ASIAN LABOUR MIGRANTS AND HUMANITARIAN CRISES: LESSONS FROM LIBYA

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Executive Summary

Media coverage of the suffering of innocent civilians during times of armed civil conflict rarely highlights that many are temporary workers from other countries. Migrant workers play an integral part in sustaining the economies and societies of many countries today, particularly in the Middle East. However, they are rarely the focus of the international community or the media. International labour migrants in conflict zones are generally more vulnerable than the native population. Migrants may not speak the local language or share the same culture and are often at the bottom of the economic pyramid. Their employers may be a party to the conflict, leaving the workers vulnerable to targeted attacks from opposing parties. In reality, however, most migrant workers are just like any other civilians caught in a war zone: innocent and scared. Their immediate proximity to danger and conflict is balanced against the negative impact that losing their jobs could have on their families back home.

The Libyan civil war that began in February 2011 resulted in the displacement and evacuation of migrants on a size and scale not seen in recent years, with hundreds of thousands fleeing to neighbouring countries. The migration crisis highlighted the inadequacy of the response of the international community and raised questions regarding the efficacy of existing coordination mechanisms and frameworks and the different roles for state actors and international organizations such as the International Organization for Migration (IOM).

This Issue in Brief provides a background on the migration crisis and the international and national humanitarian response to it. It discusses lessons learned from the Libyan experience and identifies several policy recommendations, particularly for the Colombo Process Member States,[1] drawn from those lessons regarding the protection of foreign workers caught in national conflicts and ways to address similar humanitarian crises in the future.

I. Introduction

While a mass exodus did not follow the largely bloodless regime changes in Tunisia and Egypt, the armed clashes within Libya that led to the ouster of Libyan President Muammar Gaddafi resulted in one of the largest migration crises in recent history. In a span of nine months — between February and November 2011 — nearly 800,000 migrants fled Libya to neighbouring Tunisia, Egypt, Chad, Algeria, Niger and even Greece and Italy to escape the escalating civil war. Out of the total number of migrants who crossed the border during that period, 45 per cent (316,321) were third-country nationals (TCNs) — migrants who crossed the Libyan border to find refuge in a country that is not their country of origin, the vast majority with no personal means of returning to their countries of origin.[2]

By the end of November 2011, the International Organization for Migration (IOM) had arranged for the repatriation of 217,060 TCNs through ground, sea and air transportation, mainly via chartered flights. Around 80 per cent of returnees (or nearly 180,000) went back to Africa, primarily to Chad (62,569), Egypt (30,571), Niger (26,642) and Sudan (18,519).[3] Outside of Africa, the largest return movement was to Bangladesh, with IOM assisting 32,218 returnees.

Migrant workers are vulnerable to various forms of exploitation at all stages of the migration process. Such vulnerabilities are exacerbated during times of crisis — such as the one witnessed in Libya. IOM's mandate and its experience in emergency operations allow it to provide assistance and protection to those who many not have otherwise received it, since countries of origin continue to have the prime responsibility for their nationals abroad and those returning from abroad. Nonetheless, there is no international legal framework that fully addresses this

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gap and national frameworks on protection of civilians and their rights usually do not apply to temporary migrant workers, particularly during crises. The suffering experienced by migrant workers fleeing Libya has highlighted the need to strengthen the protection of migrants in future crisis situations.

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II. Background

Neither the political transition in Libya nor the ensuing migration crisis is unique. The first Gulf War in 1990 resulted in the evacuation of over 250,000 migrant workers. More than half a million migrants lost their jobs during Iraq's invasion of Kuwait in 1990, including several hundred thousand Egyptian labourers in Iraq and tens of thousands of Bangladeshis, Pakistanis, Sri Lankans, Indians and Filipinos in Kuwait.[4]

The Gulf War is significant for policymakers not only because of the large-scale, cross-border movement it induced, but also because it highlighted the importance of migration in regional politics and exposed the lack of protection mechanisms for migrant workers in crisis situations. It was clear during the Gulf War that migrant workers were viewed as potentially subversive — and could become targets of warring parties.[5] This theme emerged again during the civil war in Libya, as rebel forces accused mostly Sub-Saharan African migrants of being mercenaries fighting on behalf of the autocratic regime.

The Middle East, which has the world's highest ratio of migrants to natives, draws migrant workers from both neighbouring states and from South and Southeast Asia. For migrants from Asia, the social, economic

and demographic inequalities between their nations and those of the Middle East create substantive employment opportunities. In turn, remittances sent from the Middle East play a significant micro- and macro-economic role, especially in reducing poverty in the countries of origin. Annually, total remittances often exceed official foreign aid payments and account for large portions of the gross domestic product, particularly for South and Southeast Asian countries. Furthermore, the employment of workers overseas eases pressure on the labour markets in the countries of origin and lowers unemployment rates.[6]

The rapid return of large numbers of migrant workers to their countries of origin within a fairly short time has tremendous negative consequences not only in terms of lost foreign exchange earnings but also increased unemployment. These returning migrants also quickly shift from being the primary provider for a family to becoming a dependant. This adjustment is often difficult and stressful for both the individual and family members. In addition, if — as is often the case — debts were incurred to secure the overseas work, the repayment of debt becomes the responsibility of the entire family, putting additional financial pressures on the household. Box 1 highlights these problems in the case of Bangladeshi returnees from Libya.

Box 1: In focus – Bangladeshi returnees

The repatriation of Bangladeshi nationals from Libya began on 27 February 2011. By 29 March 2011, over 30,000 migrant workers had already been returned to Bangladesh. Most escaped to the bordering countries of Tunisia and Egypt, while a handful of migrants passed through Algeria, Greece and Italy.

For the vast majority of returnees, a sense of relief upon returning home was replaced almost instantaneously by overwhelming concern over their dire financial situation.

Many migrants returned with only the clothes they were wearing, and sometimes with a blanket supplied by international organizations such as IOM or the Office of the United Nations High Commissioner for Refugees (UNHCR). Most brought home money denominated in a foreign currency — Egyptian pounds or Libyan and Tunisian dinars — and in amounts so small that exchange booths at the airport refused to exchange them for Bangladeshi taka.

Most returned to large debts incurred during the migration process, the compounding interest no longer being defrayed by an income stream. So large was the embarrassment of returning to families with an empty pocket and mounting debt that many returnees loitered around Shah Jalal International Airport in Dhaka for hours and even days after their return. One stated in an interview with IOM that he simply could not bring himself to return to his family even though he had no other alternative.

Those whose cell phones were not stolen in transit showed IOM staff videos of the camps in Egypt and Tunisia where they arrived after fleeing Libya. They spoke of the cold weather and their treacherous journey to the border, at risk of being hijacked by rebels or criminals. Some paid large amounts to individuals promising them safe passage and transport. Many were forced to "purchase" travel documents for their onward journey, since their passports were kept by employers who had already closed down their businesses and/or left Libya.

Female returnees told even more heart-wrenching stories. A mother spoke of how her newborn had not breastfed for over a week, since she had barely eaten herself and her weakened body was unable to produce enough milk. Another mother spoke of how she had decided to flee Libya after seeing her 10-year-old son being taught how to operate a gun.

Interestingly, not a single Bangladeshi domestic worker was recorded as having left Libya. Whether it was because their employers protected them or because they were de facto prisoners who had no social network outside the walled compounds in which they worked is a question that remains unanswered.

Source: IOM interviews of returnees.

III. National and international response to the Libyan crisis

How every country handled the return and reintegration of labour migrants depended primarily on the number of migrant workers involved and the resources available to the government. Some countries, such as the Philippines, arranged for the evacuation and repatriation of their own nationals. As the crisis in Libya worsened, the Philippine government managed to quickly mobilize the necessary funds and create structures to initiate the repatriation. It also worked closely with the Filipino community to disseminate information, mobilize and register migrant workers who wanted to relocate and help in the actual evacuation and repatriation efforts. Furthermore, the Philippines had also long institutionalized through legislation the procedures and structures to respond to and manage such large-scale repatriation.[7]

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Other countries took a different route and funded international organizations, such as IOM, to charter flights and handle the rapid evacuation of migrant workers from Libya. Some governments asked IOM to mobilize resources and arrange for the actual movements. The government of Bangladesh obtained a World Bank loan of USD 40 million to reimburse IOM for its expenses in repatriating 10,000 Bangladeshi migrants. Although Bangladesh was greatly affected both in terms of lost remittances and the entry of a large number of unemployed workers into the

economy, it was the second-largest donor of in-kind contributions as a result of providing the services of its national air carrier, Biman, to transport returning migrants. Similarly, the government of Chad, in addition to its financial contributions to IOM for the repatriation of approximately 10,000 migrants, provided chartered flights to expedite the return of migrants.

It's worth noting, however, that despite help from many countries of origin and other traditional donors, IOM almost halted its emergency repatriation operations several times. During the height of the crisis, between the end of February and March 2011, IOM expenditures peaked at USD 1 million a day. By 30 September 2011, seven months after the first repatriation occurred, over USD 85 million had already been spent. Given the urgency of the situation and limited funds, IOM continued to appeal to donors for support. The continued trickling-in of funds from donor countries and agencies allowed IOM to sustain its operations.
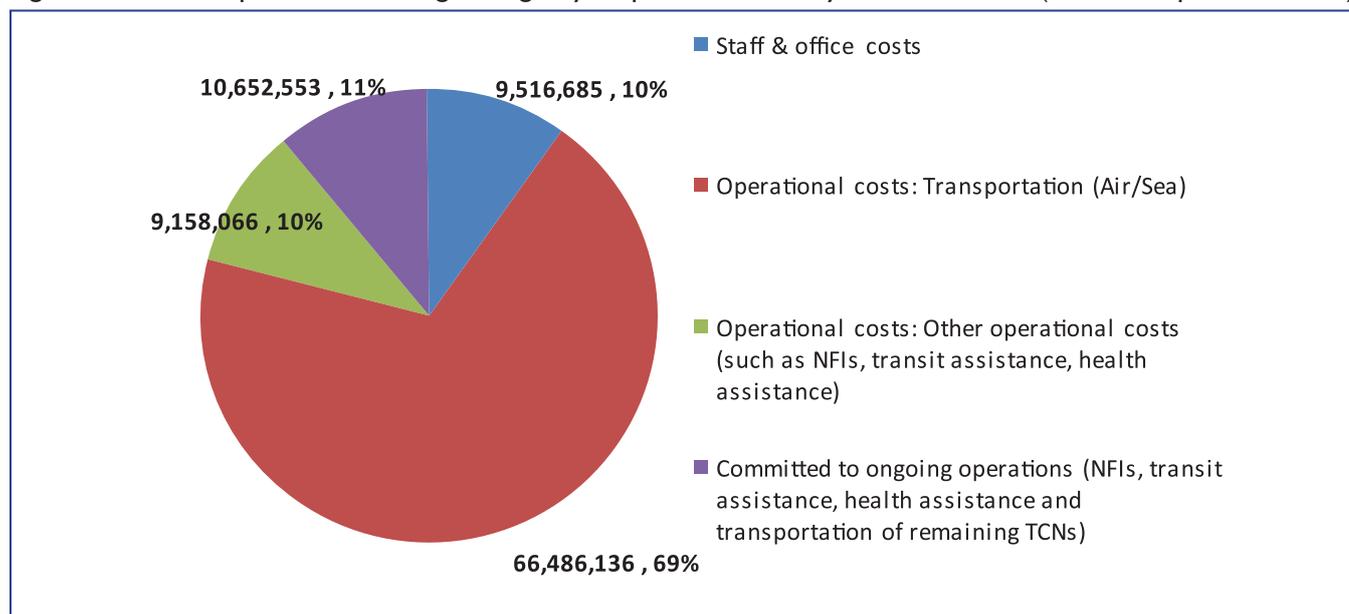
As can be seen in Figures 1a and 2, the majority of the contributions — about 64 per cent — came from just three government donors: the United States, the European Commission and Bangladesh. Figure 1b also highlights that an overwhelming majority of funds went to providing transportation.

Figure 1a: Contributions to IOM's emergency fund during the Libyan crisis (February 2011-September 2011)
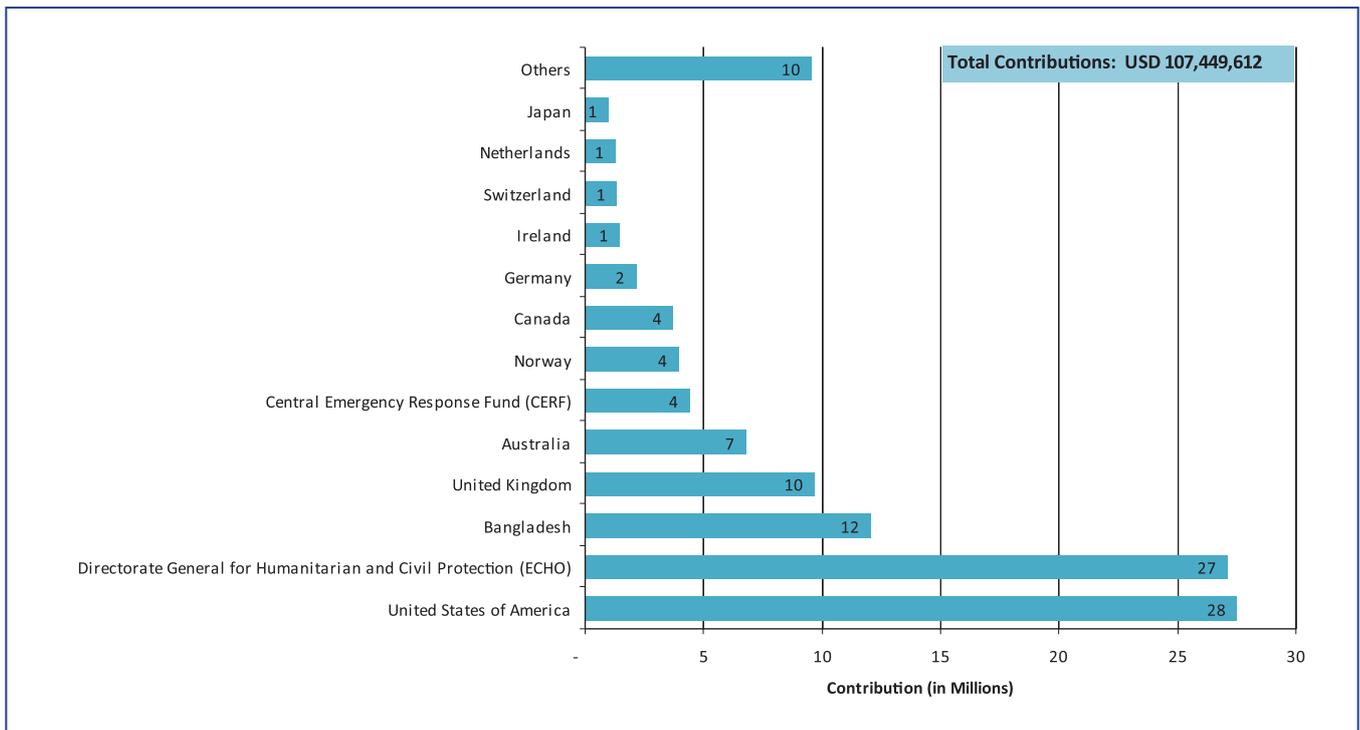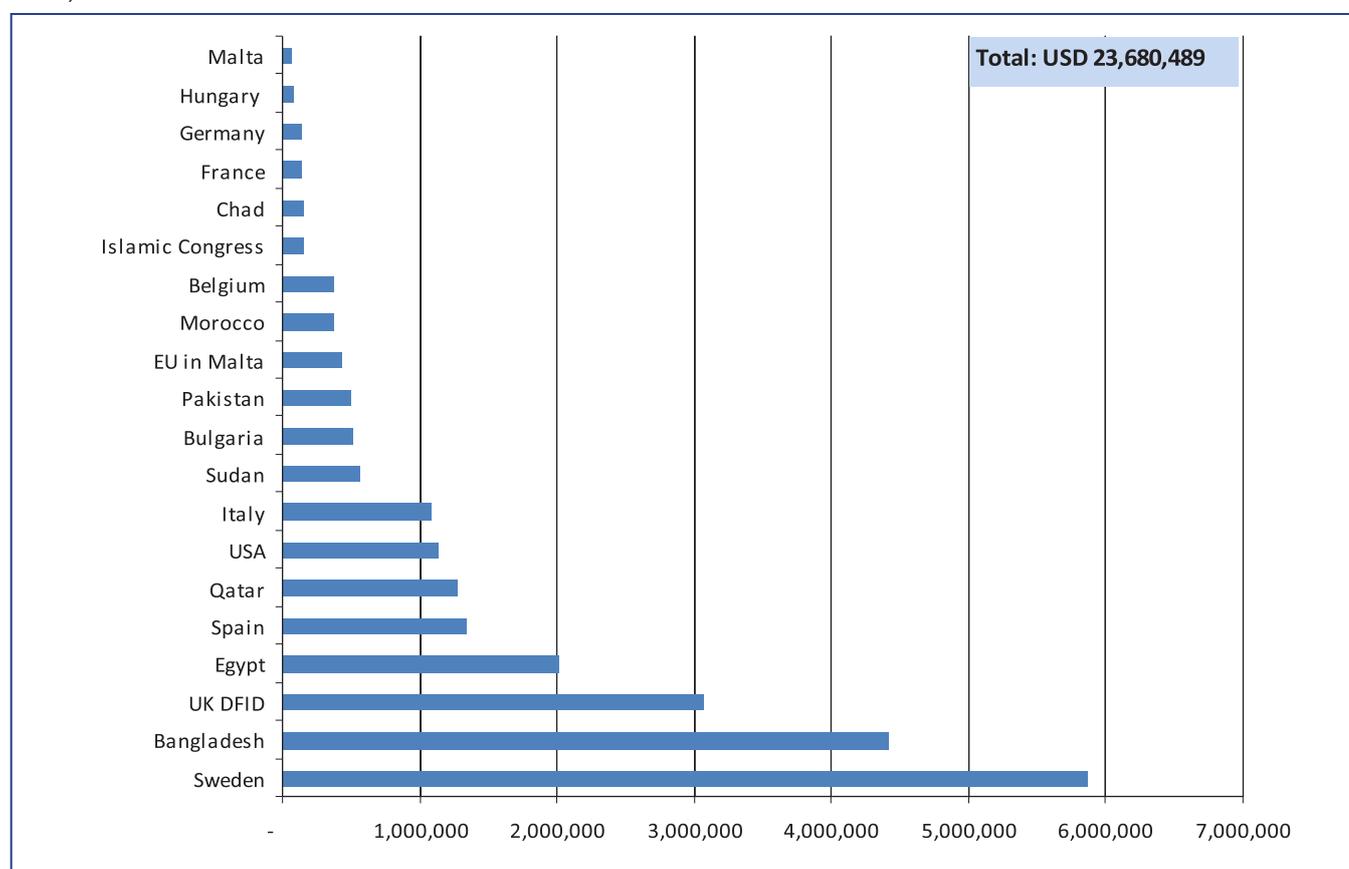

Note: EC = European Commission; MENA = Middle East and North Africa.
Source: IOM, 2011.

Figure 1b: IOM's expenditures during emergency response to the Libyan crisis in USD (as of 30 September 2011)

Staff & office costs

10,652,553 , 11%   9,516,685 , 10%

9,158,066 , 10%

Operational costs: Transportation (Air/Sea)

Operational costs: Other operational costs (such as NFIs, transit assistance, health assistance)

Committed to ongoing operations (NFIs, transit assistance, health assistance and transportation of remaining TCNs)

66,486,136 , 69%

Notes: NFI = non-food items; TCN = third-country nationals.
Source: IOM, 2011.

Figure 2: In-kind contributions to IOM's emergency fund during the Libyan crisis (February 2011-September 2011)

Total: USD 23,680,489

Malta, Hungary, Germany, France, Chad, Islamic Congress, Belgium, Morocco, EU in Malta, Pakistan, Bulgaria, Sudan, Italy, USA, Qatar, Spain, Egypt, UK DFID, Bangladesh, Sweden

(axis: -, 1,000,000, 2,000,000, 3,000,000, 4,000,000, 5,000,000, 6,000,000, 7,000,000)

Notes: EU = European Union; DFID = Department for International Development.
Source: IOM, 2011.

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The Libyan upheaval once again highlighted the vulnerabilities of migrant workers during conflict and crisis situations. These include the fear of being harassed or targeted by warring parties, the inability to cover travel expenses out of conflict zones, lack of access to travel documents (since some employers kept the workers' passports to minimize contract defaults), lack or limited knowledge of local languages, little or no access to embassy officials (particularly in instances when embassy officials evacuated early) and limited knowledge about the transportation system and safe escape routes.

While the first migrants to leave Libya were mostly single males, the number of highly vulnerable migrants increased as the crisis progressed: families, unaccompanied minors, women, families with one household head and migrants with medical and psychosocial needs. Such migrants were especially susceptible to harm and exploitation, with the risk of trafficking particularly high for women and unaccompanied minors.

As highlighted earlier, forced evacuation commonly results in the return of debt-ridden migrant workers to families dependent on remittances from abroad. In addition to the financial difficulties such migrants confront, there is often psychological trauma associated with the crisis situation and, in some instances, physical injuries. Migrants returning to such poor conditions are usually keen to re-migrate (usually to the country they have fled, given their familiarity with the culture and environment), unaware of the implications of returning to a location that has recently undergone civil war or political upheaval.

Notwithstanding its recency, the Libyan migration crisis illuminates this trend. As early as 23 November 2011, 38 Bangladeshi migrants had returned to Libya to work, even as other migrants were fleeing to Bangladesh.

IV. Conclusions and Recommendations

At the beginning of 2011 there were an estimated 1.8 million migrant workers in Libya, a significant number of them from Asia.[8] The flight of almost 800,000 foreign workers from Libya prompted border management concerns, particularly with regard to irregular movement of migrants. Though large migration flows are often viewed through the lens of national security, border management policies and national security should also address humanitarian concerns such as migrant protection.

Is the global community any better prepared to handle a situation like the Libya crisis? Perhaps, but only marginally. The crisis provided yet another example of the complexity, speed and scale of the movement of people fleeing across national borders. It has also highlighted how an event in a seemingly unconnected country can have large scale unanticipated effects as highlighted previously. The international community must cooperate to find ways to protect migrant workers and mitigate their suffering in times of crisis. Unfortunately, addressing the needs of foreign workers within a conflict zone is not the first priority of local governments and civil society groups. There is a level of complexity associated with the protection of migrants not found in the standard provisions of humanitarian assistance to internally displaced persons. The recent conflict in Libya and the subsequent migration crisis emphasized these gaps. While there are many good practices to be built upon from the Libya response, there is room for improvement in the protection of migrant workers caught in a humanitarian crisis, particularly with regard to the absence of any mandated organization or globally recognized international legal framework. As such, it is necessary to put in place various

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mechanisms to reduce the vulnerability of migrants. Six such recommendations are provided below, with a particular focus on the labour-sending Colombo Process Member States:

1. Develop standard operating procedures (SOPs) for the protection of migrant workers in complex emergencies.

During the Fourth Ministerial Consultations of the Labour-Sending Countries in Asia, also known as the Colombo Process (CP), government delegates from the member states recommended the development of SOPs in the light of the recent Libyan crisis. SOPs provide for the necessary institutional structures and contingency planning required to address similar situations in the future. More specifically, SOPs include detailed information on in-situ protection measures and evacuation and repatriation procedures, with an emphasis on coordination among the various stakeholders. The Philippine government, for instance, has long recognized that supporting its citizens working abroad during crisis is critically important and in the national interest. During the Libyan crisis, the Philippines created the Overseas Preparedness and Response Team under the office of the president. The team was tasked, among other things, with formulating and periodically reviewing contingency plans in times of crises affecting Filipinos overseas.[9]

Government participants also recognize the important role of private actors, such as recruitment agencies and employers, in repatriating workers in crisis situations. Indeed, the Libyan experience offers various good practices. For example, employers such as Daewoo, Hanil and Hyundai arranged for the safe evacuation and repatriation of their foreign workers. More recently, a Chinese company operating in Libya remitted unpaid salaries for its Bangladeshi workers directly to the Bangladesh government's Bureau of Manpower, Employment and Training. Similar

initiatives, if taken by all employers, would reduce the burden on international and national entities and ensure a more humane and orderly repatriation and reintegration of foreign workers caught in a crisis.

2. Create an emergency trust fund.

The CP Member States also recommended establishing a formal funding mechanism to ensure a rapid and structured response, as an alternative to the current flash-appeal process following a humanitarian crisis. Few labour-sending states have the standing capacity to evacuate and repatriate their nationals from a conflict zone as quickly as necessary. While IOM and its partners respond rapidly to any crisis, donors' inconsistent responses result in inefficient mobilization. On multiple occasions, funding gaps have jeopardized the continued repatriation of migrants from conflict zones. Ensuring the security of migrants requires a more stable funding stream, not solely based on altruism from donors or a desire to mitigate the likelihood of irregular migration.

As noted earlier, funding gaps put migrants in harm's way. Without adequate resources, many migrants are forced to seek alternative methods of fleeing to safety (including paying large amounts to individuals promising transport); and large numbers end up in transit centres and the so-called "no-man's land." Flash appeals could be used to raise additional funds during times of crisis, but it is important that initial funding be readily available to mobilize emergency action and provide a buffer when the response to flash appeals is not enough.

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Toward this end, IOM established a Migration Emergency Funding Mechanism, supported by its member states. Adequate resources will need to be mobilized to ensure the continuity of this fund.

Other options should be explored, perhaps in line with the migrant welfare funds that exist in many labour-sending countries. These funds are usually created with contributions from outgoing and sometimes returning migrants, and serve to address the needs of migrants — which vary from country to country. In Bangladesh, for example, these funds are used to repatriate the bodies of deceased migrants, provide compensation to families and equip helpdesks at ports of departure and arrival to provide assistance and information pertinent for migrants, among others.

3. Offer micro-insurance to migrants.

Given the general vulnerability of migrant workers, particularly in the low-skilled sector, there has been a growing debate regarding the potential benefits of offering micro-insurance that would specifically address the needs of such workers in crisis situations. Micro-insurance schemes are characterized by low premiums and targeted to benefit low-income people and businesses that are not generally covered by typical social or commercial insurance. More specifically, micro-insurance products mitigate the risks, including medical and repatriation costs, which can be faced by migrants in the host country.

Migrant workers are usually unprepared to deal with emergency situations (such as personal illnesses and injuries, natural disasters or political upheaval) in the destination country. If employers close their businesses and leave, migrant workers typically don't have any means to support themselves. Over the past decade, migrant insurance schemes have spread with success throughout Latin America and South and Southeast Asia.[10] There are also examples, as in Sri Lanka, where social insurance schemes are a permanent feature of the migration process.[11] Social insurance plans are specifically sponsored by governments for specific population groups, whereas micro-insurance coverage is provided by private

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agencies with an array of benefits and services for migrants and their families.

There are several challenges in implementing such insurance schemes, most of them involving the legal and regulatory restrictions in countries of origin and especially in countries of destination. In addition, convincing migrants to invest in an insurance plan — which is often seen as an additional burden with an unproven return — may be difficult.[12] However, there is an opportunity to build upon the early experiences of micro-insurance, especially those related to conflict and political unrest in the host countries.

Migrants need to be made aware of existing contingency plans and procedures for evacuation and repatriation, as well as government and non-government points of contact in crises.

4. Train migrants in contingency planning.

Most migrant workers are unaware before their departure of the risks and hardships associated with migrating abroad. While various awareness campaigns and pre-departure orientation programmes in recent years have aimed at raising awareness on topics ranging from financial literacy to host-country cultural norms, emergency crisis planning is rarely included. It is important that migrants be made aware of the types of risks they may encounter (especially in the case of sudden political upheaval and conflicts) and what steps they can take to ensure their safety.

Migrants need to be made aware of existing contingency plans and procedures for evacuation and repatriation, as well as government and non-government points of contact in crises. Relevant awareness-raising activities should take place before departure and upon arrival in the host country, and should include dissemination of key contact information that would be useful to stranded migrants. For example, migrants need to know how to contact local diplomatic missions and non-governmental and

international humanitarian agencies that can provide various forms of assistance such as facilitating travel documents, repatriation and shelter.

5. Build embassies' capacity to protect labour migrants.

A number of labour-sending countries, such as Bangladesh, Pakistan and the Philippines, have designated labour officials or labour attachés within their respective embassies to provide assistance to migrant workers and facilitate the provision of welfare services. Such officials are trained in various issues relating to migration including raising awareness among migrant populations of the risks of trafficking in persons, facilitating remittances and registering and responding to complaints. Increasing the awareness of labour officials regarding existing mechanisms and institutional responses to crises would enhance their capacity to protect migrants in various situations and stages: in-situ and during relocation, evacuation and repatriation.

Labour officials should act as the first point of contact for distressed migrants and be responsible for disseminating information to migrant communities, especially during humanitarian crises. Special attention should be given to unaccompanied minors and women migrants, who are always at a higher risk.

6. Develop post-return and reintegration plans.

As already noted, sudden and forced displacement and evacuation also result in the loss of a stable income and a return to large debts and limited opportunities in the country of origin. It is therefore important that national and international actors give consideration to long-term rehabilitation strategies for these returnees, including by providing job opportunities at home or abroad. For instance, several countries (including Bangladesh) have made it mandatory for all returnees to register upon arrival at the airport. Even though no reintegration plans existed during the Libyan migrant crisis, Bangladeshi immigration officials registered migrants to ensure that the government had a full list of returnees and their contact details. The information collected proved useful when the government of Bangladesh later obtained a World Bank loan to reimburse IOM for a portion of the repatriation cost of Bangladeshi nationals and to provide each returnee with a one-time cash grant of approximately USD 650.

The recent crisis also underscored the need for collective action among relevant stakeholders,

including governments, civil society organizations, international and United Nations (UN) organizations and the private sector, since these actors jointly facilitate the selection, movement and employment of migrants.

> Collective and coordinated response among the various national and international actors and between states could significantly reduce the burden on any individual agency or nation.

Many of the major labour-sending countries are members of regional blocks, such as the South Asian Association for Regional Cooperation (SAARC) and Association of Southeast Asian Nations (ASEAN), and are also active participants in regional processes and international dialogues, such as the CP and the Global Forum on Migration and Development (GFMD). These regional associations and partnerships should consider forging agreements and memoranda of understanding (MOUs) to address the needs of migrant workers in complex crisis situations. Collective and coordinated response among the various national and international actors and between states could significantly reduce the burden on any individual agency or nation. Examples of cooperation among states and between states and the private sector were visible during the Libyan migration crisis. For instance, countries with no embassies in Libya sought help from embassies of neighbouring states, while Filipino recruitment agencies took the responsibility of repatriating their own workers. Moreover, Libya's neighbouring countries, such as Tunisia and Egypt, opened up their borders to hundreds of thousands of fleeing migrants, addressing humanitarian needs (such as evacuees' access to health services, safe shelter and food) while ignoring traditional national security concerns over irregular cross-border movement. And ASEAN members developed a mechanism to assist one another in countries where they do not have diplomatic representation or embassies. Formalizing such examples of good practices through forging agreements and MOUs can alleviate many of the insecurities faced by migrants fleeing similar crises in the future.

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Endnotes

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