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Transnationalism and Mobile Communities in the Indo-Pacific: Designing Stronger Policies

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Abstract

Since the end of the Second World War, international relations have changed dramatically, with new actors playing a more significant role in global affairs. This situation has evolved even further since the onset of liberalisation, during which multinational corporations have influenced governmental policies, leading to a globalised world. In this globalised context, numerous individuals have migrated from one country to another. This migration has given rise to a transnational system that seeks to examine dynamics beyond state-centric international relations. Transnationalism is a multifaceted field that can both unite and disrupt connections among nations. While transnationalism encompasses the role of nation-states in economic, financial, and political activities, it also broadens the scope for cross-border migration of individuals. The proposed study will analyse the theoretical contours of transnationalism, assess the historical background of migration, and explore the multiple identities associated with migration. This study will examine a few case studies of migrants in the Indo-Pacific region.

Keywords: *International Relations, Transnationalism, Migration, Conflict, Sri Lanka, Malaysia, India, Plantation Tamils, kafeel, Bumiputeras*

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Introduction

State-centric International Relations have drastically changed in the last few decades. While it has still not lost its relevance, the search for an inclusive theoretical approach model led to the idea that looks beyond the State's preview. The Treaty of Westphalia in 1648 created an all-powerful state with a definite territory and demography. These states could decide to manage the population living within their borders and restrict the migration of people from one state to another. The historical migration pattern declined with increasing restrictions, yet they could not stop it entirely. Issues like favouritism shown to particular communities, dependence on resources for survival, war, and famine led to the migration of people throughout modern history. International Relations, recognising these challenges, could not look beyond its scope. Addressing this gap, Transnationalism was born as a concept in the 1970s and has been widespread since the 1990s. The emergence of Transnationalism also coincided with the end of the Cold War and the spread of globalisation. Hence, it is also commonly used as a synonym for international, multinational and global. In reality, all these concepts are different and interlinked but not interchangeable.

So, what is Transnationalism? This concept has various definitions and interpretations depending on its use and audience. In his podcasts, Gary Marks explains it as an economic, social and political phenomenon that describes the flow of persons, ideas and goods across national boundaries. (Marks, 2019) As early as the 1910s, Randolph Bourne wrote about migration into America as 'Transnational America' to depict immigrants' entry into the new American life. (de Jong and Dannecker, 2018). On similar lines, Linda Basch, Nina Glick-Schiller and Christina Szanton Blanc define transnationalism as a process by which immigrants forge and sustain multi-stranded social relations that link societies of origin and settlement. (Basch et al., 1993). This definition forms the central idea of this paper, where transnationalism impacts not only the migrants but all those related processes as well. Interestingly, since the 1990s, this idea has received attention from anthropologists, sociologists, political scientists and other scholars, who have interpreted it in their fields. The phenomenal growth in a short period has exacerbated the ambiguity of the area.

Transnationalism is a multifaceted field that can simultaneously unite and disrupt relations among countries. For example, the international mobilisation of women's groups contributed to women's rights and enhanced their social status; on the other hand, the spread of conservative ideas among religious groups has disturbed international peace and increased violence in various countries. (Rourke T. John, 2000). Assessing the importance of lasting peace, Horst Mendershusen's pioneering work on Transnational Society and State sovereignty narrates the importance of an orderly system for the sublimation of conflict. The two world wars and subsequent Cold War did provide scope for legitimatising international and transnational governments. However, like in the past, the world missed yet another opportunity to legitimise a global system that can implement peace as the sovereign nations do not wish to compromise their assertions. (Mendershausen, 1968) Joseph S Nye and Robert Keohane further explain states using violence to gain absolute sovereignty in their study on Transnationalism with international relations. The power struggle, irrespective of the end or means, is a distinguishing mark of politics among nations. Moreover, the erosion of the sovereign State because of the adoption of Transnationalism is celebrated by those who value the State as a 'bad thing' and the transnational system as a 'good thing', but a model where the transnational institutions play a more prominent role in maintaining peace continues to be in a developing phase. The State needs an environment with stable geography, technological advances, and a stable domestic scenario. This environment does not consider the

intersocietal and non-government institutional interactions that happen in the modern world due to the advancement of technology and communication systems. (Nye and Keohane, 1971) For example, the role of multinational oil companies(Hoffmann, 2022), human rights organisations, information technology firms and media houses in influencing the way humans react to events of global importance continues to be under debate, and the states would like to assume that they are the prime motivators for such sublime interactions.(Nye and Keohane, 1971) In reality, people in the current scenario identify themselves and their interests with transnational actors and institutions more than their forceful affiliation with nation-states.

Since the late 20th century, historians and political scientists have tried to provide alternate views to the already established definitions of transnationalism. It has become a catch-all concept with almost many meanings depending on its use. Hence, a clear description of transnationalism is a challenge, and there is a greater chance that it overlaps with areas relating to international relations and globalisation. Susan Strange, explaining the contradiction between International Relations and Transnational relations, emphasises that economic transactions and activities have more implications when they occur across state limits, especially those perceived to affect state policies and interstate relations. (Strange, 1976) American Jurist Philip Jessup further sharpened this analogy in his series of lectures in the 1950s, which defined transnational law as regulating actions or events that transcend national frontiers. The extraction and export of oil from one country to another involves using the law of the country of extraction and the oil importing country. In case of a dispute, public international law, international arbitration, and international diplomatic intervention are also involved. Such a system transcends borders and is a common factor in actions involving multinational corporations. (Hoffmann, 2022). According to Patricia Clavin, Transnationalism also includes the role of nation-states in economic, financial and political phenomena. However, it opens up the scope for including cross-border migration of people, ideologies, technologies, etc. Tracing the term Transnationalism, Patel and Sven argue that the Nazi's involvement in propagating their social policy 'Strength through Joy', founded in 1933, throughout Europe and other parts of the world was a dark side of Transnationalism. (Patel and Reichardt, 2016)

What is more intriguing in their arguments is that the Nazis thought their policies were a good model for the world. Moreover, their model would provide an alternate system to the international order. The use of technology and communication for promulgating conflict, violence and negative ideas receives enhanced mileage due to the lack of proper global monitoring systems. This challenge is even more risky in the current scenario, and there are no checks on this kind of propagation. Hence, there is a need for a dynamic definition of Transnationalism, and its better use could make the world peaceful. For this paper, Transnationalism holds two levels: individuals and institutions. For individuals, it is about having multiple identities; for corporations, it means stretching activities across borders. (Green, 2019) Having mentioned the challenges in understanding the issue of Transnationalism, this paper intends to look at one aspect of the system, namely the migration challenges and its impact on the Indo–Pacific community.

Transnationalism and its Impact on Migration

She lived with my family for 56 years.
She raised me and my siblings
and cooked and cleaned from dawn to
dark – always without pay.

I was 11, a typical American kid, before
I realised she was my family's slave

The above narration by Alex Tizon is about Lola; the maid turned enslaved person taken from the Philippines during the 1950s to America. It narrates how people moved from Asia to the developed nations for better prospects. The story of Lola starts in Manila, where an army lieutenant gifted her to his daughter as a gift. The young Lola had two choices: going as a maid or getting married to an older adult. She chose the former, thinking that it was a greener pasture. Little did Lola believe that she would be taken to America as a documented worker and later become an undocumented worker confined within four walls of her employers' house due to visa expiration. This story is also about the life of an enslaved person who is not paid for a job or a decent place to sleep but just food to survive. The narrator, Alex Tizon, not only shares the pain the undocumented worker undergoes but also raises the question of survival in an alien land. A general economic migrant, if unable to survive in a foreign land due to work-related challenges, can always find his way back. However, when it comes to undocumented workers, they can never return to their home country. The story of Lola is one of those who could never visit home during their lifetime to see their parents or siblings.

Resources, wealth, development, conflict, and natural disasters have historically been primary reasons for migration. This cross-border migration, common throughout the world, scaled up during the colonial period, with the colonial masters taking large groups of populations as workers to establish plantations and industries. Rapid industrialisation since the 18th century also resulted in massive immigration from colonies to Europe and mass movement within industrial countries. Migration in the current scenario may be either long or short-term, temporary, seasonal, irregular, undocumented, asylum seekers, refugees, and internally displaced. In all these types of migration, except for documented and formalised migrants, the rest are abused mainly by the local population and authorities, barring a few cases of a warm reception. This situation exacerbates in the case of refugees and asylum seekers forced to migrate due to persecution in their own country, hence a double-edged scenario.

Understanding migration as an integral part of transnational theories brings to the front the role of nation-states in accepting the migrant population. Thomas Faist states, "Transnational approaches do not form a coherent theory or set of theories. They can be more adequately described as a perspective which has found entry into the study of various cross-broader phenomena".(Faist and Bilecen, 2019) These perspectives should not be considered contradictory to migration theories but complementary to the assimilationist migration model. In addition, Transnationalism looks at the interests of the multinational corporations that facilitate movements rather than the migrants themselves. (Faist, 2012) There is a stark difference between historical movement and migration since globalisation. In the last few decades, many migrants, especially economic migrants, have tried to obtain dual citizenship status, wherein they would like to retain their roots and the country to which they have emigrated. In all these cases, migration becomes a political issue considering the adherence to the laws of Citizenship and the domicile status of the migrants. Nations have had different approaches to addressing people's requirements based on the migration pattern. Economic migrants, professionals, and unskilled labourers from developing countries would require facilities to remit their savings back to their homeland. Facilitating such infrastructure becomes the government's responsibility.

Transnationalism Migration encompasses economic, social, cultural and political relations between migrants for a prolonged period within a geographical space. (Bloch and Hirsch, 2018). It also assesses the migration

process and its relations with society, both in the country of origin and the destination. It is a common understating that allowing migrants would involve government spending on creating economic infrastructure, as Transnational migration also promotes evolving multicultural patterns among diasporic communities. However, in reality, governments need to create not only the physical infrastructure to accommodate the migrants but also facilities for developing a socio-cultural fabric for the migrants. Nations, in general terms, are never prepared with such infrastructure but evolve over some time.

Understanding transnationalism in the case of nations allowing the flow of refugees and asylum seekers becomes complicated due to the issue's sensitivity. Refugee research mainly concentrates on the crisis of refugees, their livelihood and policies relating to rehabilitation and repatriation. However, it is essential to understand that refugees belong to society, and their obligations transcend a nation's borders. A study on Transnationalism among the refugee community would require an in-depth enquiry into the refugee-producing countries, especially in the case of conflict regions. In their book, "Between Fear and Hope", Prof. V. Suryanarayan and Prof. V. Sudarsen draw attention to the term for refugees in Swahili, which means 'a person who runs' (V. Sudarsen and V. Suryanarayan, 2000). Even to this date, in many tribal communities, once a person or group leaves their society, they are never allowed to return.

The 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol define a refugee as (Suryanarayan, 2011)

> “a person who is outside his or her country of nationality or habitual residence; has well-founded fear or persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution.”

The conflict and the effects of climate change have been a common reason for people fleeing their country in the last two decades. By the end of June 2024, the UNHCR estimated that one in 67 are forcefully displaced, (‘Mid-Year Trends’, 2024) especially in the developing world. It is generally understood that refugees will return to their homeland once the conflict ends. Many examples show that this is not always the case. A protracted conflict will result in refugees seeking permanent residency in their migrated country. With each generation, chances of repatriation to their home country grow slimmer. Over the years, governments have responded by creating walls to discourage the flow of refugees. They have cited illegal immigration, trade, and smuggling of people, goods, and drugs to create border walls. These walls have witnessed mixed responses; while the governments believe these walls reduced illegal activities, they have only increased conflicts, and people always find alternate routes to reach their destination. In some cases, it facilitated more corruption among border patrol forces. Hence, walls are never a solution. (Grün, 2021)

The case of Sri Lankan refugees in the UK, Canada and Australia is an example of refugees becoming Transnational communities and their hopes of returning home after the end of conflict. Since the ethnic conflict began in the early 1980s, the Tamil community in Sri Lanka have migrated to all the world's regions, especially developed countries. The UK has been a host to a considerable Tamil population since 1950. Hence, it was not a significant issue for the Tamil refugees to seek asylum, and they could assimilate without any challenges. The Sri Lankan refugee community is politically active and vocal concerning the human rights violations and atrocities committed in their homeland. They have been campaigning against the Sri Lankan government amongst international governments and the United Nations. Being politically active also means that the Sri

Lankan Government is not likely to accept them even if there is absolute peace. Also, with each generation living in the developed states, the refugees are not expected to return to Sri Lanka. (Bloch and Hirsch, 2018) Except for the generation that migrated, the rest will hardly have any memory of Sri Lanka other than what they have been told or seen in movies. Studies have also pointed out that once the younger generation has lived in the luxury of the developed states, it is not easy for them to migrate to the battered conflict region, in this case, the Northern parts of Sri Lanka, which was physically damaged due to ethnic violence. The Sri Lankan refugees also challenged the idea that refugees burden the host country and that the government must support them financially. On the contrary, some of the best professionals have emerged from this community, and they have significantly contributed to the host country's development. Sergey Brin, Co-founder of Google; George Soros, Investor and Philanthropist; Madeleine Albright, former U.S. Secretary of State; Khaled Hosseini, bestselling author, etc., are a few examples of the refugees who have contributed to the development of the host countries. Historically, migration has contributed to the creation of multiple societies that have formed transnational societies. The following section talks about a community that has become a transnational society that has contributed to the development of the country of migration.

Migrants and colonial baggage

Modern history accounts for Europe's colonisation of the world and the struggle people underwent during their arduous journey as indentured labourers to work in plantations and build rail tracks, roads and bridges throughout their colonies. As documented by many historians, their journeys and lives in new places are filled with tales of misery and pain. Although generations have passed, barring a few, there is little change in the lives of the poor migrant workers and development continues to be a distant dream. To understand the baggage of migrants, the case of Plantation Tamils of Sri Lanka is an apt example of the struggles of the migrant population.

> "We as a community whose existence is a struggle resolve to remember our past and transfer the memories of our 200-year journey of struggles and achievements to the next generation."
>
> Declaration on the "International Tea Day", 2023

This year marks 200 years since the arrival of the Plantation Tamils in Sri Lanka to work in the British Plantations areas. Their lives are best explained by the picturesque phrase by Hugh Tinker: 'Even though Slavery was abolished in the British Colonies, a new form of slavery came into existence'.(Tinker, 1974) Sri Lanka's growth and development is a narration based on the commitments and sacrifices of this hapless population for over two centuries. WGB Bells, in his book *Coolie Tamils,* provides a social account of the lives of the Plantation Tamils who migrated to Sri Lanka (then Ceylon) from India. (Wells, 1915) This population belongs to the lower castes of Hindu society, carrying out menial work and living a humble life. Given the location of the plantation in the Kandyan region, labour came from the local peasant population, and causal labour did not meet the needs of the planters as active labour was required to establish the plantation. The Kandyan peasants were unavailable, considering that most fields were owned and involved in *Yala* cultivation. Also, the Kandyan peasants considered working in their field as the traditional status of honour in the community and becoming wage-slaves in plantations was undesirable. Prof. K.M. de Silva quotes a pioneering coffee planter on Kandyan peasant’s stand,

> "They have, as a rule, their own paddy fields, their own cows, bullocks, their own fruit gardens, and the tending and managing of these occupy all their attention. Their wants are easily supplied, and unless they wish to present their wives with a new cloth or to procure a gun or powder and shoot for themselves, they really have no inducement to work on the coffee plantations."

Yet another opinion on the lack of local labour made the following statement as,

> The (Kandyan) has such a reverence for his patrimonial lands that were his gain to be quadrupled; he would not abandon their culture… Besides, working for hire is repulsive to their national feeling and is looked upon as almost slavery. They being obliged to obey orders and to do just what they are commanded is galling to them. (Silva 2005, p.349)

The Sri Lankan plantation sector, starting with coffee followed by tea, required a large labour force; hence, they had to be imported from Southern India. Coffee plantations were more seasonal and did not require a permanent workforce; therefore, a large workforce was circulated annually from India only during the harvest seasons. (Kanapathipillai, 2012, p.21) Seasonal labour transportation from India was not viable as there was a high fatality toll due to the arduous trek from the coast to the plantation through malaria-infested regions. During this period, the plantation sector was transitioning from coffee to tea, which necessitated the employment of permanent labour. In 1871 and 1881, there were 123,000 and 195,000 resident workers on the plantation. By 1891, the resident population had increased to over 235,000. Most of these workers were now permanent settlers and not mere seasonal workers. (Silva, 2005)

The British Colonial Government's policies, especially in India, led to unending indebtedness, famine and poverty among the poor population involved in agriculture from the Tanjore, Tirunelveli, Madurai and Ramanad districts of Tamil Nadu. This hapless population became the primary source of labour for the plantation, and the *Kanganys*[8] recruited them. The initial immigrants were similar to indentured labour (labourers bound by a contract, which is impossible to withdraw); these immigrants were subjected to quasi-military regimentation. However, such a system could not last long due to the inflexibility of facilitating migration. (Guilmoto, 1993) The *Kanganys* scoured the villages, drumming up hopes of a bright future and using every possible stratagem to increase their catch. Falling prey to these sweet statements, the poor labourers migrated from South India to Sri Lanka not as individuals but in family units. Prof V Suryanarayan describes the miseries of the migrant population or the plantation labour as,

> 'the poor people naturally fell prey to the allurement of *Kanganies*, who advanced them money to meet the expenses relating to travel and starting life anew. The workers faced innumerable problems on their long march to the estates. They suffered from fever and dysentery, and when they fell ill, they were driven off or allowed to die. Their indebtedness to *Kanganies* trapped them in a vicious system of slavery.'

[8] The Kanganys were the principal agents of labour recruitment for the plantation in South India. The word Kangani is the anglicised form of the Tamil word *Kankani*, which means overseer or foreman. This recruitment system prevailed in Ceylon and Malaysia, where labour from famine-stricken South Indian districts were exported to coffee, tea and rubber plantations. The Kanganys were Indian Tamils belonging to a higher caste. They acted as the headmen who were a link between the planters, labour and government for recruitment and maintenance in the plantations. (Jain, 1988).

In the early twentieth century, Sri Lanka witnessed the massive establishment of tea plantations, which resulted in the large-scale immigration of labour into the tea plantations. The government strictly checked the *Kangany* through licenses issued to them. It should be observed that these licenced *Kangany* systems were also a means of exploitation of poor labour. (THE TEA INDUSTRY OF CEYLON) Firstly, the lands for the planters were not suited for immediate cultivation and could only be put to use after being cleared, and the local population were not willing to do this work; hence, they had to depend on the *Kangany* for a regular supply of labour to do this arduous task. Second, establishing plantations was not only laborious but also expensive. (Kumar, 1988) The *Kangany* had to keep supplying cheap labour and retain them. Most of the *Kanganys* also acted as supervisors on the plantation, controlling the cost of wages and the movement of the labourers. However, in 1932, the British Government of India banned the labour movement to Sri Lanka, ending labour migration from India.

The plantation population has been alienated from the rest in Sri Lanka for centuries. Outsiders have constantly challenged the identity of the Plantation Tamils in Sri Lanka. They are referred to as *Coolie,* which is a derogatory word that refers to unskilled workers to denote their lower social status or sometimes as *Thottakattan* and *Kattumirandi* (barbarians). This scenario is further fabricated by the statement of the Sinhala Commission Report, 'The sight of so many unclean and sickly men, wandering instilled in the minds of the people that they were the carriers of infectious diseases'. Prof V. Suryanarayan, in his essay, refers to the term *Malaiaham* not only as an expression of righteous indignation but also as an assertion of self-respect. The successive Sri Lankan government called them Indian Tamils to emphasise their foreignness. An interesting note regarding this population was that from the census of 1871 until 1901, the Sri Lankan Tamils and the Indian origin Tamils were categorised under the common term 'Ceylon Tamils'. Since the 1911 census, these two Tamil groups have been recognised with two different ethnic identities (Kanapathipillai, 2012).

The Plantation Tamil, politically, were victims of the Government's inhuman attitude. The adoption of the Citizenship Act of 1948, immediately after the Independence of Sri Lanka, effectively made a million-strong community Stateless. Citizenship in Sri Lanka was granted not based on birth but through descent and registration. While the Citizenship Act automatically granted Citizenship to Sinhalese, Sri Lankan (Ceylon) Tamils, Muslims and Burghers, the Plantation Tamils had to produce evidence of their birth and commitment to stay permanently on the island. In reality, Prime Minister D. S. Senanayake admitted that it was difficult for him to produce his father's birth certificate. If this was the case for someone educated and in power, how could the Plantation Tamils—who were uneducated and had little access to healthcare and government services—be expected to produce birth certificates for their family members? Prof. Shelton Kodikara pointed out that this legislation was not intended to provide Citizenship. Instead, it renders them stateless.

Their fight for Statehood continued for over 50 years. Finally, under the Grant of Citizenship to Persons of Indian Origin Act, No. 35 of 2003 (GCPIO Act), plantation Tamils living in Sri Lanka were provided Citizenship. During the 55 years of political struggle, the plantation Tamils were victims of anti-Tamil communal riots of 1958, 1977, 1981 and 1983. Three significant agreements Indo-Ceylon Agreement of 1954 ((Nehru-Kotelawala Pact), the Indo-Ceylon Agreement of 1964 (Sirima-Shastri Pact), and the Indo-Ceylon Agreement of 1974 (Sirima-Indira Pact) also tried to provide a framework for a solution to the issue of Statelessness; however, all the afore agreements were devised on top-down methods, the concerns of the local population were never asked. All these agreements only spoke about repatriating the population to India, but the people have lived in the plantation regions for centuries did not want to migrate back to India. The

subsequent riots instigated by goons of the Sri Lankan political system ensured that a considerable population moved to India. Plantation Tamils who came until July 1983 were supported by the Government of India and resettled in the place of their choice. Those who went after the breakout of the July 1983 riots in Sri Lanka were considered refugees and were lodged in Refugee Camps in Tamil Nadu. Over 35,000 Plantation Tamils live in refugee camps as a stateless population. While the Sri Lankan Tamils may go back to Sri Lanka after there is total peace, Plantations Tamils are not likely to go back to Sri Lanka, as they have no property or any emotional relations with the island. Their future continues to be bleak.

The contribution of Plantation Tamils to the development of the Sri Lankan economy cannot be understated. However, they are one of the worst marginalised communities on the island. The nature of labour under the controlled plantation regime was such that there was hardly any movement. (Sivapragasam, 2012, p.87). The plantation community has lived in a confined society since the inception of the plantation. This community entirely depends on the employer and management from birth to death, and they are like a creeper clinging to a tree. (V. Suryanarayan, 2001). Although this community also speaks Tamil like the Sri Lankan Tamils and follows similar religious practices, they are treated as aliens due to their lower social status. For the Sinhala population, the Plantation Tamils are only second-class citizens, and their presence does not make a big difference.

While the Plantation Tamils were victims of British Colonial policies, the situation has not changed in recent years. The kafala, or sponsorship, system defines the relationship between foreign workers and their local sponsor, or *kafeel*[9], usually their employer. It has been used in Gulf Cooperation Council (GCC) countries—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates—as well as Jordan and Lebanon. The concept of the Kafala system commonly seen in the West Asian region is a typical example of how migrant labour populations are treated by their employers and the local population. According to the *Kafala* system, the migrant temporary contract worker cannot enter the country, transfer employment, or leave the country without obtaining explicit written permission from their *kafeel*.

> As you are reading this, thousands of undocumented migrant workers are trapped, enslaved and exploited in the Arab Gulf. While some yearn to return, others live a meaningless life in deserts and shanty houses, trapped without hope.
>
> Rejimon Kuttappan

As seen in the case of Plantation Tamils in Sri Lanka, the migrant worker falls prey to the Kafeel system to escape from poverty in their home country. Rejimon Kuttappan, in his work on 'Undocumented: Stories of Indian Migrants in the Arab Gulf', narrates the inhuman conditions in which these people live. In most cases, the Kafeel, who facilitates the migration of these undocumented workers, wields more power over the migrant workers than business owners. On arrival of the migrant worker, the Kafeel confiscates their passports and travel documents, thereby creating a situation where the migrants are dependent on the Kafeel for movement and survival. Rejimon Kuttappan, writing about the fate of workers under Kafeel, notes that,

[9] Kafeel comes from the root *kaaf-faa-laam*, which means Guarantor, Surety, Responsible, and Witness

> "in reality, migrant workers may remain for years – vulnerable in this situation-living with the threat of unpaid wages, arrest, detention and ultimate deportation, should they complain or leave. If the migrant worker decides to leave the workplace without the employer's written consent, he may be charged with 'absconding', which is a criminal offence. Even if a worker leaves in response to abuse, he remains at the risk of being treated as a criminal rather than receiving appropriate victim support. The migrant worker is unable to leave the country as this would require the employers' consent and possession of a passport."

It is also noted that Kafeel does not understand the intricacies of running a transnational business, nor does he care enough. He is more than content to be a figurehead and receive his monthly fee from the business owner in exchange for his tasks relating to signing import/export papers and other legal paperwork. (Kuttappan, 2022) The Kafala system is nothing more than a contemporary form of slavery. Theoretically, under the Kafala system, the migrant workers are considered guest workers, but in reality, they are treated as disposable economic commodities at the mercy of their sponsor. The workers have no future, cannot be independent or raise their voices against exploitation, do not have a family in most cases, and are not protected against harsh treatment. Laws in Gulf regions are also not favourable to these undocumented migrants, further alienating them from the rest of the world. Narratives by various human rights bodies talk about how the laws are interpreted differently for patronising the inhuman treatment of hapless people. Undocumented workers, while escaping poverty, fall prey to exploitative systems like Kafeel.

Two cases presented here speak of the exploitation they face as migrant workers in the hands of the owners and government. The time of migration does not matter, as the first case shows; during the colonial period, the British facilitated the transportation of workers. While in the second, more recent case—when oil became a valuable commodity—laborers from developing countries were drawn in. Yet, their fate remains the same. Exploitation and suffering are everyday struggles. The challenge here is that once they move out of their country, they are forced to accept multiple identities, which makes their position even more vulnerable. The following section looks at the challenge of multiple identities.

Migrants and multiple identities

"I am a German if we win, but an immigrant if we lose."

Mesut Ozil,
Member of German National Soccer Team

Mesut Ozil, a third-generation Turkish German's dilemma, is a typical predicament of all migrants representing the country where they live. A migrant can neither forget the country of origin nor the host country, but for the people of the host country, migrants supporting their native country is considered an act of betrayal.

During his campaign for Khadi and India’s independence, Mahatma Gandhi mentioned the role of the Parsi community and their contribution to India's growth. The Parsis, descendants of Persian Zoroastrians, came to the West Coast of India from Persia with their sacred fire, fearing persecution from the Moslems. They went to the Kingdom of Navasari and requested the King to give them asylum. The King told them that there was already a flourishing Muslim community in his kingdom, and the Muslims may not like the presence of Parsis

in their midst. The Parsi religious leader requested the King to bring a glass of milk filled to the brim and some sugar. When the milk and sugar were brought, the Parsi leader added sugar to the milk and gently stirred it. The milk did not overflow, but it became sweet. The Parsi religious leader informed the King that their presence in his kingdom would be like sugar in milk, and it would only sweeten it, not spill it. (V. Sudarsen and V. Suryanarayan, 2000) Furthermore, it must be acknowledged to the credit of the Parsis that, despite being a minuscule community of around 100,000, they have made significant contributions to India's economic, educational, cultural, and industrial advancement. Notable figures include physicist Homi J. Bhabha, Homi N. Sethna, and industrialists Jamsetji Tata and the Godrej family, to name a few. They take pride in being regarded as an integral part of India.

As seen in the case of Parsis, Tamils in Sri Lanka and Indians in the Gulf, the migrants only support the nation's growth, and little do they become a burden. Unfortunately, while host nations benefit from the contributions of migrants, they often fail to care for them, and in many cases, migrants face mistreatment. The local population and the governments look down on them as second-class citizens. The migration of Tamils from India to Malaysia is an apt example of this.

Tamil migration from India to Malaysia began in 1830, almost simultaneously with that of Sri Lanka and Mauritius. During the following years, people from all parts of India migrated to various parts of the world, especially places the British and the French colonised, namely Mauritius, Uganda, Nigeria, Guyana, New Zealand, Hong Kong, Trinidad, Tobago, Martinique Guadeloupe, Grenada, St.Lucia, St.Vincent, Natal and numerous other states.(Singh and Chapparban, 2023) While slavery was abolished legally in most countries, indentured labour migration was a newer form of slavery. As seen in the migration pattern to Sri Lanka, the Kangani's played an important role in recruiting labourers for Malaya. The lack of sufficient labour and non-participation of local labour forced the industries and the colonial government to look for external labour. In this connection, the government permitted the import of labour from Java, China, and India.

During the initial phase, the preference was for labour migration from China and Java. Chinese immigration began even before immigration from India. Historical accounts show that the first migration started as early as the 14th century but in smaller numbers. A larger migration happens after the 18th century to work in the tin factories. However, administrative restrictions imposed by the imperial government on labour migration reduced the flow of migrants from China. (Ramachandran, 1994) Adding to this challenge, Chinese migrants preferred to work in the tin mines as it was more financially beneficial than the plantations. However, tin mines were less labour-intensive than the plantations.

The Javanese migration to Malaya was equally important, considering the geographical and cultural proximity. The Javanese migrants were preferred by many of the planters as they were regarded as hardworking compared to the Chinese and Indians. Nevertheless, at no point in history were the Javanese part of large-scale migrants. Two important reasons; firstly, the restrictions by the Dutch government on recruiting indentured labour and secondly, the Javanese were two to three times more expensive than the Indian labour because of the high cost of recruitment. For all the reasons mentioned above, the planters and the government preferred indentured labour from India.

The migration of labourers from India to Malaya was under three systems: the indentured labour system, the *kangany* system, and assisted immigrant labour system. Beginning in the early 19th century and continuing through the 20th century, labour immigration to Malaya continued. Initially employed in the developing sugar

and later in the rubber plantation sector, the migrants from India became the bulk of the working resource, contributing significantly to the country's economic growth. A stark difference in the administration of migrants from India compared to those from China and Java was that India and Malaya were British colonies. As a result, there were hardly any restrictions on the movement of people, unlike for other populations. Also, there were hardly any issues in the repatriation of migrant labour back to India during the recession by the authorities. The issue of repatriation was also complicated, considering that the colonial government had a different policy vis à vis the plantation owners. While their government was keen on repatriating the surplus labour, plantation owners wanted to retain surplus labourers as a reserve pool that could be used according to the demand, and their presence would help regulate the labour market. However, the Malayan government felt repatriating surplus labour back to India was more advantageous than retaining them as a reserve pool. Hence, the Indian labour population in Malaya was majorly permanent, and many were migratory. (Ramachandran, 1994)

Another migrant population that joined the labour force was the Ceylon Tamils, whom the colonial government of Malay employed as part of their administrative structure. The inability of the Malays to join the British administration due to the lack of English competency led to labour migration from Ceylon (Sri Lanka). Having established its colony on the peninsula, the British created an elaborate bureaucracy requiring staff to operate it. While the British took the top positions, lower offices were allocated to the local population. For this purpose, the colonial government, along with the Christian missionaries, established English medium schools. However, the Malays resisted sending their children to these schools, fearing that children might convert to Christianity and the majority of them were educated in Malay vernacular medium schools. The educational gap forced the British to look for a foreign workforce. The Ceylon Tamils were better suited for this purpose, and the migration happened uninterrupted. Although the Ceylon and Indian Tamils are a similar stock of people following the same language and culture, there is a difference in the social strata, education and employment. The Indian Tamils migrated to Malaya to work in the plantations and industries, and the Ceyon Tamils went to work in the bureaucracy and other administrative units.

The liberal policy followed by the Malayan Government concerning Ceylon Tamil immigration impacted the staffing in Malaya. Only a handful of Malayans were employed in the government, and most administrative jobs went to the Ceylonese Tamils. The British were also comfortable using the migrant population, as they proved to be their loyal subjects and were able administrators. These migrants, who settled in Malaya during work, returned to Ceylon on retirement. However, the subsequent generation, born in Malaya and educated, did not return to Ceylon. Such kind of settlement was not a major concern before World War I, but after, a pro-Malay policy adopted by the Colonial government created friction between the natives and migrants. During this period, the Malay population realised the importance of English education, and many joined English medium schools and colleges and wanted to join the government services. Until World War II, due to the patronage of the British, the Ceylonese Tamils were not majorly affected by the locals joining the bureaucracy; the Japanese occupation of Malaya in the World War II and subsequent changes in the government resulted in the retrenchment of the Ceylonese Tamils from the government jobs and preferential treatment for the Malay. (Ramasamy, 1988).

> Go where he may in search of wealth and live where he may for the time being, even in the fairest and the most favoured of lands he feels himself but a sojourner; and sooner or later he follows his

heart back to home, to spend his last days in those
well-remembered spots and among the friends of his earliest love.
(C Rasanayagam (Rasanayagam, 1926)

Rasanayagam has pleasantly put the mindset of a migrant. Generally, first-generation migrants would always like to return to their homes on retirement. As generations pass, their return to their ancestral country remains doubtful unless repatriated forcefully. The cases discussed in this paper have one common line, the host countries are not happy allowing the migrants to become part of their society and State. Unlike the Kafeel system in the Gulf, where the migrant population are 'birds of passage'— working their entire lives before being repatriated upon retirement— there was no clear policy for the return of Plantation Tamils in Sri Lanka and Malaysia. The colonial government brought them in for labour, but their future beyond that was left uncertain. They have lived there for centuries yet continue to live as migrants and not part of society. In this scenario, the migrant populations struggle between attempting to preserve their distant identity and, at the same time, being part of society.

In America, communities like the Chinese, Italians, Greeks and others have preserved their separate identity. It is possible in America as migrants from other countries built the nation. Everyone is a member of various sections and groups, and each has multiple identities. A similar system can be found in Indonesia, where the inter-island migrant groups often keep together and try to preserve their common cultural heritage and identity as much as possible. However, long-term migrants strive to integrate into their new society by participating in its mainstream development while maintaining their identity as a distinct group. (Ramasamy) All this is done within the totality of the receiving society as they occupy a certain position per their economic status and potential strength. In the case of Malaysia, the greater opportunity provided by the colonial government enabled migration and not the goodwill of the host society. Hence, the non-acceptance of the migrants by the host country leads to a conflict in identity and survival.

In Malaysia, ethnic conflict is conducted through political channels. Although the Malays are a majority and have more political power, their poverty numbers are higher than the minority migrant population. Despite holding political power, increased poverty made the majority feel deprived in their own country. Ethnic tensions in 1969 between Malays and Chinese resulted in the death of over 200 people. Following the conflict, the Malaysian government introduced the New Economic Policy (NEP) to reduce poverty among the ethnic Malays, who were recognised as Bumiputeras (sons of soil). The minority migrant population was left deprived as they were not included in the economic reservation. The original plan of 20 years to achieve the desired goal also did not materialise; what is more, the renewed clashes in November 2001 widened the gap between the ethnic groups. In addition to the economic challenges, religion's politicisation has complicated interactions among various ethnic groups.

The primary reason for the conflict between the local and the migrant population is the fear of migrants changing the national and societal culture. Such fears result in support for restrictions on immigration, forceful repatriation of the migrants back to their native country and support for empowered right-wing political movements. These fears also result in feelings of suspicion about the loyalties of the migrants, which leads to the question of citizenship and dual identification. Sri Lanka is an example where the Plantation Tamils were considered agents of India and denied Citizenship for decades; in recent years, once the governments know that the migrant population is not returning, they are given Citizenship, but with restrictions. The case of Sri

Lanka and Malaysia is an example of support for a restricted (anti) migration mindset. Almost every aspect that results in conflict is visible in both countries.

For the migrants, the question of identity becomes inevitable. In many cases, the question of identity is also unavoidable for their descendants. Given the plurality of the migrants, it is natural that they have multiple identities and some attachment towards their country while acquainting themselves with the host country. However, it is hard for the host nations to understand that multiple identities are part of migration. Loyalty, ethnicity, nationality, race and group membership are all part of the migrant identity. (Verkuyten et al. 2019). These aspects are part of their interaction amongst themselves and the larger society; hence, suspicious relations between migrants' host nations only lead to conflict and not co-existence.

Conclusion

Migration has been part of our history since time immemorial and is integral to everyone. Barring a few indigenous groups, every ethnic group has had a migration history. While migration during the ancient period was more natural and acceptable, modern migration is a story of challenges faced by poor migrants. Modern-day Statehood has institutionalised migration, and there are so many hurdles in the systems that interstate long-term migration that was followed during the ancient period and the colonial era has considerably reduced. Despite the restrictions on migration by States, irregular migration among States continues to increase yearly. According to the International Organisation of Migration (IOM) definition, irregular migration relates to the movement of persons outside the laws, regulations, or international agreements governing entry into or exit from the State of origin, transit or destination. These migrants include refugees, victims of trafficking, or unaccompanied migrant children. Conflict, political, social, environmental and economic crises are important reasons for irregular migration.

To understand the concept of migration, one needs to look at why people get involved. According to various economic theories, the free movement of people leads to efficient and productive use of labour and human capital, which results in the development of a country. This study looks at three cases in which migrant labour supported the development of the host nations. The case of Plantation Tamils migrating to Sri Lanka is an example of how the plantation sector helped Sri Lanka's economic growth. Even during COVID-19 and the recent financial crisis, the plantation was one of the strong pillars that pulled the country out of a significant breakdown. Such a contribution is not the first time in history, but the country hardly recognises the contribution of the plantation sector, especially the migrant workers. Instead, they were keen on sending this population out of the country.

A similar struggle was also seen in the case of Indian and Sri Lankan migrant workers in Malaysia. The British colonial government took the migrant workers to establish the plantations. Despite the availability of labour in Southeast Asia, the colonial government preferred labour from South Asia for administrative reasons. The migrant population, to a large extent, was loyal to the colonial government; hence, their interaction and integration with the local community were not smooth. Since the independence of Malaysia, the majority community feel that the migrants are doing well compared to the natives. The New Economic Policies formulated in the 1970s were incongruous with minorities and the nation's overall development. Hence, social

conflict is inevitable, and it is only a matter of time before another bout of conflict witnessed in the 1980s and early 2001 starts.

While the issue of *Kafala* relates to the indentured labour migration in the Gulf, a similar form can also be seen in the Indo-Pacific region. The historical experience of migrants taken by the colonial governments is different from the contemporary indentured labour. While slavery and bonded labour are banned worldwide, the *Kafala* system is the modern form of bonded/indentured labour. Despite the availability of international legal regulations against illegal and harsh practices, many countries continue to follow such practices, and the world has not been able to control them. Supra-national, governmental and non-governmental institutions play an essential role, individually and as part of an institutional network. However, what is missing is their proactiveness and stronger international regulations in protecting the migrant population. Naturally, nations do not prefer stricter rules as it would be considered an infringement of State sovereignty. Unless there is a Transnational movement to protect migrant workers, there is little hope for any betterment.

The 2024 elections across Europe and America have witnessed the growing popularity and electoral success of far-right movements and narratives. As a result of these elections, the world is looking at a notable shift in its tone towards strict scrutiny and is taking a hard-line approach to accommodating migrants. Also, the anti-migrant movement has risen in the last few years. These xenophobic groups have proliferated since the 9/11 attack. (Engler, 2009). This is not only in America but also in Europe, especially after 2015, with the growing unrest in Asia and Eastern European countries where migration is stringently restricted. Despite the Common European Asylum System (CEAS) and the Dublin Regulation (Varma and Roehse, 2024), Europe has seen a lack of proper implementation of the migration framework, resulting in discrimination against migrants. Some of the common threats raised by the Western nations due to migration include welfare burden, cultural incompatibility, rising crimes and threats to sovereignty. While the debate is on these crimes' validity, restrictions based on these threats have become common.

Considering that the Western world is moving towards a strict policy on migrants, Asia has become the fulcrum of migration and mobility. Hence, a transnational framework in the Indo-Pacific is needed at the time. This framework should transcend beyond the regulations of the State. It should look into the challenges faced by the migrant population on a case-to-case basis and suggest solutions. It can act as a watchdog and support smooth migration between countries in the Indo-Pacific for overall development. More importantly, nations should understand that migration can never be stopped; while it can be reduced, it is best to facilitate such movements when required for a united development.

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