

Issue of Protection of Migrant Workers and their Families

Background

Nepal, clearly situated between two giant nations- China and India, is a small land-locked country and second last least developed country with the view point of human development among 29 Asian countries. As it is underdeveloped and still in a semi-feudal conditions. 78% of the total population is dependent on agriculture. The per-capita income in Nepal is equivalent to US \$240. In Nepal, the 60 % of the people are still illiterate and officially 38 % of the population falls below the poverty line.

The Nepali economy is dominated by foreign aid and debt. A child has to shoulder the debt of roughly Rs. 9,000 at his/her birth. Because of considerably low growth rate, export is lagging more and more behind in comparison to imports. As a result chronic trade deficit has become a salient feature of the foreign trade scenario of Nepal and is estimated to reach Rs. 5500 million by the end of this year. Unfortunately, 1% of the annual budget is being spent for the allowances of ministers. since last 9 years the violent conflict between Maoist and security force has created extreme difficulties in the entire national life. Within the recently passed five years, a number of enterprises have closed down. Tourism industry, one of the most important in foreign exchange earning has highly slackened down. Every year Nepal labour market has to face 300,000 new job seekers. But the economy at present is unable to provide jobs and unemployment is more and more aggravated. In the declining trend of economic activities within the country, only option is the foreign employment and migration of the people. Thus Nepal is facing a situation-forced migration of workers in a mass scale. Conflict has created a situation of heavy displacement of workers and their families which has resulted into internal and international migration of the people. People are forced to migrate from their origin places to different places.

Migration to India

When we talk about Nepali Migrant workers abroad, we cannot ignore the India-Nepal free border and open migration. Migration to India was begun early in 1816, when East India Company appointed Nepali citizens in their regiments. Since then, a large number of Nepali workers had migrated to India for the employment in tea-estates of Darjeeling, Asam for livestock farming, dairy and cultivation. At present, it is estimated that there are 7 million citizens of Nepali origin. The statistics cannot be denied in view of the large number of Nepali language speakers in Darjeeling (west Bengal), Asam, Sikkim and other states. In this context, we can memorize the 'Report on internal and international migration in Nepal' prepared by National Planning Commission in 1992. This report has mentioned that 2,74,968 Nepalese were in India in 1961. Since then, the experiences indicate that migration has increased much more. At present, the number of the people of Nepali origin is estimated to be 7 millions in India. All India Migrant Nepali Association has assumed that 50 % of the total Nepali in India are the citizens of Nepal. In recent years, a trend to work as agri-labourers in different states of India mainly in Punjab and Hariyana is fastly increasing among Nepali citizens. So the number as agri-labourers, service-workers, police and Army-men, porters, gatemen and the Kanchha (The hotel boys) working all over the India, is taken into consideration, can be claimed to be more than two millions in India. In this content, mentionable is the unfortunate statistics of 1,53,000 Nepali women engaged in sex-trade in different Indian cities as presented in " Sex-Trade in Nepal: Realities and challenges" written by Gauri Pradhan.

Regarding how many Nepali has been sent abroad by foreign employment agencies, we cannot find the actual statistical records as off-the record push-off is heavier than the legal ones. Later on from 1980s, Nepali citizens started to flow towards Developed, Mid developed and Developing countries like; USA, UK, Australia, Japan, Western Europe, S. Korea, Taiwan, Hong Kong, Malaysia, Singapore, Middle East and others.

History of Migration and Migrant Workers

Sugauli Treaty:

On December 2, 1815, war between British India led by East India Company and Nepal came to the final negotiation to stop the war and restore the relation of peace and amity between two countries at Sugauli (which is now in India). In this treaty, East India Company and Nepal government agreed for the fixed border where Nepal was compelled to loose one third part of whole land and forced to fix the border up to Mechi river in East, Mahakali river in West and in South up to the hills. After this treaty British government offered Nepal government to recruit Nepalese citizens in their arm force.

Though in early time, Nepali citizens had been migrated to neighbour country India, Burma and to Tibet for job seek but it was not recorded officially. Firstly, on 1815-1816, British government appointed 4,650 Nepali citizens in British-Gurkha Regiment. To whom we call now as "Lahure" and it was the first legal migration to and still in continuation. At present days too, Gorkha-Regiment are in British and Indian Army. In those early days, Nepalese were forcibly used in arm force by colonial rulers in negotiation with the feudal rulers of Nepal.

Migration to Overseas Countries:

Since 1980s, Nepali citizens began to move in different countries for employment and gainful earnings. But last two years record shows more sharp data of move-abroad. The choice of destination country by the migrating workers is divided in 5 categories depending on their socio-economic condition. Such as a person whose family economic condition is good they move to an 'A' category countries and a person whose family economical condition is very low they move to 'E' category countries (see table no. 1) and nearby country like India. These categories show also the class of workers and their conditions.

HMG/Nepal has listed 16 countries where Nepali workers can be officially recruited through registered manpower agencies for foreign employment. These countries are: Saudi Arabia, Qatar, United Arab Emirates, Bahrain, Oman, Kuwait, Iraq, Malaysia, Hong Kong, Brunei, S. Korea, Saipan, Israel, Seychelles, Maldives and Macao. Even there are listed countries for overseas employment but Nepali citizens have been working in different countries with different status. Foreign employment is not only supporting good remittance also solving the problems of unemployment and poverty.

Migrant Workers in Nepal

Although Nepal is one of the least developed country and sending country for human resources, the pressure of the migrant workers from abroad is considerable. In addition to the large number of Indian migrants coming through the open Nepal-India boarder, migrant workers from Germany, Japan, China, Pakistan, Philippines, Norway, Armenia, England, Denmark, USA, Bangladesh, Thailand, Russia, Holland, Australia, Switzerland, Malaysia, Italy, Kajakisthan, France, Ukraine etc. are also working in Nepal. The number of migrant workers in Nepal in April 1996 is 1998 as mentioned in a report by Department of Labour (DOL). The same report reveals that 643 migrant workers

have been given work-permit during 1991-96 March. According to DOL source, there are 2,126 Migrant up to September 1997. The number of workers from countries other than India does not seem increased.

But Government departments keep silence in connection with the number of Indian migrants working in Nepal. Two decades ago, Ministry of Foreign Affairs of India had mentioned in a context that there were 3.8 million Indian migrants in Nepal. But at the same time, another authentic/census source of India mentioned the number to be only 150,000. Along with these contradictory facts, the population census of Nepal 1971 gives the data to be 137,583. Except these, there are no reliable and authentic statistics, so we can just say, in the present context, that the number of Indian migrants in Nepal is very large. In practice, it is clear that almost 80% of the Indian migrants are from working class whatever be the actual number.

However, indicative is the study on 'Labour Market Information Collection' done by DOL in 1993/94. Among the 474 industrial units of 8 districts taken under the survey, 4052 were foreign migrant workers out of a total number of 26,351 workers, i.e. 15.37% foreign migrant workers of the 4052, where 18.56% were women workers and 81.44% the males. A similar study in the far eastern district of Nepal reveals the fact that 1807 workers were foreign migrants in altogether 48 industrial units, of which the percentages of high-skilled technicians 0.88%, administrative manpower 4.09%, skilled workers 5.93% and unskilled workers were 89.1% respectively. In accordance with these surveys, almost 98% of the foreign migrant workers were Indians. Although there are migrant workers in different Industrial Zone of Nepal in different working class but they are not facing any discrimination between local workers.

The Conditions of Nepali Migrant Workers in Abroad

Numerous cases of intolerable sufferings of the Nepalese migrant workers have been found abroad. It is a bitter reality that Nepalese workers are accepted in East and South East Asia as well as Gulf-countries only because they are cheap and they do whatever job they get. Among those working in South Korea, 50 have been killed and more than 200 have returned as disabled. Every month about 10 Nepali workers are dieing in the gulf countries.

Regarding the exploitation of Nepali migrants, Asha Maya Thapa, who had been working in HK up to 1996, is also an example. She was severely suffering of jaundice and pneumonia and had 2.5 pint of blood in her body when she was ousted from the job. Unofficial sources from Ministry of Foreign Affairs reveal that nearly 100 Nepali Migrant workers are dying each month abroad and about 100,000 Nepali are moving for overseas employment per year.

Although Nepal government has opened 16 countries officially for foreign employment but it is not included for skilled workers. So, Nepali Migrant workers are divided only in two categories as Semi-Skilled Workers and Unskilled Workers (see table no3). On Semi-Skilled category most of them are the educated male and female from middle and lower middle class families who go abroad with a hope to earn much within a short period. The large number among them works as undocumented. Nepalese, whether by trainee visa or by illegal measures, used to reach their destination countries after paying considerably huge amount to the middle man or the so called employment agencies. They have been generally forced to work on semi skilled works depending upon labour market of each country. In Unskilled category, most of them are from low class families going abroad for family-survival. These people use to go to Middle East and neighbour country India. Most of them use to work as industrial Labour, cleaner and sweepers, farm labour, watchmen and security guards. Women workers are the major sufferers among the Nepali migrant workers. Thousands and thousands of Nepali women in India have been smuggled and sold for prostitution or forcibly used in sex trade by criminal groups that the government and the social movement could not eliminate in spite of constant efforts.

On the other hand, the pains and sufferings of those who entered Singapore and Malaysia without work-permit are also horrifying. They have been put into jail and tortured in an inhumane manner. Many men power agencies had sent Nepali workers to Middle East countries without concrete agreement with concerned employer's or agencies in the destination countries, which is creating big problems to Nepali migrant workers. The case of Iraq is an example, where so-called foreign employment agencies are responsible. In 1997, the Ministry of Labour/HMG had constituted a commission-"Commission for the Investigation of Irregularity in Foreign Employment" to unmask those agencies. Some of the exploitative agencies, leaving the Nepalese workers helpless in foreign territories after sucking the maximum amount, have also been

tapped under government action, but still it is insufficient. At present, the Ministry of Labour & Transport Management is trying to regulate the foreign employment business and is trying to develop control mechanism.

GEFONT and the Migrant Workers

GEFONT, in its second national congress in 1996, had adopted an important document covering the outlook, concept and position of GEFONT on National Labour Policy. In this document, the issue of foreign employment and migrant workers is analyzed.

GEFONT is of view that uninterrupted flow of capital from the developed countries can be balanced through the labour-export of the developing ones. The scope of traditional foreign employment in military service is, now, very little and declining, but the attraction towards foreign employment is increasing day by day due to lack of gainful employment within the country. However, as mentioned above, there is neither diplomatic protection for them, nor easy and secured remittance of their earnings to Nepal. Thus, for their protection and rights, GEFONT has been working through its migrant section and has now launched a separate Migrant Desk this year. GEFONT Support groups were early established in HK, South Korea, Japan, India and some of the Gulf countries. Now further efforts are being launched to establish such support groups in all possible countries where Nepali migrant workers are working. Also GEFONT-Migrant Desk is doing case counselling, preparing for pre-departure and awareness programs, news and data collection and policy issue for safe job. GEFONT, has also made a provision that representatives from the support group of each country can participate in its National congress. Although we are active for the protection of their interests, we feel that they have to be trained and be given orientation in some issues and that the government should be warned in some policy issues.

Life of Returnee Migrant Workers in Nepal

All the dream of migrant workers may not change into reality. The life of ex-migrant worker in Nepal after return from abroad is both sweet and sour. Positive and Negative reflection can be found in their life. Some of the returnees have been involved in different professions based on their gained skill from their migrant life. Some as tourist guide for particular language and restaurant owner of different continental food make their life easy and happy. On the other hand, some of them are very confused.

Whatever knowledge and skill they gained abroad are not practical in Nepali context and it is very hard to find out the same technology in Nepal. The business environment is not favourable for investment and it is hard to make a decision to invest all their earning in particular business. Ex-migrant workers do not feel comfortable even to work in Nepal after their return because the earning in Nepal in comparison is nothing and it is also very hard to find any job in Nepal. Most returnees are unemployed. Only 10% are able to get different job and remaining are trying to go aboard for better work again. Government itself has no Reintegration Plan and present poor economic condition is forcing to move abroad again.

The story of women returnees is different. Because of the dominating patriarchy in the society, women are looked at negatively. Socially, the life of women is more complicated than men.

Conclusion

As we know, we South Asian countries are mostly sending country of labour and human resource to Developed and Developing countries. We are facing similar condition of foreign employment and migration towards neighbourhood country. Therefore joint or common strategy for protection of South Asian Migrant workers while working outside South Asia is necessary. Efforts of different stakeholders, organizations and institutions in different level both national & international is essential for better life of migrant workers and returnee migrant workers. Migration within the subregion of South Asia is also to be regularised and exploitations have to be minimised. A joint effort is necessary to support and to solve the problems of South Asian workers.

For the protection of South Asian migrant workers there should be understanding, sharing, networking and flow of information between the trade unions, labour supportive organizations, civil society organizations and other stakeholders in each of the countries. Efforts and lobbying should be expanded at SAARC diplomatic level. Every government should have a clear policy on the investment of remittance. Ex-migrant workers should be motivated for investment and the government should provide different investment schemes. Learning from the miserable life of the ex-migrant workers, government should make people aware about the migration and should strictly control human smuggling.

Trade union has to organize migrant workers in inside and outside the country. They should have a good network with different trade union in different countries and should work together for protection of rights of migrant workers. Different NGOs and INGOs working in migrant area can be the other partner organizations for trade union centres. In addition, awareness campaign in different level within the society can be a good tool for gradually attitudinal change of the society. Any efforts from any organization or individual towards the welfare and protection of migrant rights should be encouraged.

(GEFONT-Note prepared by Umesh Upadhyaya)