

## **Striving for Justice and Freedom in the World of Migration and Development – A Practitioner’s Perspective**

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### **I. Introduction**

The subject of migration has become increasingly popular, especially in Malta. This is positive because it can provide our island with the necessary research and the capacity for addressing the various needs related to migration. Relatively little of this effort has, however, been used by governments in policy making and national planning. Usually, demographic control, economic interest and cultural concerns cause highly defensive reactions that leave little room for strategic, innovative, cohesive evidence-based solutions. Two issues can also stump the realisation of justice in these processes. First, if researchers, academics, students and organisations do not take a proactive and participatory approach, perhaps one can say a political approach, then such work cannot advance the interests of justice. When individuals and communities decide to take a position and engage politically, they do not remain as observants looking through the lens, they make a decision, they commit themselves to bring change.

This is my argument in this paper – migration and development is not simply a subject – and those who work in this field must strive for justice and become politically engaged in order to give a voice to justice. Second, justice demands equality. Many individuals and organisations enter the subject with misconceptions about the “other”, perhaps from lack of experience and exposure. We often underestimate perceptions and their

influence on our communities, organisations and the people we work with, but they have an important role to play and can be tools for the reinforcement of various discriminatory practices. In this paper I shall look at some of the root-causes of migration in the context of development and underdevelopment. I shall also reflect on our responsibilities as individuals and societies for the inequalities which fuel underdevelopment and migratory flows.

## **II. Problems Related to Perceptions, Exclusion, Dependence, Institutions and the Law**

While more and more studies are conducted on perceptions of and relations with “others”, a world debate inspired by the growing world population and food scarcity mostly ignores the role of perceptions on the phenomenon. While some see the problem as one requiring policies that safeguard national interests, others rightly point to the dumping of food surplus by developed countries, at lower prices on the markets of developing countries, destroying the local markets and further threatening the livelihoods of poor farmers. In 2013 the National Statistics Office in Malta found that 22% of weekly food purchased by residents in Malta ends up as solid waste. The findings of a household survey also confirmed the practice of overconsumption and waste:

*“From a Household Budgetary Survey (HBS) it was estimated that residents consume 12.17 kilogrammes of food per capita on a weekly basis, or 1.73 kilogrammes daily. Data confirms that the average food waste generation in Maltese households is 55.8 per cent. This translates into an average 0.38 kilogrammes per capita of solid waste per day.”*

(Malta Independent, 2014)

The growing rate of obesity and diabetes among the young is also alarming in developed countries, even forcing states to take strict measures in order to cut down on national healthcare costs.

The dangers of ill health however has not forced the stiff hand of Western nations and institutes to consider change in relevant policies such as trade and agriculture, that can improve the lives of poor farmers and their families, and restore responsibility and justice between the global North and South. This may indeed be part of a holistic plan to restore health to sick individuals and sick societies, some struggling with obesity and others with hunger. But in a fight for political power it is easier to satisfy rather than argue with people who want to have as much food as possible, as cheap as can be, and to be able to choose whether to eat it or not.

For example, in the US corporate agricultural industry, which has robbed many small farmers of their lands, are powerful lobbies and campaign contributors. This is one reason why the protection of the rights of immigrant farmworkers in the US has been slow in progress. Vast agricultural sectors depends on immigrant labour in the US, which make up 70% of the two million farmworkers. However, their basic rights are denied and restrictive immigration laws make them susceptible to abuse by farm labour contractors. Farmworker Justice, an organisation advocating for the rights of farmworkers reports that in spite of the advancement brought about by the Agriculture Workers Protection Act (AWPA) passed in 1983, many farmworkers continue to experience wage theft, dangerous work conditions and illegal employment practices. Farmworker Justice points out that attention must be given to the law, its enforcement and implementation, in order to guarantee the rights of farmworkers. The Farmworker Labor Committee reports that:

*“The United States boasts of having the cheapest food supply in the world available to its consumers. While this might be true on the surface, it comes at a cost. This cost can be measured in the poverty and misery that result from a system that legally allows exploitation of those who produce this food. This cost often falls on the shoulders of farm workers who labour in the fields to provide the high quality, cheap foods we enjoy and boast about. The fact is*

*that farm workers living in poverty subsidize food prices. It is an irony that those who labour to put food on our tables cannot themselves afford to buy that food, cheap as it is trumpeted to be.”*

(East Carolina University, 2014)

One of the reasons why corporations, employers and contractors continue to abuse the rights of these workers is that social and global forces and institutional structures permit such abuse by avoiding to address the dependability, invisibility and large supply of vulnerable workers. Invisibility is obvious in the agricultural sector where farmworkers and their living conditions are hidden from the eyes of the public. In this way workers can be easily controlled. But one does not have to travel far to large open spaces to explore how invisibility can be used to exploit immigrant workers.

Malta also hosts a large number of Filipino domestic and careworkers who remain mostly invisible while working in the family houses of wealthy employers. Data issued by the Employment and Training Corporation in Malta in 2013 indicates that Filipinos make up the largest group of Third Country Nationals with active employment licences. Most of these Filipinos are women working as domestic workers, carers and nannies. In my research and work I have met several of these women and heard their stories, often wondering how wealthy Maltese families can commit such criminal acts against vulnerable migrant women. I recently found out in a conference on Third Country Nationals and employment that my dissertation in 2012, entitled “Walls that Speak”, is the only one in Malta that focuses on the experience of Filipino domestic workers, confirming perhaps how the invisibility and dependence of these workers on their employers has isolated them from integrating into Maltese society.

It is not difficult to understand how this is possible when one considers historical factors and economic dependence. Filipino

emigration started when the Philippines were annexed by the USA in 1898, and consequently many Filipinos were sent to work in plantations in California and Hawaii. After independence, in 1946, the Filipino government continued to promote emigration as a coping strategy for poverty and unemployment. Facing a debt crises and structural adjustment policies imposed by the IMF in the 1970s, the government of the Philippines chose labour export as a development strategy. In 2013, remittances to the developing world were found to reach \$410 billion, while they are expected to reach the half-trillion mark by 2016 (World Bank, 2013). The Philippines was one of the top three recipients, receiving a total of \$26 million. The term 'Overseas Contract Worker', describing temporary restrictions, was replaced by the term 'Overseas Filipino Worker', as befitting a national hero, projecting Filipino identity in a transnational context.

But there are other factors contributing to the easy exploitation of migrant domestic and careworkers. In Malta, the stories of such workers reveal the intervention of informal agents who can charge workers a large sum of money in order to secure employment and process the necessary documents. Although there has never been such a case presented before the Maltese court, the repeated stories of these workers have convinced NGOs and other entities that the intervention of agents is real. However, the fear of job loss and other repercussions has served to threaten workers into silence and prevent them from giving evidence before the court. Agents normally negotiate with employers for the employment of workers and establish therefore the wages and conditions of work for the employee. Because Filipino live-in workers are not aware of wage regulation orders for domestic and careworkers they accept these conditions and find themselves often underpaid and overworked.

One of the key strategies that employers use in Malta is to restrict the freedom of movement of their live-in workers, and to avoid discussions about their rights. Many Filipino live-in workers explain how their employers restricted them from leaving the premises, first by avoiding discussing the issue of how the worker

can 'go out' and 'come in' the house entirely. When, however, the employee decided to ask the employer, the employer often used this discussion to inquire as to why the worker needed to leave the house, and then explained that she could not simply leave the house when she wanted "because the gate has an alarm". Sometimes employers do not give a key to the live-in worker. While this does not technically restrict them from leaving the house, it does restrict them from making their way in, and therefore the employer always knows when the worker has gone out, and can ask to find out the nature of this leave. Many of these wealthy employers live in large villas with surrounding walls or gates, sometimes accessible only by foot or with a private car, making it relatively difficult for workers to leave the premises and easy for employers to carefully monitor their workers and restrict their freedom.

The lack of preventive policies in Malta is also rendering these workers vulnerable to exploitation. Recent changes in fact have addressed the issue of employer-dependence by issuing employment licences directly to employees, through the setting up of a one stop shop at the Department of Citizenship and Expatriate Affairs of Malta (ETC, 2014). However the lack of monitoring of contractual and non-contractual agreements between the two parties by the respective authorities is still of major concern. Employers have consequently written to women in the Philippines and asked them to agree to conditions and wages that do not comply with the laws of Malta. A few months after arrival, however, these workers get to know of their rights, usually from other Filipino workers and NGOs. Some may approach the Department of Industrial and Employment Relations with their situation. The Department considers their claim and if they find inconsistencies with national standards, they can monitor and inspect work conditions, and also take legal measures for compensation. While going through the process, however, domestic and careworkers face another structural hurdle. Employers who are disgruntled may decide to terminate a worker's

contract and make false allegations that the worker has broken his/her contract.

These allegations are taken to be true unless the worker can challenge them in court, during which period of time the worker cannot seek another employer. The process is long, the worker cannot generate income, and therefore most workers give up during the process. They may choose to work illegally, in which case they earn more than when they work as live-in domestic and careworkers, as they are paid by the hour. They may also choose to go back to the Philippines, in which case they remain blacklisted and cannot be employed in Malta in the future. The lack of preventive and supportive measures for these workers makes exploitation very possible and real, leading to a lack of the basic freedom that individuals need to develop and integrate in the society they live in. Therefore strategic institutions and agencies in Malta are directly responsible for addressing the issue effectively, and cannot shift this responsibility to other institutions.

### **III. Barriers to Freedom: Institutions that Reinforce Inequalities**

In the previous part of this paper I referred to how individuals, corporations and societies are supporting inequality and injustice within states. In this section I propose to consider how the international state system devised by the developed world supports an unfair and unjust system which disadvantages weaker, developing states. Pogge's (2002) and Sen's (1999, 2009) concepts of freedom and justice are becoming increasingly important in addressing the framework of global and national financial and economic mechanisms, which is failing to reduce and address poverty and the risks associated with it. The global situation, including the North-South divide and the inequalities associated with it, is far from being equitable and just. Many question whether the European Development Aid is actually reducing poverty in the areas receiving such aid, whether the aid is actually

reaching those who need it most, and whether it is causing a real alleviation of hunger and poverty. Many observers have argued that these funds have strings attached, and that a percentage of the funds are benefiting producers in EU Member States who engage in aid projects to supply their goods and services.

It is also difficult to monitor the effect of negotiations between institutions in developed and developing countries on aid and trade policies, when there is still an element of dependency between these institutions. This is true, for example, for the relations and negotiations between the European Union and the African Union, which is financially dependent on the EU. In 2001, the Secretary General of the UN, in a report from the High Panel on Financing for Development, estimated that the Third World was losing \$130 billion every year as a result of trade barriers. These barriers could be taxation-based measures such as import tariffs, or hidden costs to trade, such as overly stringent health and safety regulations. International trade regulations are skewed in favour of rich and powerful nations, because they force open trade in areas where rich nations are competitive (technology and services) and close other areas where rich nations are not so competitive (agriculture and textiles). Reciprocal tariff reductions still disadvantage small scale operations in the developing world, which are rendered uncompetitive as they face the use of subsidies, hidden trade barriers and large scale corporations with huge financial advantages. The European Union especially favours tariff escalation, where tariffs are raised in relation to the level of processing of a product. Therefore unrefined commodities such as raw vegetables and fruits are allowed in the EU markets tax-free, but processed variants such as fruit juice and canned fruits are taxed. Escalating tariffs discourage developing countries from refining their export commodities, and therefore restrict many poor people in developing nations to exporting low value commodities, which are extremely price volatile.

Johan Galtung (1990) explains these behaviours by highlighting the relationship between direct, structural and cultural



violence in the violence triangle. He explains how cultural violence works in changing “the moral colour of an act” from wrong to right or acceptable. In this way direct or structural violence are legitimised and made acceptable in society. Galtung outlines four classes of basic needs:

- Survival needs (negation leads to death);
- Well being needs (negation leads to morbidity);
- Identity, meaning needs (negation leads to alienation); and
- Freedom needs (negation leads to repression).

Galtung explains that violence affects consciousness formation and mobilisation, which are important for an effective struggle against exploitation. The effect comes through penetration (implant of the top dog inside the underdog), segmentation (giving the underdog only a partial view), marginalisation (keeping underdogs outside) and fragmentation (keeping underdogs apart). Criminal activity usually results from an attempt of the underdog to redistribute wealth, to get even, or to become a top dog. This is because direct and structural violence creates a needs deficit. Needs deprivation is serious and can lead to reactions of direct violence. Galtung explains how the capture and enslavement of Africans who were forced across the Atlantic was a massive form of direct violence that seeped down and sedimented as structural violence, producing and reproducing massive cultural violence with racist ideas everywhere. Although the direct violence of slavery is forgotten, practices of discrimination (structural violence) and prejudice (cultural violence) remain.

One needs to consider the effect of this history on the radical inequality that has developed to this day, in understanding how this inequality results from starting positions that were allocated by historical processes, which violated moral principles and legal rules. The crimes committed during colonialism established this radical inequality and maintained it through institutions that reinforced the gap. One can analyse the impact of such institutions on developing countries. In the 1980s the World Bank and IMF

adopted the Washington Consensus for economic growth through stabilization, privatization and liberalization. The developing countries were expected to adopt strategies where government intervention was to be kept minimal, the free market allowed to operate, and structural adjustment programmes implemented. These changes allowed affluent states to protect their own economies while ordering the developing states to abandon their protection measures. The EU today spends approximately 45% of its annual budget on agricultural subsidies, where the CAP (Common Agricultural Policy) costs the EU \$665 billion every year. The CAP subsidies support farmers for example with \$2.60 a day for each cow. This is more than what two billion people across the developing world live on (Borg & Regan, 2012).

In considering the role of explanatory nationalism in economic deprivation, citizens of developed countries usually regard corruption within developing countries as a primary cause of poverty. Such corruption is a reality, however even here Western nations are not innocent of doing harm against the 'do no harm' principle. Contrary to what people in affluent countries assume, regarding how imports are obtained through a fair exchange of market prices, the reality is that citizens of developing countries are dispossessed from their natural resources. This happens when citizens of wealthy nations and the holders of political and economic power in resource-rich developing countries together enforce a global property scheme to claim the world's natural resources and distribute such resources among themselves. Pogge mentions the example of General Abacha of Nigeria, who put the legitimate winner of the 1993 election in jail and executed many other politicians. The decision of Western nations to buy oil from this General inflicted undue harm on the people of Nigeria, first by excluding them from their resource, and secondly by funding the General's arms expenditure, which kept the people of Nigeria subjected to his tyranny. Resource-rich developing countries have a greater risk of having their officials corrupted than others; resources become an obstacle to growth and they foster coups, oppression and corruption.

Western nations also benefit from the situation of developing nations in other ways. Many governments of poor countries face shortages of capital for investing in education and providing safe drinking water, electricity and other provisions. Debt, left by previous dictators and military rulers, forces governments to take certain decisions rather than be shut out from international financial markets. The temptation is for governments to provide tax incentives for foreign investment in the construction of sweatshops and sex tourism resorts. Demanding even minimal decent working conditions is difficult because foreign firms can shift their location to a different state. The real situation for appropriation of wealth in the world is one where there is vast inequality, where wealthy people use vast amounts of the world's resources unilaterally, without compensating the global poor for their disproportionate consumption. Even when there is payment, this goes to other affluent elites in the poor countries. Pogge argues that this is not acceptable today where billions are born in a world where all accessible resources are owned by others. The educational and employment restrictions the poor face make it extremely hard for them to improve their conditions or to secure any proportion of the world's share of natural resources. Moreover, the poor take a bigger share of the burdens resulting from environmental pollution and degradation.

#### **IV. Conclusion**

The realisation of freedom and respect for autonomy remains to be the main source of justice when addressing discrimination and exclusion emanating from power inequalities between nations and regions, especially in the context of development and migration. The control of migration may be a priority for developed nations, however simplistic policy solutions have not been effective. These solutions have focused on the admission of the most deserving, the exclusion of others, the dumping of aid and waste, and the exclusion from the real means to development, which is the free access to markets. In these processes the type of

negotiations and dialogue that is taking place between developed and developing nations is important in bringing the necessary change and influencing an outcome that reflects a growing freedom and equality between nations and regions. Individuals, communities and states all have certain responsibilities for injustice, inequality and underdevelopment; all of which are a fundamental causes for migratory flows.

People working in the field of migration and development, including practitioners, students and academics can influence this dialogue by taking a pro-active, participatory and political approach, engaging groups and civil society, and avoiding complacency. Development education needs to become more important in our education system, and to be mainstreamed to become part of peace education, required for all students in their teenage years. Complacency has seen the growth of far right nationalistic movements, but peace education can prevent escalation and conflict by promoting dialogue and democratic values. However, such efforts are futile if global and regional institutions do not address the inequalities that exist, and if they continue to deny the freedom and justice that developing nations need to assume equal relationships with others.

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