

## GEFONT and Migrant Workers

*by Bishnu Rimal*

Nepal, clearly situated between two giant nations- China and India, is a small land-locked country. It falls under the group of least developed twenty-nine countries. As it is underdeveloped and still in a semi-feudal conditions, nearly 7.5per cent of the total population is employed in industrial and service sector. The per-capita income in Nepal is equivalent to US \$200.

In Nepal, the 60 per cent of the people are still illiterate. 82% of the total population is dependent on agriculture and more than 51 per cent of the population falls below the poverty line. The Nepali economy is highly dominated by foreign aid and debt. At present, the foreign debt is more than Rs. 12700 million and the trend indicate that it will exceed 20,000 million before the year 2000 A.D. A child has shoulder the debt of roughly Rs. 6000 at his birth. Because of considerably low growth rate, export is lagging more and more behind in comparison to imports. As a result trade -deficit has become chronic and is estimated to reach Rs. 5500 million by the end of this year. Unfortunately, 1per cent of the annual budget is being spent for the allowances o ministers.

In the name of integration with the globalise world economy, economic liberalization is blindly adopted in Nepal without analyzing prose and cons. Especially in the expectation of more and more loans, government has implemented the policy of economic liberalization, privatization and free market economy under the instructions and conditionalities of IMF/WB.

### **Nepal: Migration and Migrant Workers**

A quite considerable number of Nepali workers go abroad in the absence of fruitful employment within the national boundary. After Nepal-British/ India war of 1814-15 AD, formal entrance of Nepali citizens in foreign employment started when 4650 Nepalese were appointed in

British -Gurkha regiment. And then, a large number of Nepali workers had migrated to India for the employment in the tea-estates of Darjeeling and wood-works of Asam during the second-half of 19th century.

In those early days, Nepalese were forcibly used in armed forces by the colonial rulers in negotiations with the feudal rulers of Nepal. Later on, the persons going abroad for employment used to work not only as porters and gateman but also as the sex-workers. Nowadays the areas of foreign-employment have been widened much more covering even the professional and skilled manpower. It is described clearly in a booklet published for the information of foreign employers by His Majesty's Government of Nepal, Ministry of labour (MOL/HMG).

Although Nepal is one of the least developed countries, the pressure of the migrant workers from abroad is considerable. In addition to the large number of Indian migrants coming without intervention through the open Nepal-India boarder, migrant workers from Germany, Japan, China, Pakistan, Philippines, Norway, Armenia, England, Denmark, USA, Bangladesh, Thailand, Russia, Holland, Australia, Switzerland, Malaysia, Italy, Kajakisthan, France, Ukraine etc. are also working in Nepal.

### **Nepali Migrant Workers Abroad**

While looking at the number of foreign migrant workers in Nepal and Nepali migrant workers abroad, complication and confusions do arise because of the open Nepal-India boarder. It is really difficult and can't be said anything with confidence.

According to the latest statistical information published by Department of Labour/HMG, the total number of Nepali migrant workers excluding India is 11,157 (See Table No. 1). However, this data is not reliable the information from our support groups formed in different countries challenges the reliability of this data. According to Nepali Service Committee as a GEFONT-Support Group in Japan 500 Nepali workers (male 440 & female 60) are there in Sizukaken and Eichiken cities. The committee claims that the total number of Nepali is more than 5000 in Japan. Similarly, Nepali Consulting Committee in South Korea claims that there are more than 2500 Nepali migrant workers at present. In addition, the Far East Overseas Nepalese Association (FEONA- Hong Kong) is of the view that the number of Nepali workers is more than

10,000 only in HK. Another informal source claims that Nepali workers legally permitted to work are 1000 in domestic services, 1000 in Security works, 500 in restaurants, 500 in construction and 100 in transports. The source claims that the workers without permit are more than 5000.

In India, it is estimated that there are 68 million citizens of Nepali origin. The statistics can't be denied in view of the large number of Nepali language speakers in Darjeeling (west Bengal), Assam, Sikkim and other states. In this context, we can memorize the 'Report on internal and international migration in Nepal' prepared by NPC in 1992. This report has mentioned that 2,74,968 Nepalese were in India in 1961. Since then, the experiences indicate that migration has increased much more. At present, the number of the people of Nepali origin is estimated to be 6 millions in India. All India Migrant Nepali Association has assumed that 50 per cent of the total Nepali in India is the citizens of Nepal. In recent years, a trend to work as agri-labourers in different states of India mainly in Punjab and Hariyana is fastly increasing among Nepali citizens. So the number as agri-labourers, service-workers, police and Army-men, porters, gatemen and the Kanchha (The hotel boys) working all over the India, is taken into consideration, can be claimed to be more than two millions in India. In this content, mentionable is the statistics of 1,53,000 Nepali women engaged in sex-trade in different Indian cities as presented in " Sex-Trade in Nepal : Realities and challenges" written by Gauri Pradhan.

Regarding how many Nepali has been sent abroad by foreign employment agencies, we can't find the statistical records as Government Entities are passive in these regard.

### **Migrant Workers in Nepal**

The number of migrant workers in Nepal in April 1996 is 1998 as mentioned in a report by Department of Labour (DOL). The same report reveals that 643 migrant workers have been given work-permit during 1991-96 March. According to DOL source, there are 2,126 Migrant upto September 1997. But Government departments keep silence in connection with the number of Indian migrants working in Nepal. Two decades ago, Ministry of Foreign Affairs of India had mentioned in a context that there were 3.8 million Indian migrants in Nepal. But at the same time, another authentic/census source of India mentioned the number to be only 150,000. Along with these

contradictory facts, the population census of Nepal 1971 gives the data to be 137,583. Except these, there are no reliable and authentic statistics, so we can just say, in the present context, that the number of Indian migrants in Nepal is very large. In practice, it is clear that almost 80 per cent of the Indian migrants are from working class whatever the actual number is.

However, an indication in this respect is shown by the study on 'Labour Market Information Collection' done by DOL in 1993/94. Among the 474 industrial units of 8 districts taken under the survey, 4052 were foreign migrant worker out of a total number of 26,351 workers, i.e. 15.37% foreign migrant workers of the 4052, 18.56% were women workers and 81.44 per cent the males. A similar study in the far eastern district of Nepal reveals the fact that 1807 workers were foreign migrants in altogether 48 industrial units, of which the percentages of high-skilled technicians, administrative manpower, skilled workers and unskilled workers were 0.88, 4.09, 5.93 and 89.1 respectively. In accordance with these surveys, almost 98% of the foreign migrant workers were Indians.

### **The Conditions of Migrant Workers**

There are numerous real stories of the sufferings of the Nepali workers gone abroad for employment. It is believed that Nepali workers are accepted in East and South East Asia as well as Gulf-countries only because they are cheap' and they do whatever job given. Most of them are the educated male and female from middle and lower middle class families who go abroad with a hope to earn much within a short period. The large number among them works illegally, for example, out of a total 500 Nepali migrants working in Sizukaken and Eichiken cities of Japan, 495 are working without permit.

Nepali - whether by training visa or by illegal measures-used to reach their destination countries after paying Rs. 80,000-100,000 to the middle man or middling agencies. They have been generally forced to work under '3-D' (Dangerous, Difficult and Dirty) conditions. Among those working in South Korea, 26 have been killed and more than 100 have returned as disabled. Regarding the exploitation of Nepali migrants, Asha Maya Thapa, who had been working in HK up to 1996, is also an example. She was severely suffering of jaundice and pneumonia and had 2.5 pint of blood in her body when she was ousted from the job.

Mostly women workers are the major sufferers among the Nepali migrant workers. Thousands and thousands of Nepali women in India smuggled and sold for prostitution or forcibly used in sex trade are suffering of different sexual diseases including AIDS-HIV. Many of them have become the social problems who are forced to return home because of AIDS.

In early 1996, Maharashtra state government of India arrested 217 AIDS-stricken Nepali women and put into custody. The Maharashtra government put forward its view that the women should be handed over to Nepal and that HMG/N should accept the proposal. But HMG/N took no notice of it and became totally indifferent towards the event. Up to now, three of them are already expired. The pains and sufferings of those who entered Singapore and Malaysia without work-permit are also horrifying. They have been put into jail and tortured. The hunter-blows on the whole body of Jambu Sherpa, who, any how, managed to return back from Singapore, clearly signify the inhuman practices prevalent there. According to him, more than 200 Nepali workers are in Singapore jail and almost the same number in Malaysian jail. In connection with the Nepali migrant workers without legal requirements to work, foreign employment agencies are fully responsible. On 22nd April 1997, the Ministry of Labour/ HMG had constituted a commission-"Commission for the Investigation of Irregularity in Foreign Employment" to unmask those agencies. The list of company identified by the commission is given Table: 4. Though some of the agencies, which used to exploit innocent Nepali workers leaving them helpless in foreign territories, have also been tapped under government action, but still it is too inadequate. On the contrary, the condition of migrant workers in Nepal is not like that of Nepali migrants abroad. Generally, the migrants (except India) from other countries enter Nepal in especial mission and under special project and, of course, they receive good respect, facilities and high-protection.

There exists a very low minimum wage in Nepal which is insufficient and the policy of wage determination, too, is unscientific ( see table -2) . No third country migrant worker can subsist on the prevalent minimum wage of Nepal. But the case of thousands and thousands of Indian migrant workers is totally different. They are the major competitors of Nepali workers in our labour market. These migrants, mainly because of high unemployment in India, enter and are accustomed to work whatever be the terms and condition. They are always ready to sacrifice

the rights provided by Labour Act and work under the wages less than the fixed minimum wages. They are especially centred in construction, garment. Carpet, tea estates, other small industrial units and in seasonal agriculture in large number. In the one hand, they are working under exploitative as well as painful conditions and very low wages; on the other, they are looked at by Nepali workers as their 'job snatchers'.

### **Foreign Employment and Legal Provisions**

Documents in the format fixed by DOL have to be presented in order employment. After advertising under the permission of DOL. The workers should be selected by an interview in the presence of department officials/ or the jobs as demanded by the concerned country. The arrangement of passport, visa and an insurance equivalent to Rs. 100,000 has to be made by the concerned agencies when workers are selected through the due process.

The agency has to submit the promissory letter of the worker to bring foreign exchange when coming back to the country and also the contract-papers between the foreign enterprise and Nepali worker. And only then, the agency is finally permitted by DOL to send the worker abroad. Even after all these processes, the responsibility of agency is to give orientation to the workers concerned before their departure. There are numbers of such agencies permitted to work in connection with foreign employment in Nepal.

On the other side, migrants from abroad except Indians can't work without work-permit. They have to apply first with genuine cause for employment. They get permission only after the different administrative processes in the Ministries of Labour, Home, Finance and Foreign Affairs.

### **Legal Rights and Role of Migrant Workers**

His Majesty's Government has opened the exit door for foreign employment to all ranging from highly skilled manpower to unskilled labourers. MOL/HMG has advertised it through the brochure 'Manpower recruitment from Nepal' and the booklet 'A handbook for foreign Employers'. The major cause behind this advertisement by the government is to push off the educated, semi-educated and uneducated unemployed groups. The logics of the government that national economy will be strengthened by the foreign exchange earnings through

foreign employment is practically lacking due emphasis in its policies. Because the Nepalese working abroad are facing numerous difficulties in remittance of their earnings and are frequently cheated by the middling agents. Generally, migrant workers have been facilitated by Banks to remit their earnings but in cases of Nepali migrants in many countries, it has not become possible and the weaknesses of government units concerned may be considered responsible.

Evidences show that Nepalis working as domestic helper abroad have been the victims of under- payment. Even if we overlook the cases in East-Asia and Middle East, the large number of domestic helpers in India are under extremely exploitative conditions. There is a 'treaty of peace and friendship, 1950' between Nepal and India, which the nationalists of Nepal have always opposed as 'Unequal treaty.' This treaty has given the right to work without intervention to the citizens of both the country. However, Nepali are not equally treated and their rights are always suppressed in India, whereas Indians in Nepal have always been in convenient position in accordance with the treaty.

Trade Union Act 1992 of Nepal provides right of involvement in trade union activities to all the workers-foreigners as well as natives- in industrial and commercial enterprises. Although the foreigners can't be elected in executive committee, they are assigned the right of collective bargaining within the enterprises. Migrant workers of Nepal have the rights almost equal to those of Nepali workers which can be justified by the fact that no single evidence of the arrest of any migrant workers is found here.

### **GEFONT and the Migrant Workers**

GEFONT has convened its second National Congress at March 1996. An important document covering the outlook, concept and position of GEFONT on National Labour Policy has been adopted by this congress. In this document, foreign employment, and migrant workers issues are also analyzed.

GEFONT is of view that uninterrupted flow of capital from the developed countries can be balanced through the labour-export of the developing ones. Traditionally, Nepali workers are well known in the form of 'Gurkha' and 'Army-man', but the scope of foreign employment in military service is, now, very little and declining. But the attraction

towards foreign employment is increasing day by day mainly due to lack of gainful employment within the country and the social conservatism existed in the society mentality of avoiding blue colour jobs within the country and doing the same works outside. However, as mentioned above, there is neither diplomatic protection for them, nor easy and secured remittance of their earnings to the home-country.

Thus, for their protection and rights, GEFONT has started to organize them through GEFONT support groups. This is going on in HK, South Korea, Japan, India and some of the Gulf countries. GEFONT has also made a provision that representatives from the support group of each country can participate in its National congress. Although we are active for the protection of their interests, we feel that they have to be trained and be given orientation in some issues and that the government should be warned in some policy issues.

Definitely the scope of foreign employment should be broadened and government should take major concerns and necessary steps. But extreme care should be taken on brain-drain and skill drain. The present policy of government should be revised and scientists doctors, engineers and highly qualified and skilled technicians should be properly utilized within the country by creating adequate environment. There is a danger of skill-drain and brain-drain as the outcome of the present foreign employment policy of government.

On the other hand, migrant workers should change their mentality of permanent settlement where they have gone to work. Motherland is motherland. Their involvement in foreign employment should be limited to a particular period, if they don't feel it and try to settle there permanently, foreign employment will be useless for the nation as a whole.

Similarly, our attitude should not be negative towards migrant workers working in Nepal. We should welcome skilled migrant workers for the mutual transfer of skilled and technology. However we will have to create cordial environment for their return-back to their home country after a certain period.

We have mentioned in our policy that labour export from the third world should be made easy and without complicated barriers. Our logic is that these issues should not be looked at with a blind-nationality point



of view. Of course, in this context, we are alert because of the open boarder between Nepal and India, size of Nepal and India and the population and unemployment rate of Nepal and India. We are quite clear that even the excellent policies may become harmful with nationalist point of view if native workers in our motherland are displaced by millions of Indian migrant workers.

Therefore, in view of special conditions in Indo-Nepal relation, we have given due emphasis to 'work permit system' to all the migrant workers including the Indians which is clearly analyzed and presented in our 'Labour Policy ' document.

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