

Emerging demographic trends, globalization and migration - A Socio economic and legal analysis of human rights

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Introduction

Globalization is not a recent phenomenon. As Amartya Sen in one of his noteworthy articles pointed out ‘‘How to Judge Globalism contends that it started many centuries ago leading to the spread of information, technical skills and various human creations throughout the world.’’ However the juggernaut of globalization picked up pace only in last one and half decade after the emergence of a unipolar world. After the downfall of Soviet Russia, due to transition from industrialism to post industrialism, global diffusion of democratic institutions and pro – free market economic reforms along with the epoch changing technological developments, the world is becoming more and more interconnected. The communication process has become instantaneous. The latest revolutionary changes in information technology have set off a multifaceted complex process called globalization. During the Global structure in the 80s involved an unprecedented correlation of economic forces, political power and social structure. Production changed from forest model of assembly line mass production to a much flexible post - fordist model of production for specialised markets the burgeoning labour costs in developed countries due to high standards of living, reducing working hours of labour and highly competitive export market led to searching new avenues for cheap labour elsewhere. This caused decomposition of production process which led to transnational placement of production facilities supported by hi tech innovation in information technology and shipping technologies.

This process has brought about new concept and processes business process outsourcing (BPO) is one such example. Thus a new international division of labour is taking place. In fact even the concept of class structure is about to change. Classes are traditionally analysed at the level of nation state society. Now there is a new phenomenon of internationalisation of classes. Thinkers like Marx identified this differently. He said that the working man have no country. He had talked of withering away of state boundaries and portrayed a stateless society. Here globalisation seems to be going on in a diametrically opposite direction. A nation state may be threatened in terms of losing its cultural identity and becoming part of the Global state. Some of its intellectual protagonists even claim that this is the end of history as there is no alternative to capitalism as Fukuyama proclaimed in his famous book years ago.

The market for developed World reached a plateau and a new search was launched for new market for trade and new avenues for cheap labour and services. A new paradigmatic shift took place in the process of production from oldest to Fordist to post- Fordist ways of production. New developments of information technology further fuelled the process of globalisation.

Emerging Demographic Dynamics: Low Fertility Rates

However recent demographic developments in last few decades have threatened to alter the course of development. Hitherto population explosion was considered a bane for

development. But recent projected statistics of population of developed the world in the year 2050 predict a population implosion or depopulation. To maintain long-term population stability, it is imperative that every woman in the society bears an average of about 2.1 children in her lifetime. This is called replacement fertility rate or RFR. The developed world is facing a severe downfall in Total Fertility Rate (TFR) in the years to follow after the data published by World Population Council. The Twin factors namely the negative population growth in the Western world and the graying population world over is gradually altering the belief that population growth is necessarily a curse. What was once regarded universally as a cherished goal, incredibly low birth rates has in the developed World at least suddenly became a cause for alarm. So much so that in Italy in 1970's, one million children were born annually and now it has dropped to alarmingly low 500000 children a year. It has already reached to a panic rising figure of 1.4 in many developing countries like Italy Scandinavia and Japan as per the World Population Council data. Most of the North Block countries will reach this dreaded figure with another decade with some sole exceptions like USA(owing to the much debated and hated immigration)

Implication of these facts are horrifying. The most catastrophic result is the danger of population implosion. Nearly one-third of the population in the developed world would be reduced in one generation. Due to material advancement, growing demand for individual freedom, spread of the ideologies like feminism and social legitimization of gay and lesbian relationships besides the rapid technological advancements in the areas of contraception, there has been a steep decline in the net population growth in the developed world. The governments of these societies are trying hard to motivate people to produce more number of children but they would not listen. It is difficult to change social attitude as most females and males postpone or rule out marriages in order to pursue job or wealth and material pleasures. The pleasure of parenting has fallen from the social priorities. In the west they think that it is a financial and emotional drag to raise children. Often many people find it too expensive to raise a family. However paradoxically 'Pet parenting' is catching on as a craze and affluent individuals spend lavishly on the pets than on children. This reflects the fact that individualism has reached at tall levels in these societies. The latent racism in the psyche of the average citizen in those countries stopped them from adopting orphans and destitute children. If that would have been done it would correct the threatened demographic imbalance and also provide emotional shelter and security of family to millions of poor orphans in third world countries performance in third world countries. But unfortunately pets are preferred over human children to invest money and emotions.

The recent report of CIA drawn by National intelligence Council substantiate the fact that that China's one Child policy norm for its population may boomerang on it in the long run to reach the top position in the race of globalisation vis-a-vis India. It also states that the global culture would have strong influence of Indian culture due to its strong markets, liberalization and it's diaspora.

Emerging Demographic Dynamics: Increased Longevity

Gunnar Myrdal remarked that wherever one goes in India may find young children and babies all around. Probably the reverse is going to be true of developed world when any

visitor from the developed societies could visit the developed world he or she would probably see wheelchairs and grey population all around. Advancement of Medical and Health Sciences has increased the longevity of world wide population especially in the developed World. Similarly the median age in developed countries is nearing 50 years and very soon within 20 to 30 years it would be on the wrong side of fifty with Italy topping in it with 58 years of median age.

Emerging Demographic Dynamics: Social Consequences

This would seriously affect the sociology of family and kinship in this part of the world. No child or one child is becoming the norm and there are no siblings, no uncles or aunts and there will be only grandparents, parents and kids. There would be a tremendous loss of emotional anchorage in the society which may lead to rise in the rates of suicide, crime, divorce and psychic disorders. If something drastic is not done to check this population decline, some races may head for extinction. As the developed world is mostly inherited by the white race it would be them who faces the scenario at first instance with the exception of USA.

Emerging Demographic Dynamics: Economic Consequences

In brief, the consequences of these demographic trends will put brakes on the economic pace of developed countries. The juggernaut of globalisation will face double assault with the domestic consumption will fall in the internal markets of these countries and their expenditures would rise on welfare measures for a rapidly greying population. These countries will have to invest heavily on old age pensions, nursing homes and old age homes with below replacement fertility and increasing longevity.

However the Arithmetic of pay-as-you-go retirement programs may mutate abruptly and rapidly as the ratio of employees to retirees is decreasing. Europe would look like a pensioner's Paradise.

The most talked about BRICS report takes into consideration factors in the demographic pattern contributing to the ascendancy of Brazil, Russia, India and China becoming economic powers. Among several factors, the European union's share of total Global output will shrink from 18 % to 10% in the year 2050 and Japan's share would decline from 8 % to 4%.

The Possible Alternative: International Migration

Western world would need a huge army of skilled and unskilled labour. The North Block countries would need a huge manpower to man their offices, hospitals, streets and workplaces. Enticing more workers in the labour force of most developed Nations would not be easy. A majority of women already work in the most developed countries and raising the pension age is politically unpopular. While no single solution provide some magic bullet, it is clear that the flow of capital and labour across borders can be improved to maintain economic growth and better living standards.

Increased migration can be a Win-Win situation for the migrants and the citizens of the host country. UN population division study estimates that levels of net immigration laws would be necessary for developed countries to maintain their overall population and their working age population (15 to 64 years of age) over 55 year horizon. T

For the pre - enlargement European Union net inflow of about 2.5 million people would be needed to stabilize the population and about 4.3 million to stabilize the workforce. Net immigration into the European Union in the late 1990's averaged just 7,00,000 a year. For Japan 3,00,000 new comers would be needed for population stability and 6,00,000 for workforce stability but Japan's immigration rate today is approximately zero. United States could maintain its population with just 1,16,000 net immigrants an year, but immigration has averaged nearly 1 million. if these trends continue, America will age much more slowly than that of Europe or Japan . And the US share of whole population will not diminish steadily and dramatically in the decades ahead.

The vital question is which are the countries that would be in a position to supply migrant workers as reported previously, developing Nations such as Brazil, Russia, India and China would be in best demographic situation to provide the necessary man power by way of international emigration.

The registrar general of India has made the population projection for the years 2000 - 2027 and pointed out to the 'demographic dividend' that India is going to enjoy. Registrar general points out that out of the population increase of 371 Millions during 2000 to 2027 the share of workers in the age group 15 to 61 years in the total increase is 83%. He comments rather philosophically that this has implications for productivity of labour in the future. Besides this unique advantage of a very young population, India also has other factors weighing in its favour to become a hot destination for importing migrant workforce.

The Indian market with its high levels of English language competence and expertise in Mathematics, Science and Engineering and its unique demographic profile with over 50% of the population being under 27 years of age is seen as offering particular advantages in terms of levels of skills, knowledge, attitude and aptitude.

International Migration: Socio – legal aspects of Human Rights

A migrant worker has been defined by the UN convention on migrant workers "as a person who is to be engaged if an gift or have been engaged in a remunerated activity of which he or she is not a national".

Despite the fact that migrant workers seem to be the only panacea for the disastrous consequences of emerging demographic dynamics in the developed world, international migration is considered as a malady it has to be dealt with strictly and not as a historical fact of human cultural life.

Almost all major developed nations are either created out of migrant population namely USA, Australia, Canada, New Zealand or these nations have emigrated their workers in order to colonize most the world in an Imperial fashion in the 18th and 19th centuries.

All Modern Nations have been shaped by migratory movements and it is the interaction of cultures that enables learning and change essential for the growth of human mind and psyche. While on the one extreme there is backlash of public opinion against immigration, on the other hand extreme is the belief that all immigration laws are morally bad. The former opinion victimizes migrants whose only motive is survival and the latter assumes that all migration is voluntary. What thus gets left out of the picture is the entire

grey area between the two extremes - the forces that make it necessary for the working classes to migrate, the policies that systematically impoverish, the darker and the more universal implications of the seeking cheap labour markets.

The era of globalisation has ushered in the philosophy of jurisprudence of rights, especially human rights. Although the developed world champions the cause of Human Rights in various International Forums and yet it insists on the non ratification of the UN convention on migrant workers WTO pleads for the free movement of goods and services seeking a blanket ban on the free movement of labour.

Migrant Workers and Human Rights

The Industrialist of the developed countries prefer to employ migrant workers especially the illegal ones often termed as undocumented workers. This undocumented workers are considered to be less demanding and hardworking and are more vulnerable to exploitation as they would be willing to work for any ways in order to sustain themselves any work intending to migrate.

‘The Asylum Door Report’ goes on to explain how restrictive and tough methods of immigration control after ratifying the fundamental principles of Refugee protection is done by many developed countries. It also critical to the language of politicians who raise exacerbated sinophobia among local population against immigration and following an unsympathetic attitude towards migrant population. The migrant population suffer from poverty and poverty is a severe form of degradation of human dignity. Extreme poverty is a violation of human rights in a country like US with dollar 12 trillion economy, the most powerful and economically strong country showing conditions of extreme poverty substantiate the fact that it is not due to unavailability of resources and institutions but again due to the violation of human rights.

USA plays an instrumental role in the adoption of the Universal Declaration of Human Rights,1948, Vienna declaration and Programme of action to which also USA is a party.

US also signed but did not ratify the International Covenant of Economic, Social and Cultural Rights. However it did ratify the International Covenant on Civil and Political rights. It does mean that US refused to recognise economic social and cultural rights that has been guaranteed in federal law while fundamental Civil and and political rights find place in the first 10 elements of the US Constitution known collectively as the ‘Bill of Rights’ that has been a mark of the legislative attitude to reduce and limit a number of welfare benefits, entitlements for example the 1996 Reform of the Public Social Welfare Program intended to recognise such welfare benefits and entitlements for migrant labourers.

However the judiciary in US have held such welfare benefits as statutory entitlements in one Landmark decision Goldberg Vs Kelly of 1970. The Honourable US Supreme Court held that welfare benefits were a matter of statutory and there is entitlement for persons qualified to receive them. Determination in ‘Wall Street Action’that adjudicate important rights. The constitutional challenge cannot be answered by an argument that public assistance benefits are a ‘privilege’ and is not a right.

Often it is the migrant families who suffer from disparity of wages and employer provided benefits. Nearly half of the children of the immigrant family incomes below 200% of the poverty line. It is estimated that more than half of the poor in California are immigrants and one-third of the immigrants are below poverty line in New York ,Florida ,Texas and Arizona. The poverty rate of children in immigrant families is 21% as against 14% for the children in native born families.

Members of the National Mobilization Against Sweat Shops (NMASS), representing the low-income immigrant and native born people working as home attendants, government workers , construction workers, office workers and restaurant workers petitioned that they have to work under inhuman conditions for too little money and no health insurance and that immigration workers are blamed for taking jobs away from other citizens. Laws related to employers sanctions are seen to create an underground economy where documented workers is competed against undocumented workers who could be hired at considerable lower costs. It was suggested that repealing such laws would eliminate the employer preferences for undocumented workers, even if it would not prevent the exploitation of these workers.

Migrant workers from Mexico & Central American countries and Haiti worked in the agricultural industry of the US at Immokalee, Florida. These migrant workers work as almost slaves or as bonded labourers.

The Coalition of Immokalee workers which campaigns for fair wages for farm workers were often held as bonded labourers.

In a case study conducted in the Silicon Valley highlights the sub- human conditions where human rights are blatantly violated by the electronics industry. Most of these workers are immigrants from Vietnam ,Philippines, Korea, Ethiopia, Latin America and South Asian countries like India. Electronics production requires so much labour that high-tech industry employees one out of every five wage earners in the valley. For our 2,00000 people labouring in the manufacturing sector 75% of whom are Asians. Working conditions do not match up to industry public image. Contrary to the charismatic Intel commercials displaying workers in fabrication labs dancing around in choreographed bliss, the real work environment is anything but tough and very difficult. Hi-tech production sites have proven to be dangerous, abusive and shockingly inhuman. Hi-tech Industries riddled with some of the most rude expressions of naked exploitation. Electronics manufacturing plants and their ill-fated surrounding low-income neighbourhoods are saturated with carcinogens and highly toxic gases. Toxicology studies have shown that the chemicals in common industrial use are of damaging effects on the brain and immune system and the endocrine and also the central nervous system. This study report findings say that less than 2% of the 80,000 industrial chemicals have been comprehensively tested for potential long-term effects on human beings. For all practical purposes, workers on the line are the laboratory animals being experimented upon to determine the synergistic results of combining this unknown chemicals. The by product has been the industrial occupational illness rates three times that of general manufacturing employers.

Feminization of Migration and Human Rights Violation

The employers in a capitalist world begin to take advantage of the fact that it is much simpler, cheap and easy to manipulate women employees compared to male counterparts in an industry. In industries involved with light manufacturing and labour sections of production where the prime skills of women requires meticulous and patient attention to detail, more and more women are being hired. The capitalists also find it easy to convince women workers that their work deserves little payment.

In another case study of garment workers a community hearing organised by the Asian Immigrant Workers Women Advocates (AIWA) the migrant women, contractors and various experts testified themselves. The Community hearing was held on May 1 1993 in Oakland in California and women reported that they are forced to contend with sexual harassment, where subject to long hours at work, no leave, arbitrary treatment by the employees, insecurity or even the loss of job and deprivation of the right to stay in the country. These problems remain hidden and they did not precipitate a response from the state or labour departments at all.

All the workers worked long hours 10 to 12 hours a day and six seven days a week. They are paid below minimum wages by piece wage system and there is no concept of over time allowances. The worker's eyes are hurt due to poor lighting and back developed permanent pain due to continuous bending on the sewing machines: the throat hurts because of the chemical fumes from the dyes. There are instructions against going to the bathroom or loud talking and laughing.

Mare Kinder and Dr. Ingrid Nyggrad highlighted the plight of poor women workers in the USA where the companies even do not allow them to go to urinate during working hours therefore they have to wear diapers when they go to work so they can ease themselves like small infants.

Conclusion

The twin factors namely the negative population growth in the developed the world except USA and the graying population due to increased longevity world over is gradually altering the belief that population growth is a curse. The consequences of these dramatic demographic trends will put brakes on the economic pace of developed countries and cause double jeopardy. The domestic consumption will fall in the internal markets of these countries and their expenditure would rise on welfare measures for a rapidly greying population. These countries will have to invest heavily on old age pensions, nursing homes and geriatrics. Consequently to keep normal the pace of the economy and society these countries will have to import workforce from developing countries where population is young and has surplus labour force.

Importing labour is a grave imperative but not a welcome proposition in developed countries. The migrant workers face discrimination and violation of their basic rights in the host countries through various practices of the employers and the State. Globalisation is gendered. The globalisation has drawn more women worldwide into the labour force, but women feature disproportionately among the most exploited workers was led to the 'feminization of poverty'. Often it is noticed that women are grossly under represented in global economic decision making bodies and over represented among the victims of globalisation. The exploitation of labour force often violates human rights. So much so in

the most developed economy of the modern world, USA, the poor are denied most basic needs of their workplaces.

Law as it operates not as it exists in statute books. Law is as the political will is, not as it has been intended in the Preamble. Hence the hiatus between the laws as they are on paper and as they exist in reality has to be abolished. In reality too laws have to become what they are intended to be. Globalisation would be with a human face when only it is equitable, just and oriented to social distributive justice. Therefore, not only goods and services but also people should be freely mobile in the new era of mature globalisation. For this the developed world has to shed its 'institutionalized hypocrisy' in the name of liberal, democratic world system and human Rights. It has to understand and act as per the fundamental duties towards a more humane and equitable social order not bound by a narrow or regional interests.

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