

Gender and Migration Policies in Southeast Asia - Preliminary Observations from the Mekong region

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Introduction

Along with international flows of capital and goods, labour migration represents a crucial hallmark of globalisation processes. Although historically not a new phenomenon, patterns of labour migration have changed, with the 1990s witnessing a rapid increase in intra-regional labour migration within East and Southeast Asia. Although on the national level still regarded a sensitive issue by many governments, on the supra-national level more and more importance is being attached to international migration as a major component of population change by UN organisations. At the global level, international migrants continue to be concentrated in, and originate from, a moderate number of countries, but their movements are being recognised as having significant socio-economic and demographic implications (United Nations 2001). Intra-Asian migration has emerged as a highly significant phenomenon - important in terms of numbers of actual and potential migrants as well as in terms of the implications for societies and economies in the various countries. An estimated two million workers at least are crossing borders in the search for work within Asia annually (which is, however, a conservative estimate according to Battistella 2001). With the opening of new and potential markets reflecting integration into the regional, if not global, economy, intra-APEC labour migration has become a new key development.

Apart from regionalisation of migration, another aspect which has received increasing attention from migration scholars is the feminisation of migration. A new marker of migration in the last two decades in parts of Asia is not only the fact that in many incidences women have outstripped the number of male migrants, but also that women are migrating independently as temporary economic migrants, often as a family survival strategy. The experience of women migrants differs from men's, usually resulting in higher levels of vulnerability, which is largely based on the channeling of women into sex-affective types of jobs, based on gendered constructions of masculinity and femininity.

In principle, the prevention of migratory movements is neither possible nor desirable, and as long as such movements occur in a some orderly and humane fashion, migration can benefit migrants and society at large. Restrictive approaches, based on efforts to obstruct or deter people from moving across borders, are bound to have negative consequences, forcing migrants into the hands of unscrupulous human traffickers or smugglers. An effective migration management strategy should therefore create opportunities for regular and legal migration together with national restructuring processes or any other socio-economic developments. It has been observed that there is growing awareness that policies and programmes seeking long-term solutions for migration problems have to take into account social, economic and cultural settings of the countries involved (United Nations 2001, 13). Such policies or strategies also need to pay attention to gender differences.

Gender constitutes an important factor shaping migration. Traditionally, academic theorizing and policy making took the experience of male migrants as the norm. In recent years, however, more attention began to be paid to women's specific experience at least by the former (Lim and Oishi 1996). This is related to the fact that labour migration in general, and in Asia in specific, is characterized by an increasing proportion of women. But there are differences in terms of country of origin and destination and the types of jobs available. In much of Asia, new opportunities are opening up for sending and receiving migrants (expanding middle classes and dual income households in need of domestic helpers; halt of migration from one source resulting in opening up opportunities from a different source; relaxing of emigration policies in countries like Vietnam and establishment of recruitment agencies such as in Cambodia and Vietnam etc.). Hence, new 'markets' for 'new' women migrants are opening up, so that feminization of migrant labour has emerged as a fully established and irreversible trend. However, the types of jobs women are being channeled into remain very much the same. For instance, although Vietnamese women working in Taiwan or Cambodian women in Malaysia are relatively newcomers on the labour migration scene, finding them employed as *domestic helpers* is not new at all.

Foreign migrant women are, hence, being channeled into certain types of work, often limited to low-paying and low-skilled service sector jobs - which suggests that labour is not a neutral concept, but highly gendered. The numerically most important form of female labour migration is located in the spheres of domestic service and sex work, whereby the overall scale of the former is considerably larger than the latter (Hugo 2000). Mostly due to the nature of their work, numerous incidents of abuse, including sexual violence, against women migrant workers have been well documented by NGOs (Lawasia 1997) and scholars alike (Cox 1997). As such, it is not the aim here to detail the nature of that vulnerability, but rather to explore the underlying causes. It is argued here that demanding protection from the state without questioning the structures which generate that very vulnerability in the first place is not sufficient. This paper attempts to highlight the combination of structures which have created gendered disadvantages, restrictive immigration and emigration policies, unfair treatment of migrant labour, lack of intergovernmental collaboration for the protection of such workers, economic and political disparities between states as well as within states and individuals etc.

This paper is concerned with the migrants' perspective and the advancement, or the consolidation of, a migrants' rights perspective. In terms of international law or standards, this can be done from a migration, human rights or labour rights angle. More and more voices have recommended the involvement of non-state actors to ensure the actual implementation of such existing laws (Wickramasekara 2000). In the context of some receiving countries such as Hong Kong, NGO activism on behalf of migrant labour has been thriving (Sim 2002). In this context, the NGO/INGO versus state dynamics in order to bring about real, concrete change needs to be taken into consideration.

The specific context in which this paper discusses international labour migration and its gender implications is in the context of intra-Asian migration flows with the sending countries discussed here being Vietnam and Cambodia. This region is particularly interesting as it faces new developments and challenges in almost every sphere of life. This paper recommends a higher gender sensitivity vis-a-vis labour export policies, based on other labour exporting countries' long-term experiences, to ensure migrant women's protection by taking into account a holistic view of legal, political, social systems in sending and receiving countries. In other words, macro, meso and micro perspectives need to be integrated in any kind of problem solving approach.

Gendered Patterns and Consequences of Cross-Border Migration

Although the growing feminisation of Asian migration has been acknowledged by mainstream migration scholars, this has mainly been done so in passing and/or in a neutral manner (see e.g. Castles & Miller 1998). Despite recent signs of diversification in skill levels and employment opportunities (Kofmann 1999; Raghuram 2000; Piper & Roces forthcoming), the majority of migrant women in Southeast and East Asia still labour as unskilled domestic helpers on short-term work contracts (Chin 1998; Yeoh, Huang and Gonzalez 1999) or in the service sector as 'entertainers' or sex workers, either on short term visas (such as the entertainment visa granted in Japan) or in the context of trafficking (Piper 1999). In addition, unknown numbers of undocumented, unskilled women are to be found in such labour-short industries such as manufacturing, agriculture and fishing (Piper & Uhlin 2002). Most of these unskilled women migrate from Southeast Asia, notably the Philippines, Indonesia, Thailand and the Mekong countries.

Underlying the feminisation of migration in Asia are long-standing patriarchal traditions and institutions that place young females in the lowest rank within the family, the household and the workforce (Tyner 1999). This social inequality pushes women to migrate in search of better opportunities to improve the household economy. Consequently, female migrants are subject to various kinds and intense levels of prejudice, discrimination, exploitation and violence based not only on their sex, but also on class, nationality and ethnicity (Shah and Menon 1997; Cox 1997). Under prevailing institutional arrangements of migration in Asia, it is difficult to fully protect the rights, physical safety, and psychological health of migrant women.

Despite the significant levels of risk and vulnerability they encounter, the plight of migrant women has attracted some scholarly, but still little administrative or public attention in the region (Lim and Oishi 1996). The stereotypical view of women as dependents or secondary earners remains dominant as the gap between scholarly perceptions and the reality of migrant women's lives grows. Most governments

have failed to provide protective legislation and services specific to their needs and vulnerabilities. Indifference to feminized migration has led to a lack of relevant policies and public awareness in countries of origin as well as host countries. As a result, substantial numbers of female migrants are left to suffer alienation, mistreatment, injustice and relative poverty, with few means for recourse (e.g. Constable 1997).

A number of factors have contributed to increasing flows of labour across national borders, with the large differences in economic development and living standards between the countries in this region being the most crucial. In the context of the sending and receiving countries being at different stages in their respective demographic and socio-economic developments, a lack in employment opportunities 'at home' have led to large scale international migration flows to labour scarce economies such as e.g. East Asian countries. In addition, improved levels of education in the poorer countries have resulted in improved access to information, At the same time, due to avenues for legal labour migration of unskilled labour being limited, many workers are prompted to migrate in an undocumented manner, often recruited by employers or agencies in the receiving countries. As undocumented workers, these migrants are typically excluded from labour law protections or other state services. Even when visas or work permits are available, they only allow for short-term periods of stay and renewal may be difficult. Thus, many workers who initially migrate on a contract decide to stay on and become 'illegal' overstayers (Human Rights Watch 2000). There are no reliable data available for 'illegal' migrants but it is estimated that they outnumber legal migrant workers by as much as 7 to 1. Migrant workers from Thailand were estimated to amount to 450,000 in 1995, whereby the proportion of 'illegals' was approximately 60% (Phongpaichit 1999, 77). At the same time, Thailand has become destination country for approximately 293,652 registered migrant workers (mostly from Burma) and 733,640 undocumented labour migrants from Laos, Cambodia, and Vietnam (Chantavanich 1999, 161-62).

The growth of service sector employment, in Asia as much as elsewhere, also involved an increasing feminisation of labour migration, such that today approximately 60% of workers exported from the Philippines are women (POEA 1999). In 1997, the total number of Indonesian migrant workers was 1.9 million of whom women made up 65% (in the Middle East, Indonesian women constitute more than 90% of all Indonesian migrant workers). The current experience of female immigration is characterized by an overwhelming presence of women migrants in the sex sector (Lim 1998), in domestic labour, and the commercial marriage market (Wijers & Lap-Chew 1997). Workers in these sectors are likely to encounter more problems and obstacles than other workers because of a number of factors, such as their marginal status within the labour market, the nature of the labour they sell, and their labour often not being socially recognized as 'work' (Ito 1992). The latter is related to the traditional division of labour in which women assume care giving and reproductive types of work. Much of the feminisation of

labour migration in the global economic system is thus a reflection of women's roles as wives and mothers (and also 'dutiful' daughters). In addition, migrants' work in domestic or reproductive spheres, even more so when 'illegal', tends to have an isolating effect as it is outside any protective mechanisms and outside the coverage of receiving countries' labour laws (Lawasia 1998; Piper & Ball 2001).

An additional issue cannot be ignored as part of a gendered analysis of migration: trafficking. Although it does not exclusively refer to women, it mostly occurs in the context of trafficking for the purpose of prostitution and thus involves mostly women and children (Ucarer 1999; Raymond et al. 2001). This issue is typically neglected by conceptual understandings of what constitutes labour migration - which I have criticised elsewhere by arguing for its inclusion in discussions on labour migration (Piper 1999). In view of much of today's cross-border movements being, or ending up as, 'illegal' largely owing to restrictive immigration policies, however, one has to distinguish 'trafficking' from 'smuggling'. The latter refers to 'facilitating migration', which is a reflection of the actual process. The aim is to take someone across a border illegally for a fee, as a consequence of the desire of a person who is unable to obtain a visa to travel to another country to work. Smuggling is thus perceived a crime violating state sovereignty (Human Rights Law Group 2001). Trafficking, on the other hand, always involves the use of deception, coercion or debt bondage at the beginning of a trip or at the end. The aim here is to extract work or services from someone through the use of deception, violence or threat of violence, or debt bondage. This does not always involve the crossing of borders or the *illegal* crossing of borders. In this sense, trafficking is seen a crime against the individual and only secondarily a violation of state sovereignty (ibid.). The borders between those two distinctions are, however, blurred. A person who hires a 'smuggler' might not know that the 'smuggler' or 'recruiter' is really a trafficker who intends to hold this person in forced labour, servitude or slave-like conditions.

Vulnerability and Protection

In the context of vulnerability and possible methods of protection, another issue migration scholars have discussed is the notion of empowerment. According to Hugo (2000), migration can be both a cause and a consequence of female empowerment. The emphasis here is largely upon the apparent effects of migration on the situation of women which can be positive and/or negative. Migration can and does disrupt existing gender-power relationships so that migrant women assume different roles and statuses. The complexity and variability of the migration experience for women needs to be stressed and the widespread tendency to stereotype their movement and its impacts needs to be avoided (Hugo 2000, 299). This is particularly the case with women working in the sex and entertainment sector - an issue which shall be re-visited in the section below.

Disempowerment is especially prevalent when women move as undocumented migrants so that recruiters and employers hold power over them. The very act of migration, if it involves trafficking or incurring a large financial debt to the middlemen involved, reduces not only migrants' economic power but gives others control over their destiny at the destination (Hugo 2000, 303). This is of course the same with male migrants, but the growing practice of trafficking in women for the purpose of sex work exacerbates the situation for women resulting in the violation of their human rights in a number of ways .

Hugo has also rightly argued that it is important that migration research focus on the establishment of the types of contexts where migration of women is associated with empowerment. It is only when we have such knowledge that policies and programmes can be developed to maximize the benefits of migration to the women involved and ameliorate the negative impacts upon them (2000, 299). There is a great deal of scope and need for policy and programme interventions in the migration process to maintain and protect the basic rights of the women involved. This applies as much to nationally developed policies and programmes as well as those derived from the UN system. Gender sensitivity is crucial in the context of policy making and designing of programs. A fundamental starting point in considering policies toward migration of women is that they should at the least have equal opportunities and treatment as men in immigration and emigration policies, and in access to labour markets. In some contexts women migrants need special attention and protection. Generally speaking, however, there appears to be a lack of political will in intervening to protect migrant women (Hugo 2000, 309).

Various types of policies and programmes that may exist - often more in theory than in practice - differ depending whether they come from the migrant receiving or sending perspective. The channeling of women into a small range of occupations where they are highly subject to exploitation and abuse of various kinds starts already at the sending end (Piper & Ball 2001). Apart from migration policies, the issue of migrant labour also falls under the category of labour rights. Most countries in the region discussed here have a bad record on the implementation of labour rights even with regard to their own national work force, and therefore totally ignore migrant labourers' rights. With the dominance of domestic service as an occupation among female migrants, there is the additional issue of the private sphere being under little scrutiny by policy makers (apart from few exceptions, such as Singapore). As observed by Robinson, in Middle East e.g., foreign domestic helpers are seen as 'other' and are outside any protection (quoted by Hugo 2000, 304). In other countries too, domestic service is not covered by national labour laws since the home place is not defined as a workplace. In countries like Vietnam and Cambodia, an additional problem is that the whole idea of 'rights' is fairly new, with legal frameworks and enforcement capacities generally not being in place.

The issue of trafficking is a particularly complex issue and deserves special attention. It is a well established fact that trafficking in women is a booming transnational business (Williams 1999; Ucarer 1999). The issue itself is dealt with by a number of organisations, such as the ILO, IOM and general human rights organisations, and thus approached from various angles, often without any reference to gender. Recipient countries typically regard trafficking as a migration and border security issue. An alternative view is concerned with trafficking in women as a human rights issue, seeking to criminalize the practices of traffickers. As rightly commented upon by Ucarer, though, "this approach focuses on the *consequences* of trafficking rather than its causes" (1999, 231; original emphasis). The human rights framework emphasizes the sexual exploitation and abuse of women and a distinction between voluntary and involuntary prostitution is often made - an issue on which human rights and women's NGOs are divided. Many feminist NGOs argue that voluntary prostitution does not exist, whereas others portray prostitution as a profession which should be accredited sex workers' rights (Doezema and Kempadoo 1999). One big problem in this respect are the different degrees of poverty (or gaps between the 'haves' and 'have nots') with different levels of choice in the many countries involved in sex work migration. It is no surprise then to find a lack of consensus on key issues in this debate. Another problem area is the divergence of national legal approaches and social attitudes in dealing with prostitution which obstruct international efforts in their attempt to develop effective international rules to suppress the trafficking of women (Ucarer 1999). Any policy innovation might, therefore need to make use of both approaches to trafficking - as an immigration issue to make it a crime against the state as well as a human rights issue to make it a crime against a person.

To ensure protection and some kind of labour standards, another view which takes the entire issue of international transfer of 'reproductive labour' (domestic work and sex work) (Truong 1996) beyond a human rights and migration perspective argues for its treatment as a trade issue. In this view, put forward by Truong (forthcoming), the trade in human beings is part of the broader processes of globalisation of trade in goods, investment, production, and services. She argues for a need to see the terms of the discussion on human trafficking as an aspect of international trade. This is in fact already occurring through the activities of NGO organizing around WTO - a process in which the issue of human trafficking must find a place in her opinion.

On the whole, I would argue that the main important aspects to focus on are gendered types of exploitation in the search for work at the various stages of the migration process (pre-migration, post-departure and return). I would also argue that a purely legalistic approach cannot tackle issues such as trafficking, regardless of whether seen in a narrow or broad sense. A holistic problem solving method is needed, approached from specific socio-political contexts in which women's choices or decisions are being made. Choices are more or less depending on the context. In much of Southeast Asia, short-term contract migration or sex work

migration emerges as a manifestation of poverty (or little redistribution of national wealth) and stark gender discrimination. I would therefore argue with Sim (2002) that these kinds of socio-economic problems have become disguised as a migration issue and depoliticised as far as migrants' welfare is concerned.

The case of Two Transition Countries: Vietnam and Cambodia

Both Vietnam and Cambodia are described as transitional economies with similar histories of long wars in the recent past, experimentation with socialism, followed by a still ongoing phase of transition to a market economy (Acharya 2001). The three Mekong countries Cambodia, Laos and Vietnam are the least developed countries of Southeast Asia with the lowest per capita GNP. There are significant differences, however, with Vietnam emerging as the socially most progressive and economically most dynamic country among the three. Vietnam has higher adult literacy rate, higher educational levels and also enjoys a higher productivity level. By contrast, war in Cambodia has only recently ended having lasted longer than in Vietnam, with its social, financial and governance institutions ineffective resulting in an extremely low human development index (ibid.).

For this and other reasons, Vietnam has had a longer history of sending migrant labour to abroad and first began to do so more than 20 years ago, with the first wave taking place between 1981 to 1990. Most exported workers were demobilised military personnel and former youth volunteers sent to work in Eastern Europe. During this period, Vietnam sent workers to former East bloc countries in Europe to meet its obligations to COMECON under bilateral agreements. Between 1987 and 1990, workers were also sent to Iraq and Algeria. Of those workers in this period, nearly 42 per cent were women. During the late 1980s to early 1990s, more labour was sent to Eastern Europe including Germany, Bulgaria and Czechoslovakia, of whom 45 per cent were female workers. In the early 1990s, the Socialist European countries were no longer available as labour receivers and destination countries were consequently sought in Middle East and Asia. The Vietnamese government signed agreements with Kuwait, Lebanon, Saudi Arabia, Libya, Japan and Korea (Dang 2000). Overall, as can be gathered from this, Vietnam has adopted a strong interventionist approach of export policy since the 1980s (Wongboonsin 2001).

During the 1990s, Vietnamese women featured far less in the overall numbers of overseas contract labour (18.2 per cent), with the government having imposed official restrictions and banned labour contracts allowing female workers to go overseas as domestic helpers or entertainers (Dang 2000). Very recently, however, the government has allowed female labourers to work overseas as domestic helpers with the destination being mainly, or even exclusively, Taiwan, whereas the ban on entertainment as an additional option still persists. Women are also being sent to Taiwan and Korea as factory workers. Both, domestic service and factory work are usually arranged through recruitment agencies. Japan and Korea also

offer job placements for 'trainees'. In the year 1999, nearly 2000 workers were sent overseas particularly to Japan and Korea by labour export companies based in Ho Chi Minh City (Dang 2000, 182). The gender breakdown of these figures is not known, neither are any further details as to the operation practices of these recruitment agencies/companies. Anecdotal evidence suggests that women 'exported' by these companies usually are married, with the rationale behind this that only married women eventually return. It is unknown what kind of implications this has on the women and the families left behind. On the whole, little detailed knowledge is available on the workings of recruitment companies. The Department of Overseas Labour Workers Management in Vietnam legally requires contract workers to send remittances home, part of which are kept by the recruitment company, with the remaining part at the disposal of the individual migrant. Apparently, any company can get permission to export labour after fulfilling some criteria which can be circumvented by corruption. There is anecdotal evidence that more recently screening has become tougher.

Apart from government sponsored emigration to relatively far away destinations, irregular cross border crossings to neighbouring countries are also taking place. In these flows, women typically migrate to Southern China as wives and to Cambodia as sex workers. Vietnamese men working in Cambodia are usually better skilled seeking better paid jobs in small businesses (often run by ethnic Vietnamese settlers in Cambodia), as fishermen and construction workers. As with all irregular migration flows, it is next to impossible to find exact statistics as to the numbers involved.

Unlike Vietnam, Cambodia is a receiving and sending country of migrant labour. It is in an intermediate position in the regional labour market, receiving migrant workers from Vietnam and sending their own workers mainly to Thailand. However, very little is known about these flows. Migration to Thailand is usually sub-divided into short-term/short-range border crossings (usually seasonal agricultural workers of whom the majority are women and who live in the border area) and longer-term/long-range movements (mainly construction workers, porters, garment workers, workers in food processing and fishing industry, most of whom are male) (Acharya 2001; Chan & So 1999). There is also evidence of Cambodian migrants traveling to Thailand to work on rubber plantations (Chantavanich et al. 1999, p. 123). Chantavanich (2000) reports that 8.7% of 293,652 registered migrant workers in Thailand were Cambodian during 1996-97, and based on this, it was estimated that there could be up to 87,000 Cambodians, but the gender breakdown is not known. There is also evidence of Cambodian women working as sex workers in Thailand (ibid.). How many are involved is unclear.

A far more recent development is the establishment of recruitment agencies in Cambodia which train women for work as domestic helpers in Malaysia. This opportunity to export Cambodian women as domestic helpers opened up after the recent visit of the Cambodian Prime Minister to Malaysia. There are currently four

such agencies operating in Phnom Penh, but there is no detailed study on how they operate. Preliminary interviews with a small number of women trained at one of the four agencies yielded some insights into the following: the length of training amounts to three months, including basic English skills, the women are then sent to Malaysia with the understanding that the first three or four months salary are to be paid back to the recruitment agency in return for their training. The women come from the provinces, are in their early twenties and unmarried. One woman reported to have worked in Malaysia for two years, during which she was able to save US \$ 2000. She intends to return for another spell of domestic service work. Whether or not men are being sent to abroad as contract workers on legal permits by these recruitment agencies is unknown.

Another method of migrating available to women is international marriage. There is anecdotal evidence of Vietnamese women having married Chinese men and Cambodian women Thai, Taiwanese, and Hong Kong Chinese men. However, this is a totally un-researched area, and no concrete information is known. There is no evidence of recruitment agencies of the 'mail-order-bride' type.

The main distinction between Vietnam and Cambodia at this stage are that the former sends mainly factory workers and fewer domestic helpers as legal contract workers to abroad. The domestic helpers go to Taiwan, the factory workers to Korea and Taiwan. There are also legally recognized Vietnamese 'trainees' in Japan and Korea (according to Dang, there were 14,305 Vietnamese workers in Japan in 1994 and 20,493 in the Republic of Korea; 2000, 173), but the percentage of women taking part in these schemes is substantially smaller than that of men. Cambodia has to my knowledge only one legal contract worker scheme and that is for domestic helpers who are being sent to Malaysia. Those women are usually unmarried, unlike their Vietnamese counterparts. Whereas Vietnam does not receive foreign workers at all, Cambodia is a labour receiving and sending country. This is partly related to immigration being weakly controlled in Cambodia, but subject to severe control in Vietnam. The received Vietnamese migrants by Cambodia are on average better skilled and better educated Vietnamese men working in construction, fishing. The Vietnamese women are largely sex workers. Thailand figures highly as main receiver of sex workers from both Cambodia and Vietnam and receives a substantial part of seasonal labour from Cambodia.

Another distinction is that Vietnam has a clear policy on international migration and experience in doing so since the 1980s, having sent its nationals to over 30 different countries. Cambodia does not have any national emigration policies in place, but there are signs of such policies emerging (recruitment agencies sending domestic helpers to Malaysia).

State and Non-state Actors

State and Government

Both, the Vietnamese and Cambodian states are more or less directly (and to differing degrees) involved in labour export. The existence of approved recruitment agencies are signs of formal regulation through direct state involvement in the export of labour. Even the non-existence of formal regulation, or the insensitivity for gender in any kind of policies or programmes, can be seen as a type of response. On a general level, it has been observed that state's responses to migration are dominated by the political and economic forces of the ruling elites. The questions as to how ruling elites perceive migration and whether or not there is any concern or awareness for gender differences are, thus, of importance when establishing the impact of the perceptions and responses held by political and bureaucratic elites on the formation of institutions and regulation concerning overseas migrant labour (Tirtosudarmo 2001).

International migration was a topic of secondary concern for many governments in the mid-1970s, but over the past decades, the number of governments adopting measures to control these flows has increased (United Nations 2001). However, there are country-specific differences within and across regions. In much of Asia, an inward looking character of sending countries' migration policy dominates which is related to the fact that political stability and national integration are of national priority (as, e.g., in Cambodia). Economic development planning is not yet integrated with the issue of foreign employment policies, and even where national efforts are being made in this regard, there is a lack of regional outlooks. Migration is on the whole still regarded a highly sensitive issue by many governments in this region because of different perspectives and interests and its close link to national security or sovereignty. Interests of states are also determined by persisting high levels of corruption and weak law enforcement structures (police, judiciary). A country like Cambodia which is among the few having signed CEDAW and a few other international conventions, the lack of law enforcement in the context of reduction of state budget affecting police personnel etc. render the significance of signing such conventions nil. Moreover, it is often the case that high level police officers and other senior officials are involved in the trafficking business hampering any effective overall state control.

At present, the number of undocumented migrant workers from Cambodia and Vietnam seem relatively low and mostly concentrated in the border areas. If, however, the reluctance on the part of sending state's bureaucracy to improve the regulation policy on migrant workers continues, this could/will result in burgeoning illegal movement without legal protection. This might become more a problem for Cambodia as there seems to be more planning on the part of the Vietnamese government. According to a newspaper article from March 2002, the Vietnamese government plans to send 45,000 workers to abroad by the end of this year, targeting Malaysia in particular with which an agreement has been newly signed. These labourers are expected to work in the health care sector, construction, wood processing, clothes-making and agriculture (Viet nam News 2002). It is

questionable, however, to what extent these policies are gender sensitive. There are no studies on the effects on families and households, e.g., when married women are being sent to Taiwan and Korea for work in factories. Likewise, it is unknown to what extent women have the chances to improve their skill levels as part of, e.g., trainee schemes. One element which seems to indicate gender sensitivity might be the ban on sending Vietnamese women to abroad as entertainers. However, it is not known whether this ban results into more clandestine practices of the trafficking/smuggling kind.

Once migrant labour has left the country of origin, the sending countries' influence on their nationals' protection is extremely limited. On the international political level, another issue is thus the dynamics between sending and receiving governments and the naturally weaker bargaining position of the migrants and the sending states - assuming that sending governments give importance to the protection of their overseas workers at all. If the host country is abusive, the sending government does not have much leverage in negotiating with the host country for the fair treatment of migrant workers – the host country can refuse any engagement and dialogue, and/or threaten to kick out the migrants if the sending country insists. Therefore, sending governments tend to bow down to the practices of the host country, lest they lose their share of the labour market. Migrant workers, on the other hand, will not normally terminate their contracts because that would mean returning home jobless, and/or being confronted with substantial debts they have incurred during the recruitment process. Foreign domestic helpers are in a particularly disadvantaged bargaining position because unlike migrants in factories/industries, domestic helpers have individual employers and they are scattered in various households. Living under the roof of the employer does not give them much bargaining leverage; they also cannot do collective bargaining, like workers in a factory. In this context, regional initiatives would be helpful to promote minimum standards, including the practices of recruitment agencies (adoption of standard labour contracts e.g.). So far, such initiatives have not prospered with no country in sight to take leadership in this sector (Battistella 2001).

Being relatively new players in this field, neither Vietnam nor Cambodia have governmentally established and controlled return and reintegration policies. Here, a lot could be learned from countries such as the Philippines and also Thailand. On the whole, it appears as if Vietnam's state policies are all about 'planning and order' with there being an Overseas Labourers Management Department as part of the Ministry of Labour, Invalids and Social Affairs, but little about putting a legal system in place, let alone any gender sensitive practices. In Cambodia, there is not even much in way of planning and ordering.

There is, thus, a lot of scope for non-state actors' roles and involvement.

Non-State Actors

In this section, I would like to address some issue raised in the academic literature on 'civil society' and 'governance and reflected in the existence of many INGOs and UN agencies as well as an increasing number of local NGOs in both Vietnam and Cambodia. This is of particular importance in view of not only national states being involved in policy making, but also non-state actors. I include into the category of 'non-state' supra-national as well as local actors.

Throughout the 1980s there has been, in addition to changes in patterns of migration, a rapidly growing wave of 'civil society' movements in Asia (Piper & Uhlin 2002). Concerned citizens have been alerted to common problems of environment, human rights, health (particularly HIV/AIDS), labour migration, violence, refugee populations, poverty and inequality. 'Global civil society' refers to those voluntary organizations that have been formed, outside of national governments and global markets, in order to enhance citizens' participation in democratic governance (Stienstra 1999; Tinker 1999). These include non-governmental organizations (NGOs), citizens' groups and networks, educational and religious institutions, community organizations and labour unions. Such phenomena have recently drawn academic interest - either in form of political 'globalisation from below' (Falk 1999) or as forms of 'transnationalism from below' wherein coalitions of citizens of various nationalities and classes, challenge elite power relations by transcending national boundaries (Guarnizo and Smith 1998).

From the 1980s onward, Asian migratory flows have given rise to many NGOs and other voluntary associations committed to addressing dire needs and alleviating serious problems of migrants in general and migrant women specifically (e.g. Lawasia 1997). These migrant organizations are often established, staffed and managed by concerned local citizens. They provide migrants with guidance and assistance in such matters as documentation, legal rights and benefits, education and the like. Some such organizations are devoted to sheltering women whose safety is threatened by employers or others (Roberts 2000). Migrants also often organize themselves into mutual help associations based on shared religious or ethnic affiliation.

To date, too little consideration has been given within this literature to the dynamics between INGOs or donor organisations and local NGOs as well as the UN system. This is, however, of particular importance to low income countries such as Cambodia and Vietnam which heavily depend on external funding for 'activities' in the social sector.

In Cambodia and Vietnam, 'civil society' in form of NGO activism is a relatively new phenomenon. Whatever civil society does exist has developed, and still is developing, differently in both countries which is related to their different histories of creating or maintaining institutional structures. Simplistically put, we find on the one hand a strong state and relatively weak civil society actors in Vietnam, and on

the other a weak state and thriving civil society actors (particularly human rights organisations) in Cambodia related to the UNCTAC period and the resulting persisting presence of UN bodies. At the same time, it could be said that despite there being more NGOs in Cambodia, their role as advocats and political innovators is limited considering the authoritarian political conditions under which they have to operate.

The extent to which INGOs and NGOs take on the issue of migrant labour is generally speaking very limited in both countries. In fact, the only issue which does receive a lot of attention is the issue of trafficking. However, there is a lot of confusion among NGOs as to the definition and conceptualising which has implications for the long-term impact these groups have on potential social or political changes. Local NGOs have the tendency to portray migrant sex workers as total victims, being poor, uneducated, rural and young women. The common stereotype of the trafficked victim is the naive woman who is tricked into prostitution after being offered a socially more acceptable and legitimate job as e.g. waitress/cook/hairdresser. According to a report compiled by Oxfam GB in Phnom Penh, however, some newspaper articles suggest that women are recruited quite openly by means of advertisement about jobs as dancers, waitresses, or bar girls in nightclubs. Studies of trafficking victims - particularly sex workers - show that only a small percentage of the workers had no knowledge at all of the work they were getting into. It would appear that many NGO workers, however, find it easier to believe that most victims of trafficking were deceived rather than face the more complex scenario of people making choices, albeit based on limited alternatives, that place them in oppressive situations. The obsession with the trafficking issue thus shows that outside of extremes, there is often little recognition of gender inequality in the context of a massive rural-urban divide with regard to income and educational levels, gender discriminatory social attitudes, issues of poverty and lack of employment opportunities as well as largely undemocratic political and governmental practices. It is of course impossible for local NGOs to take on board all these aspects in their daily struggle. It therefore appears that this is a task for donors and UN agencies which are in a better position to adopt a more holistic view on the complexity of issues involved. Unfortunately, there does not seem to be much coordinating coming from the various bodies within the UN system.

Another issue which is rather underdeveloped in the Mekong region is the issue of transnational linkages between NGOs in order to support and protect migrants at all stages in the migration process. Admittedly, budgetary and limited human resources are the main obstacles local NGOs face in this respect, but donors and UN agencies could be facilitators of such efforts. So far, most NGO activities focus on service provision and intervention with advocacy (particularly conceptualized as 'labour rights') being still rather limited with little, if not no coordination at all particularly at the sending and receiving ends. At the same time, donors will not take on social issues until they are being politicized locally. So, the most important impetus must, therefore, come from the very grass roots.

Conclusion

Issues revolving around labour migration and their gender dimensions need to be imbedded in wider socio-economic contexts. In this sense, the export of labour can not be dealt with purely by migration policies, but should be part of holistic development policies covering the political and social sphere. In addition, the issue of trafficking or export of sex workers needs to be treated as part and parcel of such development policies. The creation of a rights framework is an important, but not the only, element of such policies.

The current stage countries undergoing immense transitions with specific political histories, like Cambodia and Vietnam, are at, such holistic policy making has to come from the national/local, regional as well as supra-regional level. Local NGOs alone have so far done invaluable work in the area of rescuing and supporting migrant women (usually the 'trafficked'), but their ability to deal with the traffickers or recruiters, the employers and authorities, let alone the macro level problems of their respective countries is limited and to a large extent impossible. They do not have the staff capacity nor the funding to collaborate more extensively nationally, let alone across borders. INGOs are in a better position here and should be aware of a need to establish transnational advocacy networks. This is also important as abuse and exploitation of migrant workers in general and migrant women in specific occurs at both ends, the sending and receiving.

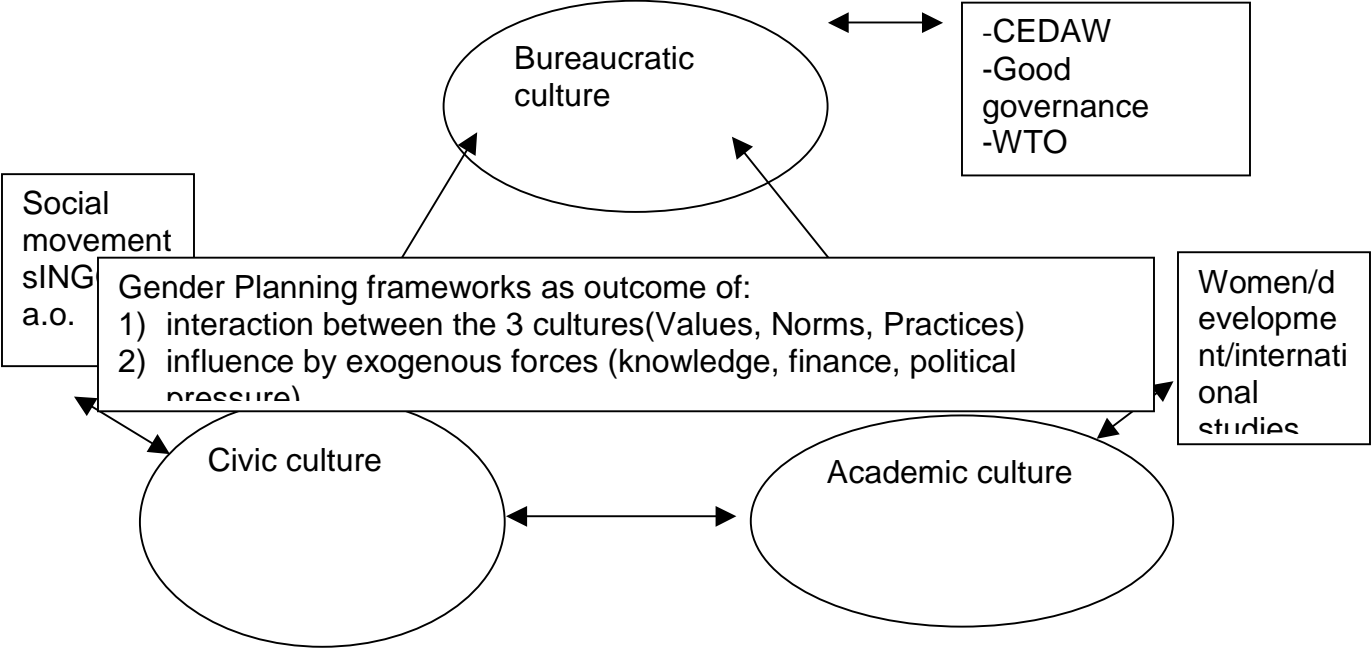
Crucial is that any policy or programme should be based on thorough research which takes into account the needs and concerns of women - as potential migrants, as actual migrants and as returned migrants. Transnational exchange between researchers should take place as much as among NGOs as certain issues have already been well researched in countries such as the Philippines or Thailand. It has been shown that much of the necessary empowerment should occur *before* the women depart for their destination; there is a need for effective information programmes provided by an independent agency, training. Policies of *restriction* are not likely to be effective, but push women into underground migration. There certainly is a greater need to involve NGOs and migrant women themselves in organizing to improve the conditions of migrant women workers (Hugo 2000, 12).

In this sense, the UN organisations currently funding a lot of initiatives on trafficking and other development related projects should develop a region-wide, gender sensitive outlook. Regional fora such as APEC and ASEAN need to be encouraged to take on a role in setting standards also. Countries with longer histories of gender specific immigration which either have already made some initial attempts at fair regulation aimed at reducing exploitation, such as Singapore, should take on leading roles. At all times, migrant women's concerns and needs should feed into

policies and programmes, and a needs based approach should be complemented by a rights approach.

As an ideal scenario for a holistic, gender-sensitive approach to policy making, I agree with Truong (forthcoming) who developed the following figure:

Figure 1. Gender Planning and Policy Cultures



In addition, I would add a transnational element to this diagram, in which researchers and NGO activists at both end of the migration chain should exchange experiences to lobby for their respective governments to sign bilateral agreements and to come up with regional minimum standards for the protection of migrant labour in general and female migrant labour in specific. .

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