10.2).

As already noted, migrant workers have limited protection under the labour law. However, this is far removed from the practice and reality faced by these workers. Minimum wage and overtime regulations have been mentioned, as have the housing and other deductions from wages made by employers in Mae Sot; these practices contradict the labour law.

Under the law, workers are entitled to one day off in seven. A normal working day is not to exceed eight hours and a normal working week is not to exceed 48 hours. Overtime is not to exceed 36 hours per week, and employees must agree to work overtime. None of these requirements are commonly observed for migrant workers in Mae Sot. The labour law also requires that, at any place of work, employees representing at least 15 per cent of the total workforce, or a trade union with a combined membership of at least 20 per cent of the workforce, may apply to alter their conditions of work by written application to the employer. Employers and

Figure 10.2 The Tak Provincial Office of the Ministry of Labour (left) and the Federation of Thai Industries, Tak Chapter (right). The office space is owned by FTI (photo credit, Dennis Arnold).

employees are then required to enter into negotiations within three days. If the two parties cannot reach an agreement, a labour dispute exists. Labour arbitration officials will attempt to resolve the dispute within five days, and if agreement cannot be reached, an unresolved labour dispute exists. In this case, workers may strike with 24 hours advance notice to employer and labour officials; an arbitrator may be voluntarily agreed upon by both parties, or labour arbitration officials may continue their discussion with employees and employers (see Brown *et al.* 2002). Each of these requirements is regularly ignored in Mae Sot.

In cases where a dispute is declared, Ministry of Labour Orders can be issued to employees and employers. For example, in Mae Sot, the Labour Protection Department has ordered factory owners to pay compensation to workers. In this situation employers can pay compensation and settle the case or appeal to the Labour Court. If employers refuse to comply with the order, workers can also appeal to the Court. These courts become involved when a dispute is unresolved. The following case studies will outline disputes in Mae Sot.[4]

Migrant workers organize

Despite their inability to form registered trade unions, migrant workers continue to organize within workplaces, sometimes with the assistance of unions and other labour support organizations; in most cases these organizations are Burmese. But organizing is difficult. Migrant workers usually have only one day off a month,

and are not always permitted to leave the factory compound on Saturday or Sunday night, making it difficult to contact workers. In addition, dismissal can be arbitrary, meaning that workers are often unwilling to take any actions that may be perceived as risky. Following dismissal or even preceding it, immigration officials are routinely called in by employers to deport their migrant workers. Time and again, when Burmese workers representing a minimum 15 per cent of workers in their workplace have applied to alter their conditions of work, demanded their rights through informal collective bargaining agreements, organized walkouts and wildcat strikes or simply attempted to engage in dialogue over working conditions, they have been sacked and usually find themselves deported.

The Yaung Chi Oo Workers' Association (YCOWA)

YCOWA has been active with migrant workers in Mae Sot, assisting them in taking their complaints through the legal system, both in the arbitration and Labour Court processes. In 2003–04, YCOWA assisted many workers to contact the Labour Protection office to alter employment conditions. Workers seeking to alter their conditions of employment usually refer to adherence to payment of wages, working hours and overtime as defined by Thai labour laws.[5] In 2003, YCOWA reported a number of strikes and disputes, involving hundreds of workers. The following cases are presented as indicative of these disputes and of the unwillingness of employers to negotiate with Burmese workers.

Nut Knitting Limited Partnership

In October 2002 Nut Knitting workers called a strike in support of 19 undocumented co-workers who were arrested by Thai police (*The Irrawaddy* 23 July 2003). Before this, management had reassured workers that undocumented colleagues would be assisted if they were taken into custody by police or immigration authorities. With these arrests, the workers felt that management had reneged, and 60 workers protested. The workers took this opportunity to also protest their conditions. One report claimed that

> The Nut Knitting workers slaved for more than the regulation eight-hour day for as little as 50 baht . . . . Many worked up to 18 hours a day, collecting 6 baht an hour for overtime. They could not refuse overtime, and sick leave was not on offer . . . . [T]he laborers could not bear it any longer. The disgruntled workers protested publicly against their working conditions and miserable pay rates. Scuffles broke out with factory officials, and Nut Knitting . . . dismissed the protesting workers. Thugs apparently hired by the company assaulted the sacked workers as they left the factory.
>
> (Baynes 2004)

With assistance from the Law Society of Thailand, YCOWA and the Migrant Assistance Program (MAP) Foundation for the Health and Knowledge of Ethnic

Labour, the workers attempted to recoup the wages due to them. In early 2003 the Tak Labour Protection and Welfare Department ordered the employer to pay the 34 workers a landmark 4.6 million baht in compensation.[6] The employer then appealed to the Labour Court. The first hearing was set for 23 January 2004, and was postponed, with the employer claiming illness. The next court date on 11 February was used to pressure the workers into settling the case out of court.

The court proceedings were subject to numerous delays. In the meantime, the Nut factory was closed. Workers pursued the case for two years, with 15 occupying a safe house in Mae Sot, while the rest crossed the border for court hearings. The workers in Mae Sot were in an extremely difficult situation – their families pressured them to find work or to settle out of court, for they depend on remittances. Initially the workers were hoping to receive about 100,000 baht each in a settlement, but 15 workers settled out of court for a combined total of 410,000 baht during the proceedings.

Finally, on 24 August 2004, in a landmark case for migrant workers in Thailand, the 18 remaining workers were awarded 1,170,000 baht (Macan-Markar 2004). Although the final settlement falls short of the original order to pay 4.5 million baht, that the workers persevered in legal proceedings is an example for other migrant workers, suggesting that it is possible for labour regulations to be upheld (Baynes 2004).

King Body Concept

King Body Concept is a Mae Sot garments factory. A website advertising the company claims that the factory produces for major brands including Carter's, Disney, Harley Davidson and Absorba. It also claims to 'currently supply importers with products for Sears, Wal-Mart and K-mart'.[7] On 23 June 2003, soon after submitting a complaint about their working conditions to the Tak Labour Office, 420 Burmese workers were sacked (Asian Human Rights Commission 2003a). Prior to this, the workers had made their demands to management, but felt that they were ignored. Soon after the submission of the demands to the Labour Office, the police were called and the workers deported, despite the fact that the law at the time permitted workers seven days from the day of termination of work to find new jobs.

Siriwat Garments[8]

In late 2003, the Siriwat Garments factory employed 78 Burmese migrant workers. Most of these workers were women, and all held valid work permits. The workers reported that from September 2003 they had had to work an average 15 hours a day, receiving 90–100 baht per day, including overtime. Over the period 19–21 September, the workers claimed that they had to work almost continuously. On 22 September the workers refused further overtime and called on the Labour Office to intervene. It did, but despite this and the intervention of

the Thailand Human Rights Commission (HRC), the workers were dismissed, with compensation well below their legal entitlement.

Export Garment (EG)

In October 2003 some 200 EG workers negotiated a minimum wage payment with management. However, in late 2003, when the President of the FTI Tak became a shareholder in the factory and took over management, he announced his intention to fire all Burmese workers, replacing them with Thais. In an interview with Thai Labor Campaign (TLC) he insisted that Burmese workers lacked skills and did not deserve the minimum wage (Thai Labour Campaign 2003b). However, rather than sack workers, in March 2004 management attempted to institute a piece-rate system. This was successfully opposed, and in late 2004, EG remained the only Mae Sot factory paying the legal minimum wage.

Value Trend Co. Ltd

Value Trend is a Taiwanese-owned ceramics factory. On 19 November 2003, 119 women workers filed a claim with the Tak Labour Office over compensation for unpaid overtime. Claiming that they often worked 16 hours a day, at below minimum wage, and received only seven baht an hour for overtime, workers prepared legal action. Negotiations were held between the Tak Labour Protection Officer, the factory owner and workers, resulting in 5,000 baht compensation for back wages; the workers had sought 50,000 baht each. After returning to work, the women were given both the full minimum wage and the legal overtime wage. However, the factory shut down in January 2004, retaining the employees' work permits, preventing them from finding legal work with another employer.

Nasawat Apparel Co. Ltd[9]

Nasawat is a garments factory in Mae Sot, employing 285 workers. The number of Thai workers were 16 and the remainder Burmese, with 70 per cent of the workforce being women and all legally registered by the company (it was later found that the factory manager also employed unregistered workers). In December 2003, 269 workers, most of them women, were arrested by police at a Mae Sot temple and deported.

This deportation followed a walk out from the factory on 11 December. The workers claimed that they had negotiated a contract with management for the legal minimum wage and overtime pay on 26 November. This agreement was to replace previous arrangements where the workers received just 50 baht a day and eight baht an hour for overtime which, after various factory deductions, left the workers with in-hand wages of just 500–1,140 baht a month. Factory and workers' living conditions were also substandard. Nawasat management had a reputation for poor labour relations, and had previously called in the police and had had workers deported.

On the first payday following the agreement, the workers said that the employer had reneged. The following day, the employer held a meeting with a Labour Protection Officer, a local lawyer and other local employers from the FTI. After this meeting, management called 25 leaders from amongst the workers to a meeting and attempted to negotiate an agreement whereby only the leaders would be paid the minimum wage. The leaders refused, and the remaining Burmese workers walked out, with the leaders, and took refuge at the temple. Despite HRC intervention, heavily armed police deported the workers with support from Labour Protection officers.

Then, with assistance from the Law Society of Thailand, the workers began action to seek owed wages. The Tak Labour Office ordered the factory owner to pay 16,136,076 baht compensation to the workers (Seng 2004). The employer appealed the compensation order to the Labour Court, and in early 2005 the case remained unresolved (Figure 10.3).

Issues and implications

One outcome of these collective actions was a rise in threats and intimidation against those assisting migrant workers in Mae Sot (Moe 2004). For example, on 14 January 2004, an officer in the Tak Labour Office relayed a message to NGOs warning them to cease using labour protection mechanisms and to stop making appeals for the enforcement of the legal minimum wage. The officer warned NGOs that these tactics were biased in favour of the workers and advised direct

Figure 10.3 Burmese migrant workers fill out forms to submit to the provincial Labour Protection Office, claiming back wages from their employer (photo credit, Dennis Arnold).

negotiations between employers and employees. Factory managers were also accused of posting photographs of NGO workers and asked workers individually whether they knew these people. It was claimed that some who answered positively were dismissed while others were harassed. It was also asserted that certain factory managers made death threats against those advocating the enforcement of labour laws (Action Network for Migrants 2004).

Capital and the local state

As should be clear in the brief case studies, Mae Sot's migrant workers face a range of pressures from employers who are regularly supported by local organizations and local officials. For example, migrant workers avoid the police at almost all cost, contacting them for assistance only when there is no alternative. Migrants fear the police, who are seen as corrupt and to engage in abuses of migrant workers (see Human Rights Watch 2004a; Pasuk and Sungsidh 1996; Wai 2004). Provincial Labour Protection Offices are seen as ineffective, and migrant support organizations find them unsympathetic and often hostile. Employer organizations such as the chambers of commerce or the FTI actively constrain the actions of workers, particularly by limiting freedom of association and colluding to maintain low wages. Labour leaders report that, if their organizing activities are discovered, they are often blacklisted, and find it difficult to work in the area again. Employer organizations are influential in local communities, and in the case of Mae Sot, are influential with government agencies. These factors contribute to the vulnerability of migrant workers. The inability of workers to form trade unions is a severe handicap to efforts to improve the poor situation facing workers.

The Federation of Thai Industries, Tak chapter

On its website, FTI states that it developed from the Association of Thai Industries (founded in 1967), with the Federation of Thai Industries Act, 1987 establishing FTI. FTI is supervised by the Minister of Industry. Its role is to strengthen the private sector and promote industrialization. The FTI states that it has '...gained...countrywide recognition as the only voice of the industrial community...in addressing the issues and in coordinating with the Government...' (FTI 2004). FTI is part of the Joint Public–Private Sectors Consultative Committee, chaired by the Prime Minister.

The Tak FTI is highly influential in Mae Sot, capable of coordinating employers' efforts to 'manage' workers, organizing to keep wages low and blacklisting strike leaders. In addition, NGOs report that the FTI seeks to constrain their activities. Because its member businesses are major contributors to the local economy, the FTI has considerable local media support.

The President of FTI Tak argued that Burmese workers should not be paid the minimum wage because they are of poor quality when compared with Thai and international workers. He believed that countries like Taiwan, Hong Kong and the United States pay migrant workers below the minimum wage, and argued

that Thailand should follow their example.[10] He asserted the right of employers to make deductions for food, shelter and the like, meaning that workers would not receive the minimum wage. Finally, he stated that piece rates were preferred to a daily wage. The FTI President repeatedly mentioned the need to keep wages low (Thai Labour Campaign 2003b).

The close relationship between state and capital was emphasized when TLC sought to meet the Labour Protection Officer, and was referred to the FTI. This was reinforced by the Labour Protection Officer who repeated comments by the FTI President. He stated that wages were low because of deductions, reiterated that other countries pay migrants below minimum wages and added that employers are not able to pay the minimum wage because of 'economic hardship'. When asked why overtime rates were low, he answered that he had not had time to look into the matter, adding that his time had been consumed in dealing with numerous strikes. Regarding workers being unable to hold their original work permit, which Thai law requires, he said that workers tend to lose the permit so employers provide them with protection against both loss and blackmail (Thai Labour Campaign 2003c). The fact is, however, that when workers do not hold the original permit, they are subject to both extortion and deportation.

In December 2003, FTI Tak requested that the provincial governor investigate the operations of NGOs, claiming that they were inciting workers to strike and causing damage in Mae Sot. YCOWA and the MAP Foundation were targeted, and it was said that Value Trend's management initiated the FTI request. The governor ordered an investigation, and a few days later local thugs holding photographs of YCOWA staff, questioned workers in several factories. Shortly afterwards two YCOWA staffers went into hiding. On 27 January 2004, an HRC team conducted a fact-finding mission to Mae Sot regarding the situation facing workers and NGOs. The Tak Labour Protection Officer acknowledged the threat to NGO staff, but claimed that as the case was public, they were unlikely to be hurt.[11]

The Police

NGOs and workers in Mae Sot are reluctant to seek police assistance as they consider them complicit in human rights violations. Workers report that police and immigration officials are a principal source of rights violations. Police and immigration officials take bribes from employers and regularly extort money from workers. Allegations that the police are involved in trafficking drugs and women into prostitution, among a range of other serious human rights violations, are not uncommon.[12]

In January 2004 the UN Secretary-General received a statement from the Asian Legal Resource Centre (ALRC) calling on the Thai government to 'ensure that domestic law is upheld with regards to migrant workers, legal or illegal, as it is to Thai citizens'. The statement identifies many of the problems migrant workers face:

> Murders, rapes, abductions, torture and other abuses of Burmese migrant workers . . . have occurred with alarming regularity . . . , particularly in the

Mae Sot district..., but for a long time only cases of extreme brutality were ever made public. In January 2002, for instance, the bodies of at least 21 persons were found in the Mae Lamao stream. No one has ever been brought to account for that atrocity.... In the past year, abuses have increased, as impunity has spread in Thailand with new government policies favouring extra-judicial killing [in the war on drugs], and because migrant worker's rights have been further curtailed...

In 2003, the [ALRC reported]...that immigration officials, police, and other officials...abuse illegal migrants at time of arrest, in detention centers, and during deportation. These abuses include extortion, physical and sexual assault, and murder. These activities by the police lead others to commit the same offences without fear of the consequences...

(ALRC 2004)

It is clear that intimidating and sacking migrant workers who demand their rights has become a management strategy for Mae Sot-based companies. As we have shown, employers are generally supported by the local authorities. It is also evident that even when workers are sacked for other reasons such as factory closure, production slowdown or relocation, accessing their legal entitlements such as severance pay or other compensation is problematic (Figure 10.4).

Figure 10.4 Workers in a funeral procession for a murdered worker who was active in organizing in his factory. No serious investigation was reported and no perpetrator arrested (photo credit, Dennis Arnold).

Controlling workers

Migrant workers were permitted seven days to find new employment after terminating a work contract but in June 2003 this was reduced to less than three days. Legally registered migrants are not permitted to change employers as permits are valid with a single employer. If they quit or if they are fired, they are liable to immediate deportation. Of course, the ability to change employers without re-registering is essential to protect migrant workers' freedom of association, and employers use these provisions to prevent labour organizing. Workers who organize or complain about work conditions are usually fired by the employer and handed over to the immigration department.

A recent agreement between the Thai and Burmese governments (see the following paragraph) requires that Burma begin to replace 'illegal' workers by exporting legal and registered labour. By this process, the military government in Rangoon stands to profit – politically and financially – by facilitating and controlling the flow of migrants to Thailand (Human Rights Watch 2004a). Workers not approved by the government, especially exiled political dissidents, are unlikely to receive authorization from either government. Under this policy, they will be returned either directly to Burmese officials or deported.

Registered migrant workers do have access to the Thai legal system, but this system is difficult even for Thai workers; migrant workers have even fewer opportunities, and to use the courts requires courage and perseverance. Employers also make use of the courts, but this is often to buy time and to pressure workers – Thai or migrant – to give up their fight and to accept out-of-court settlements that benefit the employer.

In Mae Sot, wildcat strikes are common, but no Burmese workers have legally registered any strike. This is because workers feel that employers do not negotiate in good faith or according to the law. The fact that Thai nationals face major obstacles in organizing strikes – there were only 11 officially registered strikes in Thailand between 2000 and 2002 (Ministry of Labour n.d.: 69), it is unlikely that migrant workers will regularly use the legal system and legal strikes to advance their claims. This means that the legal labour relations system has been overshadowed by issues related to the registration as the most pressing issue for migrant workers.

Migrant worker registration

Registration and work permits allow employers to use migrant labour on a regularized basis and provide government with a tool to better regulate migrant labour, and there have been a number of rounds of registration. In July 2004, Thailand began a new round of registration for workers from Burma, Cambodia and the Lao Peoples Democratic Republic (PDR). The process aimed to implement the Memorandum of Understanding (MOU) between Thailand and each of the three governments (for details on registration, see Arnold 2004).

Registered workers were to be covered by Thai labour law and get involved with Thai unions, except that they will still not be able to form trade unions

or act as union committee members. Unregistered workers will be vulnerable, and many of those who registered remain unaware of their legal rights. Registered workers are permitted to take work deemed unskilled, in fisheries and related industries, manufacturing, domestic work, farming, plantations, rice mills, labouring for shipping businesses and construction works, if no Thai can fill these positions.

Under the bilateral MOUs, the Thai government will send workers records to their nominated home country, with a request that the home country verify each worker's citizenship. If confirmed, the home country is then responsible for issuing travel documents. This process will take years to fully implement, and raises immediate problems and human rights issues. For example, given on-going human rights abuses in Burma, and the corrupt nature of the governing regime, many Burmese workers will have little trust that their citizenship will be easily determined and will not be used for political purposes.

Perhaps the greatest obstacle preventing workers from taking advantage of this registration system and of Thailand's labour laws is a lack of information. The government made little effort to distribute registration information to workers. It has been left to NGOs to translate information into Khmer, Burmese, Lao, Shan and other languages and to distribute information to workers. But NGOs do not have the capacity to reach all workers, leaving many uninformed, making them relatively easy to control and subject to exploitation. The registration process should mean that registered workers are better protected under the law. However, this would mean that workers be provided information about their rights.

The problematic registration process means that many workers fear that they will be sent home or become stateless if their home citizenship is not confirmed. There is also a fear that when a migrant registers, it may open the way for their families at home to become the targets of extortion. Finally, past work permit schemes have not attracted a significant number of registrants because even registered workers remained subject to arbitrary deportation and extortion by employers and local authorities. While many workers do not believe that their conditions will change with the new registration scheme, for those who do not register, the risks and vulnerabilities increase.

As noted previously, despite reservations, more than 900,000 Burmese migrant workers registered. Tak Province is second to Bangkok in the number of registered migrants. Those who do not have a work permit were scheduled to leave Thailand by 31 July 2005. In the meantime, however, Thai government policies have continued to be modified, often responding to employer demands (*Bangkok Post* 23 October 2004). For example, in May 2005, following a serious abuse case involving a Burmese domestic worker, the ILO Sub-Regional Office in Bangkok issued a statement condemning the continuing mistreatment of migrant workers (ILO 2005). At the same time, apparently responding to employer appeals, the flow of migrant workers was increased. The Thai cabinet agreed to extend work permits by a year and to allow an increased flow of workers by permitting migrants to cross the border as both day and seasonal workers (*Bangkok Post* 11 May 2005).

The issues associated with registration and work permits are significant for organizing the relationship between migrant workers, production and global supply chains.

Mae Sot in the global supply chain

As indicated in the previous section, Mae Sot has been integrated into global supply chains, especially for textiles and garments. Workers in Mae Sot are not always aware of garment brands popular among international consumers, but when shown logos they are often able to identify the brands they are producing. However, identifying the origin and destination of orders is difficult as factories maintain tight control over shipping and receiving. While major brands are not as common in Mae Sot factories as they were a few years ago, it is believed that some major brands are subcontracted from factories in and around Bangkok (where factories have export quotas) to the lower-waged factories on the border. Labelling is likely to be done in the factories with quotas so that production in Mae Sot factories, which do not meet the corporate standards of international brands, can lower costs.

In 2002 and 2003 Norwegian Church Aid (NCA) and the Burma Labor Solidarity Organization (BLSO) conducted research regarding the alleged production of Tommy Hilfiger products in Mae Sot. Based on shipping documents, labels and purchase orders collected from inside the New Products Knitwear (a BOI-promoted company), the NCA claimed to have proof that Tommy Hilfiger-labelled goods were being produced in Mae Sot as late as 2003. In response, the Tommy Hilfiger Corporation (2003) claimed that this production was either unauthorized or involved fake goods.

Regardless of whether the production was of fakes or was of authentic goods, workers at the New Products factory reported significant changes shortly after the NCA released its findings in May 2003. The workers reported that in July 2003 all under-age workers were sacked and labels, documents and patterns from past orders were destroyed. The following month, the labelling and packing sections were closed and workers were moved to other sections. In October, work slowed, and in November, 200 workers were fired and sent back to Burma. On 9 December 2003 the factory was closed and 800 sacked workers reported that they were pressured to sign a 'voluntary leave statement' (in fact, a letter of resignation) and received 900 baht for transportation to Burma. No compensation was provided, but management promised to rehire the workers in March 2004, a promise it kept.

New Products, Sunrise Knitting and the BOI

Investigations by the NCA and BLSO found that New Products is linked to Sunrise Knitting in Nakhon Sawan (also BOI-promoted), and that they were sub-contracting orders for Tommy Hilfiger-branded goods at the Champion/New Products factory in Mae Sot in 2002–03. Sunrise Knitting and New Products are linked to the Hong Kong-based South Ocean Group (see the following paragraph).

New Products was established in 1990, at the height of a period of rapid expansion in the industry. It had a registered capital of 10 million baht, and was a joint venture between Thai and Hong Kong investors (at the time, the law required that Thai investors hold a majority of shares). Following the 1997 economic crisis, the company changed its name to New Products Knitwear Company Limited in March 1998 and increased its registered capital to 20 million baht in order to garner BOI privileges. The major shareholder, with 75 per cent of shares, was then Long Dragon Limited, registered in the British Virgin Islands. New Products also changed its BOI 'authorized person', to Mr Woo Ping Tung and Mr Ying Wa See, both executives of Long Dragon. The company has factories in Samut Prakarn province and in Mae Sot.

Sunrise Knitting was established in 1999. Its founders, major shareholders and management committee were all Thais. This group of founders is also amongst the shareholders and committee members for New Products Knitting. Soon after, to gain BOI privileges, the company increased the registered capital from 5 million to 15 million baht. The authorized persons of Sunrise were Woo Ping Tung and Ying Wa See of Long Dragon, which is now the major shareholder. The head office for both companies is at the same office in Bangkok.

The company's business is to produce knitted sweaters and shirts. The documents collected did not indicate that the company held an export quota. Even so, companies without export quotas can 'buy' them from other companies or can make goods for companies with a quota. According to data from the Garment Institute of Thailand, the markets for New Products are the United States (90 per cent), Japan (4 per cent) and Europe (2 per cent). Its customers include brands like Sears, DKNY, Kohl's, L.L. Bean, Gap, Wal-Mart, Tommy Hilfiger, Donna Marshalls, Target, Secausus and J. Crew.

The Hong Kong and Tommy Hilfiger connection

The investigations by NCA, Erling Borgen of Borgen Production A/S and BLSO found documentation that indicated a business relationship involving Sunrise Knitting, New Products, Champion Knitwear International (Hong Kong) and Gracedon Knitters (also based in Hong Kong).[13] Gracedon and Champion Knitwear share the same mailing address at the Novel Industrial Building in Hong Kong and the same building as the South Ocean Group, Tommy Hilfiger and Novel Enterprises.

Novel is one of the world's largest producers of garment products. According to the Directory of the Hong Kong General Chamber of Commerce (2004), 'Novel Enterprises Limited started in 1964 as a holding company and with business interests in manufacturing and trading of textiles and garments. In 1987, Novel became a [Stock Exchange of Hong Kong] listed company . . .'. The company was delisted in 1995, when it was privatized.

Silas Chou and Lester M Y Ma, two of the top managers in Novel, have been Hilfiger managers or directors; The 2002 Tommy Hilfiger Corporation Annual Report lists Chou as Board Co-Chairman and Ma as a Director

(Tommy Hilfiger Corporation 2002: 2, 16). Chou is also one of the owners of the Novel group. According to the Tommy Hilfiger Corporation's website (2004), in 1989 an 'affiliate of Novel Enterprises, owned by Silas Chou and Laurence Stroll, acquire[d] majority ownership of Tommy Hilfiger, Inc.' Chou is also Board Chairman of Novel Denim Holdings Limited, which was NASDAQ-listed until 2005 when it was privatized. Chou was, from 1992 until October 2002, Board Chairman of Directors of Tommy Hilfiger. When it was NASDAQ-listed, Reuters (2004) stated

> Novel Denim Holdings Ltd., incorporated in 1989, is a vertically integrated supplier of denim and chino garments and fabric and printed and dyed fabrics to the European Community…and the United States…. Novel's customers include major manufacturers, retailers and licensees that market under proprietary labels and trademarks.

Listing Novel customers, Reuters (2004) stated:

> Novel sells its garments to over 50 customers and its fabric to approximately 180 customers. Its major garment customers include The Burton Group plc,…Gap, Mi-Temps and Tommy Hilfiger. The Company's major fabric customers are VF Corporation and Jordache International and fabric converters such as Cogimex (France) and China Point (Asia) Limited.

In 2003, three customers – Tommy Hilfiger, Gap and Mi-Temps – accounted for more than a quarter of Novel's sales.

According to Borgen, through a report commissioned in September 2003, the International Bureau of Credit information in London reported the following on South Ocean:

> Main share holder: South Ocean Knitters (South Ocean Group) is owned by a holding company in the tax haven British Virgin Island [the same location as the primary shareholders of Sunrise and New Products]…. Novel Enterprises Ltd and Gracedon Knitters are two of the subsidiaries of South Ocean Knitters.

The purpose of highlighting the links between Tommy Hilfiger, South Ocean, Novel, Gracedon, Champion and the factories in Mae Sot is to indicate the complexity of the textile and garment supply chain and the management of this chain. It also emphasizes the difficulties posed in adhering to corporate codes of conduct, which major labels such as Tommy Hilfiger cite as their way of ensuring labour standards in the production of their products (see Tommy Hilfiger Corporation 2005).

Implications for Mae Sot

The development of late developing economies like Thailand owes much to the expansion in labour intensive industries. Thailand's industrialization saw textile and garment manufacturing, first established in the 1960s, play a significant

role in the expansion of export-oriented industrialization (Hewison 1989, 1997). Over the past two decades, the BOI has promoted Thailand as a secure place for investment, with abundant and cheap labour. Investors also know that there is a lack of adherence to labour laws, and this 'ease of doing business' is sometimes attractive, especially in textile and garment production, where an easily controlled workforce is required.

In one of its responses to NCA's report and questions, the Tommy Hilfiger Corporation wrote a letter to Thailand's Minister of Labour, stating that the products being made in Mae Sot were unauthorized and contradicted their corporate code of conduct (see Tommy Hilfiger Corporation 2003). While counterfeiting is not his Ministry's responsibility, the letter urged the Minister to ensure that counterfeit production was prevented. The company's letter, written in terms that do not specify particular companies or problems, can be seen as an effort to shift responsibility for the exploitation of workers in Mae Sot to the government.

Global supply chains pose serious dilemmas for some international companies. Through consumer campaigning, major textile and garment corporations have begun to respond to demands for better regulated factories.[14] But this fact creates a dilemma for those who publicize the production of branded products in places like Mae Sot. The corporations make much of their codes of conduct and there is always the possibility that negative publicity about labour standards will cause the companies to 'cut and run', with workers losing their jobs, even if these are poorly paid and with poor conditions. In addition, international campaigns sometimes draw criticism from the Thai government and some labour organizations as it is claimed that international pressure causes orders and jobs to be sent to countries where factory-level monitoring is less effective or absent.

The Mae Sot case challenges trade unions and labour rights organizations by demanding that they focus on the entire supply chain rather than just the consumer demand end that stresses factory-level conditions (see AMRC 2004). Clearly, it is unacceptable to allow corporations to exploit workers for fear that they will relocate if criticized. It is also unacceptable that international brands use suppliers who exploit workers. At the same time, it is important to consider the situation that faces workers within supply chains, where they are often exploited, but remain keen to have opportunities to work.

Conclusions

As outlined, the situation in Mae Sot makes it difficult for organizations to operate effectively in support of Burmese workers. In 2004 there were no Thailand-based organizations working specifically on labour issues in Tak. As we have shown, migrant workers are in a vulnerable situation and greater organizational and protection efforts are needed. This organizational and political weakness is in stark contrast with that of employers who enjoy the support of the state. This imbalance makes it difficult for workers to organize to protect or promote their rights. The handful of Burmese organizations attempting to assist workers is limited because of their problematic legal status in Thailand and the intimidation prevents them from operating without fear of reprisals.

Structural factors promote the exploitation and human rights violations of Burmese migrant labourers. Burmese leave Burma due to political oppression and socio-economic hardship, and subsequently have a high threshold for the difficulties they endure in Thailand. Thai authorities and employers, regardless of nationality, are eager to exploit this vulnerability in their effort to maximize profits. A lack of corporate social responsibility and adherence to corporate codes of conduct means workers at the bottom of the supply chain, in places such as Mae Sot, produce textiles and garments and other products for developed country markets in a state of constant exploitation and oppression.

It is obvious that Burmese migrant workers in Thailand face a myriad of human rights issues in Thailand and Burma. Denying the freedom to organize effectively undermines any attempts by migrant workers to improve their situation.

The policy of the Thai government towards Burmese refugees and migrants is changing. Prime Minister Thaksin Shinawatra's government has forged closer economic and political ties with the Burmese junta. More than a million Burmese migrant workers are now stuck between one, the most brutal military dictatorships in the world, and a Thai government intent on maintaining good relations with the junta. While the Thai government trumpets 'constructive engagement', there is no doubt that the government's attitude is driven by business interests.

It is worth noting that the traditional gap between migrant support organizations and workers, and Thai labour organizations has been reduced over the last year or so. This, in combination with greater advocacy for migrant rights – by Thailand's HRC, international and global trade unions, academics in Thailand and the region, governments and human and labour rights organizations both in the region and internationally – is creating space and potential for greater transparency and respect for labour rights and adherence to labour laws and standards. It may enhance the ability of migrant workers to organize and improve work conditions, but the struggle will still be a long and difficult one.

Acknowledgements

Notes

1 Exchange rates for the kyat are highly variable by the market used (official and black) and market location (Mae Sot, Bangkok, Rangoon). For calculation purposes we have used rough rates: 1 baht = 21–22 kyat, US$1 = 850–860 kyat, US$1 = 38–40 baht.
2 The draft Labour Relations Act was approved by the Cabinet on 1 December 1998, and was ratified by the Council of State and the Cabinet in 2004. One article seeks the 'Revocation of legal qualification that any founding member of a labour union or any union official must be of Thai nationality'.

 3 Information on the FTUB can be found at its website: http:// www.tradeunions-burma.org
 4 This summary information is not comprehensive in terms of organizational activities, workers' actions or labour problems in Mae Sot. This account is based on information releases from YCOWA and, from the end of 2003, the Action Network for Migrants (of which YCOWA is a member). These sources were supplemented by discussions and interviews with members of the organizations and workers (Thai Labour Campaign 2003a) and by media and other reports.
 5 YCOWA's work in Mae Sot was recognized with the South Korean Tji Hak-soon Justice and Peace Foundation announcement that YCOWA would be its 2004 Justice & Peace Awardee (*The Irrawaddy* 23 November 2004).
 6 The Labour Protection Officer who made the order was soon transferred.
 7 The World Trade Online web site profiled King Body Concept in these terms in late 2004 (see http://www.wtichina.com/comm/showoffer.aspx?PageId=20770). By mid-2005, this listing had apparently been deleted.
 8 For more detailed information on this case see Asian Human Rights Commission (2003b).
 9 The information in this section is drawn from a series of Information Releases provided by the Action Network for Migrants, the first on 14 December 2003. These releases are available from: http://www.thailabour.org/news/archive.html. Other information on this case can be found at: http://www.december18.net/web/docpapers/doc1027.doc and Seng (2004).
10 There is no minimum wage in Hong Kong, *except* for foreign domestic servants (Chiu 2002).
11 Harassment affects many NGOs in Mae Sot. Tak FTI has complained about organizations including the Mae Tao clinic (known as Dr Cynthia's), which provides migrants with free medical assistance.
12 There are numerous reports on these matters. See GlobalSecurity.org (n.d.), Human Rights Watch (2004b) and Amnesty International (2004). For reports of police activities against migrants, see Wai (2004) and Pim (2001).
13 Some of the information used in this section is based on NCA and Erling Borgen's unpublished reports (contact: fredrik.gjernes@nca.no).
14 Of course, there remain many firms, particularly the 'generic' brands and east Asian transnational manufacturers, of which there is little consumer awareness or pressure.

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Part III

Policy-making and migrant labour

11 From wage labourers to investors?

Filipina migrant domestic workers and popular capitalism

Kathleen Weekley

The globalization of capitalism that sees capital, goods and labour moving increasingly rapidly and in greater volume, though not more freely in labour's case, is not occurring in an ideological vacuum. Capitalism's triumph has occurred along with a virtual collapse not only of non-capitalist economics, but also of its moral and political censure. One of the ways we can measure this is by analysing the activities of organizations normally understood as progressive, left-wing, adversarial on behalf of the losers in the economic game and so on. This chapter analyses 'reintegration' strategies, one of the latest ways of 'managing' non-professional migrant workers in Asia. They include training in savings and investment, business planning and entrepreneurship and credit management, whose objectives are to help migrants to achieve some steady income above their wages, either as an alternative to continuing work overseas, or to augment remittances, and perhaps establish an income-generating project. For the non-government organizations (NGOs) involved, the long-term goal is to see migrant workers' savings invested in sustainable economic projects that will aid national development and thus, eventually and in theory, negate the need for citizens to seek work abroad.

This chapter focuses on reintegration strategies being developed among Filipina domestic workers in Hong Kong, where they are most advanced. Problems, both conceptual and practical, are already evident. Entrepreneurship as an alternative to wage labour can only ever be available to a small number of migrants; an unskilled worker on low wages simply cannot earn enough from invested savings to give up her overseas job. The problem for self-described progressive organizations is that the reintegration programmes represent individualistic solutions to structural problems, attempts to create self-motivating 'stakeholders' who can, ultimately, be held responsible for their own failures. Even in their most collectivist or socially aware forms, these programmes constitute an accommodation of the structural inequalities of contemporary capitalism rather than a critique of them. Strategies of individual and social entrepreneurship reproduce capital's preferred subjects – those who try to succeed by following the rules of the game. The rules that guarantee inequality are left unchallenged.

We begin with a discussion of the rise of popular capitalist ideology that underpins the reintegration strategies, analyse them as a manifestation of NGO

efforts to engage with that ideology and conclude with a consideration of a further problem, which is the persistent nationalism informing the schemes. In a world determined by globalizing principles, nationalist responses leave migrant workers even further behind in a struggle to extend their human rights regardless of where they earn their wages.

The globalization of neoliberal capitalism

In a remark referring to Britain but applicable worldwide, Will Hutton (1996: 169) says that '[s]ince 1979, a uniquely powerful combination of forces has worked to promote the market as the sole organizing principle of economy and society'. Describing the combined effects of structural change and the ideas behind it, he writes:

> Over the 1980s, the march of the pro-marketeers and anti-statists circled the globe. Their ideas both reflected and gave added impetus to the new direction in which the international economy was moving.... Private capital and private corporations have never before so influenced the world economy. Capitalism as a system has no competitors.
>
> (Hutton 1996: 56)

The United Nations Research Institute for Social Development notes the importance of the emergence of globalization in this process

> the neoliberal case...was further strengthened by growing reference to the process of 'globalization', which was seen...as an inevitable fact of contemporary economic life. This justified a broad attack on the welfare state, and indeed on many less comprehensive forms of public social provision that were assumed to be unviable in a highly competitive international marketplace. Notions of equity and social justice became unfashionable.
>
> (Mkandawire and Rodriguez 2000: vii)

This promotion of the market, against (certain forms of) state intervention has also occurred through institutions such as the World Bank and the International Monetary Fund (IMF) most notably via the Structural Adjustment Programmes (Mkandawire and Rodriquez 2000: 5–6). Such principles have made their way into national governments' overseas development aid agencies too, and trickled down to non-government agencies – not only because of the strength and ubiquity of the discourse but also because of the nature of the financial relationship between many NGOs and their national and international funding agencies (Rozario 1999).

John Redwood, one of the British architects of Margaret Thatcher's government's radical neoliberalism, predicted that the 'ideals' of what he called 'popular capitalism' would be 'adopted by [political] parties on the left as well as the right'. Popular capitalism, he said, 'is a hybrid creed which is neither clearly of the right

or of the left' and 'far from being divisive', as its critics contended, it has 'something to offer to all of the people' (Redwood 1989: 44–5). More than a decade later it is clear that his prediction about the broad political adoption of the creed was correct, not because there is anything *naturally* 'hybrid' about it but because with the final collapse of actually existing socialism went the last material critique of capitalism. So total seemed capitalism's victory that some even went so far as to declare the end of history (see Fukuyama 1993).

The key elements of popular capitalism are liberalization, privatization, swapping debt for equity, lower taxation and the 'spread of wider property ownership' through home ownership and, more importantly, ownership in the stock market (Redwood 1989: 32). 'With these instruments', say other commentators, neoliberal governments 'fought a struggle for the freedom of capital'. After being restrained somewhat by social democracy for around 50 years, 'a counter-reformation of historic dimensions' was launched (Martin and Schumann 1997: 8). The basic elements of neoliberalism are now in place almost everywhere and its strongest critics have been silenced. Now, we have shareholder democracies, stakeholder democracies, liberal democracies, or just plain democracies (since there can be no democracy without capitalism, so the rhetoric goes, who needs more precise labels?). In a repetition of history (not far from farcical) capitalism again is reified – it appears as 'natural', without substantial challenge from any other economic system or philosophy. All the major economies of the world have liberalized trade and investment; commercialized or privatized key public utilities and industries; lowered income and business taxes (shifting some of the revenue burden onto consumption instead); deregulated large areas of economic life, including wages (making labour 'flexible'); and encouraged greater individual and institutional participation in the stock market. Welfare state functions have been reduced in the interests of cutting government expenditure and ending 'welfare dependency', which the rhetoric has it, have had crippling effects on both individual recipients and wider society.

The effects of these radical changes have been tremendous; not least of them is that income and other inequalities in even the richest countries have increased. In Britain, between 1979 and 1991, real income for the bottom one-sixth of the population fell while that of the top 10 per cent increased by more than 50 per cent (Hutton 1996: 172). According to the US Census Bureau (2000), while income inequality in the United States decreased between 1947 and 1968, then was 'generally stable between 1967 and 1980', over the following 20 years, it increased: the bottom 20 per cent now take just 3.6 per cent of national income (down from 4.3 per cent in 1980) while the top 20 per cent take 49.2 (up from 43.7 in 1980). The ratio of average worker salary to average chief executive salary increased from 42:1 in 1980 to 85:1 ten years later, and 531:1 in 2000 (Angelides 2002).

Internationally and globally, the same thing has happened. According to a senior World Bank economist, the increase in global inequality between 1988 and 1993 was 'staggering'. Of the worlds total population 80 per cent lives below the OECD poverty line and 'the richest 1% of the world have income equivalent to

the poorest 57%' (Milanovic 2002: 78).[1] The increase in poverty (both absolute
and relative) in nearly all underdeveloped countries except those formerly poor
states of East Asia is often caused by the austerity measures of Structural
Adjustment Programmes 'that reduce the state's capacity to provide essential
services, as well as through retrenchment' (Mkandawire and Rodriguez 2000: 5).
While even with greatly reduced welfare provisions the older developed
economies have provided some protection for the poor, 'most developing countries
[can] provide only tattered safety nets, unlikely to hold more than a handful of
citizens' (Mkandawire and Rodriguez 2000: 18–19).

The left's response: 'stakeholder' democracy and social entrepreneurship

Private capital is more economically influential than ever before and capitalism as
a political ideology is triumphant; it is, in Gramscian terms, truly hegemonic.
While hegemony is never total, the space left beyond it is small. At present, there
is almost no space for ideological dissent, let alone the development of a counter-
hegemony to globalized capitalism. The strength of the neoliberal hegemony
determines, as hegemonic ideologies do, the nature of what critiques of it emerge.
While some critics (including Charles Schwab, head of the World Economic
Forum), call for the harshest effects of unfettered capitalism to be ameliorated,
this is not to be through any substantial reform of the system. Rather, the solution
is seen to lie with individuals who will help themselves, and in the rebuilding of
social capital or trust (see Fukuyama 1995; Putnam 1993). While the original
neoliberal reformers have been content to let a rapidly expanding private charity
sector pick up where the welfare state left off in its care for the needy, both neo-
liberals and critics to their left now agree that some formerly key functions of the
welfare state can be better fulfilled by social entrepreneurs. The role of the state
is to 'enable' people to help themselves (Botsman and Latham 2001).

   In the late 1980s, Redwood (1989: 156) wrote that each citizen would only be
'truly enfranchised . . . in the economic life of the country when he also has a stake
in its land and its means of production'. Such arguments underpinned the
Thatcher government's encouragement of greater home ownership in the United
Kingdom and participation in the stock market, especially through the sale of
shares in newly privatized public utilities. Now, advocates of the Third Way echo
this sentiment, saying that 'all citizens should have a stake in the success of the
market economy . . . [We want] to free them from the vagaries of the welfare state'
(Latham 2001: 26–7). Terms such as 'welfare dependency', 'stakeholder capitalism/
democracy' and 'social entrepreneurship', which first arose (or rose again) from
right-wing sources, reappear as key terms in the work of champions of the 'Third
Way' as they argue for something between unfettered free enterprise and tradi-
tional forms of social democratic (or democratic socialist) economies and welfare
statism (see Giddens 1999; Hutton 1996; Latham 1998).[2]

   One of the criticisms of neoliberal capitalism is that it destroys 'social capital', that
set off intangible values required to hold an economy together, even a capitalist

one: 'the cooperative ties between individuals, such as loyalty and trust that contribute towards economic success' (Prabhakar 1999: 176). The question is how to restore or rebuild this necessary trust and the answer, almost universally it seems, is 'social entrepreneurship'. It is seen as an alternative between charity and the welfare state – a 'win–win' scenario that denies neither the general 'good' of the pursuit of profit nor the fact that some people need a hand to help themselves succeed in the capitalist world. As one commentator explains,

> Social enterprises are driven by social goals – to provide education, childcare, family support – but they often deliver most of that through the market by selling services and products…. [They] are modern incarnations of the 19th century tradition of community self-help and co-operation which was based on the intuition that the solution to the most pressing problems we face is in our own hands, in our own localities and neighbourhoods.
>
> (Leadbetter 2002)

US President George W. Bush agrees. In order to address problems such as 'addiction and abandonment and gang violence, mental illness and homelessness' he promises to 'invigorate the spirit of involvement and citizenship…. I look forward to working with…the social entrepreneurs all across America…. I'm absolutely convinced the great fabric of the Nation [*sic*] exists in neighbourhoods' (Bush 2001).

From the Republican president of the United States, to the leaders of the Third Way, to the founder of the Grameen Bank, the virtues of social entrepreneurship are extolled, albeit in varying ways. There has appeared a new consensus that the state and the market can exist without contradiction, so long as we insist that capitalism (re)gain its 'conscience', and cut through the obstacles – created by the bureaucratic state – to people helping themselves. One of the leaders of the social entrepreneurship movement in the United Kingdom, Father Andrew Mawson, recommends that the 'the business approach' be taken to the effects of social exclusion, 'focused on outcomes and delivery', encouraging the entrepreneurial spirit which 'comes naturally'. In order to 'build new cultures', he says, 'business entrepreneurs, social entrepreneurs and entrepreneurs from the civic sector' must be brought together. This networking will create new opportunities. The power of the rhetoric seems somewhat diminished when Mawson gives an example of such an opportunity: a new partnership between the Community Action Network (CAN) and Coca Cola, which might result in the welcoming of soft drink vending machines into the neighbourhoods if in return they can be used as 'information points for communities' and if a percentage of Coca Cola's profits go to CAN. 'This is about thinking outside the box', he claims (Mawson 2001: 156, 160, 164). There is no acknowledgement here of the possible deleterious effects of encouraging the relentless commercialization and commodification of human life (or of the health effects of drinking too much soda). In a thorough critique of the notion of social capital, economist Ben Fine (2001: 189, 196) notes that its proponents seem 'desperat[e] to find an alternative that is acceptable to the establishment'.

Aside from this renewed faith in the market to solve social problems, the past two decades have seen an extraordinary growth in shareholding by small investors, just as Redwood had hoped. But where millions of people's post-retirement years are now to be funded through stock market investment (often through superannuation/pension schemes) the main concern of states and post-neoliberal social democrats alike is to have the funds managed more responsibly. Too many market crises might result in significant portions of the population retiring on much less than they expect or need and thus create social instability (and political opposition). Concern is growing again about the ability of the unregulated market to deliver basic economic protection even for citizens, fuelled by recent increases in executive salaries and severance payouts, even when stock market values drop.

The treasurer of California, with responsibility for the vast sums of investment money in that state's pension funds warns that only by exercising their collective power can small shareholders 'protect the money of millions of working men and women in California from the kind of corporate abuse and malfeasance and deception that has rocked the market' recently (Angelides 2002: 2–3). But the 'socially responsible' management of capitalism is no small matter. Such a project amounts to no less than a reestablishment of political control of capital, which neoliberalism sought to abolish. Likening the early twenty-first century market 'adversity' to the times of the late nineteenth century 'robber barons', Angelides (2002) says that the current problems are systemic:

> this is not just about a few bad apples…. We need to dispel [the] notion that riches can be created quickly…. We need to bring back a sense of ethical conduct, a new moral compass, and a new commitment to long-term value creation in our economy…. First and foremost, we do need a strong regulatory system.

Such a project requires a long-term, broad and intensive political campaign – 'the hard work of democracy and organizing'. If it is a daunting task even for the leaders of multi-billion dollar funds originating from the labour sector for which, as Angelides points out, such organizing should 'come naturally', then how much more difficult can it be for small collectives, worth nothing as far as real markets are concerned, to protect themselves and to prosper?

In the developing world, popular capitalist sentiments are echoed, in slightly different form, in Hernando de Soto's call for property rights to be formalized so that what even poor people already own (which he says amounts to a great deal when calculated collectively) can be put to better use in the market. Without legal recognition of property rights, the 'multitudes' who 'possess more than anybody has ever understood' cannot 'create capital' and the cities of the developing world will remain 'citadels of dead capital' (de Soto 2001). The state's role is to create 'the order that formalized property rights bring' so that the poor majority can 'reap the benefits of a market economy', which is the only way to prosperity (de Soto 1993). However, echoing Angelides' warning, de Soto notes that this 'revolutionary' political project will not be executed by existing official institutions

such as the courts. A great deal of purposive political power must be wielded even to produce this formal system of property rights, which already exists in developed countries and which has been shown to be no panacea for small property owners.

This is the larger context in which Filipino migrants in Hong Kong and elsewhere are encouraged to transform themselves from workers to entrepreneurs. What is often glossed over or minimized in both promotional and academic literature on the subject (see Gibson *et al.* 2001) is that ownership and entrepreneurship are not economically meaningful for small 'players' without the concomitant exercise of *collective* political power. This is evident when we look at concrete examples. Analysing a notorious UK case of a management and employee buyout of a public utility, Arnold and Cooper (1996) concluded that for the workers of the Medway Ports,

> the ideological rhetoric of popular capitalism failed to explain their lived experience...shareholding democracy turned out to be no more than old fashioned capitalism, and whilst quick profits could be made from privatized shares [for some], their livelihoods were [still] determined by their ability to sell their labour.

For non-professional migrant workers too, investments in capitalist enterprises are no more stable than wage labour and certainly cannot replace it in financial terms, nor are small businesses necessarily more stable because they are owned and managed collectively. This is what the evidence from the 'reintegration' programmes tells us so far.

Filipinos and the transnational division of labour

Along with Mexicans, Filipinos migrate around the world looking for work in the greatest numbers. It is estimated that currently around seven million people – 10 per cent of the Filipino population, 20 per cent of the country's labour force – work overseas, including 'undocumented' workers. Officially, in 2003, more than 650,000 people left the Philippines to work in land-based occupations, in nearly every country and territory in the world (see Table 11.1).

Each year these Filipinos working temporarily and permanently abroad remit through official channels a sum of money that surpasses that brought in by any other export. In 2004, overseas Filipino workers' (OFWs) remittances totalled more than US$8.5 billion (Bangko Sentral Pilipinas 2004).

The government of the Philippines has encouraged, facilitated and earned revenue from the systematic and more or less orderly export of workers, since former president Marcos began the Labor Export programme. The programme was prompted by the double effects of the oil crises in the 1970s: on the one hand, the Filipino economy was badly affected by the oil price increases and on the other hand, the economies of the oil-producing countries were awash with money available for projects for which immigrant labour was needed. In order

Table 11.1 Migrant worker departures from the Philippines in 2003

Destination	Number
Middle East	285,564
Asia[a]	254,520
Europe	37,981
Americas	11,049
Africa	8,750
Trust Territories	5,023
Oceania	1,698
Unspecified	46,279
Total	650,864

Source: Philippine Overseas Employment Administration (POEA), 2003.

Note

a 84,633 of this total went to Hong Kong.

to reduce unemployment at home and to increase foreign currency earnings, Marcos encouraged Filipinos to migrate. It was a strategy that fitted the notion of an international division of labour in which poorer countries supply natural resources including human labour (Gonzalez 1998: 33–4). No Philippines government has since rejected this role for its citizens or tried to reduce the numbers of migrants leaving each year. Instead, they have encouraged Filipinos to leave, while responding with varying degrees of enthusiasm and commitment to their demands for greater regulation of recruitment and placement agencies inside the country and greater protection while outside, even when this has meant upsetting diplomatic relations with fellow Asian countries (Gonzalez 1998: 6–12). Migrant workers' roles in the Filipino and global economies also receive growing public recognition, albeit largely rhetorical: migrant workers have been called 'modern day national heroes' and 'internationally shared human resources' (by former presidents Aquino and Ramos) and now 'overseas Filipino workers' are becoming 'overseas Filipino investors' according to President Gloria Macapagal Arroyo. Though there is no evidence that migration reduces the unemployment rate in the country, or results in any national development, no one disputes that remittances are crucial to the economy, as a source of foreign currency and vital income for family members left behind.

From the 1980s especially, economic growth in East Asia has provided employment opportunities for Filipinos, especially women, as the women in those richer countries join the workforce in increasing numbers and cannot find nationals to take care of the children and the elderly and do the housework. There are around 150,000 Filipina domestic workers in Hong Kong, constituting about 85 per cent of all foreign domestic workers in the territory. The work that such women do keeping house and caring for others' families represents a shift of

responsibility for social reproduction. In some cases, the practical burden has been shifted from the state, as in former welfare states that hitherto provided if not free then subsidized childcare and care for the elderly; in other cases such as Hong Kong, the physical burden has been shifted more decisively from middle class women. In every case, 'the social reproduction of everyday life' is subsidized by the incomes of middle class women and the labour of working class women. The migrant domestic workers in Hong Kong, as elsewhere, are firmly inserted in this new 'transnational division of labour' (Heyzer and Wee 1994: 44–5). This division of labour calls for new transnational strategies to win and defend the rights of workers, and while such strategies are emerging in Hong Kong and elsewhere, the extent to which the struggles to defend migrant domestic workers' rights are conceived in terms that transcend the national is debatable.[3]

How and why Filipinas seek and find work in Hong Kong, the wages and conditions, the ways in which they are disciplined through official and unofficial mechanisms of control, the ways in which they organize themselves socially and politically and the work that so many support groups do to help women when they are abused by their employers, have all been discussed elsewhere and need not be repeated here.[4] I am concerned instead with the new ways in which these women are constituted as subjects in capitalist economies by government, private business and support and advocacy groups.

Wherever Filipinos are to be found they are represented and supported by a large number of cultural, regional, social and political associations, aside from official organizations such as the Overseas Workers Welfare Administration (OWWA) (Parreñas 2001: 53–4). Two of the most visible and active of such associations, active in both support and political roles, are the Mission for Migrant Filipino Workers (hereafter the Mission) and the Asian Migrant Center (the AMC). The Mission is the oldest, largest and has the highest profile. Established in 1981, it advertises itself as 'an ecumenical institution assisting migrant workers who are in distress. [It] works and supports efforts for the recognition and respect for the rights and well-being of migrant workers', and is affiliated to the United Filipinos in Hong Kong (UNIFIL), which 'aims to . . . raise consciousness of migrants on problems, issues and root causes of migration in the Philippines . . .' (UNIFIL Homepage).

The AMC is smaller but also influential, especially for its research work. It was established in 1989 to research and campaign on the various problems that migrant workers face and to build and strengthen migrant organizations. While both organizations also work with non-Filipinos, the AMC has actually helped to establish an Indonesian workers' union in Hong Kong and works actively with other national groups in the region to promote reintegration programmes and research work on migrants. The AMC and the Mission are both well connected to organizations in the Philippines and are led by experienced activists. Unfortunately, for reasons related to ideological debates among the Left in the Philippines, their relationship is a strained one, which sometimes lapses into political antagonism.[5]

From worker to entrepreneur: liberty or a new discipline?

What are the 'reintegration' programs? One strand consists of dubious skills training and superficial investment seminars run by private companies. For some consultancy and 'training' firms, migrant desires to go home and stay there can be exploited for easy money, through the selling of mass-enrolment courses in entrepreneurial and business skills or 'livelihood training', where women learn cooking, computer skills or even soap carving. At the other end of the spectrum are the programs promoted by NGOs to train migrant women to budget and save, with a view to investing some of their earnings. They assist women to run savings groups and credit cooperatives, teach them financial and business planning and put them in contact with counterpart organizations in the Philippines who suggest suitable investment opportunities – either for purchase/establishment by the women themselves, or in which they can buy shares. The smaller groups do little more than talk to women about how to save money, to keep a bank account, to make business plans for micro-enterprises. The idea of saving and investment for economic 'reintegration' has become so widespread that even relatively small organizations such as the Action for Reach Out (ARO), which provides assistance and advocacy for migrant sex workers in Hong Kong, have developed their own training courses. The ARO has produced training modules on saving, investing and planning for enterprises such as sari–sari stores (small general stores) and hairdressing salons, but, at time of writing, is still waiting for someone to take the course. It is difficult even to reach the women to talk to them about their more basic daily concerns, and much more difficult to get them to give up their occasional day off to attend a course about setting up a business upon return to the Philippines. In fact, outreach worker Lalen Valesco says that the main assistance they can render the women regarding savings is probably the psychological permission they give them to hold back some of their earnings instead of sending it all back to the family in the provinces.[6] Though ARO has put time and resources into producing attractive, easy to use booklets about setting up a sari–sari store, for example, Valesco is not optimistic about the extent to which they will be used among the sex workers. Larger organizations like the AMC and its partners based in the Philippines, identify projects where migrant women might become the owners and/or managers of small and medium enterprises such as farms and factories, and lobby government to support such projects.[7]

We are not concerned here with the cashing in on migrant dreams by unscrupulous operators who attract hundreds of women every week to part with their money in exchange for short 'courses' in investment, but rather to question what we might expect from NGO schemes promoting investment in *barangay*-level micro-enterprises like sari–sari stores or tricycle services. So far, the results are not promising. According to a survey done by one of the reintegration groups, the Balikabayani Foundation, around 70 per cent of overseas Filipino workers' small enterprises have become bankrupt 'due to lack of planning and management skills' (Cabuag 2002b). Leaders of the Mission point out that even when successful,

such endeavours can only provide a supplement to the migrant worker's main wage income. The problem is obvious: there is no market in which interest earned on savings from domestic worker wages would allow the investor to give up her wage job. Moreover, opportunities are limited for small investments and for various reasons they go wrong. One worker who had saved PP400,000 (US$8,000) told the Mission her story:

> I set up my sari-sari store but you know, in the barrio, your neighbour will ask 'can I borrow the *bawang* [garlic]?' If you don't agree to that, then you'll be an outcast in the barrio. And you know, there are so many migrant workers in our barrio and suddenly there are four or five sari-sari stores!

Another woman had saved enough to buy three hectares of land, where she planted onions, garlic and other vegetables. But one year later, there was only one hectare under production (of rice for family consumption); the garlic venture had failed because 'our garlic was too small. The garlic from Taiwan is big and cheap and ours is small and expensive. Now what would you buy? Big and cheap!...So, I can't go home'.[8] Small businesses everywhere run into such obstacles; in the Philippines they may also have to contend with more threatening obstacles, such as the powerful cartels that control the rice trade.

The Mission had started a 'reintegration' scheme called the 'Sigasig Programs' in 1988, which aimed to 'provide links between the migrant workers and their families back home...to break the dependency of families [on the migrant worker's remittances and thereby to] break the inhuman dollar-connection' between them (Migrant Focus Magazine 2001: 9). They wanted to address the tensions and misunderstandings that arise between the workers and their families over the dispersal of remittances. The idea was to involve them all in a cooperative, but even with group discussions in Hong Kong, there were disagreements about such matters as how much money should be saved, where it should be invested and who will make management decisions for the investment. The greater problem, the Mission says, is the expectation such investment projects create among the migrants that they could go home sooner *por gud*. Everyone in the savings cooperative hopes that they will be the one to go home to manage the collectively owned business and when only one or two can go, 'then problems brew among the rest of the members who are also demanding to go home' (Migrant Focus Magazine 2001: 9). The Mission concludes that such programmes are but 'band-aids for a very serious problem of forced migration' and moreover, there is no point in running training schemes to teach people how to keep books if there are no books to keep. President Arroyo's change of the moniker 'Overseas Filipino Worker' to 'Overseas Filipino Investor' is nonsensical, they say, because most foreign workers simply do not have anything other than meagre savings after their own day-to-day expenses, paying off the loans they take out to take up jobs overseas in the first place, and sending money home to the Philippines to pay school, medical and other expenses for their families. Although there is, to some extent, a culture of small enterprise in

the Philippines which might encourage the migrants to think of themselves as proprietors, the Mission leaders worry about misplaced optimism: 'what must we do to make them understand that they cannot all be business people?'[9]

While the Mission declares that it continues 'to address the short-term needs of our compatriots' through 'struggles for rights and welfare' (Migrant Focus Magazine 2001: 7), they say that the long-term solution to the 'migration problem' lies with the success of radical change in the Philippines for 'national freedom and democracy' so that this kind of migration will be unnecessary. We return to the misplaced optimism in that particular picture later.

The AMC, pioneer and leading group in the reintegration movement in Hong Kong, agrees that not all migrants can become entrepreneurs. However, the AMC believes that encouraging entrepreneurship is a way both to improve the financial standing of individual migrants and to address long-term development goals. The AMC helps to organize migrant workers into savings and investment groups, promoting what it sees as cooperative and socially useful forms of entrepreneurial investment. So far there are only a few groups up and running, including the Filipino Forum on Reintegration Savings Group which among other things, runs a two million peso, 5.5 hectare, organic chicken farm in Bukidnon province, managed by a former overseas contract worker, employing local labour. But since the Migrant Savings for Alternative Investment (MSAI) programme began in 1995, the idea has spread around the region: in 2000, a meeting in Taiwan of representatives from 23 organizations from eight Asian countries signed the 'Chungli Declaration' committing themselves to promoting and pioneering MSAI reintegration programmes around the region.

The AMC is less interested in providing financial training, director Rex Varona says, than in 'facilitating the investments and providing the migrants with a kind of security and assistance so that they can transform themselves into entrepreneurs'.[10] In the face of critics who accuse them of creating more capitalists for the economic system that impoverishes migrants and their country in the first place, Varona replies that first, it is better that the migrants come to them for advice about savings and investment than to the unprincipled operators in the private sphere; second, the AMC and its partners can encourage investment in projects of greater benefit to the whole community (whether local or national), that is, *social* entrepreneurship; and finally, 'between [the] option of risking that [the worker-investors] will become exploiters as employers, and making them non-employers and always victimized migrants, I would rather take the first risk'.

The AMC is interested in seeing migrant women workers change or multiply their 'economic identities' (from victims of globalization to businesswomen and employers) and transform their roles (from breadwinners to financial decision-makers). Theoretically, these newly economically empowered women begin to develop their local and regional communities through their investments. But are these women, and those who work for them in their enterprises, being liberated through this kind of incorporation into capitalism or are they being 'disciplined?' A worker may thus step out of her role as domestic servant or victim of the global economy and thereby 'exceed…the discourses that exist to contain and

"manage" her', as Gibson *et al.* (2001: 372) argue. But while she may therefore inhabit a 'proliferation of economic identities' (Gibson *et al.* 2001: 375), and win some individual freedom and/or income, this kind of liberty, for what it is worth, will only be available to a small number of migrant workers. There is, necessarily, a systemically imposed limit to the numbers of people who may transform themselves from those who depend on selling their labour power into buyers of labour power themselves. In the meanwhile and for the majority, training for entrepreneurship will be in part, at least, a matter of learning new behaviours for a world in which there are no contradictions, only opportunities.

And just how far can self-described progressive organizations be involved in the transformations of workers into entrepreneurs without being caught up in contradictions between different goals? Trying to ensure that the investors understand and adhere to workers' rights and that the capitalist projects have a 'social justice perspective' is not always easy. For example, the AMC had to dissuade some Nepalese workers in Korea from investing their savings in a brothel in Nepal. So when people ask what the AMC and its partners mean by business with a 'social orientation', Varona explains that they talk 'simply about gender, social justice and human rights parameters so that [the investment projects] do not become too exploitative'. In reality, organizations such as the AMC can do no more than encourage the setting up of investment groups with a 'social justice' approach to capitalism, yet the greater the success in turning migrant workers into entrepreneurs, the less possibility there is of ensuring that such principles will triumph in the inevitable clashes with basic capitalist ones such as the profit motive and the tendency towards monopoly. Yet this reality seems often to be ignored. In a world where popular capitalism is hegemonic, even progressive NGOs struggle to maintain a critical opposition to the social arrangements that create the problems they exist to address.

To what extent are the entrepreneurship/reintegration schemes an attempt (albeit unconscious) to discipline migrant workers 'for the greater good?' The view of the president of the New Rural Bank of San Leonardo in central Luzon – which hopes to channel migrant worker savings to rural development – is suggestive:

> The productive use of remittances during and after migration is a strategic issue for the [migrant workers] and their families, for support organizations, and the governments of both labour sending and receiving countries. The challenge now is how to direct the utilization of remittances towards productive use.
>
> (Opiniano 2002)

No-one disagrees that 'first term' domestic workers in Hong Kong cannot save because it takes up to two years for them to pay off the debts they accrued to buy their job; but many believe that with careful budgeting and less expenditure on 'non-essential' items, the women can begin to save some of their wages on their second 'tour of duty', as well as sending some money back home to cover education and other basic costs, the need for which made them go overseas to work.[11] There is no evidence, however, of how much migrant income would be freed up by tighter household budgeting, especially if we ask just what constitutes

a 'luxury' item. As Hewison notes (Chapter 6, this volume), what some call 'luxury' others think of as essential. Obviously education and basic needs such as electricity, food and travel are not luxuries, but are clothes, a television, a video or karaoke player, or an extension to a house? Some analysts seem to think so:

> While [the high] level of remittances should already have some multiplier effect in the development of our economy, it is also highly possible that these have gone to consumer spending, payment of debts, long term investments such as education, building and improvement of houses, and other items that do not create widespread employment. Consumer spending would have been a boon to local manufacturers had the demand been for local goods, but signature items and other imported goods have always been chosen to compensate for guilt feelings by a breadwinner long absent from the family.
> (Ercof 2000)

The Balikbayani survey, mentioned above, cited the need for NGOs to 'change the values and attitudes of the migrants' about saving and investment. Perhaps more tellingly, however, one of the two factors accounting for the success of the 30 per cent of migrant businesses that did not fail was 'other family members are not solely depend on the earnings of the migrant worker' (Cabuag 2002a).

Some small surveys have been done, including one by the Mission, which show that after all essential expenditures, there is little left out of a domestic worker's wages for saving, but no comprehensive study has yet been made showing how much of the annual remittances to the Philippines coming from relatively low-waged workers such as domestics might be available for investment were they to cut out 'non-essentials'. In this context, it is troubling that progressive NGOs as well as government and business call on migrant workers to save their pennies for the nation, especially given the general admission that these schemes do not have much positive effect on the individual worker in her or his own lifetime and nor have they had any effect on national economic development. As others have observed in studies of credit schemes like that of the Grameen Bank (Rozario 1999), it seems that migrant workers are being 'disciplined' rather than liberated.

The persistence of the 'national'

The AMC's reintegration programmes are small in number at present, but Varona does not see this as a problem:

> We don't want to expand to more groups, we only want to do the modelling to show to the government that if there is sufficient infrastructure of support, migrants can...or a select number of them can, actually set up viable investments.

If the Philippines government can provide export-processing zones for foreign investors (with tax breaks, good access to resource inputs, etc.), the AMC argues,

then why not provide similar types of structural support for migrants to invest their money in the Philippines? They want the national government to support 'mainstreaming and replication' of the model migrant investment projects, through a national programme that is 'owned by migrants, operated by them'.

The AMC advocates the channelling of migrant savings into investment back in the Philippines because it believes that

> for migrants to address the root cause of labour migration, they must be politically empowered to challenge unsustainable national policies and development strategies. And they must be economically enabled to re-integrate into their home countries and help build local, regional and international alternatives to migration.
>
> (Asian Migrant Centre *Online*)

While it is more concerned, Varona says, with 'social development in the areas where the migrants are', national development should be a longer-term consequence. The mobilization of the economic power of migrant Filipino workers all over the world is a necessary though insufficient condition for national development, he adds. But the nationalist principle of the scheme must be explained to some members of the AMC-sponsored savings and investment groups, such as the women who ask why they should not invest their money in Hong Kong, where they might earn better returns. Varona admits that the AMC replies, 'Yes, you can do that . . . if your interest is simply to earn . . . . But who will benefit? Which economy will [thereby] develop?' In 2002, the phrase 'for Community Development and Reintegration' was added to MSAI, to indicate that the longer-term goal of the investment programmes should be the development of local communities, for the benefit of the home country in general.

This, then, is the ultimate goal of so many migrant workers' organizations: economic development within the nation state that will make mass migration unnecessary. It is goal no less fraught with difficulties than the other goal of enriching individual worker-investors, as is sometimes acknowledged:

> Suboptimal macroeconomic conditions and structural problems could stall or negate the positive effects of remittances . . . . If a sending country wishes to add value to migrant remittances, it should also come up with serious programs and incentives that will make migrants feel that their money is safe in the Philippines and are at least competitive with what the migrant would get in foreign markets . . . . This would depend in large measure on the capacity and political will of the Philippine government to reform policy and institute accompanying programs that will show a genuine desire to develop the local economy.
>
> (Ercof 2000)

In order to encourage such a will to reform within government, the AMC and other groups involved in the reintegration schemes, such as the Balikabayani

Foundation, Unlad Kabayan and the Economic Resource Center for Overseas Filipinos (Ercof), have been holding discussions with the Filipino government about working together on the reintegration question. It is not clear how well this will work, despite the establishment in 2002 of an agreement between the NGOs and the OWWA called the 'Comprehensive OFW Reintegration Programs' because, for example, 12 months later, the government also established the Reintegration for Returning Migrant Workers Office under the auspices of the Department of Labor and Employment. This indicates that government initiatives are taken not as a result of coherent policy, but rather as ad hoc responses to political pressures. There is no evidence that the government intends to do more than listen politely to migrant worker NGO opinion.

To illustrate the point: when the idea of a government bond float targeted at OFWs was raised, the NGOs responded that they would not support migrant investment in such schemes unless guarantees were given that the funds raised could be controlled by the investors themselves or at the very least would be directed to projects with socially beneficial aims and not be used merely to pay off government debt (Varona interview; and see Cabuag 2002b). If the government had the desire and the will, it could float a bond for a specific project and there is no reason why such a project could not be at least jointly managed by the migrant-investors, but so far it refuses even to consider the question. Given these sorts of indications from government as to its willingness to do anything other than business as usual when it comes to planning economic development, it is difficult to be optimistic about the potential for migrant savings to change the national economy in any substantial way.

More importantly, given that the economies of the world are so globalized, and people's horizons are changing because of this, any strategy whose aim is a kind of national development that will keep people 'at home' is misplaced and threatens to ignore some of the issues most central to the well-being of migrant workers. The fact that there will not be a great deal less 'economic' migration in the foreseeable future means that progressive political action by and on behalf of migrant workers should be directed principally towards protecting and extending their rights no matter where they are and no matter who they are. This requires cross-national organization towards ultimately transnational goals rather than national ones. The question then becomes what aims and strategies might lead towards rights for all migrant workers. Attempting to make them into nationalist entrepreneurs is not an obvious route, nor is organizing them 'to address the root causes of massive forced migration'. Although they do cite the implementation of the International Convention on the Rights of Migrant Workers and their Families (CRMWF) as one of their concerns, for various political reasons, no migrant worker group in Hong Kong seems to put the goal of winning material and legal recognition of the rights of migrant workers as its main priority (see Piper 2004). Indeed, the Mission believes that the struggle for migrants' rights can only address 'the short-term needs of our compatriots'. But this is not so; as Heyzer and Wee (1994: 35) argue, 'Because of the ineluctable feedback relationship between macro and micro processes, any improvement of the [foreign

domestic] workers' situation at the micro level will, in turn, engender long-term social gains at the macro level.'

If by collective transnational action, workers could win the right for foreign domestic workers, for example, to take their families with them when they go overseas to work as those in professional fields do, or for Indonesians and Bangladeshis to receive the same wage as the Filipinas working in Hong Kong, then not only would those workers' lives be different (and they might look on their migration quite differently) but also other migrant workers would be empowered. It is necessary for political advocacy groups to think about migrant workers as workers, not as misplaced nationals who should, really, be 'at home'. This does not mean that they should necessarily be thought about as a kind of new inter-national working class – that is a notion fraught with difficulties of its own, not least of which are that traditional trade union ideologies and structures will not be adequate to the task of extending and protecting migrant workers' rights, and migrant workers face suspicion and hostility from national trade unionists as well as national populations (see Choi Chapter 9, this volume).

Conclusion

The new ways of thinking about 'managing' Filipina migrant workers discussed in this chapter are part of a global trend towards encouraging workers to become and to think about themselves as investors or 'stakeholders' in a global enterprise that will bring well-being to everyone. Although the NGOs discussed here are not, in one sense, taken in by such rhetoric, in another sense, they are hard pressed to think of alternative strategies for long-term social change beyond the current hegemonic ideology. The intent of this chapter has not been to deny or downplay the important role played by such NGOs in assisting, protecting and organizing migrant workers; the good results of their efforts and intentions are obvious. The point has been, rather, specifically to critique the 'reintegration' programmes which, in training migrant women to save and invest in order to become entre-preneurs, are disciplining and incorporating them into globalized capitalism on its own terms. The theoretical underpinnings of the reintegration schemes have come to NGOs from the original architects of 'popular' neoliberal capitalism through post-social democratic critics with their optimistic assumptions intact about 'win–win' outcomes for all. They rest, contrary to all evidence, on a notion that capitalism is no longer contradictory.

The investment schemes encourage migrant workers to enter the market in order to gain some control over their own economic futures, but most workers simply do not control sufficient resources to do so. Entrepreneurship clearly can and will work for some individuals, but the evidence so far indicates little reason for optimism, and *logically*, it cannot work for everyone. It is a pity if even progressive organizations for the growing numbers of migrant workers in our globalizing economies – which view workers as merely a moveable resource – accept instead of oppose the inherent contradictions, and opt to encourage individuals to make the system work for them.

Acknowledgements

Notes

1 Milanovic (2002: 78) concludes that '88% of world inequality is due to differences in countries' mean incomes'; in other words, the 'within-country' income inequalities between people is negligible compared to the inequalities between the countries of the world.

2 These observations by self-described social democrats compare rather than contrast with influential conservative tracts of the 1980s (see Gilder 1982; Murray 1984), some of the key terms and basic principles of which made their way into a new 'social democratic' discourse that can be difficult to tell apart from the Thatcher/Reagan popular capitalism (see O'Connor 2001).

3 For excellent discussion of the theories and practices of transnational organizing among women domestic workers in the United Kingdom, see Anderson (2000).

4 See Constable (1997); on Filipina domestic workers in Rome and Los Angeles, see Parreñas (2001).

5 For more details on migrant worker NGOs in Hong Kong, see Sim (2003).

6 Interview with author at Action for Reach Out office, Hong Kong, 20 February 2003.

7 See the websites of the Economic Resource Center for Overseas Filipinos (ERCOF) and the Commission for Filipino Migrant Workers, both based in the Netherlands, for information about European organizations involved in investment/reintegration campaigns.

8 Both stories from author's interview with Mission officers, St John's Cathedral, Hong Kong, February 2003.

9 Jun Tellez, interview with author, St John's Cathedral, Hong Kong, 20 February 2003.

10 All quotations from Varona are from author's interview, Hong Kong, 26 February 2003.

11 Contracts for domestic workers in Hong Kong are limited to two years each, though a contract with the same employer may be extended on the condition that the worker has a vacation/home visit at the end of the first contract. The government does allow a one-year extension before the return, but this requires special application. For new contracts with new employers, the worker is again required to return to the Philippines between contracts. In all cases, the employer is meant to pay for return travel (Immigration Department 2003: paragraphs 26–9).

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12 Trading labour–trading rights

The regional dynamics of rights recognition for migrant workers in the Asia-Pacific

Rochelle Ball and Nicola Piper

Since the 1970s a global restructuring of capitalist production and investment has taken place with new corporate strategies increasing profits by moving capital from industrial centres to countries with cheap labour, circumventing unionized labour, and making use of flexible employment policies. These developments however, have not only involved a free flow of capital, but also cross-border movements of labour. Asian countries are increasingly internationalized by trade and investment interdependence, such that they are creating transnational space for the circulation not only of goods and capital, but also of people.

International migration is also being regionalized, and labour migration flows in East and Southeast Asia have been gaining momentum (Athukorala and Manning 1999; Kim 1996: 304). Although migration and globalization in the Asian region are increasingly discussed (e.g. Castles and Miller 1998), theoretical considerations have not been as fully as they have been for trade, industrial restructuring and financial markets. Some connections have been made with: (i) trade and services (Feridhanusetyawan and Stahl 1999); (ii) liberalization and migration (Stahl 2000); and (iii) the effects of regional free trade blocks on labour migration (Lloyd and Williams 1996). While there have been some attempts to consider labour migration and issues of human rights in a regional context (for a Philippines perspective, see Confesor and Castro 1998), on the whole, there is a dearth of analysis regarding the nature of migration and its relationship to the reconstruction of the nation state and labour rights (for exceptions, see Ball 1996, 1997; Ball and Piper 2002).

Scholarly attention on global restructuring has largely focused on industries, but not on migrant labour. By ignoring this type of labour, however, issues such as ethnicity or 'race', gender and class are ignored. Such analysis also neglects the issue of labour standards and protection in the Asian region, a topic of particular importance to migrant workers working outside their own nation states; this issue is the focus in this chapter. Related, the feminization of labour migration is now well documented (Asis 1999; Tyner 1996), and this raises issues related to rights. For example, that women are employed in a much narrower range of occupations than their male counterparts, including 'informal sectors' such as domestic service and the sex industries characterized by a high degree of

isolation, raises questions regarding the capacity for negotiating industry-wide standards.[1]

In this chapter, we discuss labour standards and human rights by emphasizing regional organization, state-led efforts for worker protection, as well as the increasingly pivotal role played by civil society in mediating the shortcomings of state action. We are, therefore, looking at how migrant labour issues are being dealt with at a regional level by contextualizing these matters with the experience of major labour importing and exporting countries. In this case, we examine the Philippines and Japan by focusing on Filipino labour in Japan. Related to this, a major concern of this chapter is an evaluation of the capacity of individual exporting countries such as the Philippines to negotiate standards for their migrant labourers. By doing so, the links between two major sending and receiving countries in the Asia-Pacific region – Japan and the Philippines – are established. Usually, little connection is made between migration research and the regional political economy – with the former rarely stepping out of a pure migration framework – and this article addresses this imbalance.

A further aim of this chapter is to examine new avenues to forge more effective regional initiatives for the protection of the most marginalized of workers. We assess the strength and limitations of existing protective measures and the degree to which existing organizations (regional multi-laterals) can be used as vehicles for wider regional dialogue and where there can be potentially protective measures developed for workers. This chapter concludes by directing attention to the role of non-governmental organizations (NGOs) in promoting the protection of migrant labour at regional, and ultimately global, agendas. In this way, globalization processes are not only considered 'from above' but also 'from below' (Falk 1999).

Labour export and import in a regional context: the Philippine–Japan connection

The transnationalization of Asian labour markets has been predicated on the structural complementarities between countries at diverse stages of industrial and social change. Increased migration, trade and investment between countries have created a linkage effect. Labour migration to Japan has been closely associated with the country's trade and investment in migrant sending countries (Kim 1996). Thus, the surge of capital and labour flows in Asia are opposite sides of the same coin – an aspect often neglected in the literature due to the emphasis on finance and capital flows.

The intra-Asian movement of workers is a significant phenomenon, numerically as well as in terms of regional geopolitics, as a major and contentious human rights issue. As Young (Chapter 2, this volume) observes, the International Labour Organization (ILO) estimates that there are at least seven million migrant workers and their families in South and East Asia, and many analysts would consider that this underestimates the extent of labour migration. During the economic booms of the 1980s and 1990s, there was a rapid expansion of employment

opportunities for short-term contract workers in Asia. As workers crossed borders to faster growing economies to work in service sector occupations (e.g. as 'domestic helpers' and 'entertainers'), this intra-Asian migration began to show a significant 'illegal' component, involving both men and women who are often taken advantage of by labour brokers (Jones 2000; Watanabe 1998). This 'illegal' component is strongly associated with the feminization of labour migration (IOM 2003).

Since the late 1980s, East and Southeast Asia (particularly Japan, Hong Kong, Singapore, Taiwan, South Korea and, more recently, Brunei and Malaysia) has become an increasingly significant labour importing region. From the Philippines alone, approximately 1.36 million overseas foreign workers (OFWs) now work in these Asian countries (see Table 12.1). Exactly how many Filipinos are working abroad is unclear. The Philippine Overseas Employment Administration (POEA) estimates that 7,402,894 million live abroad, made up of 3.1 million OFWs, 2.7 million emigrants and 1.6 million undocumented workers (Commission on Filipinos Overseas 2004). Approximately 20 per cent of the Filipino workers abroad work in Asia, mainly in Japan, Malaysia, and Hong Kong (Table 12.1). Significantly, almost one quarter of Philippine OFWs are undocumented. These are the most marginalized of all workers, for whom little protection is provided from either their own country or receiving countries. By 2002 over two-thirds of all migrant workers were women whose median age was 29, compared to 36 for men (POEA 2003). While accurate figures, by definition, are impossible to obtain, it is estimated that about half of these undocumented workers are women working in Japan and men in the construction industry in Japan, Malaysia, and Brunei (Battistella and Asis 1999).

The total number of 'illegal' workers in Japan from throughout the region in the mid-1990s was around 300,000, with Filipino workers (including undocumented workers) being estimated at between 150,000 and 200,000. These were, however, conservative, government estimates, and it was noted that the real figure must be much higher (Komai 1995). Since then, the numbers as officially recorded have risen to 240,000, with approximately 65 per cent being women (Yamanaka and Piper 2004).

Japan has been able to avoid enhanced globalization of its labour market by strategies such as offshore investment. However, the growth of geographically immobile sectors, such as the construction industry, has required a mobile foreign labour force (Douglass and Roberts 2000; Piper 2002). This fairly new dependence of the Japanese economy on external sources of labour has meant that Japan has become structurally dependent on migrant workers in some sectors of its economy.[2] Two explanations exist as to why Japan has begun to import foreign workers. First, there has been a major demographic shift in Japanese society with an ageing population and a low birth rate. In addition, advances in health care has meant that the proportion of the aging section of the population is growing even further such as that it is estimated that by 2025 a quarter of the Japanese population will be aged 65 and over (Tigno 1997: 86). Second, there has been a changing attitude of young people towards manual work, related to rising educational standards, that has created a manpower shortage in the so-called '3D' jobs

Table *2.1* Philippine workforce in Southeast and East Asia (1997, 2001)

	Permanent		Temporary		Irregular		Total	
	1997	2001	1997	2001	1997	2001	1997	
Kong	n.a.	26	n.a.	20,240	n.a.	1,500	n.a.	
	n.a.	404	156,000	171,485	2,000	2,000	158,000	
	n.a.	65,647	116,000	138,522	48,000	36,379	164,000	
ia	n.a.	1,510	6,718	12,018	8,462	13,000	15,180	
ore	n.a.	310	88,187	58,233	396,813	167,936	485,000	
a	n.a.	152	50,000	56,377	70,000	71,917	120,000	
	n.a.	1,901	188,750	116,480	5,000	4,300	193,750	
	n.a.	399	n.a.	253,427	n.a.	63,495	n.a.	
	n.a.	70,349	605,655	826,782	530,275	360,527	1,135,930	

Commission on Filipinos Overseas (2004), Philippine Overseas Employment Administration, unpublished data.

(difficult, dirty and dangerous). So, the occupations experiencing long-term vacancies are not the sort of jobs that the Japanese want (e.g. in manufacturing, transport, construction, and services).

The Philippines, on the other hand, has experienced some of the highest average annual population growth rates within the Asian region. Although the total fertility rates for women have declined, population growth projections are still higher than in most other countries in that region (IBON 1996: 3). The demographic pressures facing the Philippines government partly account for high levels of labour export.

The countries of origin for migrant labour to Japan are largely determined by Japan's popular image as a rich and powerful nation, which is also related to its emergence as a major presence in the regional Asian economic system through direct investment, foreign-aid donations and export of consumer goods 'made in Japan' (Sassen 1996). Since the economic downturn from 1991, foreign labour has become part of a wider restructuring of the Japanese labour system, parting from the famous lifetime employment structure to more 'flexible' forms of employment with cheaper wages and less benefits (Dawson 2000). There is also evidence that since the 1997–98 Asian economic crisis, there has been an increased use of migrant labour (although there are sector- and country-specific differences). Hence, it can be assumed that the presence of foreign workers is part of an ongoing transformation of capital–labour relations in Japan, characterized by rising insecurity and income inequalities among the national workforce. The breakdown of full-time employment systems, together with a trend towards casualization of labour in Japan is thus at the root of further incorporation of undocumented migrants into the labour system (Piper 2002).

Concerning migrant labour control of the Japanese government, the revised Immigration Control Act of 1990 provides for the entry of skilled labour and professionals, but excludes unskilled and semi-skilled workers (with the exception of the so-called *nikkeijin*, who, as South Americans of Japanese descent, have a special standing). In this regard, Japan's labour migration policies are similar to those of the United States (see Tigno 1997: 88) and the European Union (see Kofman 2004). As elsewhere, these policies are ambiguous in that there is a gap between the articulation of policy and its implementation. This gap is being filled by the relatively high numbers of undocumented or unauthorized migrant workers whose presence is subject to tacit state approval. To take this a step further, as we have argued elsewhere (Ball and Piper 2002), tacit state approval can be seen as a deliberate policy to marginalize certain groups of migrant workers because it allows for their manipulation in the labour market, and permits the Japanese government to avoid responsibility for social welfare issues, leaving this matter to local governments.

Labour migration, together with tourism, constitutes key hard currency-generating mechanisms for indebted countries such as the Philippines (Chant and McIllwaine 1995). Such industries have often been central to the export-oriented growth policies of the World Bank and the structural adjustment programmes by the International Monetary Fund (IMF). These policies have created a structural

dependence on income generation that involves the marginalization of many of the citizens from their countries. International contract labour migration has wrought substantial changes on Philippines society and economy. For labour importing countries like Japan, the changes have not been of the same magnitude as in the Philippines, but there is a growing structural dependency in certain sectors (such as construction and services), on both legal and 'illegal' OFWs.

The contributions that labour migrants make are remarkable. Remitted income from overseas workers is the premier foreign exchange earner for the Philippines. The 'national' economy of the Philippines has become increasingly dependent on hard currency remittances of OFWs. Central Bank of the Philippines data reveal that in 2002 remittances collected through official channels was a massive $7.2 billion. In 2003, remittances from the migrant sector reached an all-time high of $7.6 billion, an increase of 6.3 per cent from 2002 (Central Bank of the Philippines 2005; POEA 2003). Remittances through formal channels in 2003 accounted for 10 per cent of Gross Domestic Product (GDP) (Asian Development Bank 2003). While these figures are considerable, there is also a sizeable volume of remittances through informal channels such as through friends, door-to-door delivery and small agencies. Annual remittances through formal channels alone have been critical to offsetting the cost of oil imports, the foreign debt, and improving the balance of payments for the Philippines (Ball 1996, 1997, forthcoming). The macro-economic importance of remittances indicates that the Philippine state and economy is more dependent on the earnings of overseas workers than it is on foreign investments and foreign loans, emphasizing the high level of economic and political importance of this industry to the Philippine state.

In fact, the experience of the Philippines is part of broader regional interdependencies on financial flows associated with interregional labour mobility – a crucial issue in the context of protective mechanisms for foreign migrant labour.

Globalization, labour migration and protection

> The rights of overseas workers or any other kind of migrants have understandable political undertones. There are those who view rights as part of a square which is shared by locals and nationals. A line that divides the square might be moved horizontally or vertically. Always, somebody's loss is the other's gain. Governments will find it difficult to move that line if it is seen as increasing the rights of strangers.
>
> But what if there was no line? What if there were overlapping circles instead of a square and the area of overlap defined our responsibility for each other's nationals once they are in our shore? We may deny others those rights reserved for our citizens but we certainly cannot deny responsibility for them once we receive them in our jurisdictions. Conferring rights may be problematic, even if it has been done before. Assuming responsibility is what structures and institutions do to ensure civility and peace in an increasingly globalized world...The limiting confines of a square might then evolve toward a circle of hope and harmony for the peoples of world.
>
> (Sto. Tomas 2004)

The above quotation, taken from a recent article written by the Philippine Secretary of Labour, highlights the interjurisdictional complexities embodied in the temporary transnational migration of workers. We argue that the many difficulties involved in the safeguarding of human and labour rights of temporary migrant workers requires greater development of still fragmentary transnational legal regimes (Sassen 1996) and the various human rights codes, to cope with the insufficiency of regulatory apparatus due to globalization.[3] The development of new legal and regulatory systems able to effectively ensure migrant workers rights would require further changes to the nature of the nation state. Rather than sovereignty eroding as a consequence of globalization and supranational organizations, sovereignty must be transformed in order to accommodate and protect those whose rights are undermined by virtue of their employment outside the country of their citizenship (Ball and Piper 2002; Sassen 1996).

The vulnerability of migrant workers, particularly women, has been well documented (Chin 2003; Heyzer *et al.* 1992; Piper and Iredale 2003). We are not going to detail the nature of that vulnerability, but rather seek to explore its underlying causes. The vulnerability of migrants is derived from the activities of many agents involved in the process, including recruiters, transport operators, government officials, and employers, at both ends of the migration chain. This vulnerability is structurally derived, and is mostly the result of their lack of membership in the 'citizenship club' of the state in which they are 'legally' or 'illegally' employed (Battistella 1998). Worker vulnerability also emerges from the lack of jurisdiction of the labour exporting state once they move across the borders of their home nation (Ball 1997, forthcoming).

Migrant worker marginalization is rooted in the act of migration and employment in another country as a non-national, the conditions of which are not under the control of the labour-exporting country. Vulnerable migrant workers provide both countries of origin and destination with considerable labour market flexibility, in terms of their disposability, cheapness and availability for exploitation. The conditions of their employment are subject to the extent of enforcement of labour laws of destination countries, and the degree to which they are applied to migrant workers. In the case of women migrants, as discussed in other chapters in this volume, those who are engaged as domestic workers and entertainers work in relative isolation, and the quality of their employment is very much the prerogative of their employers.

At the same time, there has been much governmental resistance in the Asia-Pacific region to addressing other issues outside a strictly economic agenda. And yet, there are governments and NGOs in the region, including those of the Philippines, which have attempted to bring these issues to the fore, but have met with many obstacles. The growth of transborder issues, such as drugs, trafficking of women and children, and the Asian financial crisis, where the presence of foreign populations has come under the spotlight, has increasingly rendered the addressing of such issues unavoidable. There exists, therefore, a clear need for these to be discussed at a regional level.

Regional forums in Asia and worker rights

Despite the existence of regional and sub-regional organizations, and increasing regional integration of labour markets, investment, trade and capital flows, there has been a great deal of reluctance to discuss labour migration issues as transborder or regional phenomena (Battistella 1999). The fact that many nation states have individually ratified various human rights and labour rights codes (including the Philippines and Japan) does not necessarily translate into a universal, consistent or actual implementation. Indeed, there is often a disjuncture between ratification and the recognition of rights such as freedom of association and, indeed, the broader protection of labour rights – for both national and non-national labour. Indeed, Bronson and Rousseau (1995: 5) have argued that, with economic growth in the Asia-Pacific region, human rights abuses have not only disappeared, but have arguably worsened. What implications does this have for migrant labour in general and Filipinos in Japan in particular? Another related question is: what legitimate claim does the Philippine government have in demanding protection of its workers abroad (in this case, Japan) at levels that are unavailable for its domestically employed citizens 'at home'? What implications does this have on the bargaining power between sending and receiving countries?

The Asian financial crisis exposed the commonality of problems concerning irregular labour migration and the ineffectiveness of isolated policies. The *Bangkok Declaration on Irregular Migration* was adopted by ministers and representatives from 18 governments participating in the International Symposium *Towards Regional Cooperation on Irregular/Undocumented Migration* held in Bangkok in April 1999. This was a significant move in addressing migration as a regional issue and although addressing the specific context of irregular migration, this nonetheless constitutes a major step towards a regional approach to migration in general.

Since the Bangkok Declaration, several other regional dialogues have been established to deal with specific aspects of migration. Examples include:

- The Intergovernmental Asia-Pacific Consultations on Refugees and Displaced Persons and Regional Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime (Bali Process).
- The establishment of Global Commission in International Migration (GCIM) by UN Secretary General Kofi Annan in December 2003 to raise international debate on migration issues, is a positive move towards developing global and regional initiatives for migrant workers. On 17 and 18 May 2004, the GCIM organized its Regional Hearing for the Asia-Pacific Region in Manila, attended by 160 participants from government, universities, NGOs, trade unions, employer associations, regional think-tanks, universities, the private sector and the media. The Hearing concluded that the labour market situation in many parts of the region was one of 'benign neglect', where migrants often work in deregulated settings to the advantage of employers and host economies. An encouraging outcome of this Hearing was the recognition given to the need for effective multilateral governance of labour

migration, expressed in the call from some participants for regional and international migration policies to evolve in parallel with policy developments in other fields such as trade, development and human rights; some stressed that coherent governance between these fields is essential for effective migration policy.

- In April 2003, a ministerial level meeting among Asian labour-sending countries was instigated by the governments of Sri Lanka and Indonesia and was held in Colombo. Among many issues, the 1990 *UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* was discussed, albeit without steps towards ratification. The follow-up meeting took place in Manila in September 2004. One initiative that emerged from this meeting is a plan to establish a Migrant Resource Centre in the Middle East, to be funded by the participant governments.

Clearly these recent initiatives and Commissions are promising steps towards meaningful dialogue that have been hitherto lacking in the established regional bodies.

In the Asia-Pacific Region there are a number of key regional bodies including the Association of Southeast Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC) and the Asia Pacific Economic Cooperation (APEC) forum. However, as migration is not an integral element of the mandates of any of these bodies, their dealings with migration issues are limited, particularly compared to regional bodies in other parts of the world. In the recent GCIM Hearing in Manila, participants called on these regional institutions to do more and engage migration as a regional issue (see www.gcim.org). The GCIM Hearing called for a broadening of the APEC mandate (discussed in the following paragraph). More broadly, obstacles to a regional approach to the human rights of migrant workers have been: different ministerial policies pursued by various countries; the sensitivity of the issue; the fear of compromise in an area considered a bastion of national sovereignty; and the avoidance of agreements which might limit labour market 'flexibility' (Asian Migrant 1999: 33).

How can regional governments seek to further the development of agreements that protect migrant workers? Clearly, for sending countries like the Philippines, such discussions and agreements can also promote the improvement of labour standards 'at home'. At the same time, pursuing labour and migrant rights can promote a broader human rights agenda in the region. Labour exporting governments may also lobby for enhanced regional dialogue aimed at developing core labour standards for migrant workers. Ideally, this should be pursued as vigorously as trade and foreign investment issues. But what kind of concrete forums are there for the Philippines to voice such issues?

The political practicalities of achieving regional economic cooperation were given recognition by the 1978 creation of the Pacific Economic Cooperation Council (PECC), the predecessor of APEC. It distinguishes itself from APEC by allowing some dialogue on controversial issues. For instance, international migration and labour standards were on the agenda at the Human Resource

Development (HRD) meeting in Taipei in October 2000. PECC also acknowledges and debates a range of social issues and adopts a broader definition of HRD than APEC.

The only mechanism for addressing labour rights within APEC is the HRD Working Group, established in 1990, and meant to enable better forecasting of labour market trends and to improve skills training. While some individual members of this Working Group are sympathetic to issues of core labour standards and workers' rights, the Group is constrained in introducing such issues because of the narrow definition of APEC's central concerns associated with the liberalization of trade and investment (Tremewan 1997). Thus, APEC emphasizes 'human capital' rather than labour issues, and this focus implicitly downgrades rights of workers (ICHRDD 1997).

Despite APEC's reluctance to consider the social dimensions of economic change, the recent Asian financial crisis highlighted some of the regional problems associated with international labour migration. At the APEC HRD working group meeting in Taipei in 1998 all participating countries were required to present a paper on the effect of the crisis on human resources. This meeting was unprecedented in that it catalyzed discussion on human rights, migration and unemployment and permitted the attendance of union representatives. It remains to be seen if labour issues will remain on the PECC and APEC agendas.

In both PECC and APEC, the Philippines government has tried to take a leadership position in bringing migrant worker welfare to the fore in regional and multilateral forums. For example, the government proposed that labour migration be included in the agenda of the 1995 APEC meeting in Osaka. At the ministerial meeting, the Labour Secretary promoted regional labour migration issues by forming a group whose task was to include labour migration on the APEC agenda. Even allowing for these gains, APEC remains dominated by diplomats and is thus slow moving, and unlikely to translate labour and migration concerns into policy initiatives. In fact, neither PECC nor APEC HRD group's have featured labour rights for transnational migrants in meetings over the last three years, despite the monitoring of the stocks and flows of human resources remaining an aim of the PECC HRD Task Force.

To summarize, there is broad international recognition that there are universal human rights standards and it is possible that these standards may be used as the basis of an emergent global system of social justice that can be developed through the conduct of government foreign policy and the lobbying of NGOs. It is unlikely, however, that the United States, which remains a dominant player in APEC, will permit migrant worker rights to be policy priorities for Asia. One reason for this is that the United States, in its own use of legal and illegal Mexican migrant labour, violates many UN and ILO charters on workers' and labour rights. The United States is, therefore, unlikely to subject itself to regional accountability. Furthermore, the fact that APEC is an umbrella organization for countries that are hugely diverse in terms of their socio-economic development, geo-political power and valuing of workers rights, a consensus-driven way of operating seems to pose a great obstacle in addressing major regional issues, as it

gives a few dissenting countries the power of veto. APEC is based explicitly on a government–private sector partnership, creating a powerful alliance that other social forces have difficulty in effectively challenging. Institutions such as APEC do not have democratic decision-making mechanisms and representation which would allow for the integration of labour and NGO voices (Bronson and Rousseau 1995). This is an area in which increased NGO activism may highlight undemocratic practices implicit in the structure of APEC. PECC, on the other hand, because of its more inclusive brief, has the potential to gain wider recognition for regional policy dialogue that potentially includes NGOs and labour representatives.

Before looking at the local and grass-root level, the next two sections will briefly investigate official practices by Japan and the Philippines.

The Philippines and state-led efforts to safeguard worker welfare

Since the inception of the labour export programme from the Philippines, the major thrust of state involvement has been the expansion of the international labour market for Philippine nationals and to increase hard currency earnings from worker remittances (Ball 1996, 1997, 2004). Philippine embassies throughout the world have provided 'market intelligence' for this purpose. The major contradictions stemming from the labour export programme revolve around the need to safeguard the well-being of migrant workers, whilst simultaneously promoting the export of Filipino labour. Overall, state policy on labour migration is to maximize earnings for minimal input, and this labour market orientation conflicts with the government's broader mandate to protect migrant workers. Clearly, efforts to maximize the profits from worker export and to maintain good relationships with recipient governments often have a higher priority than worker welfare (Ball 1997; Ball and Piper 2002).

Government missions overseas face significant challenges. The following statistics reflect both the magnitude of the welfare problem for overseas workers and the great difficulty for consular officials to cope with the needs of workers. In 1995, an estimated 671 OFWs were returned to the Philippines dead and up to 40,971 suffered major mishaps while working abroad (Villalba 1997: 275). Ball (forthcoming) has found that the incidence of worker abuse has increased between 1995 and 2002. For example, both NGOs and the POEA report significant increases in worker deportation. Between 2002 and 2003 the number of repatriation cases jumped by 113 per cent to 1,562 from only 733 recorded in 2002. In addition the number of welfare cases reported through Philippine government increased by 27 per cent (from 1,699 to 2,203 cases) in 2003 from 2002 (POEA 2003: 29).

The resourcing of government overseas missions is a major obstacle to adequate welfare provision to overseas workers. Most missions provide inadequate training and are understaffed and overworked. Labour attachés bear the responsibility of looking after worker welfare, and in many countries these attachés and Overseas

Worker Welfare Agency (OWWA) staff are on call 24 hours a day (Gonzalez 1998: 89). On average there are less than two labour attachés per labour importing country – or about one attaché per 16,000 workers. The Department of Labour and Employment (DOLE) has released statistics showing extremely high ratios between the number of labour and welfare officers assigned to a country and the number of OFWs in that particular country; in Japan, the ratio was 1:26,333 for Japan (Gonzalez 1998: 89). Understaffing results in overworked and highly stressed staff and inadequately protected workers.

In addition to these indicators of severe underfunding to resource missions and, therefore, welfare provision, there is overwhelming evidence to show that the impacts are clearly gendered. For example, OWWA data for 1994 revealed that DOLE, together with the Department of Foreign Affairs handled 14,314 reported cases involving OFWs (Gonzalez 1998: 90). Cases involving women far exceeded those for men: 94.5 per cent of health and death cases, 80.6 per cent of crime and cultural offences, 78.9 per cent of contract payment cases, and 78.5 per cent of welfare cases (Gonzales 1998: 92). This pattern existed in all world regions, and illustrates how a lack of state resources has overwhelmingly negative impacts on Filipino women.

The protection of migrant labour in Japan

As mentioned earlier, Japan's revised Immigration Control Act of 1990 continues the historical practice of providing for the entry of skilled labour and professionals, but excludes un- and semi-skilled workers. In other words, Japan does not officially allow the immigration of unskilled labour (with the exception of the *nikkeijin*). Male migrants working in the construction industry and in small manufacturing businesses enter Japan on tourist visas and are, as a consequence, 'illegally' employed.

As for women migrants, there exists a legal way of entering Japan, but this entails entertainment work. Women from the Philippines have been numerically dominant among migrant entertainers in Japan since the late 1970s when this phenomenon emerged. They usually enter the country on a working visa which allows for employment in the entertainment sector, often as singers and dancers. But many end up working in the sex industry as hostesses, strippers, or even prostitutes (Ballescas 1993; Kattoulas 2000). With visas, their legal status is marginally better than that of undocumented Thai women working in 'entertainment' and Filipino women are less likely than these Thai women to find themselves in situations of extreme exploitation.[4]

Regardless of nationality, the most common work-related problems encountered by women migrant workers are: contract violation, non-payment of wages, verbal and physical assault, forced prostitution, rape, the forced use of drugs, illegal confinement and the confiscation of documents. There are a number of organizations offering support to these women. Some, like HELP (House Emergency of Love and Peace), are non-governmental agencies, while others, such as the Labour Relations Offices, are under local authority control. There are also the

embassies of country of origin. A major problem encountered by all support agencies is the fact that the employers can only be sued for forcing or organizing prostitution if the names of customers are provided before the case is brought to trial. Customers do not usually reveal their real names and even if they do, Japanese names can be difficult to remember for these foreign workers who are unfamiliar with the Japanese language (this information is based on interviews conducted by Piper in Tokyo during 1998). Moreover, these migrant workers are often kept deliberately ignorant of the names of their employers and the owners of their workplaces. This aspect of vulnerability is exacerbated by the fact that women are routinely and quickly rotated from one club to another.

As a counterpoint to official immigration policies, local governments and NGOs have initiated links with communities with large concentrations of expatriate workers providing counselling services and legal representation (Tigno 1997: 89).[5] Although Japan is signatory to various international covenants, there is an absence of clear human rights protection in the Japanese legal system, especially as domestic practices have not been adjusted for compliance (Terasawa 2000). At the same time, it is unclear to what degree they are covered by Japan's constitutional provisions and labour codes. In this context, citizen groups and NGOs have emerged to challenge official immigration policies and legal procedures resulting in a 'Fortress Japan' (Weiner 2000). This will be further explored in the following sections.

Bilateral efforts for worker protection

The concept of bilateral agreements between the Philippines and labour importing nations has been widely discussed as a mechanism for ensuring more humane treatment of migrant workers. The political sensitivity and heightened awareness of worker abuse following the execution of domestic worker Flor Contemplacion in Singapore in 1995, meant that bilateral agreements gained political and legislative prominence.

Relatively few bilateral agreements – just 18 – exist given that the Philippines overseas employment programme has been operating for more than 25 years. Two agreements were established in the 1970s; seven in the 1980s; and nine in the 1990s (with six being established in 1997 alone). Only two of the 18 agreements are for countries outside the Middle East – one with Micronesia (1989) and another with Malaysia (1993). The POEA and Department of Foreign Affairs have been unsuccessful in securing agreements with some of the major and most contentious labour importing nations such as Saudi Arabia, Hong Kong, Singapore and Japan. Since the early 1980s the Philippine State has attempted to make 39 agreements with 22 labour-importing nations. There were unsuccessful efforts with seven countries in the Asia-Pacific (Brunei, Japan, Malaysia, Palau, Singapore, South Korea, Taiwan) to ratify 14 separate agreements or Memoranda of Understanding between 1984 to mid-1999. Five proposals specifically attempted to address the welfare needs of workers, particularly domestic workers. Despite the importance of labour migration to Japan in terms of remittances, gender balance and the problematic nature of the type of work that women engage in,

and several attempts since 1988 to initiate an agreement, Manila has been unsuccessful in addressing the Japanese government's resistance (personal interview, Ball, POEA official 1999).

The Labour Secretary has acknowledges that:

> Where agreements are present, they touch on very specific aspects of recruitment or deployment but do not cover the more sticky issues. The fact is, very few receiving countries are inclined to define the rights of guest workers in their midst.
>
> (Sto. Tomas 2004)

In fact, government documents on the status of proposed agreements reveal the lack of immediacy given to proposals by labour importing nations. The time lag between the submission of a proposal by Manila and the next meeting can be considerable, for example, two or three years is not uncommon. Often scheduled meetings fail to materialize or they run out of time to meet over proposals. This reflects the lack of priority and reluctance of labour-importing states to enter into any sort of agreement that may be binding or require a course of action that may improve conditions for foreign workers.

The considerable difficulties faced by the Philippine government in entering into effective agreements have not only caused considerable frustration amongst workers. It has also thwarted recruitment agents who are anxious to adopt a professional profile and have efficient processing and safe working environments for OFWs. This has resulted in international efforts by major recruiters at either end of major migration chains (e.g. Saudi recruiters working with Filipino recruiters providing labour to Saudi Arabia) to reach agreements to professionalize the labour migration service industry. However, such measures have been difficult to implement without the backing of governments.

The previous sections have shown that there are clear limitations as to how effectively sending and receiving countries can deal, or have been dealing, with protection of migrant labour. There is a clear void that is to be filled – in our opinion – by NGO activism.

NGOs and transnational advocacy

In the contemporary era of globalization when workers' rights generally are being contested by the application of neoliberal policies, we argue that NGO advocacy has a great potential to transnationalize and help address the inequalities in human and labour rights embedded in globalizing labour markets. From among the different types of NGOs, the kinds we are interested in are advocacy groups using the language of human rights to improve the situation of foreign workers. Advocacy is a way of organizing the strategic use of information to democratize unequal power relations, particularly in the transnational context. This is consistent with migrant workers' NGOs in Japan and the Philippines: by 'advocacy', they mainly mean the raising of awareness for migrants' plight making connections

with human rights violations, the dissemination of information and news of specific cases. Transnational NGO networks operating in global campaigns usually use advocacy as the key activity (Keck and Sikkink 1998: 14; Piper and Uhlin 2004).

In the context of globalized labour markets and the presence of non-national workers, new concepts need to be developed to incorporate the changing realities of migrants working outside their country of citizenship. In particular, attention needs to be given to human rights of workers to avoid their treatment as tradable commodities. As a result, the role of NGOs in ensuring states comply with international conventions is crucial. For instance, there is great potential for NGOs to lobby governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) and where ratification has already occurred, for NGOs to monitor its implementation (Piper and Iredale 2003). Once conventions are in place, NGOs can play a major role in monitoring, organizing public hearings and encouraging political and public debate to get conventions enforced. In addition, NGOs can submit informal reports to relevant UN Committees (Cholewinski 1997: 198–9).

In addition to potentially enhanced transnational NGO activism, there is also the possibility of international labour standards being tackled by international trade unionism. However, as opposed to trade unions, NGOs show more flexibility about protection and advocacy, but not necessarily about organizing labour. Also, while trade unions may claim a commitment to foreign workers, their way of organizing is limited to legally employed workers in the formal economy. 'Illegal' migrant workers are almost seen as the enemy of domestic workers because of their perceived potential to erode wage levels, working conditions and so forth. Moreover, NGOs are often attached to Christian churches with an ethic for protecting the individual, and thus human rights is the primary objective and labour rights are secondary. Trade unions, on the other hand, are not so much concerned about migrant workers' rights in terms of infringements of human rights, but about the structural dangers they pose for legally employed citizens.

It is the case, however, that opponents of the principle of universal human rights are well represented at such regional organizations as APEC, arguing that such standards are outside the narrowly defined trade and liberalization concerns of APEC. This argument has been extended to core labour standards, which some APEC member states regard as un-implementable without reference to specific cultural contexts. This contradicts the fact that many APEC governments have ratified many key ILO and UN conventions in support of universal human rights. Asian NGOs, on the other hand, have rejected these arguments. They consider them mere justifications for the continuation of authoritarian regimes (ICHRDD 1997). A study of NGO access to APEC bodies has shown that of 26 APEC committees under review, only six had allowed NGOs access. Under APEC regulations, access to working groups as well as observation of proceedings can be denied to NGOs at any time (ICHRDD 1997).[6] There is, therefore, an 'activism void' to be filled by NGOs to lobby governments towards achieving core labour standards. There has been some progress in this regard. For example, an

initiative in 1995 by the Asian Human Rights Commission and a regional NGO in Hong Kong to draw up an Asian Charter of Human Rights (Tremewan 1997). In 1997, a 'People's Summit' on APEC took place, bringing together citizens' groups and trade unions to bring social dimensions of trade policy, including labour and human rights issues, into general discussions (ICHRDD 1997).

NGO activism in Japan and the Philippines

One of the striking characteristics in both the Philippines and Japan is that many advocacy and service-oriented NGOs are church-based,[7] some of which have transnational Catholic links. Also, both countries have a vigorous civil society. However, there are important political and historical differences between the two countries: in the Philippines, under the Marcos regime there was a strong underground NGO network that was instrumental in advancing democracy. Partly based on the Catholic Church being far more influential in the Philippines, NGOs are motivated by strong social justice concerns. In terms of labour migration, NGOs are highly active in providing pre-departure, 'on-site' and post-return support services to migrant workers, by providing information and educational campaigns, counselling, legal advice, livelihood and entrepreneurship programmes, lobbying the government and so forth. In the Philippines, we have identified 41 major NGOs concerned with labour migrants in general, of which 13 cater specifically for women migrants.

In Japan, there are migrant worker NGOs established either by Japanese or by Filipinos. Among those, women's groups in particular often promote and appeal for strong transnational linkages against human trafficking and the violation of human rights. Most have established local 'networks' within their own country, and some have begun to establish transnational links, particularly with an Asia-Pacific focus. This is partly related to already established linkages in that region regarding: (i) anti-sex tour campaigns that began in the 1970s; and (ii) the 'military sexual slavery' issue and associated campaigns for recognition of and compensation for military sexual slavery by the Japanese government during the colonial period and Second World War. Activists in South Korea and Japan have worked together, organizing regional conferences and regional networks, including the Philippines, Taiwan and other Southeast Asian countries. It therefore seems that NGO transnational links have a broad regional basis.

Among all NGOs that we have been able to identify, there are a few which do lobby work at an international organizational level. In Japan, there is the International Movement Against All Forms of Discrimination and Racism and the Forum on Asian Immigrant Workers. These NGOs not only have transnational links but also lobby at the UN level; for example, both regularly send delegates to the UN Human Rights Commission in Geneva. In the Philippines, there are also NGOs that lobby at the UN, such as the Coalition Against Trafficking in Women. These links are important for raising the particular concerns of workers' rights and conditions in this region so that 'globalization from below' can effectively counteract 'globalization from above' (Falk 1999) and

further developments towards democracy. In this way, the undermining of workers' rights as a necessary condition of globalization (e.g. implicit in the APEC agenda) could be challenged.

Conclusion

The Asian financial crisis along with historically derived demographic and economic imbalances indicates that labour migration has become a structural feature of the East and Southeast Asian political economy. Despite this fact, individual governments have either been unable or reluctant to confront human rights issues implicit in international labour migration in this region. As we have seen earlier, the regional institutions of PECC and APEC until now have been unwilling to deal with complex social issues. This, however, highlights the need for more effective systems of regional governance and transnational legal apparatuses to tackle social issues that accompany economic globalization processes.

Our discussion has been approached from three levels (regional, state, and grassroot) as well as from the perspective of two countries at both ends of the migration chain, Japan and the Philippines. To put the issue of migrant labour into a regional political economy framework, we have shown the divergent positions of these two countries within the East and Southeast Asian region. Globalization has weakened Philippine state action regarding its international regulatory apparatus, partly due to its dependency on foreign exchange earnings which has affected its bargaining power with another sovereign state over matters concerning workers' rights within its own borders. As a result, efforts to pursue bilateral and multilateral agreements to shore up worker rights have been met with opposition and reluctance with host states, such as Japan. This chapter has argued that the Philippine State has been good on the rhetoric of safeguarding workers, but poor on translating pronouncements into policy, and in enacting real change. This is partly derived from a utilitarian approach to globalizing labour, rather than in providing sufficient resources to direct and regulate this process so that workers' human rights are in the fore rather than background.

Despite its increasing dependence on migrant labour, Japan, on the other hand, does not show any willingness to protect migrant labour on an official level. Here, it is advancements at the local level which counterpose official practices. Increased transnational advocacy networks, however, are needed to make the Japanese government enforce the international standards that it is already signatory to, and to lobby for ratification of other migrant-related covenants.

It is, therefore, essential for NGOs, unions, governments and researchers to sustain and increase their efforts to bring the many contradictions embodied in labour export and import to the fore. They need to ensure that bilateral and multilateral advances in the welfare of workers do not remain at the level of rhetoric but are made concrete by the creation of internationally binding agreements based on the real recognition of the basic human rights of migrant workers, and particularly the most vulnerable: women. Transnational activism is the key to articulating concerns and formulating strategies in multiple political arenas.

It is, therefore, essential that more scholarly and activist attention is given to 'globalization from below' through the stronger forging of transnational NGO links in the Asia-Pacific region.

Acknowledgements

Notes

1 Issues of 'sex work' and its recognition as 'labour', and hence an issue of labour rights, is now on activists' agendas in Asia (see Kempadoo and Doezema 1998; Piper and Uhlin 2001).
2 Historically, Japan had been dependent on external labour before. During the Pacific War considerable numbers of forced labourers from its colonies in Korea and Taiwan, and from occupied China, were brought to Japan.
3 See Tirona (1999) for a discussion of international instruments on the protection of the rights of migrant workers from a Philippine perspective.
4 This is somehow confirmed by the number of Thai women seeking assistance and support in shelters such as HELP in Tokyo, where the number of Thais has surpassed the number of Filipino women since 1990.
5 See Tegtmeyer-Pak (2000) for a detailed discussion of initiatives such as those of the Tokyo municipality and Kanagawa Prefecture in establishing committees of foreign residents for the purpose of having their voices heard in local government policies.
6 This stands in contrast to international organizations, such as the World Trade Organization (WTO), which has broached the subject of social clauses and has begun to involve NGOs in discussions concerning links between trading rights and strengthening workers rights (ICHRDD 1997).
7 This is particularly interesting in the context of Japan where only 0.1 per cent of the whole population is Christian.

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