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# Cross-Border Labour Flows: Policy Issues, Options and Implications for Australia-Asia Relations

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# Cross-Border Labour Flows: Policy Issues, Options and Implications for Australia-Asian Relations

**Professor Gavin Jones**

## **Introduction**

In an integrated world economy, trade and flows of capital, labour, raw materials and technology are inter-related. Labour movements in the Asian region therefore have to be seen in the context of an integrated world economy - but one where vast differences in income, wages and human resource development provide strong incentives for workers to move to better their condition and for employers to encourage such movement. Yet while the flow of goods and capital have been greatly liberalised, there remain very high official barriers to the flow of people.

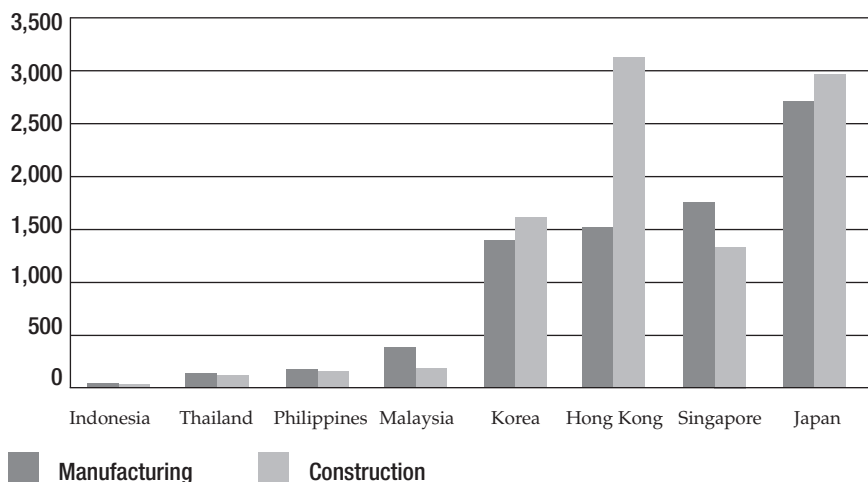
Australian policy has long emphasized permanent migration, with an increasing emphasis on skills as opposed to family reunion, and a modest refugee intake. Most countries of Southeast and East Asia, by contrast, have eschewed permanent migration but deal with increasing flows of labour migration, both authorized and unauthorized. Nevertheless, both Australia and Asian countries have recently been broadening the scope for skilled migration, especially temporary skilled migration.

This paper focuses on problems arising in the Asian region from the increasing flow of workers, both skilled and unskilled. Australia has a direct interest in the former as both a sender and recipient of such workers. It is not directly involved with unskilled workers but needs to be acutely aware of the related issues, affecting as they do the stability of international relations in the region.

## Context

Except during the Asian crisis of the late 1990s, the booming economic conditions in countries such as Singapore, Malaysia and Thailand made them particularly attractive to labour migrants from neighbouring lower-wage countries such as Indonesia, the Philippines, Myanmar, Laos and Cambodia. Figure 1 shows the enormous wage differentials for unskilled or semi-skilled workers in manufacturing and construction between Japan, Korea, Hong Kong and Singapore and the lower income countries.

**Figure 1** Comparisons of monthly worker incomes in 7 countries by industry, year 2000



Source: International Labor Organization, 2005

These differentials provide an ongoing attraction to workers from the poorer countries with shortage of jobs and rising numbers of educated young people.<sup>1</sup> Meanwhile, the demand for and supply of labour are conversely mismatched in higher-income Asian countries because economic growth is boosting demand while demographic realities restrict supply. The demographic transition in countries such as Japan, Korea, Taiwan and Singapore, along with extended periods of education, has resulted in a contraction in the supply of new workers entering the labour force. The 1990s

and the first half of the 2000-2010 decade saw a dramatic shrinkage in the numbers aged 15-24 in Japan and South Korea, and the beginnings of a decline in Thailand, Hong Kong and Singapore (Table 1).

**Table 1** Index of growth in numbers of working age, 1990-2030 (1990=100)

**(a) Aged 15-24**

	1990	2000	2010	2020	2030
Japan	100	86	67	64	60
South Korea	100	87	76	62	50
Singapore	100	89	117	99	76
Hong Kong	100	105	95	85	87
Malaysia	100	127	148	160	156
Thailand	100	93	90	84	81
Indonesia	100	112	110	110	107
Philippines	100	124	146	153	152
Laos	100	131	175	204	230
Australia	100	99	105	104	105

**(b) Aged 15-64**

	1990	2000	2010	2020	2030
Japan	100	101	95	87	82
South Korea	100	113	119	119	106
Singapore	100	130	155	158	142
Hong Kong	100	120	138	142	135
Malaysia	100	134	169	199	220
Thailand	100	120	133	139	139
Indonesia	100	124	145	163	173
Philippines	100	131	167	201	227
Laos	100	131	175	226	279
Australia	100	114	127	131	134

Source: Calculated from data in United Nations Population Division, 2004

A common stereotype is that destitution drives emigration. In fact, most emigration is concentrated among young people with reasonable levels of education and some skills but facing poor domestic job prospects. Thus high-school graduates from Flores work as labourers in Sabah and college-educated Filipinas work as domestics or entertainers.

### 1. Trends in Unskilled Labour Migration<sup>2</sup>

The latest estimates of the numbers of temporary foreign labour in East and Southeast Asian countries are shown in Table 2. In Southeast Asian countries, these stocks account for only just over 1% of the potential total labour force (aged 15-64), suggesting that labour migration can be considered a minor matter. For some countries, however, foreign labour's share of the labour force is much larger: Singapore 29%; Brunei 32% and Malaysia 12%. Moreover, in some regions within countries, the share is much higher than national totals. For example, in the Malaysian state of Sabah in 2000, 24 per cent of the population and an even larger proportion of the labour force were foreigners.

The supply of labour, including younger workers who are most prone to migrate, is increasing rapidly in the poorer countries of the region such as the Philippines, Laos and Cambodia (Table 1). In Indonesia and Myanmar, the number of young people entering the workforce has levelled off, but their total workforce continues to grow.

**Table 2** Estimated stocks of foreign labour in Asian countries around 2001-4

Country	Year	Total stock (000)
Japan	2004	870
Taiwan	2003	600
South Korea	2004	424
Hong Kong	2003	217
Macao	2000	27
China	2003	90
<b>Total East Asia</b>		<b>2,228</b>

Country	Year	Total stock (000)
Thailand	2004	1,624 (782)
Malaysia	2004	1,359 (595)
Singapore	2004	580
Brunei	2004	150
Indonesia	2004	92
Vietnam	2001	30
Philippines	2003	9
<b>Total S.E. Asia</b>		<b>3,844</b>
<b>TOTAL</b>		<b>6,072</b>

Source: Hugo, 2005; Asis, 2004a, Table 7.2 and the sources cited therein. Figures in brackets for Malaysia and Thailand are unauthorized ('illegal') migrants estimated by applying the ratios in Asis (2004a) to the total stock of migrants according to Hugo (2005).

The total stock of labour out-migrants is very high for some countries (especially the Philippines and Nepal) because their workers are widely scattered around the world. Philippine labour outmigrants are estimated to number almost 5 million or about 11 per cent of the total working-age population.<sup>3</sup> In the case of Myanmar, the supply of labour migrants is fuelled by refugees seeking to escape government repression.

South Korea, Japan, Taiwan, Hong Kong, Brunei and Singapore are the main destinations for unskilled labour migration, while Malaysia and Thailand are both source and destination countries. The list of source countries is much larger and includes, along with the Philippines, China, Indonesia, Burma, Cambodia, Laos and Vietnam, South Asian countries such as India, Bangladesh, Nepal, and Sri Lanka.<sup>4</sup>

Remittances are the second largest financial inflow to most source countries and exceed development aid: almost 9% of GNP in the Philippines, 7% in Pakistan, 6% in Bangladesh and Sri Lanka and 5% in Indonesia. These remittances are counter-cyclical and more stable than most other inflows. Despite a bias towards spending on consumption (IMF, 2005), their use in improving housing and financing education contributes significantly to raising the human capital. Returning migrants may also bring back new skills and knowledge and consolidate commercial networks.

## **2. Temporary skilled migration**

Numbers of temporary skilled migrants in the region are much smaller than those of labour migrants: a stock of about 50,000 to 60,000 in Singapore, Malaysia and Thailand and 10-20,000 in Indonesia and the Philippines in 2003/4. There is a wide range of policies in the region toward temporary skilled migration, for example in the IT and health care sectors. In general, skilled workers from the region are more attracted by the opportunities in the USA and other industrial countries outside the region than those in other countries of the region.

## **3. Documented versus undocumented migration**

A great deal of labour movement occurs outside official labour migration structures in both origin and destination countries. Undocumented and documented systems are not altogether separate. One reason why so many Asian workers adopt undocumented migration strategies is that destination countries have erected legal and physical barriers to labour migration, often in

the face of a strong demand for workers. Another reason is that official programs are costly and slow. This gives more power to recruiters and incentives for collusion between recruiters and officials.

Undocumented labour migration in the region can be portrayed along a spectrum ranging from totally voluntary movement, through benign or less benign involvement of middlemen and employment agencies to trafficking and kidnapping at the other extreme.<sup>5</sup> Sometimes there is a long history of undocumented migration, such as much of the Indonesian movement to Sabah, with well established routes and arrangements and close contact between the workers and their home villages. In other cases, the role of middlemen and agencies becomes dominant, through control over information about the migration process and destination, timing and cost of the move and the job at the destination. These movements grade into trafficking, where workers find themselves duped into indentured situations at the destination, and at the extreme, kidnapping and trafficking of people across borders against their will. It is very difficult to determine its incidence, though it is common enough to be a cause of great concern.

Labour recruitment is big business. Almost 3,000 employment agencies are licensed to recruit Filipino workers for overseas jobs. In Indonesia there are about 200 large companies with operating licenses from the Ministry of Manpower, many smaller companies or individual recruiters certified after a less stringent training course, and a very large number of unlicensed recruiters.<sup>6</sup>

#### **4. Gender**

Women now outnumber men among migrants from the Philippines, Sri Lanka and Indonesia. Large numbers of female workers from these countries are engaged in domestic service in other Asian countries or the Middle East. They are frequently exposed to exploitation - overwork, poor conditions and sexual abuse - because of the physical isolation of workplaces and the absence of protective workplace legislation. The sex trade is another aspect of temporary female labour migration in the region. Much of the movement is highly organized but voluntary, although part of it merges into trafficking.

Labour activism and NGO involvement can assist female workers, as evidenced by the better conditions enjoyed by Filipina than Indonesian domestic workers in Hong Kong and Singapore. Employers pay the minimum wage to Filipina workers and abide by contractual obligations such as the

number of days off. Indonesian workers, more controlled by labour recruiters and with limited contacts in the receiving country and less NGO support, suffer generally poorer conditions.

## **International Policy Issues**

### **1. International/multilateral issues**

#### **(a) Human rights**

Governments of sending countries and their agencies cannot be relied upon to support the human rights of their labour migrants because of corruption, unwillingness to offend other governments and the desire to preserve the employment 'safety valve' and the government revenues from labour migrants overseas.

Governments of receiving countries, likewise, cannot be relied upon to deal sympathetically with the issues of wages, living conditions and social isolation facing migrant workers. Indeed, their policies may curtail the human rights of these workers. There is a grudging acceptance of the need for labour migrants, but they are seen as dispensable in hard times. The broad aims are to restrict the influx of labour migration, limit its duration and prevent integration of labour migrants into the host society lest this hinder repatriation. Such problems are compounded for undocumented workers, who cannot command the same wages as documented workers, are sometimes cheated of their wages altogether, and lack the mechanisms to redress their grievances, facing as they do the prospect of deportation.

#### **(b) International relations issues arising from labour migration**

Three kinds of occurrences associated with labour migration regularly raise the temperature in international relations in the region: (1) periodic crackdowns against undocumented workers; (2) riots and criminality associated with labour migrants; (3) high profile reports of crimes committed by employers against foreign maids and by foreign maids against employers. As the volume of labour migration increases, such tensions are likely to increase.

After a decade of relative neglect of migration issues by the United Nations, there has been some progress, including the setting up of a Global Commission on International Migration in 2004 and a focus on migrant labour

at the ILO Congress in 2004. Within the Asian region, AFTA and APEC have yet to take up issues of unskilled labour migration. Part of the problem is that in the receiving countries of Asia, strong political commitment to liberalizing the entry of foreign workers is lacking.

The need for cooperative arrangements in human resource development between the ASEAN countries has been frequently noted. If ASEAN countries wish to achieve more open temporary worker flows within the region, they need to place more emphasis on regional priorities and problems through regional consultative processes (RCPs), rather than the current unilateral, national policies. Unless bilateral and, more importantly, general solutions to this problem can be found, little progress is likely.<sup>7</sup>

Trafficking has received more attention than efforts to develop better arrangements for labour migration. There have been regional conferences in Bangkok (1999), Manila (2000) and Bali (2002) on irregular migration and trafficking. These RCPs all produced a regional action plan and a commitment to cooperate on specific points of action.

## **2. Border control**

In an integrated world economy, unskilled workers will keep coming as long as there are large differentials in income between countries of origin and destination countries and limited job opportunities in the poor countries. If the market signals a demand for unskilled workers, they will break the law as illegal workers if they cannot enter through legal channels, or if the procedure for doing so is particularly cumbersome. Legal and irregular (unauthorized) migration are driven by similar factors and processes. Though irregular migrants may have violated immigration regulations, and subverted the power of rich nations to regulate the entry of labour, their rights as workers and as human beings should not be denied them.

Wherever large flows of undocumented cross-border labour migrants or refugees occur, international tensions of some kind almost invariably result, exacerbated by security considerations in a post-9/11 world. Many Filipino workers in Sabah and Myanmar minority groups in Thailand fall between the categories of political and economic, forced and voluntary, legal and illegal, “refugee” and “migrant worker”. The periodic crackdowns on undocumented workers in Malaysia has led to tensions between Malaysia on the one hand and Indonesia, the Philippines and Bangladesh. The 2002 amnesty offered by Malaysia, followed by the enforcement of the toughened Immigration Act and

repatriation of hundreds of thousands of workers, led to public protests in Malaysia, Indonesia, and the Philippines, and the outflow of Indonesian workers following a subsequent amnesty ending in February 2005 also heightened Indonesia-Malaysia tensions.

## Options for Australian Policy

Given that labour migration will continue to increase across Asia in response to economic and demographic imperatives, Australia's policy aim should be to maximize the benefits to its own economy and work cooperatively on ameliorating the resultant problems.

The three sets of options facing Australia can be broadly categorized as (1) status quo; (2) reform; (3) radical change.

### 1. Status quo

Australia's migration policy since the end of World War II has arguably served Australia well. Present criteria for ranking candidates for permanent migration are fair and adaptable to changes in Australia's perceived needs. Australia is building a successful multicultural society.

Australia has quietly widened the scope for attracting skilled migrants by easing the conditions under which overseas graduates of Australian universities can stay and apply for permanent residence. Besides allowing short-term employment of those on student visas, it has also facilitated the temporary entry of skilled workers through the 457 visa sub-class: numbers accepted under this category are becoming as important numerically as permanent skilled migration.<sup>8</sup>

Australia involved itself honourably with refugee problems after World War II and again during the Indochina crisis of 1978-80, though its reputation has been tarnished more recently over policy towards asylum seekers.

Australia is cooperating with its neighbours in regional efforts to tackle human trafficking.<sup>9</sup>

Nevertheless there are a number of reasons for arguing that the status quo is untenable. In terms of skilled migration, Australia must better coordinate domestic education and training with employment and migration policy, or it will fall behind in skills development in competition with other countries. Australia can also not ignore the need for regional initiatives to ameliorate the problems and tensions arising from increasing levels of unskilled labour migration.

## **2. Reform**

### **(a) Temporary skilled migration**

Temporary skilled migration is involving Australia more closely with its Asia Pacific neighbours because of increasing two-way flows of such migrants. Australia is also finding itself in direct competition with countries of the region in attracting such migrants from elsewhere. At present, despite many Australians moving overseas as temporary skilled workers, Australia enjoys a small net gain of such workers. Given the increasing demands for skilled workers by low fertility countries in the region, including Japan, South Korea, Taiwan and Singapore, not to mention by Europe and North America, Australia's ability to continue to attract sufficient skilled workers is not guaranteed.

Temporary skilled migration issues are best addressed in the context of ensuring flexibility in the labour market to meet constantly changing skill requirements. More effective coordination is badly needed between the ministries involved with education, labour and migration. The balance to be achieved depends on whether we are producing enough skilled workers, how many of them are moving overseas, either temporarily or permanently, or changing occupations, and how many skilled workers are moving to Australia, either temporarily or permanently. Australia needs to concentrate on orienting the education system to better meet its skilled labour needs, though this has so far proven very difficult to achieve. Domestic availability of skilled workers could also be increased by eliminating poverty traps, namely the punitive marginal 'tax' rates on loss of social security benefits for part-time work.

Regional dialogue is needed on the issues of transnationalism and brain drain, and settlement of accreditation issues, to minimize the "lose-lose" outcome whereby countries of origin lose professionals, countries of destination do not gain from the immigration of skilled people because of restrictions in practising their profession, and the immigrants themselves suffer from "brain waste".<sup>10</sup> APEC appears to be the forum best suited to promoting accreditation in the interest of more flexible movement of the highly skilled.

### **(b) Unskilled labour migration**

According to the ILO, three of the most vulnerable groups of migrants in terms of protection and legal rights are domestic workers, irregular and

temporary workers, all three types of which are widespread in Asia. A rights-based approach is needed if such workers are to receive needed protection at the recruitment stage, during the migration process and in regard to working conditions at the destination. The 1990 UN Convention on the Rights of All Migrants and their Families (ICRM) goes beyond older ILO Conventions (C.97 and C.143) in clarifying the full application of the human rights law to migrant workers and providing a more detailed definition of who constitutes a migrant worker. However, so far, among the 26 countries that have ratified or acceded to the ICRM, none are major migrant-receiving countries and only two are situated in Southeast and East Asia: the Philippines and Timor Leste.<sup>11</sup> Australia has yet to ratify.

While Australia should obviously keep out of bilateral labour conflicts to avoid justifiable accusations of meddling, it does have a strong interest in minimizing tensions in the ASEAN region and beyond that might be inflamed by labour migration disputes. Involvement should be of a multilateral kind, directed towards a comprehensive institutional framework that addresses the full range of international migration issues. Australia could usefully participate in consultative processes (RCPs) led by regional country groupings, UNHCR, IOM and ILO. These potentially provide useful forums to debate and exchange information, improve cooperation and facilitate political will, develop plans of action, and issue declarations and non-binding recommendations. We should advocate that such RCPs involve civil society representatives and address difficult and typically neglected issues such as integrating labour migrants into host societies.

The clearest example of the difficulties facing international agreement on labour migration is probably Mode 4 - the General Agreement in Trade in Services (GATS) regarding temporary international migration in the service industries (covering construction and domestic service but not mining, manufacturing or agriculture). Within the ASEAN region, the temporary labour migration dealt with through Mode 4 has not made much progress, even though hitherto it has been focused only on skilled workers. Especially within ASEAN, Australia should work for the liberalization and further development of Mode 4 of GATS, to include agriculture and manufacturing, and to cover the lower skill levels. Regional and/or bilateral agreements may serve as an interim measure and perhaps be less distorting on labour matters than for trade in goods.

### c) Refugees

Australia could restore its formerly high reputation in accepting refugees by raising its very modest orderly refugee intake and reduce the period of mandatory detention currently adopted to deter asylum seekers.

### 3. Radical change

To date, Australia has accepted unskilled migrants only under the refugee and family reunion categories of permanent migrants, and those only in decreasing numbers. If Australian fertility rates decline further, consideration may need to be given to opening Australia to contract labour migration of unskilled and semi-skilled workers. At this stage, Australia's birthrate is not so low as to make this urgent, except perhaps to alleviate labour shortages in agriculture. There may be other considerations, however, of regional security and development. The issue has already arisen with respect to labour migration from the struggling micro-economies of the South Pacific. Without disrupting its own labour markets, Australia could provide substantial temporary employment opportunities for young Pacific Islanders and a stable source of remittance incomes. Such a policy would be mutually beneficial but aspects to be considered would include wages and conditions, the risks of ethnic ghettoisation and appropriate safeguards to restrict permanent settlement.

## Conclusion

In recent years the preoccupation of government and the general public with issues of refugees and border control has distracted attention from important long-term trends in regional labour markets and the implications for immigration policy. The imminent decline in the labour force in East Asian countries such as Japan, South Korea, Taiwan and Singapore will require their economies to rely increasingly on overseas workers at both ends of the skill spectrum. Meanwhile the Chinese and Indian economies will continue to expand. Australia will be competing with these and other countries in attracting even temporary skilled migrants. Looking ten years ahead to a more knowledge-intensive global economy, we would be unwise to assume ready availability of skilled migrants, which suggests the need to improve the ability of our own education system in producing such skills as well as international recognition and transferability of skills. Rapid growth in services trade also

suggests that pressures will increase for regional and international agreements on mobility and accreditation. At the same time but for very different reasons the awkward issue of unskilled labour flows will also become more pressing. Sensible discussion of such matters is now timely. Delay could narrow our range of options.

## Notes

- 1 C.W. Stahl, "International Labour Migration in East Asia: Trends and Policy Issues", in R. Iredale, C. Hawksley, & S. Castles (editors), *Migration in the Asia Pacific: Population, Settlement, and Citizenship Issues*, Edward Elgar, Northampton, 2003, p.38-9.
- 2 Trends and issues in labour migration in the region have been discussed comprehensively in Athukorala and Manning, 1999, Ananta and Arifin (eds), 2004; and references cited therein. Full bibliographic details are listed at the end of this paper.
- 3 This figure excludes permanent migrants, of whom there were 2.9 million, mostly in the United States and Canada.
- 4 Refer to Table 3 in G. Hugo, "The New International Migration in Asia: Challenges for Population Research", *Asian Population Studies*, issue 1(1), 2005, p. 93-120.
- 5 Refer to Table 6 in G. Hugo, "The New International Migration in Asia: Challenges for Population Research", *Asian Population Studies*, issue 1(1), 2005, p. 93-120 and R. Skeldon, "Trafficking: A Perspective from Asia", *International Migration*, Special Issue, issue 1, 2000 p. 7-30.
- 6 V. Wee, & A. Sim, "Transnational Networks in Female Labour Migration", in A. Ananta & E.N. Arifin (editors), *International Migration in Southeast Asia*, Institute of Southeast Asian Studies, Singapore, 2004, p. 173.
- 7 Maruja M.B. Asis, "Borders, Globalization and Irregular Migration in Southeast Asia" in A. Ananta, & E.N. Arifin, (editors), *International Migration in Southeast Asia*, Institute of Southeast Asian Studies, Singapore, 2004.
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- 9 C. Millar, "Combating Trafficking in Persons through the Bali Process", in Development Studies Network, *People Trafficking, Human Security and Development*, Development Bulletin No. 66, Australian National University, Canberra, 2004.
- 10 R. Iredale, "The Growth of Skilled Migration in the Asia Pacific Region", in R. Iredale, C. Hawksley, & S. Castles (editors), *Migration in the Asia Pacific: Population, Settlement, and Citizenship Issues*, Edward Elgar, Northampton, 2003.
- 11 N. Piper "Rights of Foreign Workers and the Politics of Migration in Southeast and East Asia", *International Migration*, issue 42(5), 2004, p. 71-97.

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