

Summer Camp 'South Asian Labour Migration and Maritime Migrants'

21-23 May 2022, Kathmandu, Nepal

A Report



Organized by Calcutta Research Group [CRG], Institute for Human Sciences, Vienna [IWM], Nepal Institute of Peace [NIP], Alliance for Social Dialogue [ASD]

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Background

South Asia – which consists of Afghanistan, Bangladesh, Bhutan, India, Pakistan, Maldives, Nepal and Sri Lanka – is mostly a region of outmigration. It is estimated that there are 13.9 million international migrants residing in the sub-region while some 43.4 million South Asians reside outside of their country of origin (UN DESA 2020). Temporary labour migration, mostly towards the Gulf countries, is an important feature of South Asia's migration experience. Migrant workers use land and sea routes to reach their destination countries. Thus far, there has been limited discussion in South Asia about maritime migration in the Bay of Bengal to reach intended destinations. It is important to address this gap and the vulnerabilities migrants face in maritime migration. Furthermore, the COVID-19 pandemic has increased the vulnerabilities of migrant workers, especially women migrant workers, as they face joblessness, wage theft, no access to health care, violence and ill-treatment (ACAPS 2020; Foley and Piper 2020). Although several international conventions, declarations and recommendations have been formulated, including the Global Compact on Migration (GCM), the implementation part remains weak. Therefore, it is essential to discuss and empower civil society organizations to monitor the implementation of the GCM.

The Calcutta Research Group and the Institute for Human Sciences, Vienna [under the project 'Justice, Protection and Government of the People: A Two Year Research and Orientation Programme on Protection and Democracy in a Post-COVID World (2021-2023)'] in collaboration with the Nepal Institute of Peace and Alliance for Social Dialogue organized a Summer Camp on 'South Asian Labour Migration and Maritime Migrants' in Kathmandu on May 21-23, 2022. The event provided a forum for a consultative and interactive discussion on the governance of labour migration in South Asia and to propose recommendations that promote the protection of migrants and refugees.

The event was attended by participants representing civil society organizations [Tarangini Foundation, Nepal Mahila Ekata Samaj, Nepal, People Forum, Nepal etc], international non-government agencies [International Labour Organization, Nepal Section] human and migrant rights activists [Pravasi Nepali Coordination Committee, Equidem Foundation, Legal Aid and Consultancy Centre Nepal, Nepal, National Human Rights Commission, Nepal, Human Rights Alliance, Nepal etc.], migrant labour union activists [Nepal Trade Union Congress, Nepal], scholars, from different parts of South Asia in addition to Europe, and the Indo-Pacific region [University of Bologna, Italy; University of Dhaka, Bangladesh; University of Calcutta, India; Asia Research Centre, University of Indonesia, Indonesia; Indian Institute of Migration and Development, India; Graduate Institute, Geneva, Social Science Baha, Nepal etc].

The Summer camp had two major focuses: a) South Asian labour migration across land and sea with stress on the three major migrant sea routes-the Mediterranean, the Bay of Bengal and the Indo-Pacific, b) Country focus discussion on Nepal on the condition of outmigration and returnee labour migration in Nepal. The camp aimed to highlight how precarity remained the underlying operational

tone of the mobile lives with not only varying regional dynamics but conditional status and claim of a migrant to nation dictated its right to protection and inclusive claims over rights of being protected. The geo-spatial-labouring zone thus cannot be looked only through the lens of the economic category of the developed and developing but also through the lens of behavioural sociologies of the labouring world and the role of the state to securitize its welfare.

Maritime Migrations across the Bay of Bengal, Indo-Pacific and the Mediterranean

The sessions on migration through the maritime route highlighted the precarity faced by refugees/economic migrants/stateless in Bangladesh, Indonesia, or across the Mediterranean is essentially a connected state of concocted ‘securitization’ of protecting the nationals against the others. The vulnerability of Rohingyas as stateless people is evident in their dangerous attempts to traverse dangerous maritime routes across the Bay of Bengal to Malaysia and Thailand. Their ‘statelessness’ is intricately connected with the ‘sea’ as the Rohingyas use maritime routes to escape persecution in Myanmar, and when escape anew from deprivation in the inhospitable Bangladeshi refugee camps. The Bay of Bengal region has become overly securitized as a result of governmental responses to deal with migratory movements; whereas the intensification of migration in the Mediterranean has led to a shift in the understanding of the body of water. The increasing number of deaths of migrants has given rise to the term “Black Mediterranean.” The policing of the Mediterranean Sea has become a European concern rather than a concern of a particular country. The case of the Mediterranean shows that the maritime border is an elusive concept, yet countries in the European Union have found ways of shared management of the Mediterranean, which is linked. The third case study was Indonesia which both receives and sends aliens, i.e., ‘aliens in’ and ‘aliens out,’ respectively. Those moving to seek refuge perceive Indonesia as a safe place. But the Indonesian government has problems in handling refugees. The country has not signed the Refugee Convention, and migrants are prone to human rights violations. The government perceives itself as an intermediary caretaker and views its role as a matter of transferring the responsibility of asylum seekers to international organizations. At the same time, as a source country of Indonesians who work abroad, many face vulnerabilities, particularly women in domestic work.

Labour Migration from South Asia to the Gulf and Other Regions

Labour migration from South Asia and their integration into the informal labour-capital market is always subsumption of low-skilled workers most of whom migrate to the Gulf Cooperation Countries (GCC) as in the case of Bangladesh & India. The private sector and civil society organizations act as major actors in labour migration. Supply and demand factors affect the sustainability of migration to the GCC migration. Labour migration will have continued importance not only because of the contributions of remittances to the economy but also as a strategy to address domestic unemployment. Labour migration in Nepal to the *Lahure* culture, the recruitment of Nepalis to serve in the British Army in British India and re-emerged in the latter part of 1990 with the migration of workers towards the GCC countries. There has been a paradigm shift from the traditionally economically motivated migration to migration during the armed conflict and in the post-conflict context and countries with a large youth population, such as Nepal, will experience high unemployment, a situation that renders young people susceptible to joining rebels. Labour migration was stagnant until 1996, the start of the armed conflict, and grew steadily till 2006 when the peace accord was signed as many took the decision to migrate to escape from potential threat, for livelihood options and also to experience a new country. Despite ‘zero recruitment cost’ for women, due to lack of access to information, among others, migrants end up paying for other migration related costs. One key objective of the Global Compact for Migration (GCM) is the collection and utilization of accurate and disaggregated data for

evidence-based policies. However, quality data on how many have migrated or returned to India are not available, a situation he described as akin to ‘living in darkness’.

Labour Migration with a Country Focus Discussion on Nepal

Some key challenges highlighted include inadequate access to justice for migrant workers at home and in destination countries, wage theft, abuse, and exploitation, especially in the case of female migrant workers - with restrictive migration policies. A centralized justice mechanism, the lengthy process, lack of proper implementation of legal provisions, insufficient resources and training of law enforcement agencies, corruption, gaps in the referral system, socio-political, economic, and gender-related obstacles, challenges in destination countries, fear, and other factors affect migrant workers access to justice. The pandemic has exacerbated the vulnerabilities of migrant workers, including Nepali workers, as indicated by rising cases of contract violation, joblessness, wage theft, unhealthy working and living conditions, arbitrary termination, forced labour and deportation.

Nepal’s restrictive migration policy for women migrant workers is pushing them to take illegal trajectories to migrate, thereby rendering them more vulnerable and often situations of migrations lead to trafficking. Nepal has not included a women’s lens in the formulation of migration-related policies. Despite its commitment to promote the protection of women migrants in national, regional, and international forums and agreements, the state has failed to do so. On the reintegration front, the focus is mostly on economic reintegration and empowerment. It is important that different dimensions of remigration, such as social reintegration, should be considered when formulating plans and policies. She called for interventions addressing the imbalance in gender roles and power dynamics to effectively reduce the vulnerabilities women migrants face.

The cross-border migration to India through the open border, cultural similarities, ancestral practices, familiarity with the language, and easy movement has influenced Nepali migration to India for work. But migrants face the same issues as migrants in the GCC countries, such as lack of social security measures, limited information about healthcare facilities, poor living conditions, discrimination and stigma, inability to accumulate savings due to low income, lack of employment contract, and fear of job loss, among others. There is a lack of clear policy for cross border migrant workers. There is a need for comprehensive policies and data recording system to monitor the situation of Nepali migrants in India.

During the discussion, the consensus was that access to justice for migrant workers was a myth. However, there has been some accomplishment in Nepal in this regard as some services such as filing for compensation have been decentralized. The discriminatory ban on the migration of women resulted in many using the visit visa to migrant. Women with no formal education and those without access to information are more likely to use the visit visa to migrate, which had made them more vulnerable. Until and unless women are economically empowered, they will continue to fall prey to trafficking and face vulnerabilities. There is the need for the realization of a rights-based approach to labour migration governance. The government of Nepal has put in place various instruments for the protection of migrant workers. The government has also pursued bilateral labour arrangements and memorandum of cooperation with destination countries. At the multilateral level, there are international instruments, ILO conventions, the SDGs and GCM that call for human rights and gender responsive migration governance. Rajan Shrestha (Foreign Employment Board) shared the Government of Nepal’s welfare initiatives which include death and injury related compensation,

repatriation and relief for stranded workers and repatriation of human remains, scholarship support, free skills training for aspirants and returnees, insurance coverage, legal assistance, and others.

The enforcement of fair and ethical recruitment is weak. Private recruitment agencies (PRA) continue to charge Nepali migrant workers exorbitant recruitment fees despite the implementation of policies to curb the high recruitment cost such as the ‘free visa free ticket’ policy.¹ Local reintegration remains a key challenge — there is no database on returnee migrant workers and existing employment schemes such as the Prime Minister Employment Programme (PMEP)² have failed to reach the poor, marginalized and vulnerable migrant workers. Furthermore, the panellists highlighted other gaps and challenges in implementation of the GCM - such as issues of wage theft, portability of social security, lack of access to justice of migrant workers, violence and exploitation, the need for a transnational justice system, and effective implementation of labour agreements with countries of destination. It was mentioned that migrant workers lack access to ethical workers’ agencies which became more striking during the COVID-19 pandemic.

Following were the key recommendations based on the presentations and discussions:

- The increasing securitization in the Bay of Bengal region was supposed to deter migratory flows in the Bay of Bengal region, but this has not been efficacious. More humane protection mechanisms are much needed to reduce the precarity of maritime migrants in this region.
- In Nepal a decentralized mechanism for reporting and redressing of grievances of migrants is a must.
- The participation of women in migration calls for a gender lens in the formulation of policies and programs. In Nepal, conditional restrictions to protect women may have the opposite effect of pushing women towards illegal channels of migration, making them more vulnerable. Female migrant workers, particularly those in domestic work are at higher risk of abuse, violence and exploitation because domestic work is not protected by national labour laws.
- The returnee migrant workers during the COVID-19 pandemic have highlighted the inadequate reintegration policies in India, Bangladesh and Nepal. The lack of data on the migrant returnees also became evident.
- Governments need to prioritize which GCM objectives to pursue, also they must identify short-term, medium-term and long-term strategies towards achieving their targets.
- The accountability of destination countries to promote the protection of migrant workers must be discussed in international forums.
- From the perspective of human and migrants’ rights, migration cannot be restricted or approached from a regulation perspective. Migration policies should strive for both vertical and horizontal coherence.
- Research on migration and agriculture is needed to better understand their relationship especially in view of the susceptibility of certain geographical regions to climate change-induced vulnerabilities.
- Another area for research is the digitalization of border and migration control, a trend which raises concerns about the dystopia of total control.

¹ The ‘free-visa, free-ticket’ policy was introduced by the Government of Nepal in June 2015 to curb unethical recruitment practices. The policy requires employers to bear the expenses related to migrant workers’ visa costs and round-trip air tickets and recruitment agencies were allowed to charge up to a maximum of NPR 10,000 for their services. The policy applied to the seven major countries of destination of Nepali workers: the GCC countries and Malaysia.

² Prime Minister Employment Programme (PMEP) was launched by the Ministry of Labour, Employment and Social Security, Nepal in 2019. The program aimed to create employment opportunities for the unemployed population at local levels.

Digitization of the Migrant World

The session focused on the digitization and migration from two perspectives: a) collection of digitized data on migrant workers and refugees, and b) the use of digital tools by migrant workers, refugees and asylum seekers. Discussion on migration data as a critical component of migration management and migration governance was the focal theme. The collection, analysis and use of data on the effects and benefits of migration of is one of 23 GCM goals. It was noted that lack of data or lack of digitized management of data has contributed to ‘less productive strategies of government’ is something that human rights communities need to question. Collecting information in the context of the securitization of migration is a concern for human rights organizations. The United Nations High Commissioner for Refugees, International Labour Organization and International Organization for Migration have been talking about the need for a migration observatory to systematically collect and increase access to migration-related data. Big data can be an important source of information, providing that it is supported by the necessary infrastructure. More importantly, investments in migration information do not lose sight of contributing to the protection of migrants’ rights. It was also indicated that use of digital tools is important and should be considered in discussions and research. There is also widespread experience of migrants’ use of digital platforms to consolidate community ties and to inform individual migratory process. The notion of the digital diaspora was introduced 10 years ago in migration study. Skype changed the way in which the migrants negotiate proximity and distance. It is also important to study digitalisation of border and migration control from the point of view of the migrant agency and the multiple ways in which migrants are able to challenge the digitalization of border and migration control. An important aspect of nexus between digitization and the migrant world that should be taken into consideration is digital labour or platform labour, i.e., labour connected to the operation of digital platforms. In most cases these platform labourers are mostly migrant workers.

Concluding Remarks

The summer camp drew attention to the use of the sea route in the journey of different types of migrants, especially forced migrants. In their search for safety, protection and livelihood, Rohingyas have made dangerous crossings of the Bay of Bengal to reach Bangladesh or Malaysia. The sea route is risky not only because the vessels are not sea-worthy, but also because migrants, including those seeking asylum, safety and protection, may be subjected to abuse and exploitation by traffickers and smugglers, being turned away, and incidents of drowning and deaths at sea. Migration in South Asia was the subject of several presentations and discussions. Migrant workers from India, Bangladesh and Nepal face similar challenges: high recruitment costs, abuse and exploitation, lack of access to justice, and wage theft are part of many migrants’ experiences. Bans or restrictions on women’s migration have been counterproductive, driving women to irregular channels, which put them at greater risk. Their concentration in domestic work, which is not covered by labour laws, adds to their vulnerabilities. These challenges were further exacerbated due the COVID-19 pandemic.

Programme Schedule

21-23 May 2022

Hotel Himalayan, Kathmandu Nepal

Day-1: 21 May 2022

5:30-6:00 PM: Tea & Registration

6:00-6: 20 PM: Welcome Remarks

Shyamalendu Majumdar, *Sivanath Sastri College & Calcutta Research Group, India*

6: 20-6:45 PM: Introduction of the Participants

Moderator: Neetu Pokharel, *Alliance for Social Dialogue, Nepal*

Day-2: 22 May 2022: Labour Migration to the Gulf and Maritime Migrants

9:00–9:30 AM: Tea and Registrations

9:30-10:00 AM: Objectives of the Summer Camp

Ranabir Samaddar, *Calcutta Research Group, India*

10:00-11:30 AM: Labour Migration from South Asia to Gulf Countries and Other Regions

Speakers: S. Irudaya Rajan, *International Institute for Migration and Development, India*, Syeda Rozana Rashid, *University of Dhaka, Bangladesh*, Padma Prasad Khatiwada, *Tribhuvan University, Nepal*

Moderator: Som Niroula, *Alliance for Social Dialogue, Nepal*

11:30 AM–12:30 PM: Maritime Migration across the Mediterranean

Speaker: Sandro Mezzadra, *University of Bologna, Italy*

Moderator: Suman Mandal, *Nepal*

12:30-1:30 PM: Lunch

1:30-2:30 PM: Migrations Across the Bay of Bengal

Speakers: Sucharita Sengupta, *Graduate Institute of International and Development Studies, Geneva*, Niloy Ranjan Biswas, *University of Dhaka, Bangladesh*

Moderator: Shyamalendu Majumdar, *Sivanath Sastri College & Calcutta Research Group, India*

2:30-3:00 PM: Tea Break

3:00-4:00 PM: Reflecting on Research Practices on Maritime Refugees and Migrants at Sea [Open Discussion]

Moderator: S. Irudaya Rajan, *International Institute for Migration and Development, India*,

4:00-4:30 PM: Closing of the Day and Way Forward

Moderator: Som Niroula, *Alliance for Social Dialogue, Nepal*

Day-3: 23 May 2022: Labour Migration Scenario in Nepal

9.00-9:30 AM: Tea and Registrations

9:30–11:30 AM: Revisiting the Global Compact on Refugee and Migrant Workers-Civil Society and Government Perspectives

Speakers: Som Niroula, *Alliance for Social Dialogue, Nepal*, Jeevan Baniya, *Social Science Baha, Nepal*,

Moderator: Syeda Rozana Rashid, *University of Dhaka, Bangladesh*

11:30-11:45 AM: Tea Break

11:45 AM–1:15 PM: The Vulnerabilities of Migrant Workers in Nepal

Speakers: Shom Luitel, *People Forum for Human Rights, Nepal*, Neetu Pokharel, *Alliance for Social Dialogue, Nepal*, Kul Prasad Karki, *Pravasi Nepali Co-ordination Committee, Nepal*, Sujit Saxena, *Nepal Institute of Peace, Nepal*

Moderator: Ajit Acharya, *Nepal Institute of Peace, Nepal*

1:15-2:15 PM: Lunch

2:15–4:00 PM: Policy and Practices in ensuring the rights of migrant workers

Speakers: Rajan Prasad Shrestha, *Foreign Employment Board, Nepal*, Kamal Thapa Chettri, *National Human Rights Commission, Nepal*, Neha Chaudhary, *International Labour Organization, Nepal*,

Moderator: Rameshwar Nepal, *Equidem Foundation, Nepal*

4:00–5:00 PM: Migrations Across Indo-Pacific

Speakers: Robertus Robet, *Asia Research Centre, University of Indonesia, Indonesia*, Rhino Ariefiansyah, *Asia Research Centre, University of Indonesia, Indonesia*

Moderator: Niloy Ranjan Biswas, *University of Dhaka, Bangladesh*

5:00-5:15 PM: Tea Break

5:15-6:15 PM: Digitization of the Migrant World

Speakers: Ranabir Samaddar, *Calcutta Research Group, India*, Sandro Mezzadra, *University of Bologna, Italy*

Moderator: Manisha Pandel, *Nepal Law Campus, Nepal*

5:30-5:40 PM: Vote of Thanks: Som Niroula, *Alliance for Social Dialogue, Nepal* & Shatabdi Das, *Calcutta Research Group, India*

Rapporteurs: Sadikshya Bhattarai, *Centre for the Study of Labour Mobility, Nepal*, Prajesh Aryal, *Centre for the Study of Labour Mobility, Nepal*

Interpreter: Ramchandra Gaire, *Blind Youth Association, Nepal*

List of Participants

Sl.	Name	Affiliation	Country
1	Ajit Acharya	Nepal Institute of Peace	Nepal
2	Jeevan Baniya	Social Science Baha	Nepal
3	Kamal Thapa Chettri	National Human Rights Commission	Nepal
4	Kul Prasad Karki	Pravasi Nepali Coordination Committee	Nepal
5	Manisha Pandel	Nepal Law Campus	Nepal
6	Neetu Pokharel	Alliance for Social Dialogue	Nepal
7	Neha Chaudhary	International Labour Organization	Nepal Branch Office
8	Niloy Ranjan Biswas	University of Dhaka	Bangladesh
9	Padma Prasad Khatiwada	Tribhuvan University	Nepal
10	Prajesh Aryal	Social Science Baha	Nepal
11	Ramchandra Gaire	Blind Youth Association	Nepal
12	Rameshwar Nepal	Equidem Foundation	Nepal
13	Ranabir Samaddar,	Calcutta Research Group	India
14	Rajan Prasad Shrestha	Foreign Employment Board	Nepal
15	Rhino Ariefiansyah	Asia Research Centre, University of Indonesia	Indonesia
16	Robertus Robet	Asia Research Centre, University of Indonesia	Indonesia
17	Sadikshya Bhattarai	Social Science Baha	Nepal
18	S. Irudaya Rajan	International Institute for Migration and Development	India
19	Sandro Mezzadra	University of Bologna	Italy
20	Shom Luitel	People Forum for Human Rights	Nepal
21	Shyamalendu Majumdar,	Sivanath Sastri College	India
22	Sujit Saxena	Nepal Institute of Peace	Nepal
23	Som Niroula	Alliance for Social Dialogue	Nepal
24	Sucharita Sengupta	Graduate Institute of International and Development Studies	Geneva
25	Suman Mondal	Institute of Advanced Communication, Education and Research Centre	Nepal
26	Syeda Rozana Rashid	University of Dhaka	Bangladesh

Photographs from the Programme



Welcome Address and Contextualisation of the Programme in the Inaugural Session



Discussions and interactions of participants in sessions of the programme



Moderation of the session on recommendations and the way forward



Participants in the sessions of the Summer Camp



Publications and brochures with programme kit



Summer Camp Participants



Summer Camp Poster