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Floating Borderlands and Shifting Dreamscapes. The Nexus Between Gender, Migration and Development

Jyoti Sanghera

We know well enough by now that globalization is not only about the hyper-mobility of capital, technology, information or expertise. It is also about the hyper-mobility of women and men, often considered unskilled even as they cross borders to get slotted into jobs that require a high measure of skill, resilience, expertise and professionalism. We also know by now that a large majority of the so-called unskilled women migrants who cross borders are marked for jobs which entail the provision of intimate and personalized services. We know that economic globalization is certainly about trade and tariff agreements, and Cancun-like battles, but it is also about the outsourcing of work which provides for caring, intimacy sex and pleasure. And for the purpose of our seminar, globalization is about the outsourcing of reproductive services and labour to the trans-national migrant female subject who crosses borders; by undertaking often long, hazardous and arduous journeys – journeys which remain invisible because the border crossing is often facilitated through irregular, illegal and therefore underground means, which makes the border crosser, along with the agent, if there is one, who assists in the border crossing, a criminal immediately upon entry into the country of destination which she hopes to make into her new home.

This presentation, however, is not so much about globalization as about one of its emergent and principal protagonists, the trans-

national migrant female subject turned illegal alien and who, for some reason, is divested of all her human rights one by one as soon as she begins to append certain adjectives to her identity as a human being – female, irregular border-crosser, trans-national, migrant, illegal alien. And if we add to these her identity as a worker in the country of destination – maid, nanny, cleaning woman, restaurant worker, mail-order-bride, sex worker, sweatshop employee – then the human rights she should be armed with by virtue of simply being human are even further depleted.

Globalization is the context within which our migrant female subject is created. Migration is the avenue through which she seeks to access a better life or escape a really bad one. Trafficking is a harm that she encounters in the process of migration. Trafficking is also one of the means through which globalization intensifies the vulnerability of migrant workers and renders them more amenable to forced labour and slavery-like conditions.

The objective reality of our migrant subject is integrally linked to 4 critical factors:

- the context of globalization which creates both the supply of and the demand for migrant labour, and accentuates vulnerability (of gender, age, race, class, etc);
- the process of migration which is the conduit for delivering the migrant subject to her site of work. Trafficking is one of the mechanisms within the migration process which once again constructs and valorizes vulnerability through harm;
- the site of labour and related labour standards or absence thereof, which determine the conditions under which the migrant subject is harboured, and consequently rendered vulnerable yet again – in the extreme through forced labour and slavery-like practices. A related dimension is the outsourcing of personalized and intimate services from the traditional domain of the family to the trans-national female migrant based upon a reconfigured re-division of internationalized labour. This re-division in turn provides an insight into how the extraction of reproductive labour by global capital constructs and redefines the social and power relations between women – between the one who is the trans-national migrant worker and the other who is the privileged employer and who used to perform the domestic roles now dumped onto the migrant woman; and

- human rights – those entitlements and protections which should ideally flow from the condition of being human but which become consistently eroded with the construction of vulnerabilities mentioned earlier so that rights are no more given but are a privilege and are inversely related to vulnerability.

In this context, what would a human rights framework for migration and anti-trafficking look like which truly and genuinely centers the interests of the migrant female subject – not the interest of states, not law enforcement, not donors and NGOs or other parties but the interest of the migrant subject.

How do we concretely identify ways in which to empower our principal actor – the trans-national migrant woman – so that she journeys to her destination safely, that risks such as trafficking are undermined and her aspirations of finding a sustainable form of livelihood are realized? And above all, so that she is valued and validated as a productive human being in full possession of her human rights?

This is a rather challenging task because most players today claim to function with the ambit of the rights framework. And yet we know the rights discourse is not homogenous and uncontested at the ideological level. The rights framework is understood in a superficial manner and often paid lip service to, and in its operational applicability thoroughly contaminated.

This leads to the following suggestions:

- A critical framework of analyses and theoretical linkages – post colonial theory
- Strategic interventions at the operational level
- Strategic directions for policy and legislative engagements
- A focus on the interest and human rights of migrant women, whether trafficked, smuggled, refugees, asylum seekers or simply exploited as livelihood-seekers.

We have an analysis of globalization, we have a theory of labour and labour exploitation through accumulation of capital and subsumption of labour and capital but we do not have a theory of migration – we do not even have an evolved analysis of migration. Is migration merely a process, a means, or is it a social and economic phenomenon with a material base? And we certainly have a very limited and often skewed understanding of trafficking. We do indeed have a definition, finally, but not a chiselled analysis with clear conceptual constructs. In

fact we do not even have the methodological and conceptual tools to assess and then analyse the invisible or the shadowed side of migration which includes irregular migration, trafficking, smuggling and other clandestine forms of movement. Hence the skewed numbers...

In connection with what I have raised so far, I would like to make 2 major points:

- General understanding and aspects of migration;
- Globalization of forced labour and of labour standards;

I. Migration

Let me state a few facts:

- There are 179 million migrants in the world;
- About half globally are women with a majority migrating not as family associates but as independent migrants in their own right;
- 50 millions or more of the total migrants are within Asia, and today, over 60 percent of these are women. Women migrants from several countries of origin outnumber male migrants by a vast margin. In the 1990s, women made up over half of all the migrants to any country. 84 percent of the migrants from Sri Lanka to the Middle East were women especially to Saudi Arabia, Kuwait, Lebanon, Oman, Bahrain, Jordan, and Qatar. About half the migrants leaving Mexico, India, Korea, Malaysia, Cyprus, Swaziland to work overseas are women. Throughout the 1990s, women migrants outnumbered male migrants to the US, Canada, Sweden, the UK, Argentina and Israel (E&H, 6)¹. 70 percent of legal Filipino migrants in the US are women, and of the 792,000 legal domestic workers in the US, 40 percent were born abroad.
- Today migrants are overtly being acknowledged as sources and resources for development. Migrant remittances globally today stand at \$ 80 billion whereas the total amount in international development aid stands at \$ 60 billion.
- There are strong grounds to support the argument that cross-border migration within regions is more important than from the global South to the developed North. This is certainly true of the Asian region. But we lack statistics to prove these assertions true.

¹ Barbara Ehrenreich and Arlie Hochschild (eds.), 'Global Woman: Nannies, Maids and Sex Workers in the New Economy', New York, Methropolitan Book, 2003.

- Labour migration plays a structural role internationally today. It is not just an aspect of crime, of ineffective regulation and control.
- Labour migration is not just a function of labour shortage. Male migration is formal and structural. Female migration in some areas, especially domestic work and other care-provision sectors is a function of the demographic aspect especially in the North.

Reasons for the migration of maids

1. Throughout the developed world, the labour market participation of women has increased phenomenally since the 1970s. In the USA, the proportion of women in paid work rose from 15% in the case of women with children under six years in 1950 to 65 percent today. 46 percent of the workforce in the US today consists of women. Three quarters of mothers with kids under 18 and two-thirds of mothers with kids under one year are engaged in paid work today. The patterns in other countries of the global North are not very different.

2. At the same time, countries of the North have not only not increased support services to working mothers, they have on the contrary slashed social services and clipped away at the security net, making families more reliant on seeking personalized services in the market.

3. The gap between the richer and poorer countries has widened enormously over the past years, in both absolute and relative terms. In Hong Kong, the wages of a domestic worker are 15 times that of a schoolteacher in the Philippines.

- The current trends in dealing with migration are: 1. Keeping migration temporary; 2. Controlling migration by controlling migrants; 3. Mushrooming of a migration management industry: 1000 licensed agencies in the Philippines, 400 employment agencies catering to domestic workers in Singapore (Maruja Asis, Scalabrini Migration Centre)²

- Documented and undocumented migrants do not come from two separate pools of labour (Asis, Oishi). The legality or illegality lies in the access of migrants to authorized channels to cross borders. In

² Maruja Asis, 'When Women and Men Migrate: Comparing Gendered Migration in Asia,' (unpublished) paper from the Scalabrini Centre, presented at the *Consultative Meeting on Migration and Mobility and How this Movement Affects Women*, Department for the Advancement of Women (DAW), Malmö, Sweden, December 2-3, 2003.

Indonesia, women exceed in legal migration; in Thailand, women are a majority on unauthorized migration; in the Philippines, the ratios of men and women are equal.

- Male migration is driven by economic reasons whereas female migration, while also based on economic reasons, is impacted much more by value-driven policies. (Scalabrini Migration Centre)

- When men migrate, families adapt and women take on additional roles. Male migration is then not only a burden, it is also empowering. Men's status as providers is maintained. When women migrate, the role changes are fundamentally transgressive. Women migrations cause enormous changes for the migrant subject as well as those left behind – a reconfiguration of families.

- Both documented and undocumented migrants often encounter the same problems – withholding of passports, long working hours, few protections. These problems have not changed since the 1970s.

- Complicating reasons and demystifying victimhood

Increasingly, migrant women from the South to the North do not come from the starving masses – in fact the women are more educated than the men who migrate for comparable work. Women migrants also come from better-off sections of their society. A study from Mexico suggests that the trend is towards the migration of better-educated female migrants. A majority of Mexican maids in the US today are at least high school graduates and have held clerical or professional jobs before leaving Mexico. (E&H, 10)

Sex workers in the resorts of Cuba and the Caribbean are actors with some agency. The white men who frequent these resorts see the women as exotic and erotic – the men have their pick and might even view the women as commodities and objectified pleasure-giving items. The women on the other hand see the men as readily exploitable, dupes and as potential walking visas to lands of better opportunities. Many of their dreams might sour upon reaching promised lands but by and large, a majority of migrating sex workers do end up making modest to impressive financial gains. At any event, even if the dream to migrate to foreign lands does not materialize, the Dominican women, for instance, still end up, making 50 dollars for each encounter with a foreign man as opposed to earning 100 dollars a month in an export processing zone, one of the two jobs open to women – the other being domestic work.

So the migrant female of today is a more self-assured, assertive, and resourceful woman who has a dream and a mission. She might be escaping something, a failed marriage or joblessness but she is moving on and ahead. She is not merely developing a survival strategy but also a getting-ahead strategy.

- We are told that new technologies hold the dangers of intensifying pedophilia and preying upon innocent victims. That may be true. But we also see new technologies giving women independent access to negotiate their journeys without middlemen and agents. In the Dominican Republic as well as in other parts of Latin America run several stories of women setting up independent deals with bar owners and employers in the global North over the Internet.

- Networks and cross-border circuits

The quest for visas to the US, Canada, Europe and to other well-off sites within the regions are virtually national pastimes. A vast repertoire of folk songs in Punjab speak of 'kabootars' and 'kabootris'³, their tribulations and journeys. The Dominican musician Juan Luis Guerra captures this obsession with visas to foreign lands in his hit song *Visa para un sueño* (Visa for a dream). So adept and knowledgeable are potential migrants of the ways and terrains of the lands they wish to move to that Ninna Sorenson even refers to them as 'natives' to transnational spaces⁴. These dream pictures of imagined lands are created with the help of networks – networks of kin, community and friends – visitors returning from the promised lands. These informal networks play a crucial role in the lives of migrants by both creating and embellishing dreams as well as by facilitating journeys and settlement in the destination countries. For sex workers in sites of sex tourism, romantic ties with foreign clients act as 'surrogate family-migration networks'.

³ Kabootars and kabootris are male and female pigeons respectively, and these terms are used to refer to aspiring migrants who join various cultural groups, which visit Canada, the US and countries of Europe for performances, and then these migrants remain in those countries by going underground.

⁴ Ninna Sorenson, 'Narrating Identity Across Dominican Worlds', in Michael P. Smith and Luis E. Guarnizo (eds.), *Transnational from Below*, New Brunswick, New Jersey, Transactions Publishers, 1998.

- Inadequate responses

In the countries of origin, the task of managing migration and migrant workers is shifting from labour ministries to interior and home affairs ministries, thus transforming the context of policy formulation and implementation – policing national security – with implications for human and labour rights (ILO GA 58th Session)⁵.

Policy dilemmas in the economic and administrative sphere are reinforced in the political discourse and ideological frameworks advanced by host countries with regards to migrant workers. If trafficked, the migrant subject is first and foremost a victim who needs to be saved and deposited back into her family and community with little regard for her wishes. If irregular or unauthorized, then the migrant is associated with crime, arms, drug trafficking and terrorism and with draconian measures to ‘combat illegal migration’. ‘Social stigmatisation and outright violence is encouraged by the language of illegality and by military terms – as if illegal migrants were an enemy in a warlike confrontation’ (ILO GA 58th session).

The new rhetoric is:

- managing migration
- regulating migration
- regularizing migration
- labour standardization.

II. Globalization of forced labour and globalization of labour standards

There is a shift towards moving the anti-trafficking paradigm out of the trafficking box and to link it strategically to the labour discourse.

It is argued that the purpose of trafficking is to render the trafficked person more exploitable in order to make the activity more profitable. Consequently, recruitment, transportation, use of force or deception – all of these acts which characterize the trafficking chain are subordinate to the ultimate function of harbouring of the trafficked person in situations of forced labour or slavery-like practices – i.e. in conditions of unprotected work which will maximize the profit rate.

⁵ The statement of the International Labour Organization at the 58th Session of the General Assembly of the UN in New York.

Therefore it is argued that strategic interventions to combat trafficking should be focusing not on sealing borders against migrants or scooping them up and sending them home but on addressing demand for forced or exploitable labour. A comprehensive and composite integration of anti-trafficking measures within the labour framework, it is thought, will go a long way in providing sustainable social and legal protection to trafficked women and in promoting their human rights. This understanding is embedding itself in the more progressive conversations of some UN agencies, certainly the ILO, bilateral organization and NGOs and in the draft plans of the EU, Council of Europe, the Stability Pact, especially in the context of combating trafficking.

I do think that we may be on the right track – such a shift would also address working conditions not only of those who are trafficked but of all migrant workers in general, as well as of all workers in situations of exploited and un-free labour. However I do have some reservations and would like to add some cautionary comments here. This is to avert the scenario that occurred when many anti-trafficking practitioners rushed into bolstering the anti-trafficking paradigm with all good intentions of protecting trafficked women. What we ended up with was a framework generously applied and supported by donors as well as by countries of origin and destination, which benefited everybody but the trafficked woman. It has led to stringent laws with draconian measures, strict border policing and interception not only by immigration and border control authorities whose job it is to police borders, but also by a host of other actors including NGOs. It also led to intensified rescue and repatriation operations with little concern for what the women really wanted for their future and what is in their best interest as articulated by themselves. All of this in the name of combating trafficking.

And yet in all of the proposals that cross my desk, in most of the reports I read, seldom is there any indication of a reduction of trafficking, an improvement in the lot of the trafficked and potentially trafficked women, expanded avenues and choices for migrant women and livelihood seekers, or greater prosecution and hence reduction in the ranks of traffickers and organized crime gangs. In fact the record on the last one is rather poor.

It is becoming apparent that the rise in trafficking is not merely due to shrinking channels for legal movement which will connect the supply of labour to sites of demand for labour. That of course is the

case. But economists are observing a striking upward growth of dual labour markets in the developed countries – with a demand for cheap and exploitable labour, for which national workers are unavailable.

Naila Kabeer in a recent article on *Labour Standards and Women's Rights*⁶ engages in an extremely useful analysis of the changing discourse in international trade. She discusses the shift from comparative advantage to unfair advantage. In previous decades, she argues, trade across large distances was in dissimilar commodities and was consequently complementary in nature. In the current phase of globalization and heightened competition, however, labour intensive manufactured goods are being traded by both rich and poor countries alike, exerting pressure on both to enhance the rate of profit through labour exploitation. There is hence an expansion of dual markets and formal and informal sectors within the economies of both rich and poor countries. As a result, there is also a demand not just for labour but for cheap, exploitable labour for the unprotected sectors of work. It is not entirely coincidental, Kabeer argues, that there is rise in this current phase of the 'new discourse of ethics' in international trade centred on working conditions in precisely those industries in which poorer countries have gained comparative advantage. The demand for globalization of labour standards, the new discourse of labour ethics and boycotts of those industries in the Northern countries who do not enforce international labour standards have turned the comparative advantage of poorer countries of the South into an unfair advantage. This of course is to the benefit of the global North.

Now what would be the implications for migrant women workers of targeting and eliminating the demand for cheap labour in countries of destination, when we know that the only avenues open to them are these informal and unprotected sites of work even in the richer countries?

If these unprotected sites of work are not simultaneously made legal and covered by labour standards and protections, and if at the same time those workers who are plugged into these sites are not regularized, a demand for closure of such worksites is nothing short of

⁶ 'Labour Standards and Women's Rights', in Lourdes Beneria and Savitri Bisnath (eds.), *Global Tensions: Challenges and Opportunities in the World Economy*, London, Routledge, 2004.

snatching away the livelihood of our principal subject, the transnational migrant female subject, who is the chief inhabitant of this location. Such a demand is also tantamount to pushing her still further underground. This could also be said of the demand for regulating migration as a superior migration management strategy – a demand fielded especially by many destination countries today.

Am I then advocating for maintaining forced labour, sites of exploitation and risk-ridden migration? Of course not – I am simply wary about pushing forward a demand which might further harm rather than help the migrant subject. I think we need to think through this very clearly.