

Myths and Realities of Chinese Irregular Migration

No. 1

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Internet: <http://www.iom.int>

ISSN 1607-338X
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Myths and Realities of Chinese Irregular Migration

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ACKNOWLEDGEMENTS

I am indebted to many individuals who provided information and advice during the preparation of this paper: in particular to Frank Laczko of IOM, Geneva who had the original idea; Gervais Appave, Inter-Governmental Consultations for Asylum, Refugees and Migration Policies in Europe, North America and Australia, Geneva; Regina Boucault, IOM, Bangkok; Jean Christiansen, Cynthia O'Connell and Brian Vaillancourt, all of the INS Office, Bangkok; H. Richard Friman, Marquette University, Wisconsin; Adam Graycar, Australian Institute of Criminology; John Hector, British Embassy, Bangkok; Peter Holmes, Australian Embassy, Bangkok; and all the participants at the US INS Bangkok Regional Alien Smuggling Conference, 1-3 August 2000. Thanks finally to Frank Laczko and Amanda Klekowski von Koppenfels of IOM for their extensive editing and improvement of the original draft.

Ronald Skeldon

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EXECUTIVE SUMMARY

On the morning of 6 June 1993, and within sight of the New York City skyline, the rusting freighter *Golden Venture* grounded itself onto a beach to unload 286 Chinese would-be immigrants. Ten died in the attempt to reach the shore. This incident has perhaps done more to crystallize thinking on the irregular migration of Chinese to the West than any other single event. In 1998-99 alone, 42 boats landed on the Australian coastline carrying some 926 irregular migrants, half of whom were from China. At least one other boat is known to have sunk without trace. Most recently, in June 2000, 58 Chinese were tragically discovered dead in a container at Dover, England.

These incidents have clearly shown the global scope of the facilitated irregular migration (smuggling and trafficking) of Chinese migrants and give the misleading impression that the world's most developed countries are under the threat of a wave of irregular migration from the world's most populous country. Such a conclusion is, however, far too simplistic. In order to assess the real significance of irregular movements from China, these movements must be placed in the overall context of irregular migration at the global level. The critical issues revolve around the question of why irregular migration and trafficking have caused such recent apprehension around the world and, in particular, why the Chinese have figured so prominently in this concern, since they are not the major either traffickers or the trafficked.

There are several factors that help explain why the smuggling and trafficking of Chinese migrants has attracted so much global attention. These include:

- The smuggling of Chinese migrants appears to be highly organized involving travel over long distances using complicated travel routes.
- The profits associated with this form of smuggling are high, due to the large sums paid by the migrants to reach their destination (30,000 Euros and more in many instances).
- There are many reports of Chinese migrants being abused and exploited en route to their destination and upon arrival in the West.
- Western authorities and law enforcement agencies have found it more difficult to understand and combat smuggling operations involving Chinese migrants.
- There are underlying fears about the huge potential for future migration from China.²

Based on these factors, as well as on inadequate data, many myths and generalizations about smuggling and trafficking have emerged. This paper reviews recent

research on the trafficking and smuggling of migrants from China and the evidence concerning the above statements. It also discusses some of the policy measures that have been taken by China and other countries to combat trafficking from China. The paper argues for a more balanced picture of trafficking and of the specific role played by migrants from China.

Policies to eliminate trafficking must be incorporated into overall migration policy. A concentration on trafficking, or on any single group being trafficked, is to lose sight of the broader picture and of the causes of trafficking. Migration and trafficking are transnational issues and, as such, international cooperation and the sharing of experience must be key elements in the resolution of problems and the design of appropriate policy.

INTRODUCTION TO THE ISSUES: MYTHS AND HYPOTHESES

On the morning of 6 June 1993, and within sight of the New York City skyline, the rusting freighter *Golden Venture* grounded itself onto a beach to unload 286 Chinese would-be immigrants. Ten died in the attempt to reach the shore. This incident has perhaps done more to crystallize thinking on the irregular migration of Chinese to the West than any other single event. However, in 1998-99, 42 boats landed on the Australian coastline carrying some 926 irregular migrants, half of whom were from China. At least one other boat is known to have sunk without trace, and more recently, in June 2000, 58 Chinese migrants were tragically found dead in a container at Dover, England. These incidents, taken together, have clearly shown the global scope of the smuggling and trafficking in Chinese and give the impression that the most developed countries are under the threat of a wave of irregular migration from the most populous country in the world. Such a conclusion would, however, be far too simplistic. In order to assess the real significance of irregular movements from China, it is necessary to place the movements of Chinese in the overall context of irregular migration at the global level. The critical issues revolve around why irregular migration and trafficking have caused such recent apprehension around the world and, in particular, why the Chinese have figured so prominently in this concern.

The trafficking and smuggling of people has emerged as a major international concern at the beginning of the twenty-first century. There appears to be virtually unanimous agreement that the numbers of those trafficked are increasing and that urgent measures are required to eliminate the trade in human beings.

Definitions: Irregular Migration, Trafficking and Smuggling

Irregular migration refers to migrants who either entered without inspection, or entered with the use of an illegally acquired or falsified visa or passport or who overstayed a legally acquired visa. Irregular migrants generally have relied upon a third party to assist them, whether they employed a forger to make a false visa (facilitator), paid a person to help them cross the border (smuggler) or were exploited after transit by the person who transported them across the border (trafficker). This paper discusses the irregular migration of Chinese migrants, with particular emphasis on those who have been smuggled or trafficked, and will attempt to use these terms as described here.

While the distinction between smuggling and trafficking is often difficult to state clearly, the smuggling of migrants usually refers to the facilitation of illegal border

crossings by a third party, who is paid for the service. The two major works to date on the Chinese have both employed “smuggle” rather than “traffic” as the principal descriptor in their titles (Smith, 1997; Chin, 1999). Trafficking, on the other hand, can also involve the facilitation of illegal border crossings, but is not restricted to illegal border crossings. In trafficking, “legal means may in fact be used to bring migrants into a country, in order to exploit them for their labour. In short, the main purpose of trafficking is not merely to move a migrant irregularly from one country to the next, but to exploit the labour of the migrant under conditions that often violate his or her human rights” (Juhász, 2000: 170). Smuggling, then, is a process unto itself, but can also be a part of trafficking. This is not to say that smuggling cannot result in human rights abuses for migrants: migrants who are only be transported across a border, or smuggled, often suffer human rights abuses such as rape, beatings and deprivation of food and water. In the most extreme cases, their smugglers place them in boats which are unsafe and the smuggled journey results in death.

Irregular Migration and the World Migration System

Irregular migration and the trafficking of human beings touch upon some of the most sensitive issues in the international domain:

- The unauthorized movement of large numbers of people from one country to another gives the impression that governments have lost control of their own borders. In an era in which “globalization” has become a catch-all word, this increasing movement, apparently due to forces beyond the immediate control of any single government, reinforces the impression of the decline of the sovereignty of the independent nation-state.
- In Western countries, trafficking raises the spectre of slavery. Trafficking and attempts to suppress it have a long history which can be traced back at least as far as the passage of the bill to abolish the slave trade in 1807 and continuing in fluctuating intensity ever since.
- Reinforcing the above two points is the association of trafficking with organized crime. In particular, Chinese triad groups, with their local dialects and codes of conduct, make it extremely difficult for law enforcement agencies to penetrate and give the impression that national systems of crime prevention and justice are under threat.

Because so many of the people being trafficked are undocumented, and because so many are associated in one way or another with illegal procedures, accurate and reliable information on the topic is difficult to obtain. Press reports on specific cases, anecdotal accounts and impressionistic interpretations are often the only sources of

information. This extremely fluid situation with regard to data has given rise to certain perceptions of trafficking which may not accord with even the reasonably reliable information that is at hand. Among the conclusions that might be drawn from existing accounts on trafficking are the following:

- That most trafficking is controlled by criminal syndicates.
- That most trafficking is directed towards the wealthy countries of the West.
- That most trafficking leads to situations of bonded labour and virtual slavery.
- That the numbers of those smuggled contribute to the suppression of wage rates in destination areas.
- That trafficking is mainly the result of poverty or the flight from intolerable conditions.
- That much trafficking involves kidnapping and forced exploitation, particularly of women and children.
- That trafficked migrants lead to a rise in crime in destination areas.
- That Chinese individuals and gangs are key players in international trafficking.

That evidence can be found to support any one of the above statements seems incontrovertible. However, these statements require substantial modification if they are to be taken as generalizations. At best, the statements simplify what are exceedingly complex situations. For example, much smuggling may indeed be controlled by criminal syndicates, but the latter are not monolithic, hierarchical cartels as are many of the groups that control the international trade in narcotics (Chin, 1999: 34). The smuggling groups are often small and rely heavily on subcontracting, depending upon the nature of the services required and the routes selected. It is best to envisage smuggling groups as loosely structured organizations that consist of constantly shifting relationships among various criminal groups such as triads in origin areas and local mafias and street gangs in destination areas but which can also incorporate corrupt government officials and even legitimate businessmen.

Much of the international concern has been directed towards the smuggling of migrants towards North America, Australasia, Europe and Japan but enormous numbers of people are trafficked or smuggled within and among countries in the developing world itself. About half of the conservative estimate of 4 million labour migrants in the countries of South-East Asia are assumed to be undocumented and the vast majority of these would have employed the services of a broker or smuggler to secure entry to their destination.

The trafficking of Chinese is not primarily from the poorest part of China but mainly from Fujian Province, one of the most prosperous parts of the coastal region. The vast majority of those smuggled appear to link themselves voluntarily to smug-

gling rings in order to achieve their aspirations to reach a destination where they can earn more money. Studies among the Chinese in New York have shown that most of these, although enduring often unimaginable hardship en route, do appear to be able to avoid situations of bonded labour by paying off their debts to the syndicates by an imposed deadline (see Chin, 1999).

Deception and kidnapping surely exist, particularly in the context of the movement of women within some countries, but they do not account for most of the international irregular movement of women or men. The Chinese are indeed involved in international trafficking but they are not the only ones involved, as should be clear in the context of loosely structured operations of criminal groups alluded to above. Whether people are trafficked in sufficient numbers to have a negative impact on wage rates remains a contentious issue. In fact, the impact of migrants, irrespective of their legal status, on local labour markets in general is still unclear. Finally, whether trafficked migrants contribute to a rise in crime in destination areas is again a difficult point to resolve. Thus, there are many myths about trafficking and generalizations based upon inadequate data. This paper will attempt to review the evidence that can lead to the above statements, to view these within a broad framework of international migration and global development and to produce a more balanced picture of trafficking and of the specific role played by the Chinese. Underlying the considerations of the paper, explicitly or implicitly, are the tensions or contradictions in the world that provide the context for irregular migration and trafficking. These include the following:

- The need to protect state borders and the reality of economies that are increasingly based on multi-state transactions;
- Increasingly effective global systems of communication and transportation and the demands of local communities in democratic societies;
- Continued demand for labour in labour-intensive activities and the pressure to limit access to domestic labour markets;
- Persistent below-replacement-level fertility rates and a reluctance to substitute immigration for natural increase;
- The ideals of human rights-based approaches and the realities of groups seeking improved economic conditions;
- The ideals of multiculturalism and the realities of ethnic difference.

All of these points fall directly under that catch-all rubric “globalization”, which has seen economies become increasingly interdependent. The bringing together of peoples of very different cultures and skill levels through migration, documented or undocumented, is an integral part of this process. At the risk of oversimplifying a complex process, development has been associated with two key transitions that

affect this migration. First, a transition to below-replacement-level fertility throughout the developed world has led to low levels of growth in labour forces and, ultimately and without any major reverse trend, to a decline in overall population. Second, rising levels of education have increased aspirations among populations in developed countries to the extent that workers for low-paid, low-skilled and insecure jobs are difficult to find. These two transitions have created a demand for foreign labour both in unskilled and highly skilled sectors, but, as far as irregular migration is concerned, the greatest impact is on the demand for lower-order service activities.

It is significant, too, that these transitions have generated deep-rooted structural change in the nature of society quite independent of any cyclical trends in the economy of a country. That is, even an economic slowdown may not have a major impact on the fundamental volume and direction of the migration flows, both authorized and unauthorized. For example, the economic crisis from mid-1997 in South-East Asia, despite its intensity, does not appear to have significantly reduced the volume of Chinese migration to South-East Asia, and particularly the amount of irregular migration. Quite the reverse, irregular migration might have increased, as pressure to limit legal labour migration intensified (Skeldon, 1999).

It is this demand for labour that is the essential driving force for migration and, as long as there is a demand, there will be a supply. Where the legal provisions for the import for labour do not match the demand, there will be irregular migration. This paper argues that the increased numbers of unauthorized movers and the increased trafficking of migrants are as much a function of a failure of migration policy as they are of any of the generalizations specified earlier in the paper. "Failure" may be too strong a term and it is better to see a mismatch between the evolution of immigration policy and the realities of the global economy. To be sure, there are other factors involved, but unless countries look towards modifications of immigration policy, solutions to the problem of irregular migration will prove elusive indeed. This paper will consider the *modus operandi* of irregular migration by focusing particularly on the movement of Chinese groups before taking up the issues of state reactions, policy and the tensions in the global community.

THE GLOBAL VOLUME AND PATTERN OF IRREGULAR MIGRATION

It has been said that attempts to produce accurate statistics of irregular migrants would be to succumb “to the siren of quantifying the uncountable” (Miller, 1995: 537). Indeed, it is not too strongly stated to say that there can be no wholly accurate numbers of irregular migrants or those trafficked from one country to another. Furthermore, estimates, often of dubious validity, may be promulgated in order to stir up popular opinion to achieve particular political objectives. Nonetheless, some attempts to reach informed “guestimates” need to be made if we are to achieve any reasoned debate on the topic and these have been attempted in Miller (1995) and Ghosh (1998: 9-18), for example. In the United States alone, estimates of the number of illegal residents were around 3.4 million in 1990, reaching perhaps 5 million in 1996. There may have been 3 million migrants in an irregular situation in Europe in the mid-1990s. Not all irregular migrants are trafficked, of course, but the majority will need assistance at some stage of the process to facilitate their movement, whether it is to leave the country of origin, obtain documentation or facilitate passage into the destination country. In the case of the majority of irregular migrants from China, the trafficking fee covers a “package” from home to specific destination.

While countries in North America, Europe and Australasia are well known as targets for irregular migrants, there are other significant destinations, particularly within Asia itself. Japan and the newly industrialized economies of the special administrative region (SAR) of Hong Kong, the Republic of Korea, Singapore and Taiwan Province of China³ as well as Malaysia and Thailand have all emerged as significant sending countries of migration, much of it irregular.

Conservative estimates gave around 2.7 million irregular migrants in late 1997 in East and South-East Asia alone, no small number in comparison to the estimated 5 million irregular migrants in the United States as of 1996 and 3 million in Europe. Migration and irregular migration are not simply directed at the developed countries of the West, but significant systems have developed elsewhere. The principal destination of international trafficking remains, nevertheless, the United States and, increasingly, Western Europe.

THE SCALE OF CHINESE IRREGULAR MIGRATION

The scale of Chinese irregular migration, as a fraction of the worldwide irregular migration mentioned above, is not as large as is so frequently believed. As noted,

INS (the US Immigration and Naturalization Service) estimated an irregular migrant population of 5 million in 1996, with Mexico, El Salvador, Guatemala, Canada, Haiti and the Philippines holding the top positions. According to the INS, the Chinese are estimated to hold the twenty-fourth position, with 25,000 residents, while another source suggests the twenty-first position (Chin, 1999: 6). It is clear that the Chinese are not the most significant group numerically among the irregular migrant population in the US.

Annually, some 300,000 irregular migrants are estimated to enter the US. Of these, some 25,000 to 50,000, or about 8 per cent to 17 per cent, have been estimated to be Chinese. Previously, I have cited estimates of 100,000 annual migration of Chinese for the single year of 1992 and a total of 180,000 for the three years 1990-93 (Skeldon, 1994a: 186), although numbers appear to have decreased since then. Based on the estimates of migration, which increased in the late 1980s and early 1990s, and given that the number of annual irregular entrants from China appears to have been in the region of 50,000 during the first half of the 1990s, the estimate of 25,000 irregular residents for 1996 does indeed appear to be too low; based on annual irregular immigration of 50,000, an estimate of 250,000 would probably be more accurate.

The modern era of people-smuggling from China into the US did not really commence until the second half of the 1980s, and has been associated with the passage of the Immigration, Reform and Control Act (IRCA) of 1986 (Kwong, 1997: 29). However, this association illustrates some of the dangers of projecting trends from anecdotal information. According to Kwong (1997: 29), the passage of the bill was a “bonanza for the Fuzhounese illegals already in the United States” as their status would be regularized if they could prove that they had resided in the country before 1 January 1982. Applications had to be made before November 1988 and “the result was a mad rush” as residents tried to get their relatives in before the deadline. A Taiwanese criminal syndicate could facilitate both passage and backdated employment and tax receipts to demonstrate illegal residence in the United States from before 1982. While there were no doubt cases to demonstrate this activity, official INS data show that the “mad rush” was perhaps more imagined than real. Those illegal Chinese residents who regularized their status under IRCA (4,233) represented but a handful of the total (2.64 million) or just over half of one per cent of those who regularized their status during the peak years 1989 to 1992. Furthermore, just 30 per cent of those Chinese naturalizing were from mainland China, with the bulk, over 70 per cent, from Taiwan Province of China and Hong Kong. While the IRCA programme could indeed have marked the commencement of smuggling from China, it was a very small beginning.

In Europe, analysis of asylum figures, generally a fairly accurate indicator of irregular resident flows, show that the Chinese do not figure largely. From January

through September 2000, Chinese applications for asylum in Europe made up just 4 per cent of the total asylum applications – just 11,000 out of 300,000. In the Balkans, an area which has seen many sensational stories about irregular migrants, including the Chinese, border apprehension data show the Chinese well behind Iranians, Turkish Kurds and Romanians. Despite this data, estimates of Chinese irregular migration remain high.

The Chinese made up the largest group of unauthorized entrants to Australia until the year 2000 when they were displaced by peoples of Middle Eastern origin. However, in terms of absolute numbers, the Chinese are a very small group indeed: only 584 arrivals in Australia in 1998-99 were Chinese. Among the irregular foreign residents in Australia in mid-1999, the 3,492 Chinese represented the third largest group after United States and United Kingdom citizens (DIMA, 1999: 80).

Given the relatively small absolute number of irregular Chinese and/or the low proportions of overall irregular migrants in the United States, Europe and Australia, widely regarded as the three main destinations for Chinese irregular migrants, we must ask why there has been so much concern in the international popular media, in official government circles and among academics.

MYTHS AND REALITIES OF CHINESE IRREGULAR MIGRATION

Several reasons can be advanced for the concern over Chinese irregular migration:

- There are underlying fears about the huge potential for future Chinese migration, both because the migration has so far been limited to just a few provinces representing 12 per cent of the population;
- Why people choose to migrate;
- The association of criminal organization with Chinese irregular migration;
- The reported abuse and exploitation of Chinese irregular migrants;
- The large sums of money involved in the smuggling of Chinese migrants.

Behind several of these points, lies, more fundamentally, the fear of migration from the most populous nation in the world. Although official attitudes towards Chinese legal immigrant are highly positive, the levels of concern directed towards a group that represents but a minority, either in absolute numbers or as a proportion of total irregular migrants, does indeed appear to reflect deep-seated fears which are not entirely different from those of a hundred years and more ago.

Chinese Migration in History

The movement of Chinese labourers to North America and Australasia in the second half of the nineteenth century was but part of a great wave of migration that took Chinese peoples into South-East Asia, to South America and southern Africa, as well as to intermediate destinations in the Pacific and Indian Oceans. That movement was essentially halted with the passage of the infamous exclusion acts in the major settler societies starting in the late nineteenth century as well as by rising nationalist sentiment and the economic depression in South-East Asia from the 1930s on. With the creation of the People's Republic of China in 1949 and the imposition of restrictions on contact between that country and the non-communist world, the migration of Chinese peoples virtually ceased. The establishment of the global network of Chinese communities through these earlier migrations would, however, remain of critical importance to the later legal and irregular migrations that developed towards the end of the twentieth century. Among the vast literature on the Chinese overseas, the comprehensive work edited by Pan (1998) is outstanding.

The progressive sweeping away of the exclusion acts in North America and Australasia, which began shortly after the Second World War, did not really make a significant impact on the flows until the 1970s, when the migration of the Chinese again became numerically important. Initially, the movements were primarily from peripheral parts of the Chinese world, and primarily Taiwan and Hong Kong, but after the domestic reforms of 1979, increasingly from China itself. In terms of legal migration to Canada, for example, Hong Kong was the leading source of all immigrants from 1987 to 1997, with China emerging as the main country of origin from 1998. Thus, two very different sets of factors have contributed to the modern rise of Chinese migration: changes to the immigration laws of destination countries and profound political, economic and social change in the countries of origin. The former, too, need to be considered within the context of shifting global fertility patterns. The transition to extremely low levels of fertility in western and southern Europe resulted in much less migration to North America and Australasia from these regions. The European countries of emigration themselves emerged as areas of mass immigration by the late twentieth century. Thus, the settler societies in North America and Australasia had to turn to new sources to maintain an immigrant intake, which the countries of Latin America and Asia were more than able to supply.

It is not just the developed countries of the West that have seen a transition to low fertility and increasing pressures for immigration. The Hong Kong SAR, Japan, the Republic of Korea, Singapore, Taiwan Province of China and increasingly Malaysia and Thailand, have all emerged as labour-deficit countries in Asia. Chinese migrants have figured prominently in the flows to the countries in East Asia. In 1999, for

example, some 4,314 irregular workers were arrested and deported from Hong Kong, the vast majority from China, compared with 5,949 in 1998. In the Republic of Korea the largest group among the overstayers has been the Chinese: 57,722 out of the total of 148,048 in December 1997 (Park, 1998: 230). After the financial crisis of 1997, the numbers of overstayers of all nationalities significantly declined except for the Chinese.

Taiwan Province of China has emerged as a significant destination for foreign workers, with over 300,000 legal workers, the majority from Thailand and the Philippines, at the end of 1999. There is no provision for legal workers from China, although a blind eye is turned to the large numbers of mainland Chinese manning the Taiwanese fishing fleet. However, since the late 1980s, almost 40,000 Chinese have been caught illegally trying to enter the main island and in June 2000 some 1,657 Chinese migrants were held in detention awaiting repatriation (*Migrant News*, 7(7), July 2000). For a detailed discussion of irregular migration to Taiwan Province of China, see Giese (1999).

Japan, despite its recession since the late 1980s, has also proven a magnet for Chinese migrants. Chinese accounted for about 45 per cent of the 49,797 non-citizens who entered Japan as company trainees in 1998, and many of the trainees, students and others who entered legally appear to be staying on after the expiration of their visas. The estimated number of overstayers from China has, however, remained quite constant at between 38,000 and 39,000 from 1994 to 1997. The numbers of Chinese attempting to enter Japan illegally by boat appear to have peaked in 1997 at 1,209 and in 1999, but 324 were apprehended. The most detailed English-language review to date of Chinese migration to Japan can be found in Friman (2000). Although Chinese migrants have been moving legally and illegally to destinations in East Asia, by far the preferred destination remains the United States, even though it is much further and the cost and hardship to get there have been much greater.

To talk of a migration from China and, even more specifically, of an irregular migration from China belies the highly localized origins of these migrations from that vast country. The nineteenth-century migrations from China came primarily from those points where contact with outsiders had always been most intense, namely the coastal districts of the two southern provinces of Guangdong and Fujian. To these two provinces can be added the third coastal province of Zhejiang, which is the origin of substantial migration to Europe, rather than North America or Australasia. Again, particular districts within that province, Wenzhou and Qingtian, became more noted for emigration. Today, these coastal provinces are still among the most significant areas of origin from China. The irregular migration, however, comes from an

even more localized area within these already limited parts of China: from Changle and Fuzhou cities in Fujian Province.

Why People Migrate

The macrolevel context of irregular migration was outlined in the Introduction, but the proximate factors that explain why particular groups and particular individuals become involved in trafficking and smuggling also need to be examined. In terms of development, the Chinese provinces of emigration are amongst the most economically advanced. Among the 30 provinces of China, Guangdong, Fujian and Zhejiang rank respectively fourth, sixth and eighth in terms of the United Nations composite Human Development Index, or HDI (UNDP, 2000). In terms of GDP per capita, Guangdong and Zhejiang rank fourth jointly, with Fujian in seventh position. Given that the top three provinces in China in both HDI and GDP rankings are all urban centres, Shanghai, Beijing and Tianjin, the developmental position of the three major provinces of outmigration can be more clearly appreciated. In addition, the trafficking and smuggling has been occurring from the most highly developed parts of Fujian and Zhejiang. Thus, the principal reasons for the irregular migration are not to be found in absolute poverty but in the increased knowledge of opportunities available elsewhere – the very product of development. While standards of living in Changle and Fuzhou may be the envy of many within China, the capacity to earn money is low compared with the developed countries of the West. Among the sample of 300 irregular Chinese migrants conducted by Ko-Lin Chin, the first study of its kind, 86 per cent cited making money as among the principal reasons for choosing to be smuggled to the United States. He noted that their average income in China was around \$100 compared with an average monthly income of \$1,359 in the United States (Chin, 1999: 14).

The complex factors that motivate specific groups of people to leave China illegally are as yet poorly understood. While many of the trafficked and smuggled migrants from China appear to be primarily economic migrants, it is perhaps worth noting that there are significant Christian populations in coastal parts of Fujian, Zhejiang and Guangdong provinces. A minority of those on board the ill-fated *Golden Venture*, for example, were from Jiudu Island, the population of which is almost entirely Christian (Kwong, 1997: 50). Although no direct linkage between religion and tendency to emigrate has been established, the adoption of Christianity could stimulate emigration in two ways. First, it contributes to the creation of an identity separate from the majority in provinces that traditionally have been remote from Chinese central government and, second, there may be a fear, real or perceived, of persecution which might encourage people to leave China.

Potential for Further Migration

A critical question relates to the potential for future irregular migration from China. If migrants started to leave China in numbers close to the proportions that left European countries a century ago, then that migration would indeed transform the world as we know it. It is this fear that is perhaps the single most important concern about Chinese migration among potential destination countries. It is well known that migration is a cumulative process, with migration giving rise to further migration as networks are established and intensify. Nevertheless, as seen above, the present origins of migration in China represent but a small proportion of the total population of that vast country. Although the three provinces from which the vast majority of migrants from China have come represented just 12 per cent of the national population in 1998, the population of these three provinces still amounts to 150 million people.

It is always deceptive to generate comparisons using aggregate and perhaps questionable statistics. However, during the heavy emigration period of 1881-1890, average emigration rates from European countries ranged up to 14 per thousand (for Ireland), with the majority above 3 per thousand per annum (Baines, 1991: 10). If we assume that between 300,000 and 400,000 people left the province of Fujian, mostly illegally, between 1979 and 1995 (Hood, 1998: 33), or an average of 19,000 to 25,000 per annum, then, annually, less than one in every thousand left over that period, much less than the rates of European emigration at its height.

Such an overall figure in itself is rather meaningless because, in specific areas such as the village of Houyu in Changle County, Fujian, between 80 and 85 per cent of the registered population is estimated to have moved to the New York area while in other villages, the average rate is 50 per cent (Hood, 1998: 33; see also Hood, 1997; Myers, 1997: 119). Even accepting these examples, and calculating on a wide margin of error in the overall annual averages, the emigration rates, even from one of the principal source areas of migration from China, are not particularly high by historical standards.

Although there might be evidence to suggest that “migration from Fuzhou to the US has begun to reach its natural limits” (Hood, 1998: 34), the potential for the origins of migration to spread does exist. Although there is relatively little evidence at present to suggest that smuggling in particular will extend beyond its present origins in Fujian and Zhejiang, the very exhaustion of the client base in Fujian may be a stimulus for the snakeheads to begin to develop new markets in other parts of China (Myers, 1997: 119). Other groups in China do not have the prior contacts and networks to allow migration to develop. Even with a “floating population” of peas-

ants from rural areas and small towns searching for jobs in the largest cities of China, conservatively estimated at 100 million, it appears unlikely that there will be much “spillover” beyond China’s borders. This is the approach argued by Li (1997), for example.

Two additional points need to be considered. First, there have been significant changes in Chinese migration trends in the past. For example, Chinese migration to New York until the 1980s was dominated by the movement from Guangdong and primarily from Toisan; it is now dominated by movements from Fujian. Historically, the Fujianese moved primarily to what are now the countries of South-East Asia, whereas now they are moving to North America and primarily to New York. The movement of Fujianese to Europe began during the second half of the 1980s and there are unconfirmed reports that this movement may have evolved through Hong Kong (Pieke, 1998: 7). Thus, shifting migration trends can be expected in the future.

Second, there is increasing irregular movement from northern provinces into the Russian Far East which may continue overland to cities in eastern Europe and particularly Moscow, Prague, Budapest and Belgrade. From there, entry into the West, using European networks, will be fairly simple, although one study found that Chinese irregular migrants moved from Western Europe to Eastern Europe (IOM, 1998: 337). The northern provinces of Heilongjiang, Jilin and even Shangdong might begin to participate in international flows. One does not necessarily have to envisage a “tidal wave” (Goldstone, 1997) to anticipate some increase in both the absolute numbers of migrants and the number of origin areas. The migration of students in the immediate post-Tiananmen period might be but one factor in establishing “beachheads ” in new destinations (Skeldon, 1996) or Fujianese or Taiwanese snakeheads may seek to establish “seed” populations of Fujianese or other groups at destinations in order to lay the basis for sustained future movement (Myers, 1997). Given the relatively small percentage of the Chinese population that does migrate internationally, the potential for future increase unquestionably exists. However, alarmist predictions for migration often fail to materialize, as in the case of the massive westward wave of migration that was to occur after the demise of the Soviet Union in 1991.

The Importance of Criminal Activities

Finally, the role of criminal syndicates lends the trafficking of migrants from China a particular cachet. The spectre of illegal organizations operating easily across frontiers is yet another dimension of globalization that appears to challenge the integrity of the nation-state. The Chinese criminal groups, “triads” in origin areas

in China, the Hong Kong SAR and Taiwan Province of China and street gangs or “tongs” in destination areas in North America, are seen by some researchers and many in the law enforcement community as key players in this international criminal activity (Chin, 1999: 7, Shannon, 1999: 126-7), while others indicate that triads are not closely associated with trafficking (Chin, 1999: 41). Again, however, there is much supposition based upon speculation rather than hard information. A report presented to a United Nations meeting in 1996 alleging that up to 50 Hong Kong-based triads controlled the trafficking of 100,000 migrants a year into the United States has become part of the institutionalized picture, becoming reinforced in the telling. It is cited in Chin (1999: 7) and was picked up again from regional newspaper reports by the *Asian Migration News*, 16-30 June 2000. Yet it is unlikely that any single triad in the Hong Kong SAR would have the capability to exert overall control of international trafficking to distant destinations. Also, criminal groups in Taiwan Province of China also appear deeply involved in trafficking due to close ties to groups in Fujian.

There appears to be no question that triads are involved in trafficking but the degree of their involvement – ranging from occasional to constant – is not at all clear. The nature of the trade argues for a decentralized structure. Hong Kong triads can become involved if the supply of a safe house in Hong Kong is required for migrants in transit (Chin, 1999: 34). However, they will not be able to provide much assistance if a safe house or documentation has to be supplied in Bangkok, or a boat purchased in Taiwan, or tickets obtained in Los Angeles. Routes constantly change depending upon the surveillance practices of border control, coastguards and checks at particular airports. In the early 1990s, more than 60 different trafficking routes from China to the United States had been identified by US investigators, many of these extremely convoluted (cited in Skeldon, 1994a: 187). Thus the number and locality of the syndicates will constantly shift depending upon the exigencies of each “shipment”. Versatility, mutability and flexibility appear to characterize the control of trafficking of the Chinese. Certainly, the global network of Chinese communities provides a framework for the routes but that network facilitates rather than controls. Particular individuals, or groups large or small, that wish to send migrants to a destination, avail themselves of the services provided at the various points along the routes. These services have to be paid for and it clearly makes sense to minimize the costs involved in order to maximize the return to the organizers. The flexible nature of the networks and the southern Chinese languages employed make it extremely difficult for regulators to try and penetrate these loosely structured organizations, contributing to the sense of threat to the destination countries. That threat, however, is essentially a business that, like capitalist enterprise, involves risk, exploiting the opportunity and, ultimately, profit.

HOW SMUGGLING AND TRAFFICKING WORK

The Costs and Returns to Trafficking as We Know Them

Central to trafficking is that it is a business generating income through the trade in people (see Salt and Hogarth, 2000; Salt and Stein, 1997). Globally, the international trafficking of people was estimated to generate somewhere between US\$5 and US\$7 billion in 1995 (figures cited in Ghosh, 1998: 32). Chinese migrants have reported that they paid an average of almost US\$23,000 each to be trafficked or smuggled into the United States in the late 1980s, with fees rising to almost US\$30,000 by 1993 (Chin, 1999: 37-38). Fees varied according to the mode of transportation used, with air travel being somewhat more expensive than sea transport which, in turn, was more costly than transport by land. In the late 1980s, fees were reported at around US\$12,000 but, by the late 1990s, fees of US\$50,000 or more for transit to the US were regularly reported in the popular press and by intelligence sources. Interestingly, the returns for trafficking eight irregular immigrants have been equated with the profits from one kilogram of heroin. One boatload of Chinese migrants to the United States brings a return of approximately US\$6 million. As will be seen in the section on policy below, the penalties for human trafficking were initially derisory compared with those for the trafficking in narcotics and are still not considered to be tough enough. The trade in human aspirations and human misery was and is a low-risk activity.

The fees for transportation are indeed substantial and appear to be rising. Yet the increase in fees does not appear to have suppressed demand if the reports of continued and rising numbers of those trafficked are to be accepted. Of all the unknowns associated with trafficking, perhaps the most intriguing is that of the economics of the trade. Very few of those trafficked can make advance payments to the traffickers nor would they wish to do so, given the risk that they may not reach their destination. Most commonly, an advance cash payment of around 10 per cent is made, with a further payment on embarkation, or along the route, and the balance is paid after arrival. Some commentators have argued that an inability to pay the full amount by the deadline results in the migrant being kept as a virtual slave until the debt is deemed paid off (Kwong, 1997). The most detailed empirical research so far on trafficked Chinese into the United States suggests that the majority do manage to pay their debts before the deadline even if considerable coercion is applied (Chin, 1999). The migrants appear to be able to repay the syndicates by borrowing from family members in the United States and in China. They thus exchange a primary debt to the traffickers for a secondary debt of money and obligations to their families.

Chin also shows that, although the migrants did work extremely long hours often under very difficult conditions, they do tend to earn considerably more than the legal minimum wage. The average monthly income of those in his sample was US\$1,359 compared with the US\$731 which would have been the return from working at the legal minimum hourly wage of the time for the legally mandated 40 working hours per week (Chin, 1999: 117). As living expenses in New York can be very low for migrants who have the network of Chinatown to draw upon, the smuggled migrants can and do appear to pay off their family debts within two to three years, after which they begin to make a positive economic return to their home areas. That is, to the smuggled, as well as to the smugglers, smuggling makes economic sense. Chin (1999: 119) cites a manager of the Bank of China in Changle who reported that deposits from overseas sources had reached US\$24 million in 1992. The actual amounts of money sent back to China are probably many times greater, as most remittances from individual migrants are unlikely to pass through official banking channels. Remittances have been a critical element in the rapid development of all of southern China and have been one of China's principal sources of foreign exchange for a long time.

At the time of Chin's research, the cost of trafficking was around US\$30,000. Whether the increases to US\$50,000 or more have indeed led to greater exploitation and bonded labour, or whether the increased numbers of those trafficked have led to saturation in local labour markets and a decline in monthly earnings, is not at all clear. Equally unclear is how the monies earned by traffickers are distributed among the various groups involved with the trafficking. Even Chin has little to say on this dimension: "It was unclear to me how profits were distributed among members of the smuggling ring or how money was actually transferred from one place to another" (1999: 34). What does seem apparent is that the cost to the trafficker, too, must constantly vary. In cases where routes have to be changed at the last moment due to increased surveillance at a particular point of entry or transit, costs of purchasing alternative tickets, paying off syndicates at the additional transit stops, and so on, must reduce profits. It is perhaps for these reasons that the cost of trafficking has escalated in the way described above. Ultimately, rising costs, which must at least be partially due to increased surveillance and action against traffickers, should be such as to slow the demand to be trafficked: the expected returns must theoretically decline. It is more likely that the traffickers move on to new markets, emphasizing the global or interconnected nature of international trafficking networks. If New York is showing signs of saturation, then destinations in Europe may appear ripe for exploitation. These issues will be examined further in the section on policy below after the actual mechanics of the process of trafficking have been discussed.

The Role of the Trafficker

Virtually all human migration involves intermediaries of one kind or another. In legal migration, government officials vet applications for passports and visas and others assess petitions for entry as an immigrant. It could perhaps be stressed that, although trafficking is unquestionably a major concern to governments, fraudulent asylum applications and the fabrication of documents to facilitate legal migration have emerged as issues of equal or perhaps even of greater concern, not just from China but generally. That is, the once clear distinction between legal and irregular migration is blurring. In countries where salaries of public servants may be extremely low, many of the officials may be tempted to augment their income by facilitating documentation of one kind or another. Some of the same officials may be key entry points in both legal and irregular movements.

Central to the business of labour migration is the broker or labour contractor – the person, or, more likely, persons, who find the labourer and place him or her in a position overseas. Generally, different brokers in countries of origin and countries of destination liaise and respond to demand from particular employers whose requests may have to have government approval. The facilitation of irregular migration has clear parallels to this process. An entrepreneur may require a certain number of workers and approach a trafficker/broker to arrange his or her supply, particularly in cases where official regulations are complex, cumbersome and time-consuming. More commonly, and as has been described for the Chinese from Fujian (Chin, 1999; Kwong, 1997), individuals who want to migrate will approach a trafficker in towns or villages in China. These are the “small snakeheads”, to use the vocabulary of the smuggling of the Chinese. These are the go-betweens for the “large snakeheads” who can achieve the economies of scale in the transportation of people and have the necessary links with transit and destination groups that can implement the movement. Rarely will those being trafficked know the identities of the large snakeheads.

The Modus Operandi

The trafficking and smuggling from China can be achieved in three main ways and, in each, the role of the trafficker or smuggler is paramount:

- Legal exit and legal entry;
- Legal exit and illegal entry;
- Illegal exit and illegal entry.

As noted above, smuggling refers to facilitation of an illegal border crossing, but not legal entry, whereas trafficking may involve either legal or illegal border crossing. In the case of legal exit and legal entry, the necessary passports and visas need to be supplied. Those being trafficked most commonly travel as members of tour groups and simply disappear into the Chinese community after arrival at the selected destination. Travel as part of official government or trade delegations is another not uncommon means of reaching a destination. Clearly, official corruption is almost a given in this type of movement, particularly where official passports need to be obtained. However, in the China of the early twenty-first century, obtaining a passport legally is becoming much easier. Before the reforms implemented as of 1979, it was virtually impossible for the ordinary Chinese to obtain a travel document but now these can be made available at the provincial level. Given this trend, the potential for legal exit from China must surely rise.

Legal exit but illegal entry occurs when the necessary entry visas cannot be obtained from the desired country of destination but the individual can obtain the necessary passport and exit permits. Entry can occur through a variety of ways. Fraudulent visas can be inserted into a genuine passport. Stolen passports of destination countries can be altered through the substitution of photographs and personal details of the person being trafficked. Bangkok, while an important node of transportation and one of the key transit points for the trafficking of Chinese, is as significant as a centre for the provision of high-quality false documentation. Traffickers will move people through Thailand simply so that they may obtain the necessary altered passports and false visas. In a country with some 7 million tourist arrivals a year, many from East Asian countries, the presence of a trafficked migrant in transit is not going to attract attention. There is also a ready supply of stolen, lost or fraudulently obtained passports for alteration by local experts as well as a supply of young budget travellers who might be amenable to assisting in passport or boarding card swaps.

Boarding cards and/or passports can be switched with those of accomplices at intermediate points of transit. Traffickers in destination areas may go as far as to identify individuals of similar appearance to those being trafficked who already have citizenship in a North American or Australasian country. They are then “encouraged” with a fee and free flight to have a short holiday and to give up their passports and boarding cards at a transit point where they will meet with those being smuggled or with a contact who will implement the switch. The accomplices then go on to the destination on the ticket originally provided to the person being trafficked where they claim on entry that their passport has been lost or stolen en route and later request that it be renewed at the local consulate. The trafficked then travel to their chosen country on the ticket/boarding card issued to the accomplices and enter as a returning citizen with a genuine passport, illegally obtained. Certain individuals who

have facilitated the movement of tens, if not hundreds, of people by air are known to specialize in these types of “switch operations”. Clearly, too, those providing the tickets, who are as likely to be in destination as in origin countries, are associated with the syndicates. Intelligence operatives are compiling lists of suspect, if apparently bona fide, travel agencies around the world. The complexity of these operations clearly shows the multiplicity of criminal, as well as of bona fide or pseudo bona fide, persons involved.

Illegal exit and illegal entry can be achieved using fraudulently obtained documents and permits for both exit and entry. More commonly, this type of trafficking will not involve documents of any type. The migrants will leave China by sea or land, either clandestinely or after payment for safe passage to police or local border officials and fly on to their final destination. The departure of individuals, either on a dedicated trafficking boat or in containers on regular cargo services, has captured the popular attention. The majority move by a combination of sea, land and air, generally flying either directly to their final destination or to an intermediate point in Canada, Mexico or a Central American or Caribbean country, from where they continue their journey to the United States by land or boat (Chin, 1999: 49).

Trafficking by boat has captured the popular imagination in ways other than the sheer numbers of people that can be transported at one time. Trafficking by boat in the hold or in containers on board either a boat or a truck, is by far the most hazardous of the forms of irregular movement of people, as the tragic events in Dover so dramatically revealed. Conditions on small, old and crowded boats can be truly appalling, those in containers even worse. The migrants can be on the boats for two to three months or in containers for several weeks. For people in countries of immigration, it is difficult to understand that those wishing to migrate could accept being transported under such conditions for anything other than flight for dire necessity. For the trafficked, it is unlikely that the deaths of a few will discourage the majority in their dream to earn sums of money that would be impossible in their home areas.

THE PARTICULAR SITUATION OF WOMEN AND CHILDREN

It is often suggested that human rights violations are most serious in cases where trafficking affects women, and especially children. However, there is also a great deal of evidence to suggest that many men also experience human rights violations, both during and after transit. The abuse of male migrants, particularly in safe houses

in destination areas when local syndicates are exhorting final payments, can be extreme. Severe and regular beatings, occasionally leading to death, are not uncommon. See the descriptions in Chin (1999: 103-110). Both men and women are subject to sexual abuse (Chin, 1999: 75). Rape of female migrants on the boats by accompanying enforcers and crew, as well as in “safe” houses, appears to be almost routine (Chin, 1999: 73, 97).

Few Chinese women appear to be trafficked to the United States or to Europe. Only one-fifth of Chin’s sample of trafficked migrants was made up of women. Only four of the 58 found in the container at Dover were female (the two survivors were both males). Because of the proximity of Guam, an unincorporated territory of the United States reachable by boat from the southern coast of China in around 10 hours, it became a favourite target of traffickers in the late 1990s, when 20 boats carrying more than 1,500 passengers successfully made the passage. Very few women were seen on the early boats but, in late April 1999, two boats with a total of 94 females were intercepted. The majority admitted that they intended to go to the United States to work as prostitutes. None of the women was a minor. Among Chin’s sample, only one among the 64 females interviewed admitted to moving as a prostitute, although several others acknowledged knowing women who had entered the sex industry. Some had certainly entered the trade to repay their debts more quickly than otherwise would have been the case. None of the women in the sample appeared to have been trafficked as a minor, although some were certainly very young.

The case of China is somewhat different from the rest of South-East Asia as the sex industry was virtually eliminated during the communist period up to 1978, only gradually reappearing after the reforms introduced during that year in the large cities and the special economic zones. Thus, the domestic supply of sex workers in China available for international smuggling has been limited until recently. Sex workers in Guangdong have been able to access the lucrative markets of Hong Kong and Macau: those in Shantou and Xiamen will have to go overseas to enter higher earning circuits.

Thus, the trafficking of women from China to North America for the direct purposes of sexual exploitation does not yet appear to have taken on significant dimensions. This in no way denies that a certain number of cases of abuse have occurred or that such trafficking will not emerge as a major issue in future irregular movements to the United States. Part of the gradual reappearance of prostitution from the reforms of 1978, however, is that trafficking of women and children is already an issue in domestic and regional circuits of mobility. Within Guangdong Province from the beginning of 1996 to the end of 1999, 6,514 women and 607 children were rescued from traffickers and, with increasing pressure on authorities to act, 2,127 women and

673 children had been reported rescued in the first six months of 2000 in the same province. However, after the well-publicized case of a 26-year-old woman from Hunan who was arrested arbitrarily by police in Guangzhou, one can only wonder how secure these rescued women and children actually were. This woman was consigned to a local psychiatric hospital where she was subjected to a two-day ordeal of repeated rape (*International Herald Tribune*, 3 August 2000).

With the decline in fertility in Thailand and the increasing number of girls going on to secondary school, the numbers of child labourers and girls entering prostitution appear to have declined sharply in that country. Traffickers have shifted their attention to more distant areas in the search for young women for the Thai sex industry, including Cambodia, parts of Myanmar and Yunnan Province, southern China (Derks, 1999; Mahatdhanobol, 1998). Techniques of deception to deceive young girls from southern China into the sex trade of the last few years have been described as being similar to those employed to deceive northern Thai women 30 years ago. It was estimated that, in 1991, somewhere between 500 and 1,500 girls from Yunnan were trafficked into the Thai sex trade (Mahatdhanobol, 1998: 78-79). An ever-expanding frontier of exploitation appears to be driven by continuous or increasing demand but decreasing supply in local areas as these areas are transformed in terms of fertility and education through the process of development. That said, however, Chinese women have been observed in the Thai sex trade since at least the 1930s (Skrobanek, 1995: 39) although then the majority were almost certainly brought from Fujian by sea. The trafficking involving the worst forms of exploitation may be primarily regional in scope rather than long distance to the countries of the West. It involves young girls from minority groups who are virtually kidnapped into the low-cost brothels of towns in northern Thailand, Myanmar or southern China (see, for example, Montreevat and Ponsakunpaisan, 1997).

The areas from which these women are trafficked need not, however, represent ideal social environments. In rural China, women traditionally hold a low status. Virilocal marriage, in which the wife, often as young as 16 years old, moved to her husband's house upon marriage, living under the control of her mother-in-law, virtually ensured her subservience. Thus, any form of escape from the patriarchal village society might appear to offer some hope of a better and more varied life for young women. For a few young women, particularly for some who move into high-paying circuits of sex work overseas, trafficking may lead to their empowerment. See, for example, the essays in Kempadoo and Doezema (1998) and also Lim (1998).

The patriarchal home environments from which many of the girls leave, render problematic programmes to reintegrate returned trafficked migrants. The critical question is then "reintegration into what?" Reintegration programmes may have higher

probability of success if they are geared more towards retraining in regional urban centres which are likely to be less traditional than the areas from which the women have been trafficked. Nevertheless, these regional urban centres as alluded to above, are likely to be seats of some of the worst forms of exploitation.

TOWARDS THE CONTROL OF TRAFFICKING

There is an almost universal consensus among governments that the international trafficking of human beings is an evil that needs to be eradicated. Central to this consensus is the universal rule that governments must give the impression that they uphold the integrity of the state through the control of their own borders. Undocumented migration into their territory undermines that rule and can be seen to threaten the security of the state. The virtual unanimity of views against trafficking does not imply, however, that all governments act vigorously to suppress the trade. The central difficulty is that no single government has control over a phenomenon such as trafficking: governments of origin, destination and transit states all need to be involved if control is to be effective. In the international arena, the priorities of states are rarely identical and no government can be expected to act unless there is some benefit to be gained as a consequence of that action. Countries of destination tend to see trafficking as the result of factors, political as well as economic, that push people towards their intended destination. Countries of origin tend to see trafficking as the result of a continuing demand for labour in potential destination areas without any adequate provision to allow for the legal entry of that labour.

Generally, and for obvious reasons, destination countries tend to see combating irregular migration of people as a greater priority than either countries of origin or countries of transit. Nevertheless, in a fast-changing world, countries of origin can be transformed into countries of destination. Countries can rarely be classified into states of either origin, destination or transit. There is always some movement into countries of heavy emigration, and vice versa, and there can be “leakage” at transit points along the way. Thus, the international context of migration is inducing a situation in which there is increasing awareness that states need to work together on issues of migration management. This situation is an integral part of the whole process of globalization that has seen attempts at regional cooperation, such as ASEAN in South-East Asia (the Association of South-East Asian Nations) and the emergence of worldwide bodies such as the World Trade Organization (WTO).

The need to do something about trafficking, however, does not just involve the numbers of people being trafficked: it is also about the situation in which the traf-

ficked find themselves. Given that the elimination of irregular population movement appears an unrealistic short-term goal, the elimination of abuse, violence and exploitation must be of equal, or greater, concern in any development of policy to deal with trafficking. In this case, countries of origin may, although not universally, be more concerned about what happens to their citizens overseas than either countries of destination or transit. International conventions and covenants on basic human rights and labour standards as well as on the protection of children, become essential guidelines for the implementation of policies to deal with trafficking.

The issue of the trafficking of Chinese migrants takes on a particular importance because two significant powers are involved: the world's only superpower, the United States, and the resurgent power of China. Each of these states has very particular policy objectives in the international arena.

A . Policy Approaches in Origin Areas

Several bilateral attempts to deal with the issue of trafficking from China have been recently initiated by the United States, Australia and Canada. The three countries have sent high-level delegations to China to raise directly the issue of the irregular movement of Chinese citizens to their countries. Joint Liaison Group has been set up to enable direct contact between the Immigration and Naturalization Service (INS) of the United States and the Chinese Ministry of Public Security at regular monthly meetings in Beijing. American officials also have regional offices in Shanghai and Guangzhou and have made regular visits to the centres of trafficking in Fujian Province. The Australian Department of Immigration and Multicultural Affairs maintains specialist compliance officers in Beijing and Guangzhou to identify persons of concern to Australia.

United States officials admit that cooperation on the ground in trafficking areas needs to be improved. For example, on a recent visit to China, the chief of the US Immigration and Naturalization Service commented that "We've gotten cooperation, but it's been on a case-by-case basis... We'd like to see better cooperation not just from China but also from transit countries as well" (*International Herald Tribune*, 4 July, 2000).

Several measures have been taken by the Chinese authorities to combat human trafficking from China. Examples of these types of programmes include punitive measures such as holding local leaders responsible for the actions of community members and levying direct fines on those returned or caught attempting to leave. If more than 20 people a year leave unlawfully from a particular village, local officials

will be dismissed and fines of up to US\$3,000 have been reported, although smaller sums are more common (Chin, 1999: 135-137). It is even possible that the penalties imposed reinforce the need to reach the United States in order to earn the cash to pay back the fine. Whether fines or other regulations imposed have had an impact on the emigration seems open to question.. No matter how sincere the intention of central government, there are major difficulties of translating that intention into effective action at the regional level. Xiamen has been one of the alleged centres of rampant smuggling of petrol, luxury cars and weapons, as well as of people, but so far official investigations appear to have stalled at middle-level officials (*The Economist*, 12-18 August 2000). Despite these difficulties, perhaps significantly not a single boatload containing irregular migrants has been detected on its way to North America or to Guam in the year to August 2000. Increased surveillance by Chinese authorities along the coast may be bearing fruit, a reward for the persistence of the negotiations. Pressure from Australia has also been a factor in this persistence, with the Chinese government agreeing to increase coastal surveillance after a ministerial visit to China in 1999.

One of the major points of contention between China and the United States is that the United States authorities do not repatriate all irregular migrants who either land on, or are intercepted on their way to, American territory. All claims for political asylum must be investigated and, although most applications are rejected, some are granted. China appears willing to take back returned irregular migrants but will not accept asylum seekers whose applications have been denied. China, in effect, blames the American system of political asylum for much of the irregular movement, which places the issue of trafficking into the broader area of disagreement over human rights violations that is held by both sides. Canada, too, must accord all arrivals the due process of law and, of the 599 Chinese who arrived by boat during 1999, 11 were granted refugee status. China and Australia do have an informal agreement for the immediate return and acceptance of Chinese nationals attempting to enter Australia illegally and although there, too, all asylum cases must be investigated, asylum appears to be less of an issue between the two countries.

The United States, Australia and Canada have implemented information campaigns in the areas of origin of trafficking and smuggling in China in an attempt to reveal the very real dangers involved both in the journey itself and in the penalties imposed on those apprehended. "Pay a people smuggler and you'll pay the price: it is not worth the risk" is a headline in a media release of the Australian information campaign, which emphasizes that 5,742 irregular boat people were caught in the previous 10 years. The Australian authorities report that they believe that their campaign is having some impact on reducing the flow of irregular migrants from China to Australia. One of the difficulties, however, with these campaigns is that they may

be viewed as just one more piece of government propaganda, if they are not seen to be campaigns run by an independent organization. Another problem, is that counter-trafficking measures in destination countries may sometimes unintentionally send the wrong message to potential migrants. Information programmes in origin areas are likely to be more effective if they can offer a legal alternative to potential migrants rather than just advice that they should stay where they are.

Two examples from Guam are perhaps salutary. First, after local facilities in Guam became overcrowded with irregular migrants, INS chartered a DC-10 aircraft to fly some 200 Chinese to a detention centre in Seattle. It soon became known in Fujian that all you needed to do was to reach Guam and the United States government would arrange for the rest of the trip to the mainland. Boats began to arrive in Guam with migrants asking when they were going to be flown to Seattle! It was not until a holding camp was constructed at great expense on the neighbouring but desolate island of Tinian that arrivals began to slow. Second, because Guam had no juvenile detention centre, minors found among the irregular entrants had to be flown to the United States mainland for processing, where they were generally quickly released into the care of relatives. Once this information was understood by the traffickers and/or smugglers, the numbers of minors in the boats to Guam increased, as did the numbers claiming to be minors. Thus, information on the dangers of trafficking can be offset by positive information on actual treatment, as well as by the knowledge of potential earnings in the “golden mountain”, as the United States has traditionally been referred to among the Chinese.

A very different approach to policy that might influence the volume of irregular migration out of one particular area is based on improving overall levels of development. If local conditions were improved, according to this logic, then people would no longer need to leave to achieve their ambitions. The fuller incorporation of China into the international economy, of which WTO membership would be but one example, should help to foster more rapid economic growth than otherwise would be the case. The evidence to support such a scenario is, however, hard to come by and the available data, in fact, support the opposite conclusion. Over the short term, development assistance, including preferential trade policy, is likely to accelerate propensities for emigration (Russell and Teitelbaum, 1992: 34). The evidence from China would appear to support this conclusion with the emigration occurring from among the most rapidly developing provinces. While sustained local demand for labour in the context of declining fertility may eventually lead to a “migration turnaround”, as has been seen in other parts of Asia and elsewhere, such a trend cannot be expected to occur over the immediate future. For a discussion of such a turnaround in other parts of Asia, see the essays in Abella (1994).

Policy Options in Destination Areas

Ultimately, irregular migration would not occur if potential earnings in destination areas were not many times greater than in the areas of origin. In a situation with clear parallels to narcotics, control of demand is crucial to any successful programme of control of trafficking. Again, as in the case of the demand for narcotics, that control is extremely difficult to realize. In part, the demand is a function of the stage in the economic or business cycle of a country. The United States, with its sustained period of economic growth through the 1990s, has been a logical destination for migration, although other factors such as the changing age composition of the population of a country are also important. As mentioned earlier in this paper, rising aspirations of indigenous populations often mean that they eschew certain types of low-paying, insecure jobs with the result that severe labour shortages have emerged in certain sectors of the domestic labour market. These shortages need not invariably be at the bottom end of the skill spectrum, but can emerge in fast-growing sectors where domestic rates of supply cannot meet the demand, such as the recruitment of Indian or Eastern European migrants to fill vacancies in the computer programming niche. Coincidentally, in the same month as the predominantly male migrants were found at Dover, England had just initiated a policy of recruiting Chinese (female) nurses.

The Chinese generally enter the United States to fill positions in the garment industry or in restaurants, primarily in the Chinatowns of New York and San Francisco, although there is some evidence of a decentralization of the restaurant business throughout the country. Thus, the trafficked Chinese migrants are primarily going into activities controlled by co-ethnic groups which makes the effective application of employer sanctions particularly difficult. Many of the enterprises may be unregistered with authorities and are essentially sweatshops, subcontracted in the garment industry. The INS is required to give written notice before inspecting any particular premises, making the probability of finding trafficked or smuggled workers doubly difficult. Generally, in the United States, employer sanctions have not been “effectively enforced” to date (Teitelbaum and Weiner, 1995: 19).

Although employer sanctions are unlikely to make much impact on suppressing demand in destination areas, other policy options may prove more effective. For example, the concentration of labour-intensive industries close to the heart of a global city such as New York hardly makes economic sense. Labour-intensive industrialization should be pushed to the urban periphery, where land values are cheaper, or overseas where the costs of both land and labour are much below those in core metropolitan areas where high-cost services are the norm (Sassen, 1991). City administrators might like, therefore, to consider land zonation, taxation and other indirect

policies in an attempt to create a more economically rational division of urban labour and land use. The contrast between New York and Hong Kong in this respect has already been drawn (Kwong, 1994). Pricing the illegal activities of Chinatowns out of the urban market would do much to decentralize Chinese communities, making them more open to inspection and less of a high-density maze into which the trafficked can disappear.

Interdiction and Immigration Policy

Clearly, such urban planning policies are unlikely to meet with success over the short term, and surveillance at ports of entry, along land borders and on sea approaches will have to be maintained and improved. Intelligence, the ready exchange of information among enforcement agencies and coordination of activities will all be part of such strategies. However, prevention measures can, at best, do no more than slow the flow of irregular movement. Walls raised to stop migration are difficult as well as expensive to maintain and there will always be ways through, around and over them. They are more likely to turn into crumbling structures than effective barriers and unless the supply and demand factors that generate the flows are addressed, no significant impact on trafficking can be expected. Equally clearly, however, the removal of the barriers is not an option either. Not only would such a strategy be potentially irreparably damaging for any government of a destination country, but short-term chaos might result if, as has been feared by some, enormous numbers of migrants took advantage of the lack of immigration controls, leading to an influx that would strain the administrative capability and financial resources of even the most developed country. Thus, the borders must continue to be held. Although these may be permeable, they remain critical filters to limit access to a state's sovereign territory.

Such barriers need to be supported by a battery of legal instruments ranging from the present sanctions on airlines that have transported migrants without proper documentation to suggested legislation to freeze the assets of convicted traffickers. However, given the loosely structured nature of the trafficking networks, the latter may prove extremely difficult to implement. A critical first step will be to try to ensure that trafficking is treated in a uniform way across countries. At present, trafficking itself is not a crime in the majority of countries, although much of the exploitation associated with some trafficking is considered a crime. In the United States, however, the penalties for trafficking have indeed been increased significantly to include the death penalty or a life sentence in cases involving trafficking-related deaths. President Clinton's security directive of October 1995 identified "transnational organized crime [as] a threat to the U.S. national security, [and] unleashed the full panoply of foreign intelligence and enforcement resources against Chinese alien

smugglers” (Myers, 1997: 95). Myers goes on to show that numbers leaving Fujian declined markedly in 1995 but whether this was as a direct result of these intensified American policies, increased Chinese coastal surveillance, an exhaustion of the client base or a combination of factors is not so clear. In the late 1990s, numbers again rose, although in the first half of 2000 no boats were detected attempting to bring migrants across the Pacific to North America. Thus, there are marked fluctuations in the flow which may reflect variations in the particular *modus operandi* employed rather than a real shift in the total numbers trafficked.

Barriers to immigration alone are not likely to eradicate trafficking. Policies which address the “root causes” of migration are likely to be effective only in selected areas over the medium to long term. The question remains, therefore, whether there are indeed effective short-term policies that can at least curb trafficking and lead to the elimination of its worst forms. Here, the key issue seems to revolve around transparency. Given that irregular migration will not cease, how can it be made more open to accounting and to monitoring? This introduces the whole question of immigration policy. At present, the principal destination countries in North America and Australasia implement generous policies of immigration, although countries in Europe, and particularly in East and South-East Asia, are still struggling to come to terms with aging populations and the demands of people who wish to enter their territories. It seems likely, however, that if all these countries seriously wish to do something about trafficking, then they will have to look closely at a modification of their immigration policies. This re-examination need not necessarily lead to an inevitable increase in the number of immigrants, but rather to an increase in the various categories of temporary migrants.

By introducing categories through which migrants, presently trafficked, can enter a country legally, the whole process can become more open and abuses reduced, if not eliminated. Clearly, countries may be reluctant to introduce programmes that allow for larger numbers of temporary migrants in the knowledge that “there is nothing more permanent than temporary workers” and that the rotation of workers proves problematic both for employers, the migrants and their countries of origin (see Martin, 1994). Non-immigrant categories are also subject to abuse. No one can be sanguine about the problems inherent in modifying immigration policy, but these difficulties may be more acceptable than those associated with increasing numbers of irregular workers staying on permanently but ineligible for many services at best and subject to abuse and exploitation at worst.

There is also the question of whether a destination country would wish to select, through a legal programme of labour importation, the same types of migrants as those trafficked. Lack of English and lack of special skills, which characterize many

smuggled migrants, are probably not seen as ideal criteria for migrant selection. Also, although there do indeed appear to be openings for these people in destination economies, some of these positions would be less attractive to potential employers if the positions were to be in the open economy with employees eligible for all legal benefits as well as liable for local and national taxes. There can be few illusions about the difficulty of introducing some kind of legal immigration programme in an attempt to reduce the volume of irregular immigration. However, such programmes do appear to be among the least tried and least unacceptable alternatives if the present abuses are to be reduced. Short-term worker programmes of 12-24 months might satisfy part of the demand of people who want to come to developed economies to make money rather than to settle.

Not all of the workers will take up permanent residence and will return home. Thus, it is important to plan for significant return movements from destination countries. The United States is a major country of emigration with the movement of those who were previously immigrants, and are going back to their home regions, an important component of this emigration. Such a return need not indicate failure in their chosen destination: family obligations in home areas may require return or, more commonly, many will choose to retire back home. While the decision to retire in the home country is based upon complex motives, the wish to retire to a warmer climate, or one in which the cost of living is lower may play a role. Particularly in the context of aging societies, with questions of how a diminishing workforce can support increased numbers of elderly dependants, an integrated migration policy, covering both immigration and emigration, will be an essential component. Dynamic entrepreneurial groups such as the Chinese will surely play an important role in this process. The critical first step is not to attempt to stop the existing migration in a futile quixotic policy but to make the flows transparent by seeking ways to legalize them and to eliminate the worst abuses in the system.

Bilateral and International Cooperation

Any attempt to achieve new immigration policies and a management of international flows cannot be achieved by any single government working alone. International cooperation, either bilateral or multilateral, is essential. Memoranda of understanding have already been signed between China and both Australia and the United Kingdom for the readmission of their citizens and such agreements are being negotiated between China and both Canada and Germany (IGC, 1999b). Bilateral agreements in the case of the trafficking of Chinese migrants can be complicated by the traffickers' extremely complex routes which, as already mentioned, can involve many countries of transit, and by the involvement of Taiwan Province of China as a

key player in trafficking networks (Myers, 1997; Chin, 1999: 140-1). The use of false identities can complicate the picture still further and when Chinese from Fujian are found in Fiji, having come via Bangkok, Taipei and Tokyo, travelling on genuine American passports in the names of ethnic Vietnamese, the establishment of actual identity may prove problematic. To convince China to take such people back may also be difficult. The small snakeheads arranging the transfer in Fiji, if apprehended, could be Taiwanese or Sino-Thai, illustrating the multi-ethnic dimension to the process.

Multilateral cooperation is important for establishing general frameworks and standards to which countries might adhere. In this role, international agencies such as the International Organization for Migration (IOM), the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Refugees (UNHCR) are among the most important. These agencies support specific country initiatives to monitor or manage the flows of migration and the protection of migrants. IOM is primarily involved in facilitating the return and reintegration of trafficked migrants, particularly women and children, in the Mekong subregion and in Viet Nam. ILO, through its International Programme on the Elimination of Child Labour (IPEC), is involved in information and education programmes in the Mekong subregion together with assistance in providing alternative opportunities in areas targeted by traffickers.

In the Asian region several groupings of nations and “processes” deal specifically with illegal, undocumented or irregular migration: the inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) and the “Manila Process” on irregular migration and migrant trafficking. Both IOM and UNHCR are full partners in the former and IOM in the latter. These are informal bodies which provide forums for discussion and the exchange of information. They are both non-decision-making groups which meet to raise awareness of issues of concern to governments in the region in the area of undocumented migration. Where there is informal dialogue, such as in these initiatives, the probability for misunderstanding is reduced.

At the initiative of the Government of Thailand, and supported by IOM, countries of the Asia-Pacific region met in April 1999 specifically to address the issue of undocumented migration. The result was the 18 paragraph Bangkok Declaration on Irregular Migration, which includes the following. Governments are encouraged:

- To reinforce their efforts to prevent and combat irregular migration by improving domestic laws and measures, and by promoting educational and information activities;
- To pass legislation to criminalize smuggling of and trafficking in human beings,

- especially women and children, in all its forms and purposes, including as sources of cheap labour, and to cooperate as necessary in the prosecution and penalization of all offenders, especially international organized criminal groups;
- To exchange information ... with a view to increasing coordination to effectively combat migrant traffickers and resolve the problem of irregular migration and trafficking in human beings;
 - To raise awareness of the adverse effects of migrant trafficking and related abuse and of available assistance to human beings;
 - To enhance cooperation in ascertaining the identity of undocumented/irregular migrants who seemingly are their citizens, with a view to accelerating their re-admission.

The Bangkok Declaration is a step in the process of raising awareness in the region about the magnitude of irregular migration and raising awareness that, sooner or later, something will have to be done about irregular migration and trafficking. Other longer-established and more policy-oriented regional groupings such as ASEAN are now accepting that trafficking is indeed an issue that has to be addressed, testament to the success of the awareness-raising in the less formal bodies.

All the above meetings have been regional in scope and, for obvious reasons, no specific groups of traffickers or trafficked were identified. Given that the major destination of the trafficking of Chinese, and of other Asian groups, has been the United States and, increasingly, Europe, a more global dimension to these deliberations and processes seems appropriate. Even the wider membership of the Asia-Pacific Economic Cooperation (APEC) as a forum seems limited. Trafficking is a global issue and, as such, requires a global response involving all countries in the migrant and trafficking networks in the exchange of information and in the development of a dialogue towards a more effective policy response.

CONCLUSION: LESSONS LEARNED AND FUTURE PROSPECTS

The scope of the smuggling and trafficking of Chinese has been outlined in this paper. The gaps in our knowledge remain large: our understanding of the economics and operation of the trade is still limited, particularly with respect to Europe: the majority of the research to date has been conducted in Asia and the US. Nevertheless, much progress has been achieved over the last few years through research into the trafficking of Chinese groups and many of the more alarmist myths have been challenged. Chin's work (1999) has been particularly important in this regard. How-

ever, there is a need for more research of this kind, especially in Europe, where there has been little research of this type in recent years. As the cost of smuggling has increased by one third and as local markets have already absorbed large numbers of irregular workers, it may become increasingly difficult for migrants to repay loans, with a resultant rise in levels of exploitation. The trafficking of Chinese is a recent phenomenon and even the medium-term consequences cannot yet be appreciated. More longitudinal enquiries are required.

US concerns about the trafficking of Chinese people accelerated after the *Golden Venture* incident of June 1993 and several measures were put in place to combat trafficking. Consultations with Chinese authorities, as well as intensified and coordinated surveillance and increased penalties for traffickers, have all been implemented in order to tackle the issue of trafficking. The more spectacular and visible types of trafficking on boats and in containers to North America do appear to have slowed. However, whether this trend represents a real slowdown in trafficking or simply a greater reliance on less visible means of transport is not yet clear. One of the possible, though as yet unproven, results of the American response might be the search for alternative destinations, among which Europe looms large.

The incident at Dover in mid-2000 appears to be galvanizing Europeans in much the same way as the *Golden Venture* did for Americans. What can the Europeans learn from the American experience, if anything? There are very significant differences between Europe and the United States in terms of both the origin of the Chinese and Europe as a destination. There are relatively few migrants in Europe from the major centre of trafficking in China, Fujian: most are either from Zhejiang or Guangdong. However, the Fujianese movement to North America developed quickly from the late 1980s and policy makers in Europe need to appreciate that migration and trafficking can be highly volatile. The opening up of Eastern European economies and the demise of the Soviet Union have allowed the development of substantial Chinese trading communities throughout the ex-Soviet sphere (see IOM, 1998). Northern Chinese, along with increased numbers from Zhejiang, as well as Vietnamese, who developed contacts during the Soviet period, appear to be extending their influence in Eastern Europe. Thus, we may be witnessing a significant shift in the migration fields of the Chinese overseas (see IOM, 1998).

While the above trends are recognized, they must not be taken out of context. Although the Chinese are significant as traffickers and among the trafficked, they are not the dominant group. Present migration, even from the limited source areas in China, is not particularly high by historical standards. This paper has considered the reasons why the Chinese are viewed with so much concern. Fear of increased movements from the most populous nation in the world, and the perceived association of

so much of the existing irregular migration with criminal groups, are strong contributory factors. Despite the profits generated from the trade, the criminal groups involved do not appear to be monolithic, hierarchical organizations that might threaten the security of the state. They tend to be loosely structured groups that are continuously coalescing, separating and reforming to meet the specific needs of particular situations. While this fact makes them difficult to monitor and interdict, there appears to be no evidence that Chinese groups use the profits from trafficking to achieve any overtly political objectives, as is the case for Sri Lankan Tamil groups, for example. The trafficking of the Chinese is a business and, corrupt and exploitative though it may be, can be understood in those terms.

Whether the present flows, legal and illegal, from China are just the crest of a wave yet to break is more difficult to answer. Only relatively few Chinese groups presently have the necessary networks to facilitate movement overseas. Yet, the massive increase in internal spatial mobility resulting from the economic reforms in China and the erosion of central authority must give some pause for thought. While only a relatively small proportion of Chinese migration is directly towards regional destinations in East Asia, to Japan, the Republic of Korea or Taiwan Province of China for example, movements to the Russian Far East do appear to be increasing. From there, land transport to the countries of Eastern Europe and the developed countries of the West is a relatively easy option. Trafficking into Europe has risen markedly in the very recent past, even if the Chinese do not yet rank among the largest groups being trafficked.

Europe is also very different from the United States in terms of its response as a destination. It is much more difficult to implement a uniform response to trafficking among a group of sovereign states, each with its own independent legislature, than in a single state. The United States was able to designate lead agencies to combat organized crime and to undertake actions against traffickers on land and sea. Australia was able to integrate its border surveillance under the Coastwatch umbrella. In Europe, there is still no European Convention against trafficking and there is a wide variation in both will and ability to tackle the issue in an effective and coordinated manner (Salt and Hogarth, 2000). A second critical area of difference is that the United States can project a common foreign policy response in its dealings with China, which the states of Europe may find difficult to emulate. National interests will always filter responses to a common problem, over the short term at least. Attempts to restrict trafficking from areas of origin represent but one dimension of the issue. Neither the United States nor the European countries has adequately addressed the question of demand and the very basic fact that trafficking would not occur if there were no available opportunities for the trafficked to gain some form of livelihood in destination areas. Thus, immigration policy must be an integral part of

attempts to reduce the volume of trafficking. In this critical area, Americans, Australasians and Europeans need to work together to devise acceptable and effective policy. Collaborative research and other efforts could be a pioneering part of this endeavour.

Underlying the arguments presented in this paper is the fact that, although the trafficking of migrants does need to be considered one of the results of the forces of globalization, its resolution cannot be left to market forces alone. Border control, interdiction and all the operations of law enforcement (which, in a sense are the migration business operations of the state) still have critical roles to play in the attempts to suppress trafficking. Also, attempts to limit the supply of people who wish to be smuggled from potential areas of origin are unlikely to have much success: the development programmes to improve conditions in source areas are more likely to intensify than diminish the pressures to emigrate over the short term. The persistent demand for labour in potential destination areas ranks among the most important “root causes” of migration, which translates into trafficking where no appropriate legal means is available to legitimate the movement.

Trafficking cannot be eliminated through programmes that attempt to stop the movement of people by raising barriers in destination areas, in origin areas or at points along the way. The exploitation and abuse that unquestionably occur, can only be eradicated by making the whole process of migration transparent. Central to the argument in this paper is that any attempt to deal with the eradication of trafficking, particularly its worst forms, must lie in the revision of migration policy. There has been a significant shift towards low fertility throughout the developed world; how these economies react to changes in population age structure will, to a large extent, determine their future course of development. Immigration policy, and, as has been argued in this paper, emigration policy, will be critical components in this reaction.

Thus, policies to eliminate trafficking must be incorporated into overall migration policy. A concentration on trafficking, or on any single group being trafficked, is to lose sight of the broader picture and of the causes of trafficking. Migration and trafficking are transnational issues and, as such, international cooperation and the sharing of experience must be key elements in the resolution of problems and the design of appropriate policy. International participation, too, is important to ensure that universal standards for the protection of migrants are introduced as appropriate. The two objectives, to modify migration policy in the context of rapidly aging societies, and the extension to migrant groups of protection and basic rights equal to those of citizens, are critical steps towards the elimination of the trafficking in human beings. They will also be among the principal challenges facing governments as they move into the twenty-first century.

NOTES

1. As far as possible, references for information are given. However, in a topic such as smuggling and trafficking, which often deals with controversial and sensitive matters, not all sources can be adequately acknowledged. At several points in the text, information is provided without the identification of the sources.
2. These issues were recently raised in a workshop on human smuggling at Georgetown University. See Heckmann et al. 2000.
3. This report follows United Nations usage for country names.

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